

By Senator Rouson

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1 A bill to be entitled
2 An act relating to vessels; creating s. 327.332, F.S.;
3 requiring vessel operators to reduce speed in
4 specified hazardous situations; providing penalties;
5 amending s. 327.4107, F.S.; revising criteria for
6 determining that a vessel is at risk of becoming
7 derelict; requiring that such vessels be moved after
8 certain notice is delivered to the owner or operator
9 of the vessel or posted conspicuously on the vessel;
10 amending s. 328.21, F.S.; providing criminal penalties
11 for failure to present a certificate of title showing
12 proper transfer of vessel ownership; amending s.
13 327.73, F.S.; revising civil penalties relating to
14 certain at-risk vessels and prohibited anchoring or
15 mooring; providing civil penalties for vessels which
16 create special hazards; providing an effective date.
17

18 Be It Enacted by the Legislature of the State of Florida:
19

20 Section 1. Section 327.332, Florida Statutes, is created to
21 read:

22 327.332 Special hazards.—

23 (1) A vessel operator shall reduce speed to slow speed,
24 minimum wake upon seeing a vessel or person in a hazardous or
25 vulnerable position, if the wake from the operator's vessel is
26 likely to cause property damage or injury to the vulnerable
27 vessel or person. A vessel is not in a hazardous or vulnerable
28 position under this subsection if it is docked and unattended.

29 (2) A vessel operator shall reduce to slow speed, minimum

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30 wake upon approaching within 300 feet of any emergency vessel,
31 including, but not limited to, a law enforcement vessel, a
32 United States Coast Guard vessel or auxiliary vessel, a fire
33 vessel, or a tow vessel, with its emergency lights activated.

34 (3) A vessel operator shall reduce to slow speed, minimum
35 wake upon approaching within 300 feet of any construction vessel
36 or barge actively engaged in operations and displaying an orange
37 flag or a yellow flashing light from the tallest portion of such
38 vessel or barge.

39 (4) A vessel operator found in violation of this section is
40 guilty of a noncriminal infraction as provided in s. 327.73.

41 Section 2. Present subsections (3), (4), and (5) of section
42 327.4107, Florida Statutes, are redesignated as subsections (4),
43 (5), and (6), respectively, paragraph (e) of subsection (2) of
44 that section is amended, and a new subsection (3) is added to
45 that section, to read:

46 327.4107 Vessels at risk of becoming derelict on waters of
47 this state.—

48 (2) An officer of the commission or of a law enforcement
49 agency specified in s. 327.70 may determine that a vessel is at
50 risk of becoming derelict if any of the following conditions
51 exist:

52 (e) The vessel does not have or is unable to demonstrate an
53 effective means of propulsion for safe navigation within 72
54 hours after the vessel owner or operator receives telephonic or
55 written notice, which may be provided by facsimile, electronic
56 mail, or other electronic means, stating such from an officer,
57 does not have a declared destination upon inquiry by a law
58 enforcement officer, and the vessel owner or operator is unable

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59 to provide a receipt, proof of purchase, or other documentation
60 of having ordered necessary parts for vessel repair. The
61 commission may adopt rules to implement this paragraph.

62 (3) A vessel at risk of becoming derelict must be moved to
63 a location with a minimum distance of 3 miles from the previous
64 location on or before 90 days after the date of notice pursuant
65 to paragraph (2) (e) is delivered to the owner of the vessel or
66 posted conspicuously on the vessel.

67 Section 3. Section 328.21, Florida Statutes, is amended to
68 read:

69 328.21 Transfer without delivery of certificate; operation
70 or use without certificate; failure to surrender; other
71 violations.—A person who:

72 (1) Except as otherwise provided for in this chapter,
73 purports to sell or transfer a vessel for which a certificate of
74 title is required without delivering to the purchaser or
75 transferee thereof a certificate of title thereto which is duly
76 assigned to the purchaser as provided in this chapter or who
77 operates or uses in this state a vessel for which a certificate
78 of title is required, without the certificate having been
79 obtained in accordance with this chapter, or upon which the
80 certificate of title has been canceled;

81 (2) Fails to surrender any certificate of title,
82 certificate of registration, or sticker upon cancellation of the
83 same by the department and notice thereof as prescribed in this
84 chapter;

85 (3) Fails to surrender the certificate of title to the
86 department as provided in this chapter when the vessel has been
87 destroyed, dismantled, or changed so that it is not the vessel

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88 described in the certificate of title; ~~or~~

89 (4) Fails to present the certificate of title to the
 90 department with the new owner information to ensure proper
 91 transfer of ownership of the vessel; or

92 (5)~~(4)~~ Violates any of the other provisions of this
 93 chapter, or any lawful rule adopted under this chapter,
 94
 95 is guilty of a misdemeanor of the second degree, punishable as
 96 provided in s. 775.082 or s. 775.083, for each offense.

97 Section 4. Paragraphs (aa) and (bb) of subsection (1) of
 98 section 327.73, Florida Statutes, are amended, and paragraph
 99 (cc) is added to that subsection, to read:

100 327.73 Noncriminal infractions.—

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

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

- 106 1. For a first offense, \$100 ~~\$50~~.
- 107 2. For a second offense occurring 30 days or more after a
 108 first offense, \$250 ~~\$100~~.
- 109 3. For a third or subsequent offense occurring 30 days or
 110 more after a previous offense, \$500 ~~\$250~~. A person cited more
 111 than 3 times within a 12-month period may have their vessel
 112 impounded by law enforcement.

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

- 115 1. For a first offense, up to a maximum of \$100 ~~\$50~~.
- 116 2. For a second offense, up to a maximum of \$250 ~~\$100~~.

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117 3. For a third or subsequent offense, up to a maximum of
118 \$500 ~~\$250~~. A person cited more than 3 times within a 12-month
119 period may have their vessel impounded by law enforcement.

120 (cc) Section 327.332, relating to vessels creating special
121 hazards, for which the penalty is:

122 1. For a first offense, \$50.

123 2. For a second offense occurring within 12 months after a
124 prior conviction, \$250.

125 3. For a third offense occurring within 36 months after a
126 prior conviction, \$500.

127 4. For a fourth or subsequent offense occurring within 72
128 months after a prior conviction, \$1,000.

129
130 Any person cited for a violation of any provision of this
131 subsection shall be deemed to be charged with a noncriminal
132 infraction, shall be cited for such an infraction, and shall be
133 cited to appear before the county court. The civil penalty for
134 any such infraction is \$50, except as otherwise provided in this
135 section. Any person who fails to appear or otherwise properly
136 respond to a uniform boating citation shall, in addition to the
137 charge relating to the violation of the boating laws of this
138 state, be charged with the offense of failing to respond to such
139 citation and, upon conviction, be guilty of a misdemeanor of the
140 second degree, punishable as provided in s. 775.082 or s.
141 775.083. A written warning to this effect shall be provided at
142 the time such uniform boating citation is issued.

143 Section 5. This act shall take effect July 1, 2019.