

1 A bill to be entitled

2 An act relating to vessel safety; amending s. 327.44,  
3 F.S.; authorizing the Fish and Wildlife Conservation  
4 Commission and certain law enforcement agencies or  
5 officers to relocate or remove vessels that  
6 unreasonably or unnecessarily constitute a navigation  
7 hazard or interfere with another vessel; exempting the  
8 commission or a law enforcement agency from liability  
9 for damages caused by the relocation or removal of  
10 such a vessel; providing that the commission or a law  
11 enforcement agency may recover from the vessel owner  
12 its costs for the relocation or removal of such a  
13 vessel; requiring the Department of Legal Affairs to  
14 represent the commission in actions to recover such  
15 costs; amending s. 823.11, F.S.; authorizing the  
16 commission and certain law enforcement agencies and  
17 officers to relocate or remove a derelict vessel from  
18 public waters if such vessel poses a danger to  
19 property or persons; exempting the commission or a law  
20 enforcement agency from liability for damages caused  
21 by its relocation or removal of such a vessel;  
22 expanding costs recoverable by the commission or a law  
23 enforcement agency against the owner of a derelict  
24 vessel for the relocation or removal of such vessel;  
25 abrogating the power of the commission to remove  
26 certain abandoned vessels and recover its costs

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27           therefor; providing an effective date.

28

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

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31           Section 1. Section 327.44, Florida Statutes, is amended to  
32   read:

33           327.44 Interference with navigation; relocation or  
34   removal; recovery of costs.—

35           (1) No person shall anchor, operate, or permit to be  
36   anchored, except in case of emergency, or operated a vessel or  
37   carry on any prohibited activity in a manner which shall  
38   unreasonably or unnecessarily constitute a navigational hazard  
39   or interfere with another vessel. Anchoring under bridges or in  
40   or adjacent to heavily traveled channels shall constitute  
41   interference if unreasonable under the prevailing circumstances.

42           (2) The commission, officers of the commission, and any  
43   law enforcement agency or officer specified in s. 327.70 are  
44   authorized and empowered to relocate, remove, or cause to be  
45   relocated or removed a vessel that unreasonably or unnecessarily  
46   constitutes a navigational hazard or interferes with another  
47   vessel. The commission and any other law enforcement agency or  
48   officer acting under this subsection to relocate, remove, or  
49   cause to be relocated or removed a vessel that unreasonably or  
50   unnecessarily constitutes a navigational hazard or interferes  
51   with another vessel shall be held harmless for all damages  
52   resulting from such relocation or removal.

53           (3) All costs, including costs owed to a third party,  
 54 incurred by the commission or other law enforcement agency in  
 55 the relocation or removal of a vessel that unreasonably or  
 56 unnecessarily constitutes a navigational hazard or interferes  
 57 with another vessel are recoverable against the vessel owner.  
 58 The Department of Legal Affairs shall represent the commission  
 59 in actions to recover such costs.

60           Section 2. Section 823.11, Florida Statutes, is amended to  
 61 read:

62           823.11 ~~Abandoned and~~ Derelict vessels; relocation and  
 63 removal; penalty.—

64           (1) As used in this section, the term "derelict vessel"  
 65 means a ~~any~~ vessel, as defined in s. 327.02, that is left,  
 66 stored, or abandoned:

67           (a) In a wrecked, junked, or substantially dismantled  
 68 condition upon any public waters of this state.

69           (b) At a ~~any~~ port in this state without the consent of the  
 70 agency having jurisdiction thereof.

71           (c) Docked, ~~or~~ grounded, ~~at~~ or beached upon the property  
 72 of another without the consent of the owner of the property.

73           (2) It is unlawful for a ~~any~~ person, firm, or corporation  
 74 to store, leave, or abandon any derelict vessel ~~as defined in~~  
 75 ~~this section~~ in this state.

76           (3) ~~(a)~~ The Fish and Wildlife Conservation Commission, and  
 77 ~~its~~ officers of the commission, and any all law enforcement  
 78 agency or officer ~~officers~~ as specified in s. 327.70 are

79 authorized and empowered to relocate, remove, or cause to be  
 80 relocated or removed a ~~any abandoned or~~ derelict vessel from  
 81 public waters if the derelict vessel ~~in any instance when the~~  
 82 ~~same~~ obstructs or threatens to obstruct navigation or in any way  
 83 constitutes a danger to the environment, property, or persons.  
 84 The commission or any other law enforcement agency acting under  
 85 this subsection to relocate, remove, or cause to be relocated or  
 86 removed a derelict vessel from public waters shall be held  
 87 harmless for all damages resulting from such relocation or  
 88 removal.

89 (a) Removal of derelict vessels under ~~pursuant to~~ this  
 90 subsection ~~section~~ may be funded by grants provided in ss.  
 91 206.606 and 376.15. The Fish and Wildlife Conservation  
 92 Commission shall ~~is directed to~~ implement a plan for the  
 93 procurement of any available federal disaster funds and ~~to~~ use  
 94 such funds for the removal of derelict vessels.

95 (b) All costs, including costs owed to a third party,  
 96 incurred by the commission or other law enforcement agency in  
 97 the relocation or removal of a any abandoned or derelict vessel  
 98 are ~~as set out above shall be~~ recoverable against the vessel  
 99 owner ~~thereof~~. The Department of Legal Affairs shall represent  
 100 the commission in ~~such~~ actions to recover such costs. As  
 101 provided in s. 705.103(4), a ~~any~~ person who neglects or refuses  
 102 to pay such costs may ~~amount~~ ~~is not entitled to~~ be issued a  
 103 certificate of registration for such vessel or for any other  
 104 vessel or motor vehicle until such ~~the~~ costs have been paid.

105        (4)~~(b)~~ When a derelict vessel is docked, ~~or~~ grounded, ~~at~~  
106 or beached upon private property without the consent of the  
107 owner of the property, the owner of the property may remove the  
108 vessel at the vessel owner's expense 60 days after compliance  
109 with the notice requirements specified in s. 328.17(5). The  
110 private property owner may not hinder reasonable efforts by the  
111 vessel owner or the vessel owner's agent to remove the vessel.  
112 ~~Any~~ Notice given pursuant to this subsection ~~is paragraph~~ shall  
113 ~~be~~ presumed to be delivered when it is deposited with the United  
114 States Postal Service, certified, and properly addressed with  
115 prepaid postage.

116        (5)~~(4)~~ ~~A~~ Any person, firm, or corporation violating this  
117 section ~~act~~ commits a misdemeanor of the first degree and shall  
118 be punished as provided by law. A conviction under this section  
119 does ~~shall~~ not bar the assessment and collection of the civil  
120 penalty provided in s. 376.16 for violation of s. 376.15. The  
121 court having jurisdiction over the criminal offense,  
122 notwithstanding any jurisdictional limitations on the amount in  
123 controversy, may order the imposition of such civil penalty in  
124 addition to any sentence imposed for the first criminal offense.

125        Section 3. This act shall take effect July 1, 2014.