

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Raschein offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 327.4107, Florida Statutes, is created
 7 to read:

8 327.4107 Vessels at risk of becoming derelict on the
 9 waters of this state.-

10 (1) To prevent vessels in a neglected or deteriorating
 11 condition from reaching a likely and foreseeable state of
 12 disrepair, a vessel that is at risk of becoming derelict
 13 pursuant to subsection (2) may not anchor on, moor on, or occupy
 14 the waters of this state.

15 (2) A vessel may be determined by an officer of the
 16 commission or a law enforcement agency specified in s. 327.70 to
 17 be at risk of becoming derelict if any of the following

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18 conditions exist:

19 (a) The vessel is taking or has taken on water without an
20 effective means to dewater.

21 (b) Spaces on the vessel that are designed to be enclosed
22 are incapable of being sealed off or remain open to the elements
23 for extended periods of time.

24 (c) The vessel has broken loose or is in danger of
25 breaking loose from its anchor.

26 (d) The vessel is left or stored aground unattended in
27 such a state that would prevent the vessel from getting
28 underway, is listing due to water intrusion, or is sunk or
29 partially sunk.

30 (3) A person who anchors or moors a vessel at risk of
31 becoming derelict on the waters of this state or allows such a
32 vessel to occupy the waters of this state in violation of this
33 section commits a noncriminal infraction, punishable as provided
34 in s. 327.73.

35 (4) Penalties provided in this section are in addition to
36 any other penalties provided in Florida Statutes.

37 (5) This section does not apply to vessels that are moored
38 to a private dock or wet slip with the consent of the owner for
39 the purpose of receiving repairs.

40 Section 2. Paragraph (a) of subsection (2) of section
41 327.70, Florida statutes, is amended to read:

42 (2) (a) Noncriminal violations of the following statutes
43 may be enforced by a uniform boating citation mailed to the

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44 registered owner of an unattended vessel anchored, aground, or
45 moored on the waters of this state:

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

47 2. Section 327.44, relating to interference with
48 navigation.

49 3. Section 327.50(2), relating to required lights and
50 shapes.

51 4. Section 327.53, relating to marine sanitation.

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

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

54 7. Section 327.4107, relating to vessels at risk of
55 becoming derelict.

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

58 327.73 Noncriminal infractions.—

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

61 (y) Section 327.4107, relating to vessels at risk of
62 becoming derelict on waters of this state, for which the civil
63 penalty is:

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

65 2. For a second offense that occurs 30 days or more after
66 a first offense, \$100.

67 3. For a third or subsequent offense that occurs 30 days
68 or more after a previous offense, \$250.

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70 Any person cited for a violation of any provision of this
71 subsection shall be deemed to be charged with a noncriminal
72 infraction, shall be cited for such an infraction, and shall be
73 cited to appear before the county court. The civil penalty for
74 any such infraction is \$50, except as otherwise provided in this
75 section. Any person who fails to appear or otherwise properly
76 respond to a uniform boating citation shall, in addition to the
77 charge relating to the violation of the boating laws of this
78 state, be charged with the offense of failing to respond to such
79 citation and, upon conviction, be guilty of a misdemeanor of the
80 second degree, punishable as provided in s. 775.082 or s.
81 775.083. A written warning to this effect shall be provided at
82 the time such uniform boating citation is issued.

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

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86 **T I T L E A M E N D M E N T**

87 Remove everything before the enacting clause and insert:
88 An act relating to at-risk vessels; creating s. 327.4107, F.S.;
89 prohibiting the anchoring or mooring of vessels at risk of
90 becoming derelict on the waters of this state if certain
91 conditions exist; providing a noncriminal infraction; amending
92 s. 327.70; authorizing the Fish and Wildlife Conservation
93 Commission to issue a uniform boating citation mailed to the
94 owner of a vessel in violation of s. 327.4107, Florida Statutes;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7123 (2015)

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95 amending s. 327.73, F.S.; specifying the noncriminal infraction
96 for violations of s. 327.4107, F.S.; providing an effective date