

26 | or barge when workers are present and actively engaged in
 27 | operations and an orange flag or yellow flashing light is
 28 | displayed from the tallest portion of the vessel or barge.

29 | (3) A vessel operator found in violation of this section
 30 | is guilty of a noncriminal infraction as provided in s. 327.73.

31 | Section 2. Paragraph (e) of subsection (2) of section
 32 | 327.4107, Florida Statutes, is amended to read:

33 | 327.4107 Vessels at risk of becoming derelict on waters of
 34 | this state.—

35 | (2) An officer of the commission or of a law enforcement
 36 | agency specified in s. 327.70 may determine that a vessel is at
 37 | risk of becoming derelict if any of the following conditions
 38 | exist:

39 | (e) The vessel does not have or is unable to demonstrate
 40 | an effective means of propulsion for safe navigation within 72
 41 | hours after the vessel owner or operator receives telephonic or
 42 | written notice, which may be provided by facsimile, electronic
 43 | mail, or other electronic means, stating such from an officer,
 44 | and the vessel owner or operator is unable to provide a receipt,
 45 | proof of purchase, or other documentation of having ordered
 46 | necessary parts for vessel repair. The commission may adopt
 47 | rules to implement this paragraph.

48 | Section 3. Paragraphs (aa) and (bb) of subsection (1) of
 49 | section 327.73, Florida Statutes, are amended, and paragraph
 50 | (cc) is added to that subsection, to read:

51 327.73 Noncriminal infractions.—

52 (1) Violations of the following provisions of the vessel
53 laws of this state are noncriminal infractions:

54 (aa) Section 327.4107, relating to vessels at risk of
55 becoming derelict on waters of this state, for which the civil
56 penalty is:

- 57 1. For a first offense, \$50.
- 58 2. For a second offense occurring 30 days or more after a
59 first offense, \$250 ~~\$100~~.
- 60 3. For a third or subsequent offense occurring 30 days or
61 more after a previous offense, \$500 ~~\$250~~.

62 (bb) Section 327.4109, relating to vessels anchoring or
63 mooring in a prohibited area, for which the penalty is:

- 64 1. For a first offense, up to a maximum of \$50.
- 65 2. For a second offense, up to a maximum of \$250 ~~\$100~~.
- 66 3. For a third or subsequent offense, up to a maximum of
67 \$500 ~~\$250~~.

68 (cc) Section 327.332, relating to vessels failing to
69 reduce speed for special hazards, for which the penalty is:

- 70 1. For a first offense, \$50.
- 71 2. For a second offense occurring within 12 months after a
72 prior conviction, \$250.
- 73 3. For a third offense occurring within 36 months after a
74 prior conviction, \$500.
- 75 4. For a fourth or subsequent offense occurring within 72

76 months after a prior conviction, \$1,000.

77

78 Any person cited for a violation of any provision of this
79 subsection shall be deemed to be charged with a noncriminal
80 infraction, shall be cited for such an infraction, and shall be
81 cited to appear before the county court. The civil penalty for
82 any such infraction is \$50, except as otherwise provided in this
83 section. Any person who fails to appear or otherwise properly
84 respond to a uniform boating citation shall, in addition to the
85 charge relating to the violation of the boating laws of this
86 state, be charged with the offense of failing to respond to such
87 citation and, upon conviction, be guilty of a misdemeanor of the
88 second degree, punishable as provided in s. 775.082 or s.
89 775.083. A written warning to this effect shall be provided at
90 the time such uniform boating citation is issued.

91 Section 4. This act shall take effect July 1, 2019.