

By the Committee on Environmental Preservation and Conservation;
and Senators Bradley and Dean

592-02552-14

20141594c1

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 or officer from
9 liability for damages to such a vessel caused by the
10 relocation or removal thereof; providing an exception;
11 providing that the commission or a law enforcement
12 agency may recover from the vessel owner its costs for
13 the relocation or removal of such a vessel; requiring
14 the Department of Legal Affairs to represent the
15 commission in actions to recover such costs; amending
16 s. 376.15, F.S.; defining the term "commission";
17 authorizing the commission and certain law enforcement
18 agencies and officers to relocate or remove a derelict
19 vessel from public waters; exempting the commission or
20 a law enforcement agency of officer from liability for
21 damages to such a vessel caused by the relocation or
22 removal thereof; providing an exception; amending s.
23 823.11, F.S.; defining the term "commission";
24 authorizing the commission and certain law enforcement
25 agencies and officers to relocate or remove a derelict
26 vessel from public waters if such vessel poses a
27 danger to property or persons; exempting the
28 commission or a law enforcement agency of officer from
29 liability for damages to such a vessel caused by the

592-02552-14

20141594c1

30 relocation or removal thereof; providing an exception;
31 expanding costs recoverable by the commission or a law
32 enforcement agency against the owner of a derelict
33 vessel for the relocation or removal thereof;
34 abrogating the power of the commission to remove
35 certain abandoned vessels and recover its costs
36 therefor; providing an effective date.
37

38 Be It Enacted by the Legislature of the State of Florida:
39

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

42 327.44 Interference with navigation; relocation or removal;
43 recovery of costs.-

44 (1) No person shall anchor, operate, or permit to be
45 anchored, except in case of emergency, or operated a vessel or
46 carry on any prohibited activity in a manner which shall
47 unreasonably or unnecessarily constitute a navigational hazard
48 or interfere with another vessel. Anchoring under bridges or in
49 or adjacent to heavily traveled channels shall constitute
50 interference if unreasonable under the prevailing circumstances.

51 (2) The commission, officers of the commission, and any law
52 enforcement agency or officer specified in s. 327.70 is
53 authorized and empowered to relocate, remove, or cause to be
54 relocated or removed a vessel that unreasonably or unnecessarily
55 constitutes a navigational hazard or interferes with another
56 vessel. The commission and any other law enforcement agency or
57 officer acting under this subsection to relocate, remove, or
58 cause to be relocated or removed a vessel that unreasonably or

592-02552-14

20141594c1

59 unnecessarily constitutes a navigational hazard or interferes
60 with another vessel shall be held harmless for all damages to
61 the derelict vessel resulting from such relocation or removal,
62 unless the damage results from gross negligence or willful
63 misconduct.

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

71 Section 2. Section 376.15, Florida Statutes, is amended to
72 read

73 376.15 Derelict vessels; relocation or removal from public
74 waters.-

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

77 (2)~~(1)~~ It is unlawful for any person, firm, or corporation
78 to store, leave, or abandon any derelict vessel as defined in s.
79 823.11(1) in this state.

80 (3)~~(2)~~(a) The ~~Fish and Wildlife Conservation~~ commission and
81 its officers and all law enforcement officers as specified in s.
82 327.70 are authorized and empowered to relocate or remove any
83 derelict vessel as defined in s. 823.11(1) from public waters.
84 All costs incurred by the commission or other law enforcement
85 agency in the relocation or removal of any abandoned or derelict
86 vessel shall be recoverable against the owner of the vessel. The
87 Department of Legal Affairs shall represent the commission in

592-02552-14

20141594c1

88 such actions.

89 (b) The commission and any other law enforcement agency or
90 officer as specified in s. 327.70 acting under this section to
91 relocate, remove, or cause to be relocated or removed a derelict
92 vessel from public waters shall be held harmless for all damages
93 to the derelict vessel resulting from such relocation or
94 removal, unless the damage results from gross negligence or
95 willful misconduct.

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

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

106 1. The number of derelict vessels within the jurisdiction
107 of the applicant.

108 2. The threat posed by such vessels to public health or
109 safety, the environment, navigation, or the aesthetic condition
110 of the general vicinity.

111 3. The degree of commitment of the local government to
112 maintain waters free of abandoned and derelict vessels and to
113 seek legal action against those who abandon vessels in the
114 waters of the state.

115 (e)~~(d)~~ This section shall constitute the authority for such
116 removal but is not intended to be in contravention of any

592-02552-14

20141594c1

117 applicable federal act.

118 Section 3. Section 823.11, Florida Statutes, is amended to
119 read:

120 823.11 ~~Abandoned and~~ Derelict vessels; relocation or
121 removal; penalty.—

122 (1) For the purposes of this section, the term:

123 (a) "Derelict vessel" means a ~~any~~ vessel, as defined in s.
124 327.02, that is left, stored, or abandoned:

125 1.(a) In a wrecked, junked, or substantially dismantled
126 condition upon any public waters of this state.

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

129 3.(c) Docked, ~~or grounded,~~ at or beached upon the property
130 of another without the consent of the owner of the property.

131 (b) "Commission" means the Fish and Wildlife Conservation
132 Commission.

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

136 (3)(a) ~~The Fish and Wildlife Conservation commission, and~~
137 ~~its~~ officers of the commission, and any ~~all~~ law enforcement
138 agency or officer ~~officers as specified in s. 327.70~~ is are
139 authorized and empowered to relocate, remove, or cause to be
140 relocated or removed ~~a any abandoned or~~ derelict vessel from
141 public waters if the derelict vessel ~~in any instance when the~~
142 ~~same~~ obstructs or threatens to obstruct navigation or in any way
143 constitutes a danger to the environment, property, or persons.
144 The commission or any other law enforcement agency or officer
145 acting under this subsection to relocate, remove, or cause to be

592-02552-14

20141594c1

146 relocated or removed a derelict vessel from public waters shall
147 be held harmless for all damages to the derelict vessel
148 resulting from such relocation or removal, unless the damage
149 results from gross negligence or willful misconduct.

150 (a) Removal of derelict vessels under ~~pursuant to~~ this
151 subsection ~~section~~ may be funded by grants provided in ss.
152 206.606 and 376.15. The Fish and Wildlife Conservation
153 Commission shall ~~is directed to~~ implement a plan for the
154 procurement of any available federal disaster funds and ~~to~~ use
155 such funds for the removal of derelict vessels.

156 (b) All costs, including costs owed to a third party,
157 incurred by the commission or other law enforcement agency in
158 the relocation or removal of a ~~any abandoned or~~ derelict vessel
159 are as set out above shall be recoverable against the vessel
160 owner ~~thereof~~. The Department of Legal Affairs shall represent
161 the commission in ~~such~~ actions to recover such costs. As
162 provided in s. 705.103(4), a ~~any~~ person who neglects or refuses
163 to pay such costs may ~~amount is~~ not ~~entitled to~~ be issued a
164 certificate of registration for such vessel or for any other
165 vessel or motor vehicle until such ~~the~~ costs have been paid.

166 (4) ~~(b)~~ When a derelict vessel is docked, ~~or~~ grounded, ~~at~~ or
167 beached upon private property without the consent of the owner
168 of the property, the owner of the property may remove the vessel
169 at the vessel owner's expense 60 days after compliance with the
170 notice requirements specified in s. 328.17(5). The private
171 property owner may not hinder reasonable efforts by the vessel
172 owner or the vessel owner's agent to remove the vessel. ~~Any~~
173 Notice given pursuant to this subsection is ~~paragraph shall be~~
174 presumed to be delivered when it is deposited with the United

592-02552-14

20141594c1

175 States Postal Service, certified, and properly addressed with
176 prepaid postage.

177 (5)~~(4)~~ A Any person, firm, or corporation violating this
178 section ~~act~~ commits a misdemeanor of the first degree and shall
179 be punished as provided by law. A conviction under this section
180 does ~~shall~~ not bar the assessment and collection of the civil
181 penalty provided in s. 376.16 for violation of s. 376.15. The
182 court having jurisdiction over the criminal offense,
183 notwithstanding any jurisdictional limitations on the amount in
184 controversy, may order the imposition of such civil penalty in
185 addition to any sentence imposed for the first criminal offense.

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