1 A bill to be entitled 2 An act relating to at-risk vessels; creating s. 3 327.501, F.S.; defining the term "at-risk vessel"; 4 authorizing an officer of the Fish and Wildlife 5 Conservation Commission or of specified law 6 enforcement agencies to issue citations; providing for 7 issuance of a warning letter in lieu of a penalty; 8 requiring certain information to accompany a citation; 9 providing conditions under which a vessel is 10 considered derelict; providing an exception; providing that failure to take certain corrective action is a 11 12 noncriminal violation; providing penalties; providing an effective date. 13 14 15 Be It Enacted by the Legislature of the State of Florida: 16 17 Section 1. Section 327.501, Florida Statutes, is created to read: 18 19 327.501 Vessels at risk of becoming derelict.-20 (1) Vessels that occupy the waters of the state shall be 21 maintained above the minimum level of care. In an effort to 22 prevent vessels in neglected or deteriorating condition from 23 reaching a likely and foreseeable state of disrepair, an officer 24 of the commission or of a law enforcement agency specified in s. 25 327.70 may determine that a vessel occupying waters of the state 26 is at risk of becoming a derelict vessel. For purposes of this

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| 27 | section, the term "at-risk vessel" means a vessel that exhibits |
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| 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 |
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| 53 | business days after the date that the citation is mailed. |
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| 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 |
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79 may be enforced by a uniform boating citation mailed to the 80 registered owner of an unattended vessel anchored, aground, or moored on the waters of this state: 81 Section 327.33(3)(b), relating to navigation rules. 82 1. Section 327.44, relating to interference with 83 2. 84 navigation. 85 3. Section 327.50(2), relating to required lights and 86 shapes. Section 327.53, relating to marine sanitation. 87 4. 88 5. Section 328.48(5), relating to display of decal. 89 Section 328.52(2), relating to display of number. 6. 7. Section 327.501, relating to vessels at risk of 90 91 becoming derelict. 92 Section 3. Paragraph (y) is added to subsection (1) of section 327.73, Florida Statutes, to read: 93 327.73 Noncriminal infractions.-94 95 (1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions: 96 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 Page 4 of 5

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| 105 | days after a prior conviction, \$1,000. |
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| 106 | |
| 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 set shall take offert Tuly 1 2015 |

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

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