

## CHAPTER 2016-108

### House Bill No. 7025

An act relating to at-risk vessels; creating s. 327.4107, F.S.; prohibiting a vessel that is at risk of becoming derelict from anchoring on, mooring on, or occupying the waters of this state; authorizing an officer of the Fish and Wildlife Conservation Commission or of specified law enforcement agencies to determine that a vessel is at risk of becoming derelict if certain conditions exist; providing that a person who anchors or moors or allows such a vessel to occupy waters of this state commits a noncriminal violation; providing penalties; providing applicability; amending s. 327.70, F.S.; providing for enforcement of such violations by citation mailed to the owner of the vessel; amending s. 327.73, F.S.; providing civil penalties for such violations; providing an effective date.

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

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

327.4107 Vessels at risk of becoming derelict on waters of this state.—

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

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

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

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

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

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

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

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

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

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

327.70 Enforcement of this chapter and chapter 328.—

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

1. Section 327.33(3)(b), relating to navigation rules.
2. Section 327.44, relating to interference with navigation.
3. Section 327.50(2), relating to required lights and shapes.
4. Section 327.53, relating to marine sanitation.
5. Section 328.48(5), relating to display of decal.
6. Section 328.52(2), relating to display of number.
7. Section 327.4107, relating to vessels at risk of becoming derelict.

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

327.73 Noncriminal infractions.—

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

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

1. For a first offense, \$50.
2. For a second offense occurring 30 days or more after a first offense, \$100.
3. For a third or subsequent offense occurring 30 days or more after a previous offense, \$250.

Any person cited for a violation of any provision of this subsection shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of

failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

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

Approved by the Governor March 24, 2016.

Filed in Office Secretary of State March 24, 2016.