

By Senator Bradley

7-00850C-14

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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
27 therefor; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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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 of
72 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

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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 or
106 beached upon private property without the consent of the owner
107 of the property, the owner of the property may remove the vessel
108 at the vessel owner's expense 60 days after compliance with the
109 notice requirements specified in s. 328.17(5). The private
110 property owner may not hinder reasonable efforts by the vessel
111 owner or the vessel owner's agent to remove the vessel. ~~Any~~
112 Notice given pursuant to this subsection ~~is paragraph~~ shall be
113 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

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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.