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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/26/2019 01:04 PM

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Senator Rouson moved the following:

1 **Senate Substitute for Amendment (771362) (with title**
2 **amendment)**

3
4 Delete lines 211 - 221

5 and insert:

6 Section 4. Section 327.332, Florida Statutes, is created to
7 read:

8 327.332 Special hazards requiring slow speed.-

9 (1) A vessel operator must reduce to slow speed, minimum
10 wake upon approaching within 300 feet of any emergency vessel,
11 including, but not limited to, a law enforcement vessel, United



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12 States Coast Guard vessel or auxiliary vessel, fire vessel, or
13 tow vessel, with its emergency lights activated.

14 (2) A vessel operator must reduce to slow speed, minimum
15 wake upon approaching within 300 feet of any construction vessel
16 or barge when workers are present and actively engaged in
17 operations and an orange flag or yellow flashing light is
18 displayed from the tallest portion of the vessel or barge.

19 (3) A vessel operator found in violation of this section
20 commits a noncriminal infraction as provided in s. 327.73.

21 Section 5. Subsection (3) of section 327.4107, Florida
22 Statutes, is amended to read:

23 327.4107 Vessels at risk of becoming derelict on waters of
24 this state.-

25 (3) (a) A person who anchors or moors a vessel at risk of
26 becoming derelict on the waters of this state or allows such a
27 vessel to occupy such waters commits a noncriminal infraction,
28 punishable as provided in s. 327.73.

29 (b) If a vessel is not moved by the vessel owner or
30 operator at least 3 miles within 60 days after a third offense
31 under s. 327.73(1) (aa), the vessel may be removed to a safe
32 storage area by a local government law enforcement agency. The
33 local government law enforcement agency is responsible for costs
34 relating to the removal and relocation of the vessel to a safe
35 storage area.

36 Section 6. Paragraphs (r), (aa), and (bb) of subsection (1)
37 of section 327.73, Florida Statutes, are amended, paragraph (cc)
38 is added to that subsection, and paragraph (s) of that
39 subsection and subsection (4) of that section are reenacted, to
40 read:



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41 327.73 Noncriminal infractions.—

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

44 (r) Section 327.53(4), (5), and (7), relating to marine
45 sanitation, and section 327.60, relating to no-discharge zones,
46 for which the civil penalty is \$250.

47 (s) Section 327.395, relating to boater safety education.

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

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

52 2. For a second offense occurring 30 days or more after a
53 first offense, \$250 ~~\$100~~.

54 3. For a third or subsequent offense occurring 30 days or
55 more after a previous offense, \$500 ~~\$250~~.

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

58 1. For a first offense, up to a maximum of \$50.

59 2. For a second offense, up to a maximum of \$250 ~~\$100~~.

60 3. For a third or subsequent offense, up to a maximum of
61 \$500 ~~\$250~~.

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

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

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

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

69 4. For a fourth or subsequent offense occurring within 72



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

71

72 ===== T I T L E A M E N D M E N T =====

73 And the title is amended as follows:

74 Delete lines 26 - 28

75 and insert:

76 areas outside of the no-discharge zones; creating s.
77 327.332, F.S.; requiring vessel operators to reduce
78 speed in specified hazardous situations; providing
79 penalties; amending s. 327.4107, F.S.; authorizing a
80 local government law enforcement agency to remove a
81 vessel to a safe storage area under certain
82 circumstances; providing that the local government law
83 enforcement agency is responsible for costs of such
84 removal and relocation; reenacting and amending s.
85 327.73, F.S.; revising civil penalties relating to
86 certain at-risk vessels and prohibited anchoring or
87 mooring; providing civil penalties relating to vessels
88 operators who fail to reduce speed for special
89 hazards; specifying the fines for violations