

27 section, the term "at-risk vessel" means a vessel that exhibits
28 physical characteristics consistent with, indicative of, or
29 attributable to a lack of reasonable maintenance, including:

30 (a) The vessel has compartments designed to be enclosed
31 which are incapable of being sealed off or remain open to the
32 elements for extended periods of time.

33 (b) The vessel has broken free or is in danger of breaking
34 free from anchor.

35 (c) The vessel is listing due to water intrusion, has sunk
36 or is partially sunken, or is left or stored aground in such a
37 state that would prevent the vessel from getting underway.

38 (d) The vessel is taking on or has taken on water without
39 an effective means of dewatering.

40 (2)(a) A person, firm, or corporation that violates this
41 section commits a noncriminal infraction, punishable as provided
42 in s. 327.73. A warning letter in lieu of penalty may be issued
43 at least once if the vessel is a recreational vessel as defined
44 in s. 327.02 and is lawfully registered or exempt from
45 registration pursuant to chapter 328.

46 (b) If an attended or occupied vessel is determined to be
47 at risk, the person in control of the vessel shall sign and
48 accept the citation issued under this subsection. If an
49 unattended vessel is determined to be at risk, a citation issued
50 under this subsection shall be mailed to the registered owner of
51 the vessel, and a highly visible, element-resistant tag or decal
52 must be conspicuously posted on the vessel no more than 3

53 business days after the date that the citation is mailed.

54 (c) A citation issued under this subsection shall be
 55 accompanied by a notification that includes the location of the
 56 vessel at the time of the at-risk determination, a list of the
 57 physical characteristics of the vessel that warranted the at-
 58 risk determination, a statement explaining the prohibition
 59 against leaving a vessel that meets one or more of the at-risk
 60 conditions under subsection (1) on the waters of the state, a
 61 penalty for failure to take corrective action, and the contact
 62 information for the law enforcement officer and agency making
 63 the at-risk determination.

64 (3) A vessel is considered derelict for purposes of s.
 65 823.11 if:

66 (a) The vessel is determined to be at risk in accordance
 67 with this section;

68 (b) A citation is issued under this section; and

69 (c) Ninety or more days after the date that the citation
 70 was issued, the vessel occupies waters of the state and one or
 71 more of the at-risk conditions for which the citation was issued
 72 have not been corrected.

73 (4) This section does not apply to a vessel that is moored
 74 to a structure or mooring buoy authorized under chapter 253.

75 Section 2. Paragraph (a) of subsection (2) of section
 76 327.70, Florida Statutes, is amended to read:

77 327.70 Enforcement of this chapter and chapter 328.—

78 (2) (a) Noncriminal violations of the following statutes

79 | may be enforced by a uniform boating citation mailed to the
 80 | registered owner of an unattended vessel anchored, aground, or
 81 | moored on the waters of this state:

- 82 | 1. Section 327.33(3)(b), relating to navigation rules.
- 83 | 2. Section 327.44, relating to interference with
- 84 | navigation.
- 85 | 3. Section 327.50(2), relating to required lights and
- 86 | shapes.
- 87 | 4. Section 327.53, relating to marine sanitation.
- 88 | 5. Section 328.48(5), relating to display of decal.
- 89 | 6. Section 328.52(2), relating to display of number.
- 90 | 7. Section 327.501, relating to vessels at risk of
- 91 | becoming derelict.

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

94 | 327.73 Noncriminal infractions.—

95 | (1) Violations of the following provisions of the vessel
 96 | laws of this state are noncriminal infractions:

97 | (y) Section 327.501, relating to vessels at risk of
 98 | becoming derelict, for which the penalty is:

99 | 1. For a first offense, \$50.

100 | 2. For a second offense occurring within 30 days after a
 101 | prior conviction, \$250.

102 | 3. For a third offense occurring within 60 days after a
 103 | prior conviction, \$500.

104 | 4. For a fourth or subsequent offense occurring within 90

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105 days after a prior conviction, \$1,000.

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107 Any person cited for a violation of any provision of this
108 subsection shall be deemed to be charged with a noncriminal
109 infraction, shall be cited for such an infraction, and shall be
110 cited to appear before the county court. The civil penalty for
111 any such infraction is \$50, except as otherwise provided in this
112 section. Any person who fails to appear or otherwise properly
113 respond to a uniform boating citation shall, in addition to the
114 charge relating to the violation of the boating laws of this
115 state, be charged with the offense of failing to respond to such
116 citation and, upon conviction, be guilty of a misdemeanor of the
117 second degree, punishable as provided in s. 775.082 or s.
118 775.083. A written warning to this effect shall be provided at
119 the time such uniform boating citation is issued.

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