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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2014	.	
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The Committee on Environmental Preservation and Conservation  
(Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(1) No person shall anchor, operate, or permit to be  
anchored, except in case of emergency, or operated a vessel or



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11 carry on any prohibited activity in a manner which shall  
12 unreasonably or unnecessarily constitute a navigational hazard  
13 or interfere with another vessel. Anchoring under bridges or in  
14 or adjacent to heavily traveled channels shall constitute  
15 interference if unreasonable under the prevailing circumstances.

16 (2) The commission, officers of the commission, and any law  
17 enforcement agency or officer specified in s. 327.70 is  
18 authorized and empowered to relocate, remove, or cause to be  
19 relocated or removed a vessel that unreasonably or unnecessarily  
20 constitutes a navigational hazard or interferes with another  
21 vessel. The commission and any other law enforcement agency or  
22 officer acting under this subsection to relocate, remove, or  
23 cause to be relocated or removed a vessel that unreasonably or  
24 unnecessarily constitutes a navigational hazard or interferes  
25 with another vessel shall be held harmless for all damages to  
26 the derelict vessel resulting from such relocation or removal,  
27 unless the damage results from gross negligence or willful  
28 misconduct.

29 (3) All costs, including costs owed to a third party,  
30 incurred by the commission or other law enforcement agency in  
31 the relocation or removal of a vessel that unreasonably or  
32 unnecessarily constitutes a navigational hazard or interferes  
33 with another vessel are recoverable against the vessel owner.  
34 The Department of Legal Affairs shall represent the commission  
35 in actions to recover such costs.

36 Section 2. Section 823.11, Florida Statutes, is amended to  
37 read:

38 823.11 ~~Abandoned and~~ Derelict vessels; relocation or  
39 removal; penalty.-



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40           (1) For the purposes of this section, the term:  
41           (a) "Derelict vessel" means a any vessel, as defined in s.  
42 327.02, that is left, stored, or abandoned:  
43           1.(a) In a wrecked, junked, or substantially dismantled  
44 condition upon any public waters of this state.  
45           2.(b) At a any port in this state without the consent of  
46 the agency having jurisdiction thereof.  
47           3.(c) Docked, or grounded, at or beached upon the property  
48 of another without the consent of the owner of the property.  
49           (b) "Commission" means the Fish and Wildlife Conservation  
50 Commission.  
51           (2) It is unlawful for a any person, firm, or corporation  
52 to store, leave, or abandon any derelict vessel as defined in  
53 this section in this state.  
54           (3)(a) The Fish and Wildlife Conservation commission, and  
55 its officers of the commission, and any all law enforcement  
56 agency or officer officers as specified in s. 327.70 is are  
57 authorized and empowered to relocate, remove, or cause to be  
58 relocated or removed a any abandoned or derelict vessel from  
59 public waters if the derelict vessel in any instance when the  
60 same obstructs or threatens to obstruct navigation or in any way  
61 constitutes a danger to the environment, property, or persons.  
62 The commission or any other law enforcement agency or officer  
63 acting under this subsection to relocate, remove, or cause to be  
64 relocated or removed a derelict vessel from public waters shall  
65 be held harmless for all damages to the derelict vessel  
66 resulting from such relocation or removal, unless the damage  
67 results from gross negligence or willful misconduct.  
68           (a) Removal of derelict vessels under pursuant to this



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69 subsection ~~section~~ may be funded by grants provided in ss.  
70 206.606 and 376.15. The Fish and Wildlife Conservation  
71 Commission shall ~~is directed to~~ implement a plan for the  
72 procurement of any available federal disaster funds and ~~to~~ use  
73 such funds for the removal of derelict vessels.

74 (b) All costs, including costs owed to a third party,  
75 incurred by the commission or other law enforcement agency in  
76 the relocation or removal of a any abandoned or derelict vessel  
77 are as set out above shall be recoverable against the vessel  
78 owner ~~thereof~~. The Department of Legal Affairs shall represent  
79 the commission in ~~such~~ actions to recover such costs. As  
80 provided in s. 705.103(4), a ~~any~~ person who neglects or refuses  
81 to pay such costs may amount is not ~~entitled to~~ be issued a  
82 certificate of registration for such vessel or for any other  
83 vessel or motor vehicle until such ~~the~~ costs have been paid.

84 (4)(b) When a derelict vessel is docked, or grounded, at or  
85 beached upon private property without the consent of the owner  
86 of the property, the owner of the property may remove the vessel  
87 at the vessel owner's expense 60 days after compliance with the  
88 notice requirements specified in s. 328.17(5). The private  
89 property owner may not hinder reasonable efforts by the vessel  
90 owner or the vessel owner's agent to remove the vessel. ~~Any~~  
91 Notice given pursuant to this subsection is ~~paragraph shall be~~  
92 presumed to be delivered when it is deposited with the United  
93 States Postal Service, certified, and properly addressed with  
94 prepaid postage.

95 (5)(4) A ~~Any~~ person, firm, or corporation violating this  
96 section ~~act~~ commits a misdemeanor of the first degree and shall  
97 be punished as provided by law. A conviction under this section



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98 does ~~shall~~ not bar the assessment and collection of the civil  
99 penalty provided in s. 376.16 for violation of s. 376.15. The  
100 court having jurisdiction over the criminal offense,  
101 notwithstanding any jurisdictional limitations on the amount in  
102 controversy, may order the imposition of such civil penalty in  
103 addition to any sentence imposed for the first criminal offense.

104 Section 3. Section 376.15, Florida Statutes, is amended to  
105 read

106 376.15 Derelict vessels; relocation or removal from public  
107 waters.-

108 (1) For the purposes of this section, "commission" means  
109 the Fish and Wildlife Conservation Commission.

110 (2)~~(1)~~ It is unlawful for any person, firm, or corporation  
111 to store, leave, or abandon any derelict vessel as defined in s.  
112 823.11(1) in this state.

113 (3)~~(2)~~(a) The ~~Fish and Wildlife Conservation~~ commission and  
114 its officers and all law enforcement officers as specified in s.  
115 327.70 are authorized and empowered to relocate or remove any  
116 derelict vessel as defined in s. 823.11(1) from public waters.  
117 All costs incurred by the commission or other law enforcement  
118 agency in the relocation or removal of any abandoned or derelict  
119 vessel shall be recoverable against the owner of the vessel. The  
120 Department of Legal Affairs shall represent the commission in  
121 such actions.

122 (b) The commission and any other law enforcement agency or  
123 officer as specified in s. 327.70 acting under this section to  
124 relocate, remove, or cause to be relocated or removed a derelict  
125 vessel from public waters shall be held harmless for all damages  
126 to the derelict vessel resulting from such relocation or



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127 removal, unless the damage results from gross negligence or  
128 willful misconduct.

129 (c)~~(b)~~ The commission may establish a program to provide  
130 grants to local governments for the removal of derelict vessels  
131 from the public waters of the state. The program shall be funded  
132 from the Florida Coastal Protection Trust Fund. Notwithstanding  
133 the provisions in s. 216.181(11), funds available for grants may  
134 only be authorized by appropriations acts of the Legislature.

135 (d)~~(e)~~ The commission shall adopt by rule procedures for  
136 submitting a grant application and criteria for allocating  
137 available funds. Such criteria shall include, but not be limited  
138 to, the following:

139 1. The number of derelict vessels within the jurisdiction  
140 of the applicant.

141 2. The threat posed by such vessels to public health or  
142 safety, the environment, navigation, or the aesthetic condition  
143 of the general vicinity.

144 3. The degree of commitment of the local government to  
145 maintain waters free of abandoned and derelict vessels and to  
146 seek legal action against those who abandon vessels in the  
147 waters of the state.

148 (e)~~(d)~~ This section shall constitute the authority for such  
149 removal but is not intended to be in contravention of any  
150 applicable federal act.

151 Section 4. This act shall take effect July 1, 2014.

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

154 And the title is amended as follows:

155 Delete everything before the enacting clause



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156 and insert:

157                   A bill to be entitled  
158           An act relating to vessel safety; amending s. 327.44,  
159           F.S.; authorizing the Fish and Wildlife Conservation  
160           Commission and certain law enforcement agencies or  
161           officers to relocate or remove vessels that  
162           unreasonably or unnecessarily constitute a navigation  
163           hazard or interfere with another vessel; exempting the  
164           commission or a law enforcement agency or officer from  
165           liability for damages to a derelict vessel under  
166           certain circumstances caused by the relocation or  
167           removal of such a vessel; providing that the  
168           commission or a law enforcement agency may recover  
169           from the vessel owner its costs for the relocation or  
170           removal of such a vessel; requiring the Department of  
171           Legal Affairs to represent the commission in actions  
172           to recover such costs; amending s. 823.11, F.S.;  
173           providing definitions; authorizing the commission and  
174           certain law enforcement agencies and officers to  
175           relocate or remove a derelict vessel from public  
176           waters if such vessel poses a danger to property or  
177           persons; exempting the commission or a law enforcement  
178           agency or officer from liability for damages caused by  
179           its relocation or removal of such a vessel under  
180           certain circumstances; expanding costs recoverable by  
181           the commission or a law enforcement agency against the  
182           owner of a derelict vessel for the relocation or  
183           removal of such vessel; abrogating the power of the  
184           commission to remove certain abandoned vessels and



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185        recover its costs therefor; amending s. 376.15, F.S.;

186        providing a definition; authorizing relocation of

187        derelict vessels; exempting the commission or a law

188        enforcement agency of officer from liability for

189        damages caused by its relocation or removal of such a

190        vessel under certain circumstances; providing an

191        effective date.