

1                   A bill to be entitled  
2           An act relating to at-risk vessels; defining the term  
3           "at-risk vessel"; providing procedures for preventing  
4           certain vessels from becoming derelict; providing  
5           conditions under which a vessel is considered  
6           derelict; providing that failure to take certain  
7           corrective action is a noncriminal violation;  
8           providing penalties; providing an effective date.  
9

10   Be It Enacted by the Legislature of the State of Florida:  
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12           Section 1.   Section 327.501, Florida Statutes, is created  
13   to read:

14           327.501 Vessels at risk of becoming derelict.-

15           (1) Vessels that occupy the waters of the state shall be  
16 maintained above the minimum level of care. In an effort to  
17 prevent vessels in neglected or deteriorating condition from  
18 reaching a likely and foreseeable state of disrepair, an officer  
19 of the commission or of a law enforcement agency specified in s.  
20 327.70 may determine that a vessel occupying waters of the state  
21 is at risk of becoming a derelict vessel. For purposes of this  
22 section, the term "at-risk vessel" means a vessel that exhibits  
23 physical characteristics consistent with, indicative of, or  
24 attributable to a lack of reasonable maintenance, including:

25           (a) The vessel has compartments designed to be enclosed  
26 which are incapable of being sealed off or remain open to the

27 elements for extended periods of time.

28 (b) The vessel has broken free or is in danger of breaking  
29 free from anchor.

30 (c) The vessel is listing due to water intrusion, has sunk  
31 or is partially sunken, or is left or stored aground in such a  
32 state that would prevent the vessel from getting underway.

33 (d) The vessel is taking on or has taken on water without  
34 an effective means of dewatering.

35 (2)(a) A person, firm, or corporation that violates this  
36 section commits a noncriminal infraction, punishable as provided  
37 in s. 327.73. A warning letter in lieu of penalty may be issued  
38 at least once if the vessel is a recreational vessel as defined  
39 in s. 327.02 and is lawfully registered or exempt from  
40 registration pursuant to chapter 328.

41 (b) If an attended or occupied vessel is determined to be  
42 at risk, the person in control of the vessel shall sign and  
43 accept the citation issued under this subsection. If an  
44 unattended vessel is determined to be at risk, a citation issued  
45 under this subsection shall be mailed to the registered owner of  
46 the vessel, and a highly visible, element-resistant tag or decal  
47 must be conspicuously posted on the vessel no more than 3  
48 business days after the date that the citation is mailed.

49 (c) A citation issued under this subsection shall be  
50 accompanied by a notification that includes the location of the  
51 vessel at the time of the at-risk determination, a list of the  
52 physical characteristics of the vessel that warranted the at-

53 risk determination, a statement explaining the prohibition  
 54 against leaving the vessel which meets one or more of the at-  
 55 risk conditions on the waters of the state, a penalty for  
 56 failure to take corrective action, and the contact information  
 57 for the law enforcement officer and agency making the at-risk  
 58 determination.

59 (3) A vessel is considered derelict for purposes of s.  
 60 823.11 if:

61 (a) The vessel is determined to be at risk in accordance  
 62 with this section;

63 2. A citation is issued under this section; and

64 3. Ninety or more days after the date that the citation  
 65 was issued, the vessel occupies waters of the state and one or  
 66 more of the at-risk conditions for which the citation was issued  
 67 have not been corrected.

68 (4) This section does not apply to a vessel that is moored  
 69 to a structure or mooring buoy authorized under chapter 253.

70 Section 2. Paragraph (a) of subsection (2) of section  
 71 327.70, Florida Statutes, is amended to read:

72 327.70 Enforcement of this chapter and chapter 328.—

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

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

78 2. Section 327.44, relating to interference with

79 navigation.

80 3. Section 327.50(2), relating to required lights and  
81 shapes.

82 4. Section 327.53, relating to marine sanitation.

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

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

85 7. Section 327.501, relating to vessels at risk of  
86 becoming derelict.

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

89 327.73 Noncriminal infractions.—

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

92 (y) Section 327.501, relating to vessels at risk of  
93 becoming derelict, for which the penalty is:

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

95 2. For a second offense occurring within 30 days after a  
96 prior conviction, \$250.

97 3. For a third offense occurring within 60 days after a  
98 prior conviction, \$500.

99 4. For a fourth or subsequent offense occurring within 90  
100 days after a prior conviction, \$1,000.

101  
102 Any person cited for a violation of any provision of this  
103 subsection shall be deemed to be charged with a noncriminal  
104 infraction, shall be cited for such an infraction, and shall be

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105 | cited to appear before the county court. The civil penalty for  
106 | any such infraction is \$50, except as otherwise provided in this  
107 | section. Any person who fails to appear or otherwise properly  
108 | respond to a uniform boating citation shall, in addition to the  
109 | charge relating to the violation of the boating laws of this  
110 | state, be charged with the offense of failing to respond to such  
111 | citation and, upon conviction, be guilty of a misdemeanor of the  
112 | second degree, punishable as provided in s. 775.082 or s.  
113 | 775.083. A written warning to this effect shall be provided at  
114 | the time such uniform boating citation is issued.

115 |       Section 4. This act shall take effect July 1, 2015.