

1 A bill to be entitled
 2 An act relating to at-risk vessels; creating s.
 3 327.4107, F.S.; prohibiting a vessel that is at risk
 4 of becoming derelict from anchoring on, mooring on, or
 5 occupying the waters of this state; authorizing an
 6 officer of the Fish and Wildlife Conservation
 7 Commission or of specified law enforcement agencies to
 8 determine that a vessel is at risk of becoming
 9 derelict if certain conditions exist; providing that a
 10 person who anchors or moors or allows such a vessel to
 11 occupy waters of this state commits a noncriminal
 12 violation; providing penalties; providing
 13 applicability; amending s. 327.70, F.S.; providing for
 14 enforcement of such violations by citation mailed to
 15 the owner of the vessel; amending s. 327.73, F.S.;
 16 providing civil penalties for such violations;
 17 providing an effective date.

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

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 21 Section 1. Section 327.4107, Florida Statutes, is created
 22 to read:

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

25 (1) To prevent vessels in neglected or deteriorating
 26 condition from reaching a likely and foreseeable state of

27 disrepair, a vessel that is at risk of becoming derelict
28 pursuant to subsection (2) may not anchor on, moor on, or occupy
29 the waters of this state.

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

34 (a) The vessel is taking on or has taken on water without
35 an effective means to dewater.

36 (b) Spaces on the vessel that are designed to be enclosed
37 are incapable of being sealed off or remain open to the elements
38 for extended periods of time.

39 (c) The vessel has broken loose or is in danger of
40 breaking loose from its anchor.

41 (d) The vessel is left or stored aground unattended in
42 such a state that would prevent the vessel from getting
43 underway, is listing due to water intrusion, or is sunk or
44 partially sunk.

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

49 (4) The penalty under this section is in addition to other
50 penalties provided by law.

51 (5) This section does not apply to a vessel that is moored
52 to a private dock or wet slip with the consent of the owner for

53 the purpose of receiving repairs.

54 Section 2. Paragraph (a) of subsection (2) of section
55 327.70, Florida Statutes, is amended to read:

56 327.70 Enforcement of this chapter and chapter 328.—

57 (2) (a) Noncriminal violations of the following statutes
58 may be enforced by a uniform boating citation mailed to the
59 registered owner of an unattended vessel anchored, aground, or
60 moored on the waters of this state:

61 1. Section 327.33(3) (b), relating to navigation rules.

62 2. Section 327.44, relating to interference with
63 navigation.

64 3. Section 327.50(2), relating to required lights and
65 shapes.

66 4. Section 327.53, relating to marine sanitation.

67 5. Section 328.48(5), relating to display of decal.

68 6. Section 328.52(2), relating to display of number.

69 7. Section 327.4107, relating to vessels at risk of
70 becoming derelict.

71 Section 3. Paragraph (y) is added to subsection (1) of
72 section 327.73, Florida Statutes, to read:

73 327.73 Noncriminal infractions.—

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

76 (y) Section 327.4107, relating to vessels at risk of
77 becoming derelict on waters of this state, for which the civil
78 penalty is:

- 79 1. For a first offense, \$50.
- 80 2. For a second offense occurring 30 days or more after a
- 81 first offense, \$100.
- 82 3. For a third or subsequent offense occurring 30 days or
- 83 more after a previous offense, \$250.

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85 Any person cited for a violation of any provision of this

86 subsection shall be deemed to be charged with a noncriminal

87 infraction, shall be cited for such an infraction, and shall be

88 cited to appear before the county court. The civil penalty for

89 any such infraction is \$50, except as otherwise provided in this

90 section. Any person who fails to appear or otherwise properly

91 respond to a uniform boating citation shall, in addition to the

92 charge relating to the violation of the boating laws of this

93 state, be charged with the offense of failing to respond to such

94 citation and, upon conviction, be guilty of a misdemeanor of the

95 second degree, punishable as provided in s. 775.082 or s.

96 775.083. A written warning to this effect shall be provided at

97 the time such uniform boating citation is issued.

98 Section 4. This act shall take effect July 1, 2016.