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HB 7025

2016 Legislature

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 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 or allows such a vessel to  
 11 occupy waters of this state commits a noncriminal  
 12 violation; 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:

20  
 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

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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  
 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 that 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  
 40 breaking loose from its anchor.

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

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

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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  
58 may 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.

62 2. Section 327.44, relating to interference with  
63 navigation.

64 3. Section 327.50(2), relating to required lights and  
65 shapes.

66 4. Section 327.53, relating to marine sanitation.

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

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

69 7. Section 327.4107, relating to vessels at risk of  
70 becoming derelict.

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:

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- 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  
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.