

By Senator Dean

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1                   A bill to be entitled  
2           An act relating to at-risk vessels; creating s.  
3           327.4107, F.S.; prohibiting a vessel that is at risk  
4           of becoming derelict from anchoring on, mooring on, or  
5           occupying the waters of this state; authorizing an  
6           officer of the Fish and Wildlife Conservation  
7           Commission or of specified law enforcement agencies to  
8           determine that a vessel is at risk of becoming  
9           derelict if certain conditions exist; providing that a  
10          person who anchors or moors such a vessel or allows it  
11          to occupy waters of this state commits a noncriminal  
12          infraction; providing penalties; providing  
13          applicability; amending s. 327.70, F.S.; providing for  
14          enforcement of such violations by citation mailed to  
15          the owner of the vessel; amending s. 327.73, F.S.;  
16          providing civil penalties for such violations;  
17          providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Section 327.4107, Florida Statutes, is created  
22 to read:

23           327.4107 Vessels at risk of becoming derelict on waters of  
24 this state.-

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

30           (2) An officer of the commission or of a law enforcement  
31 agency specified in s. 327.70 may determine that a vessel is at  
32 risk of becoming derelict if any of the following conditions

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33 exist:

34 (a) The vessel is taking on, or has taken on, water without  
35 an effective means to dewater.

36 (b) Spaces on the vessel which are designed to be enclosed  
37 are incapable of being sealed off or remain open to the elements  
38 for extended periods of time.

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

41 (d) The vessel is left or stored aground unattended in such  
42 a state that would prevent the vessel from getting underway, is  
43 listing due to water intrusion, or is sunken or partially  
44 sunken.

45 (3) A person who anchors or moors a vessel at risk of  
46 becoming derelict on the waters of this state or allows such a  
47 vessel to occupy such waters commits a noncriminal infraction,  
48 punishable as provided in s. 327.73.

49 (4) The penalty under this section is in addition to other  
50 penalties provided by law.

51 (5) This section does not apply to a vessel that is moored  
52 to a private dock or wet slip with the consent of the owner for  
53 the purpose of receiving repairs.

54 Section 2. Paragraph (a) of subsection (2) of section  
55 327.70, Florida Statutes, is amended to read:

56 327.70 Enforcement of this chapter and chapter 328.—

57 (2) (a) Noncriminal violations of the following statutes may  
58 be enforced by a uniform boating citation mailed to the  
59 registered owner of an unattended vessel anchored, aground, or  
60 moored on the waters of this state:

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

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62        2. Section 327.4107, relating to vessels at risk of  
63 becoming derelict.

64        ~~3.2.~~ Section 327.44, relating to interference with  
65 navigation.

66        ~~4.3.~~ Section 327.50(2), relating to required lights and  
67 shapes.

68        ~~5.4.~~ Section 327.53, relating to marine sanitation.

69        ~~6.5.~~ Section 328.48(5), relating to display of decal.

70        ~~7.6.~~ Section 328.52(2), relating to display of number.

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

73        327.73 Noncriminal infractions.—

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

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

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

80        2. For a second offense occurring 30 days or more after a  
81 first offense, \$100.

82        3. For a third or subsequent offense occurring 30 days or  
83 more after a previous offense, \$250.

84  
85 Any person cited for a violation of any provision of this  
86 subsection shall be deemed to be charged with a noncriminal  
87 infraction, shall be cited for such an infraction, and shall be  
88 cited to appear before the county court. The civil penalty for  
89 any such infraction is \$50, except as otherwise provided in this  
90 section. Any person who fails to appear or otherwise properly

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91 respond to a uniform boating citation shall, in addition to the  
92 charge relating to the violation of the boating laws of this  
93 state, be charged with the offense of failing to respond to such  
94 citation and, upon conviction, be guilty of a misdemeanor of the  
95 second degree, punishable as provided in s. 775.082 or s.  
96 775.083. A written warning to this effect shall be provided at  
97 the time such uniform boating citation is issued.

98 Section 4. This act shall take effect July 1, 2016.