



Agriculture & Natural Resources Appropriations Subcommittee

January 20, 2016
10:00 AM – 11:00 AM
Reed Hall

Meeting Packet



The Florida House of Representatives
Appropriations Committee
Agriculture & Natural Resources Appropriations Subcommittee

Steve Crisafulli
Speaker

Ben Albritton
Chair

January 20, 2016

AGENDA
10:00 AM – 11:00 AM
Reed Hall

- I. Call to Order/Roll Call
- II. HB 525 Small Community Sewer Construction Assistance Act by Beshears
- III. HB 7025 At-risk Vessels by Raschein
- IV. Closing/Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 525 Small Community Sewer Construction Assistance Act
SPONSOR(S): Beshears
TIED BILLS: IDEN./SIM. **BILLS:** SB 444

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	13 Y, 0 N	Moore	Harrington
2) Agriculture & Natural Resources Appropriations Subcommittee		Helping 	Massengale 
3) State Affairs Committee			

SUMMARY ANALYSIS

The Small Community Sewer Construction Assistance Act (Act) assists financially disadvantaged small communities with their needs for adequate sewer facilities. Currently, the Act defines the term "financially disadvantaged small community" as a municipality, which has a population of 10,000 or less, according to the latest decennial census, and a per capita annual income less than the state per capita annual income, as determined by the United States Department of Commerce.

The bill expands the definition of the term "financially disadvantaged small community" to include a county or special district that falls under the same population and per capita annual income parameters as currently required under the Act. Additionally, the bill provides that a special district may only be eligible under the Act if its public purpose includes water and sewer services, utility systems and services, or wastewater systems and services.

The bill expands eligibility to include certain counties and special districts that are able to receive funds under the Act. However, this expansion does not require an increase or decrease for the annual appropriation made available under the Act.

The bill may have a positive fiscal impact on those counties and special districts eligible for grant funding assistance under the Act.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Small Community Sewer Construction Assistance Act¹ (Act) assists financially disadvantaged small communities with their needs for adequate sewer facilities.² The Department of Environmental Protection (DEP) awards grants using funds specifically appropriated for this purpose.³ For purposes of the Act, the term “financially disadvantaged small community” means a municipality that has a population of 10,000 or less, according to the latest decennial census, and a per capita annual income less than the state per capita annual income, as determined by the United States Department of Commerce.⁴

DEP may provide grants for up to 100 percent of the costs of planning, designing, constructing, upgrading, or replacing wastewater collection, transmission, treatment, disposal, and reuse facilities, including necessary legal and administrative expenses.⁵ DEP is required to perform adequate overview of each grant, including technical review, regular inspections, disbursement approvals, and auditing.⁶ DEP is authorized to use up to 2 percent of the grant funds made available each year toward the cost of administering the Act.⁷

Effect of Proposed Changes

The bill expands the definition of the term “financially disadvantaged small community” to include a county or special district that falls within the same population and per capita annual income parameters as currently required under the Act. The bill also defines a “special district” as having the same meaning as provided in s. 189.012, F.S.,⁸ and includes only those special districts whose public purpose includes water and sewer services, utility systems and services, or wastewater systems and services.

The bill appears to expand eligibility for grant assistance under the Act to two counties, Liberty and Lafayette, and six special districts, Big Bend Water Authority, Cedar Key Special Water and Sewer District, Immokalee Water and Sewer District, Eastpoint Water and Sewer District, Suwannee Water and Sewer District, and Taylor Coastal Water and Sewer District.⁹

B. SECTION DIRECTORY:

Section 1. Amends s. 403.1838(2), F.S., expanding the definition of “financially disadvantaged small community.”

Section 2. Provides an effective date.

¹ Section 403.1838(1), F.S.

² Section 403.1838(2), F.S.

³ Section 403.1838(2)-(3), F.S.

⁴ Section 403.1838(2), F.S.

⁵ Section 403.1838(3)(a), F.S.

⁶ Section 403.1838(3)(c), F.S.

⁷ Section 403.1838(3)(d), F.S.

⁸ Section 189.012(6), F.S., defines the term “special district” as a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. It does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17, F.S., a municipal service taxing or benefit unit as specified in s. 125.01, F.S., or a board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.

⁹ DEP’s 2016 Agency Legislative Bill Analysis for SB 444 on file with the Agriculture & Natural Resources Subcommittee.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill expands eligibility to include certain counties and special districts that are able to receive funds under the Act. However, this expansion does not require an increase or decrease for the annual appropriation made available under the Act.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill may provide a positive fiscal impact for those counties and special districts that are eligible for grant funding assistance under the Act.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to the Small Community Sewer
 3 Construction Assistance Act; amending s. 403.1838,
 4 F.S.; redefining the term "financially disadvantaged
 5 small community" to include counties and special
 6 districts; defining the term "special district";
 7 providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Subsection (2) of section 403.1838, Florida
 12 Statutes, is amended to read:

13 403.1838 Small Community Sewer Construction Assistance
 14 Act.—

15 (2) The department shall use funds specifically
 16 appropriated to award grants under this section to assist
 17 financially disadvantaged small communities with their needs for
 18 adequate sewer facilities. For purposes of this section, the
 19 term "financially disadvantaged small community" means a county,
 20 municipality, or special district that has a population of
 21 10,000 or fewer, according to the latest decennial census, and a
 22 per capita annual income less than the state per capita annual
 23 income as determined by the United States Department of
 24 Commerce. For purposes of this subsection, the term "special
 25 district" has the same meaning as provided in s. 189.012 and
 26 includes only those special districts whose public purpose

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27 | includes water and sewer services, utility systems and services,
28 | or wastewater systems and services.

29 | Section 2. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7025 PCB HWSS 16-01 At-risk Vessels
SPONSOR(S): Highway & Waterway Safety Subcommittee, Raschein
TIED BILLS: IDEN./SIM. **BILLS:** SB 1300

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Highway & Waterway Safety Subcommittee	10 Y, 0 N	Whittaker	Smith
1) Agriculture & Natural Resources Appropriations Subcommittee		Massengale	Massengale <i>SM</i>
2) Economic Affairs Committee			

SUMMARY ANALYSIS

Under current law, the Fish and Wildlife Conservation Commission (FWCC) does not have the authority to require vessel owners to maintain their vessels or otherwise regulate the condition of vessels that occupy the waters of the state, unless the vessel is a hazard to navigation, discharges contaminants, is derelict (wrecked, junked, or substantially dismantled), or is in violation of other vessel safety laws. Additionally, a vessel owner has no duty to maintain their vessel, and can allow a vessel occupying waters of the state to deteriorate until it reaches a derelict condition. Once a vessel is deemed derelict FWCC can remove or relocate the vessel, but it can become much more difficult and expensive once a vessel has deteriorated to the point that it meets the definition of a derelict vessel.

The bill provides the following regulations for vessels that are at risk of becoming derelict on the waters of this state:

- Prohibits a vessel that is at risk of becoming derelict to anchor on, moor on, or occupy the waters of this state.
- Authorizes an officer of the FWCC or law enforcement agency to determine that a vessel is at risk of becoming a derelict vessel if any of the following conditions exist:
 - The vessel is taking on or has taken on water without an effective means to dewater.
 - 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.
 - The vessel has broken loose or is in danger of breaking loose from its anchor.
 - 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.
- Provides that a person who anchors or moors a vessel that is at risk of becoming derelict on the waters of this state or allows such a vessel to occupy the waters of this state commits a noncriminal infraction in which civil penalties may be assessed.
- Provides that a civil penalty for a violation of a vessel that is at risk of becoming derelict is in addition to other penalties provided by law.
- Provides that the bill would 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.
- Provides that a uniform boating citation may be mailed to the registered owner of an unattended vessel that is at risk of becoming derelict, which is anchored, aground, or moored on the waters of this state.
- Provides the following civil penalties for a violation of vessel laws relating to a vessel that is at risk of becoming derelict on waters of this state:
 - For a first offense, \$50;
 - For a second offense occurring 30 days or more after a first offense, \$100;
 - For a third or subsequent offense occurring 30 days or more after a previous offense, \$250.

The bill may have an indeterminate positive fiscal impact on state and local government revenues by establishing a new noncriminal infraction relating to vessels at risk of becoming derelict on waters of this state, and may have a negative impact on the private sector resulting from the assessment of these new civil penalties.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h7025.ANRAS.DOCX

DATE: 1/7/2016

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present situation

Background

Current law does not limit the length of time that a properly maintained vessel¹ may occupy waters of this state.² Current law also does not authorize the Fish and Wildlife Conservation Commission (FWCC) to require vessel owners to maintain their vessels or otherwise regulate the condition of vessels that occupy the waters of the state, unless the vessel is a hazard to navigation, discharges contaminants, is derelict (wrecked, junked, or substantially dismantled), or is in violation of other vessel safety laws. Additionally, a vessel owner has no duty to maintain their vessel, and can allow a vessel occupying waters of the state to deteriorate until it reaches a wrecked, junked, or substantially dismantled condition. Once a vessel is deemed derelict FWCC can remove or relocate the vessel, but it can become much more difficult and expensive once a vessel has deteriorated to the point that it meets the definition of a derelict vessel.

Local governments are authorized to enact and enforce regulations regarding the mooring or anchoring of vessels that are located within marked boundaries of a mooring field³ within their jurisdiction.⁴ However, local governments are prohibited from regulating the anchoring of vessels, other than live-aboard vessels,⁵ that are located outside of mooring fields.⁶

The unregulated anchoring and mooring of vessels outside of mooring fields has created issues regarding:

- Vessels being left unattended or unsupervised;
- Vessels that have broken free or are in danger of breaking free; and
- Vessels that are not properly maintained, are listing, or taking on water, but are not to the point of deterioration that they can be deemed derelict.⁷

¹ A “vessel” is defined in s. 327.02(43), F.S., to be synonymous with boat as referenced in s. 1(b), Art. VII of the State Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

² “Waters of this state” is defined in s. 327.02(44), F.S., to mean any navigable waters of the United States within the territorial limits of this state, the marginal sea adjacent to this state and the high seas when navigated as a part of a journey or ride to or from the shore of this state, and all the inland lakes, rivers, and canals under the jurisdiction of this state.

³ Mooring fields are permitted by the FWCC, under ch. 327, F.S. A mooring field is an area of waters of this state set aside for the mooring of vessels to mooring buoys. The area must have delineated boundaries that are marked with uniform waterway markers as provided in s. 327.40, F.S., and must have mooring buoys installed in a planned array, taking into consideration the following factors: vessel lengths and swing radii; vessel drafts and available water depths; vessel sizes, weights, and wind-loading characteristics; buoy sizes and types; anchor sizes and types; and holding characteristics of the bottom. *See Anchoring and Mooring Pilot Program Questionnaire* (Oct. 14, 2009), available at http://myfwc.com/media/106689/Boat_Anchoring_FieldQuestions.pdf. (Last visited November 10, 2015)

⁴ Section 327.60(3), F.S.

⁵ A “live-aboard vessel” is defined in s. 327.02(19), F.S., as a vessel that is used solely as a residence and not for navigation, represented as a place of business or a professional or other commercial enterprise, or for which a declaration of domicile has been filed pursuant to s. 222.17, F.S. A commercial fishing boat is expressly excluded from the term “live-aboard vessel.”

⁶ Section 327.60(3), F.S.

⁷ *Anchoring and Mooring Pilot Program Report of Findings and Recommendations*, available at <http://myfwc.com/media/2704721/FindingsRecommendations.pdf>. (Last visited November 10, 2015); FWCC 2015 Agency Bill Analysis for SB 1548, on file with staff.

Derelict Vessels

A derelict vessel is defined in s. 823.11(1)(b), F.S., as a vessel that is left, stored, or abandoned:

- In a wrecked, junked, or substantially dismantled condition upon any public waters of this state.
- At a port in this state without the consent of the agency having jurisdiction thereof.
- Docked, grounded, or beached upon the property of another without the consent of the property owner.

It is unlawful for a person, firm, or corporation to store, leave, or abandon any derelict vessel in this state.⁸ The FWCC, officers of the FWCC, and any law enforcement agency or officer specified in s. 327.70, F.S.,⁹ are authorized and empowered to relocate, remove, or cause to be relocated or removed a derelict vessel from public waters if the derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons.¹⁰ Additionally, the FWCC and other officers acting under s. 823.11(3), F.S., are held harmless for all damages to the derelict vessel resulting from the relocation or removal unless the damage results from gross negligence or willful misconduct.¹¹ All costs, including costs owed to a third party, incurred by the FWCC or other law enforcement agency in the relocation or removal of a derelict vessel are recoverable against the vessel owner.¹² A person who neglects or refuses to pay such costs may not be issued a certificate of registration for such vessel or for any other vessel or motor vehicle until such costs have been paid.¹³

Additionally, a person, firm, or corporation violating s. 823.11, F.S., commits a first degree misdemeanor.¹⁴ Further, a conviction under s. 823.11, F.S., does not bar the assessment and collection of civil penalties provided in s. 376.16, F.S.¹⁵

The removal of a derelict vessel costs an average of \$350 to \$450 per foot of vessel length.¹⁶ However, there are many variables that affect the costs of removing a vessel.¹⁷ Sunken vessels require professional divers and specialized equipment, resulting in costs in excess of the average.¹⁸ On the other hand, a floating vessel may be towed to a boat ramp or hoist and pulled from the water at much lower cost.¹⁹ Relocation may have no cost if a law enforcement officer is able to tow the vessel to a suitable location.²⁰ If professional towing services are called upon, costs in the neighborhood of \$200 per hour with a one-hour minimum, beginning from the time the tow boat leaves the dock to the time it returns, are standard.²¹ According to the At-Risk Vessel Statewide Database, a known total of 92

⁸ Section 823.11(2), F.S.

⁹ Section 327.70, F.S., identifies the Division of Law Enforcement of the FWCC and its officers, the sheriffs of the various counties and their deputies, municipal police officers, and any other law enforcement officer as defined in s. 943.10, F.S.; Section 943.10(1), F.S., defines a "law enforcement officer" as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

¹⁰ Section 823.11(3), F.S.

¹¹ Id.

¹² Section 823.11(3)(b), F.S.

¹³ Sections 823.11(3)(b) and 705.103(4), F.S.

¹⁴ Section 823.11(5), F.S.; A first degree misdemeanor is punishable by a term of imprisonment not to exceed one year pursuant to s. 775.082(4)(a), F.S., and may be fined \$1,000 pursuant to s. 775.083(1)(d), F.S.

¹⁵ Section 376.16, F.S., provides penalties for discharges of pollutants, such as gasoline or diesel.

¹⁶ FWCC 2014 Agency Bill Analysis for HB 1363, on file with staff.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ Id.

derelict vessels were removed in 2013 by local governments.²² Those local governments spent approximately \$325,000 on the removal of derelict vessels, resulting in an average of \$3,533 per vessel.²³

Navigational Hazard

Section 327.44, F.S., authorizes law enforcement officials to relocate, remove, or cause to be relocated or removed any vessel that unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel. A violation of s. 327.44, F.S., is a noncriminal infraction, punishable by a civil penalty of \$50.²⁴ If the vessel is unattended, a uniform boating citation may be mailed to the registered owner of the vessel.²⁵

Noncriminal Infractions for Violations of Vessel Laws

Section 327.73(1), F.S., provides that a person who violates certain vessel laws of the state commits a noncriminal infraction, will be cited for the infraction, and be cited to appear before the county court. The civil penalty for any such infraction is \$50, except as otherwise provided in the section. A 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 vessel 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, F.S.²⁶ or s. 775.083, F.S.²⁷ A written warning to this effect will be provided at the time such uniform boating citation is issued.

Effect of proposed changes

The bill creates s. 327.4107, F.S., regarding vessels at risk of becoming derelict on the waters of this state, as follows:

- Provides that a vessel that is at risk of becoming derelict may not anchor on, moor on, or occupy the waters of this state.
- Authorizes an officer of the FWCC or law enforcement agency to determine that a vessel is at risk of becoming a derelict vessel if any of the following conditions exist:
 - The vessel is taking on or has taken on water without an effective means to dewater.
 - 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.
 - The vessel has broken loose or is in danger of breaking loose from its anchor.
 - 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.
- Provides that 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 waters of this state commits a noncriminal infraction for which civil penalties may be assessed.
- Provides that a civil penalty for a violation of a vessel at risk of becoming derelict is in addition to other penalties provided by law.
- Provides that the bill would 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.

The bill amends s. 327.70, F.S., regarding enforcement, to provide that a uniform boating citation may be mailed to the registered owner of an unattended vessel that is anchored, aground, or moored on the waters of this state that is at risk of becoming derelict.

²² Id.

²³ Id.

²⁴ Section 327.73(1)(j), F.S.

²⁵ Section 327.70(2)(a)2., F.S.

²⁶ Section 775.082, F.S., provides that a second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days.

²⁷ Section 775.083, F.S. provides that a second degree misdemeanor is punishable by a fine not to exceed \$500.

The bill amends s. 327.73, F.S., regarding noncriminal infractions, to provide for the following graduated civil penalties for vessels at risk of becoming derelict, which anchor on, moor on, or occupy the waters of this state:

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

B. SECTION DIRECTORY:

Section 1 Creates s. 327.4107, F.S., relating to vessels at risk of becoming derelict on the waters of this state.

Section 2 Amends s. 327.70, F.S., providing for a uniform boating citation to be issued for a violation relating to vessels at risk of becoming derelict on the waters of this state.

Section 3 Amends s. 327.73, F.S., providing for tiered civil penalties for a violation relating to vessels at risk of becoming derelict on the waters of this state.

Section 4 Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments below

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments below.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have a potentially negative impact on persons who are subject to the civil penalties created by this bill.

D. FISCAL COMMENTS:

The bill appears to have an indeterminate positive fiscal impact on state and local government revenues by establishing a new noncriminal infraction relating to vessels at risk of becoming derelict on the waters of this state.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None

HB 7025

2016

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 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

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

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:

- 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.