

By the Committees on Appropriations; and Environmental
Preservation and Conservation; and Senator Book

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1 A bill to be entitled
2 An act relating to vessels; amending s. 253.0347,
3 F.S.; authorizing certain grandfathered private
4 residential multifamily docks to exceed the number of
5 moored boats for the number of residential units;
6 amending s. 327.02, F.S.; providing and revising
7 definitions; amending s. 327.391, F.S.; conforming a
8 cross-reference; amending s. 327.4107, F.S.; providing
9 a condition under which a vessel is at risk of
10 becoming derelict; specifying the means by which an
11 officer may provide notice to a vessel owner or
12 operator; authorizing the Fish and Wildlife
13 Conservation Commission to adopt rules; amending s.
14 327.4108, F.S.; removing the expiration of provisions
15 relating to the anchoring of vessels in anchoring
16 limitation areas; creating s. 327.4109, F.S.;
17 prohibiting the anchoring or mooring of vessels and
18 floating structures in certain areas; providing
19 exceptions and a penalty; amending s. 327.44, F.S.;
20 prohibiting mooring that unreasonably or unnecessarily
21 constitutes a navigational hazard or interference with
22 another vessel; amending s. 327.46, F.S.; authorizing
23 owners of certain private submerged land to request
24 that the commission establish boating-restricted areas
25 to protect certain seagrass; authorizing the
26 commission to adopt rules; providing a definition;
27 amending s. 327.60, F.S.; authorizing a local
28 government to enact and enforce certain regulations
29 that prohibit or restrict mooring or anchoring of

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30 certain vessels, that require sewage disposal by
31 certain vessels and floating structures, and that
32 authorize the removal of certain vessels; requiring
33 local governments with requirements for sewage
34 disposal to provide sewage pumpout services; requiring
35 the commission to review and approve certain
36 ordinances; providing applicability; authorizing the
37 commission to adopt rules; amending s. 327.70, F.S.;
38 providing for issuance of uniform boating citations
39 for anchoring or mooring in prohibited areas; amending
40 s. 327.73, F.S.; providing penalties for operating a
41 vessel with an expired registration and anchoring or
42 mooring in prohibited areas; amending s. 328.09, F.S.;
43 prohibiting the issuance of certificates of title for
44 derelict vessels unless certain documentation is
45 provided; amending s. 328.70, F.S.; providing that a
46 commercial fishing vessel must be classified and
47 registered as a commercial vessel; amending s. 328.72,
48 F.S.; revising the penalties for operation, use, or
49 storage of vessels with an expired registration;
50 amending s. 705.103, F.S.; exempting derelict vessels
51 from certain abandoned or lost property notice
52 requirements; providing an effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Paragraph (f) of subsection (2) of section
57 253.0347, Florida Statutes, is amended to read:

58 253.0347 Lease of sovereignty submerged lands for private

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59 residential docks and piers.-

60 (2)

61 (f) A lessee of sovereignty submerged lands for a private
62 residential multifamily dock designed to moor boats up to the
63 number of units within the multifamily development is not
64 required to pay lease fees for a preempted area equal to or less
65 than 10 times the riparian shoreline along sovereignty submerged
66 land on the affected waterbody times the number of units with
67 docks in the private multifamily development. Private
68 residential multifamily docks grandfathered-in to use
69 sovereignty submerged lands by January 1, 1998, pursuant to
70 former rule 18-21.00405, Florida Administrative Code, as it
71 existed in rule on March 15, 1990, may moor a number of boats
72 that exceed the number of units within the private multifamily
73 development as previously authorized under such rule.

74 Section 2. Present subsections (3), (4), and (5) of section
75 327.02, Florida Statutes, are renumbered as subsections (4),
76 (5), and (6), respectively, present subsections (6), (7), (8),
77 (9), and (10) are renumbered as subsections (7), (9), (10),
78 (11), and (12), respectively, present subsections (11) through
79 (15) are renumbered as subsections (14) through (18),
80 respectively, present subsections (16) through (44) are
81 renumbered as subsections (19) through (47), respectively,
82 present subsections (6) and (19) are amended, and new
83 subsections (3), (8), and (13) are added to that section, to
84 read:

85 327.02 Definitions.—As used in this chapter and in chapter
86 328, unless the context clearly requires a different meaning,
87 the term:

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88 (3) "Barge" means a vessel that does not have living
89 quarters, is not propelled by its own power, and is designed to
90 be pushed or pulled by another vessel.

91 ~~(7)(6)~~ "Commercial fishing vessel" means:
92 ~~(a)~~ a vessel primarily engaged in the taking or landing of
93 saltwater fish or saltwater products or freshwater fish or
94 freshwater products, or a vessel licensed pursuant to s. 379.361
95 from which commercial quantities of saltwater products are
96 harvested, from within and without the waters of this state for
97 sale to the consumer or to a retail or wholesale dealer.

98 ~~(b) Any other vessel, except a recreational vessel as~~
99 ~~defined in this section.~~

100 (8) "Commercial vessel" means a vessel represented as a
101 place of business or a professional or other commercial
102 enterprise.

103 (13) "Effective means of propulsion for safe navigation"
104 means a vessel, other than a barge, that is equipped with:

105 (a) A functioning motor, controls, and steering system; or
106 (b) Rigging and sails that are present and in good working
107 order, and a functioning steering system.

108 ~~(22)(19)~~ "Live-aboard vessel" means:

109 (a) A vessel used solely as a residence and not for
110 navigation;

111 ~~(b) A vessel represented as a place of business or a~~
112 ~~professional or other commercial enterprise; or~~

113 ~~(b)(e)~~ A vessel for which a declaration of domicile has
114 been filed pursuant to s. 222.17; or

115 (c) A vessel used as a residence that does not have an
116 effective means of propulsion for safe navigation.

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118 A commercial fishing vessel ~~boat~~ is expressly excluded from the
119 term "live-aboard vessel."

120 Section 3. Subsection (1) of section 327.391, Florida
121 Statutes, is amended to read:

122 327.391 Airboats regulated.—

123 (1) The exhaust of every internal combustion engine used on
124 any airboat operated on the waters of this state shall be
125 provided with an automotive-style factory muffler, underwater
126 exhaust, or other manufactured device capable of adequately
127 muffling the sound of the exhaust of the engine as described in
128 s. 327.02(30) ~~s. 327.02(27)~~. The use of cutouts or flex pipe as
129 the sole source of muffling is prohibited, except as provided in
130 subsection (4). Any person who violates this subsection commits
131 a noncriminal infraction punishable as provided in s. 327.73(1).

132 Section 4. Paragraph (e) is added to subsection (2) of
133 section 327.4107, Florida Statutes, to read:

134 327.4107 Vessels at risk of becoming derelict on waters of
135 this state.—

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

140 (e) The vessel does not have an effective means of
141 propulsion for safe navigation within 72 hours after the vessel
142 owner or operator receives telephonic or written notice, which
143 may be provided by facsimile, electronic mail, or other
144 electronic means, stating such from an officer, and the vessel
145 owner or operator is unable to provide a receipt, proof of

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146 purchase, or other documentation of having ordered necessary
147 parts for vessel repair. The commission may adopt rules to
148 implement this paragraph.

149 Section 5. Subsection (7) of section 327.4108, Florida
150 Statutes, is amended to read:

151 327.4108 Anchoring of vessels in anchoring limitation
152 areas.-

153 (7) This section shall remain in effect notwithstanding
154 ~~expires upon~~ the Legislature's adoption of the commission's
155 recommendations for the regulation of mooring vessels outside of
156 public mooring fields pursuant to s. 327.4105.

157 Section 6. Section 327.4109, Florida Statutes, is created
158 to read:

159 327.4109 Anchoring or mooring prohibited; exceptions;
160 penalties.-

161 (1) (a) An owner or operator of a vessel or floating
162 structure may not anchor or moor such that the nearest approach
163 of the anchored or moored vessel or floating structure is:

164 1. Within 150 feet of any marina, boat ramp, boatyard, or
165 other vessel launching or loading facility;

166 2. Within 300 feet of a superyacht repair facility. For
167 purposes of this subparagraph, the term "superyacht repair
168 facility" means a facility that services or repairs a yacht of
169 120 feet or more in length; or

170 3. Within 100 feet outward from the marked boundary of a
171 public mooring field or a lesser distance if approved by the
172 commission upon request of a local government within which the
173 mooring field is located. The commission may adopt rules to
174 implement this subparagraph.

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175 (b) This subsection does not apply to:

176 1. A vessel owned or operated by a governmental entity.

177 2. A construction or dredging vessel on an active job site.

178 3. A commercial fishing vessel actively engaged in
179 commercial fishing.

180 4. A vessel actively engaged in recreational fishing if the
181 persons onboard are actively tending hook and line fishing gear
182 or nets.

183 (2) Notwithstanding subsection (1), an owner or operator of
184 a vessel may anchor or moor within 150 feet of any marina, boat
185 ramp, boatyard, or other vessel launching or loading facility,
186 within 300 feet of a superyacht repair facility, or within 100
187 feet outward from the marked boundary of a public mooring field
188 if:

189 (a) The vessel suffers a mechanical failure that poses an
190 unreasonable risk of harm to the vessel or the persons onboard
191 such vessel. The owner or operator of the vessel may anchor or
192 moor for 5 business days or until the vessel is repaired,
193 whichever occurs first.

194 (b) Imminent or existing weather conditions in the vicinity
195 of the vessel pose an unreasonable risk of harm to the vessel or
196 the persons onboard such vessel. The owner or operator of the
197 vessel may anchor or moor until weather conditions no longer
198 pose such risk. During a hurricane or tropical storm, weather
199 conditions are deemed to no longer pose an unreasonable risk of
200 harm when the hurricane or tropical storm warning affecting the
201 area has expired.

202 (3) The owner or operator of a vessel or floating structure
203 may not anchor or moor within the marked boundary of a public

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204 mooring field unless the owner or operator has a lawful right to
205 anchor or moor in the mooring field by contractual agreement or
206 other business arrangement.

207 (4) The owner or operator of a vessel or floating structure
208 may not anchor, moor, tie, or otherwise affix or allow the
209 vessel or floating structure to remain anchored, moored, tied,
210 or otherwise affixed to an unpermitted, unauthorized, or
211 otherwise unlawful object that is on or affixed to the bottom of
212 the waters of this state. This subsection does not apply to a
213 private mooring owned by the owner of privately owned submerged
214 lands.

215 (5) A violation of this section is a noncriminal
216 infraction, punishable as provided in s. 327.73(1)(bb).

217 Section 7. Subsection (2) of section 327.44, Florida
218 Statutes, is amended to read:

219 327.44 Interference with navigation; relocation or removal;
220 recovery of costs.—

221 (2) No person shall anchor, moor ~~operate~~, or permit to be
222 anchored or moored, except in case of emergency, or operate
223 ~~operated~~ a vessel or carry on any prohibited activity in a
224 manner which shall unreasonably or unnecessarily constitute a
225 navigational hazard or interfere with another vessel. Anchoring
226 or mooring under bridges or in or adjacent to heavily traveled
227 channels shall constitute interference if unreasonable under the
228 prevailing circumstances.

229 Section 8. Subsection (1) of section 327.46, Florida
230 Statutes, is amended, and paragraphs (d) and (e) are added to
231 that subsection, to read:

232 327.46 Boating-restricted areas.—

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233 (1) Boating-restricted areas, including, but not limited
234 to, restrictions of vessel speeds and vessel traffic, may be
235 established on the waters of this state for any purpose
236 necessary to protect the safety of the public if such
237 restrictions are necessary based on boating accidents,
238 visibility, hazardous currents or water levels, vessel traffic
239 congestion, or other navigational hazards or to protect
240 seagrasses on privately owned submerged lands.

241 (a) The commission may establish boating-restricted areas
242 by rule pursuant to chapter 120.

243 (b) Municipalities and counties have the authority to
244 establish the following boating-restricted areas by ordinance:

245 1. An ordinance establishing an idle speed, no wake
246 boating-restricted area, if the area is:

247 a. Within 500 feet of any boat ramp, hoist, marine railway,
248 or other launching or landing facility available for use by the
249 general boating public on waterways more than 300 feet in width
250 or within 300 feet of any boat ramp, hoist, marine railway, or
251 other launching or landing facility available for use by the
252 general boating public on waterways not exceeding 300 feet in
253 width.

254 b. Within 500 feet of fuel pumps or dispensers at any
255 marine fueling facility that sells motor fuel to the general
256 boating public on waterways more than 300 feet in width or
257 within 300 feet of the fuel pumps or dispensers at any licensed
258 terminal facility that sells motor fuel to the general boating
259 public on waterways not exceeding 300 feet in width.

260 c. Inside or within 300 feet of any lock structure.

261 2. An ordinance establishing a slow speed, minimum wake

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- 262 boating-restricted area if the area is:
- 263 a. Within 300 feet of any bridge fender system.
- 264 b. Within 300 feet of any bridge span presenting a vertical
265 clearance of less than 25 feet or a horizontal clearance of less
266 than 100 feet.
- 267 c. On a creek, stream, canal, or similar linear waterway if
268 the waterway is less than 75 feet in width from shoreline to
269 shoreline.
- 270 d. On a lake or pond of less than 10 acres in total surface
271 area.
- 272 3. An ordinance establishing a vessel-exclusion zone if the
273 area is:
- 274 a. Designated as a public bathing beach or swim area.
- 275 b. Within 300 feet of a dam, spillway, or flood control
276 structure.
- 277 (c) Municipalities and counties have the authority to
278 establish by ordinance the following other boating-restricted
279 areas:
- 280 1. An ordinance establishing an idle speed, no wake
281 boating-restricted area, if the area is within 300 feet of a
282 confluence of water bodies presenting a blind corner, a bend in
283 a narrow channel or fairway, or such other area if an
284 intervening obstruction to visibility may obscure other vessels
285 or other users of the waterway.
- 286 2. An ordinance establishing a slow speed, minimum wake, or
287 numerical speed limit boating-restricted area if the area is:
- 288 a. Within 300 feet of a confluence of water bodies
289 presenting a blind corner, a bend in a narrow channel or
290 fairway, or such other area if an intervening obstruction to

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291 visibility may obscure other vessels or other users of the
292 waterway.

293 b. Subject to unsafe levels of vessel traffic congestion.

294 c. Subject to hazardous water levels or currents, or
295 containing other navigational hazards.

296 d. An area that accident reports, uniform boating
297 citations, vessel traffic studies, or other creditable data
298 demonstrate to present a significant risk of collision or a
299 significant threat to boating safety.

300 3. An ordinance establishing a vessel-exclusion zone if the
301 area is reserved exclusively:

302 a. As a canoe trail or otherwise limited to vessels under
303 oars or under sail.

304 b. For a particular activity and user group separation must
305 be imposed to protect the safety of those participating in such
306 activity.

307

308 Any of the ordinances adopted pursuant to this paragraph shall
309 not take effect until the commission has reviewed the ordinance
310 and determined by substantial competent evidence that the
311 ordinance is necessary to protect public safety pursuant to this
312 paragraph. Any application for approval of an ordinance shall be
313 reviewed and acted upon within 90 days after receipt of a
314 completed application. Within 30 days after a municipality or
315 county submits an application for approval to the commission,
316 the commission shall advise the municipality or county as to
317 what information, if any, is needed to deem the application
318 complete. An application shall be considered complete upon
319 receipt of all requested information and correction of any error

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320 or omission for which the applicant was timely notified or when
321 the time for such notification has expired. The commission's
322 action on the application shall be subject to review under
323 chapter 120. The commission shall initiate rulemaking no later
324 than January 1, 2010, to provide criteria and procedures for
325 reviewing applications and procedures for providing for public
326 notice and participation pursuant to this paragraph.

327 (d) Owners of private submerged lands that are adjacent to
328 Outstanding Florida Waters, as defined in s. 403.061(27), or an
329 aquatic preserve established under ss. 258.39-258.399 may
330 request that the commission establish boating-restricted areas
331 solely to protect any seagrass and contiguous seagrass habitat
332 within their private property boundaries from seagrass scarring
333 due to propeller dredging. Owners making a request pursuant to
334 this paragraph must demonstrate to the commission clear
335 ownership of the submerged lands. The commission shall adopt
336 rules to implement this paragraph, including, but not limited
337 to, establishing an application process and criteria for meeting
338 the requirements of this paragraph. Each approved boating-
339 restricted area shall be established by commission rule. For
340 marking boating-restricted zones established pursuant to this
341 paragraph, owners of private submerged lands shall apply to the
342 commission for a uniform waterway marker permit in accordance
343 with ss. 327.40 and 327.41, and shall be responsible for marking
344 the boating-restricted zone in accordance with the terms of the
345 permit.

346 (e) As used in this section, the term "seagrass" has the
347 same meaning as in s. 253.04.

348 Section 9. Subsections (2) and (3) of section 327.60,

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349 Florida Statutes, are amended, and subsections (4) and (5) are
350 added to that section, to read:

351 327.60 Local regulations; limitations.—

352 (2) ~~Nothing in~~ This chapter and ~~or~~ chapter 328 do not shall
353 ~~be construed to~~ prevent the adoption of any ordinance or local
354 regulation relating to operation of vessels, except that a
355 county or municipality may shall not enact, continue in effect,
356 or enforce any ordinance or local regulation:

357 (a) Establishing a vessel or associated equipment
358 performance or other safety standard, imposing a requirement for
359 associated equipment, or regulating the carrying or use of
360 marine safety articles;

361 (b) Relating to the design, manufacture, or installation,
362 ~~or use~~ of any marine sanitation device on any vessel, except as
363 authorized in subsection (4);

364 (c) Regulating any vessel upon the Florida Intracoastal
365 Waterway;

366 (d) Discriminating against personal watercraft;

367 (e) Discriminating against airboats, for ordinances adopted
368 after July 1, 2006, unless adopted by a two-thirds vote of the
369 governing body enacting such ordinance;

370 (f) Regulating the anchoring of vessels ~~other than live-~~
371 ~~aboard vessels~~ outside the marked boundaries of mooring fields
372 permitted as provided in s. 327.40, except for:

373 1. Live-aboard vessels; and

374 2. Commercial vessels, excluding commercial fishing
375 vessels;

376 (g) Regulating engine or exhaust noise, except as provided
377 in s. 327.65; or

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378 (h) That conflicts with any provisions of this chapter or
379 any amendments thereto or rules adopted thereunder.

380 (3) ~~Nothing in~~ This section does not ~~shall be construed to~~
381 prohibit local governments ~~governmental authorities~~ from
382 enacting or enforcing the enactment or enforcement of
383 regulations that ~~which~~ prohibit or restrict the mooring or
384 anchoring of floating structures, ~~or~~ live-aboard vessels, or
385 commercial vessels, excluding commercial fishing vessels, within
386 their jurisdictions or of any vessels within the marked
387 boundaries of mooring fields permitted as provided in s. 327.40.
388 ~~However, local governmental authorities are prohibited from~~
389 ~~regulating the anchoring outside of such mooring fields of~~
390 ~~vessels other than live-aboard vessels as defined in s. 327.02.~~

391 (4) (a) A local government may enact and enforce regulations
392 that require owners or operators of vessels or floating
393 structures subject to the marine sanitation requirements of s.
394 327.53 to provide proof of proper sewage disposal by means of an
395 approved sewage pumpout service, approved sewage pumpout
396 facility, or approved waste reception facility when anchored or
397 moored for more than 10 consecutive days within the following
398 areas:

399 1. Marked boundaries of a permitted mooring field under the
400 jurisdiction of the local government;

401 2. No-discharge zones as published in Volume 53, No. 13 of
402 the Federal Register, page 1678 (1988); Volume 64, No. 164 of
403 the Federal Register, pages 46390-46391 (1999); and Volume 67,
404 No. 98 of the Federal Register, pages 35735-35743 (2002); or

405 3. No-discharge zones established pursuant to 40 C.F.R. s.
406 1700.10.

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407 (b) Before a local government may adopt an ordinance to
408 enact and enforce such regulations, the local government must
409 ensure that there are approved sewage pumpout services, approved
410 sewage pumpout facilities, or approved waste reception
411 facilities available within its jurisdiction. Any ordinance
412 adopted pursuant to this subsection may not take effect until
413 reviewed and approved as consistent with this subsection by the
414 commission.

415 (c) This subsection does not prohibit a local government
416 from enacting or enforcing such sewage pumpout requirements for
417 live-aboard vessels, floating structures, and commercial vessels
418 within any areas of its jurisdiction.

419 (d) The commission may adopt rules to implement this
420 subsection.

421 (5) A local government may enact and enforce regulations to
422 implement the procedures for abandoned or lost property that
423 allow a local government law enforcement agency to remove a
424 vessel affixed to a public dock within its jurisdiction that is
425 abandoned or lost property pursuant to s. 705.103(1). Any
426 regulation enacted by a local government must require a written,
427 posted notice of no less than 24 hours before removal.

428 Section 10. Subsection (3) of section 327.70, Florida
429 Statutes, is amended, and paragraph (d) is added to that
430 subsection, to read:

431 327.70 Enforcement of this chapter and chapter 328.—

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

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- 436 1. Section 327.33(3)(b), relating to navigation rules.
- 437 2. Section 327.44, relating to interference with
438 navigation.
- 439 3. Section 327.50(2), relating to required lights and
440 shapes.
- 441 4. Section 327.53, relating to marine sanitation.
- 442 5. Section 328.48(5), relating to display of decal.
- 443 6. Section 328.52(2), relating to display of number.
- 444 7. Section 327.4107, relating to vessels at risk of
445 becoming derelict.
- 446 8. Section 327.4109, relating to prohibited anchoring or
447 mooring.
- 448 (b) Citations issued to livery vessels under this
449 subsection are ~~shall be~~ the responsibility of the lessee of the
450 vessel if the livery has included a warning of this
451 responsibility as a part of the rental agreement and has
452 provided to the agency issuing the citation the name, address,
453 and date of birth of the lessee when requested by that agency.
454 The livery is not responsible for the payment of citations if
455 the livery provides the required warning and lessee information.
- 456 (c) A noncriminal violation of s. 327.4108 may be enforced
457 by a uniform boating citation issued to the operator of a vessel
458 unlawfully anchored in an anchoring limitation area.
- 459 (d) A noncriminal violation of s. 327.4109 may be enforced
460 by a uniform boating citation issued to an owner or operator of
461 a vessel or floating structure that is anchored or moored where
462 prohibited.
- 463 Section 11. Paragraph (g) of subsection (1) of section
464 327.73, Florida Statutes, is amended, and paragraph (bb) is

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465 added to that subsection, to read:

466 327.73 Noncriminal infractions.—

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

469 (g) Section 328.72(13), relating to operation with an
470 expired registration, for which the penalty is:

471 1. For a first or subsequent offense of s. 328.72(13)(a),
472 up to a maximum of \$50.

473 2. For a first offense of s. 328.72(13)(b), up to a maximum
474 of \$250.

475 3. For a second or subsequent offense of s. 328.72(13)(b),
476 up to a maximum of \$500. A person cited for a noncriminal
477 infraction under this subparagraph may not have the provisions
478 of paragraph (4)(a) available to him or her and must appear
479 before the designated official at the time and location of the
480 scheduled hearing.

481 (bb) Section 327.4109, relating to anchoring or mooring in
482 a prohibited area, for which the penalty is:

483 1. For a first offense, up to a maximum of \$50.

484 2. For a second offense, up to a maximum of \$100.

485 3. For a third or subsequent offense, up to a maximum of
486 \$250.

487
488 Any person cited for a violation of any provision of this
489 subsection shall be deemed to be charged with a noncriminal
490 infraction, shall be cited for such an infraction, and shall be
491 cited to appear before the county court. The civil penalty for
492 any such infraction is \$50, except as otherwise provided in this
493 section. Any person who fails to appear or otherwise properly

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494 respond to a uniform boating citation shall, in addition to the
495 charge relating to the violation of the boating laws of this
496 state, be charged with the offense of failing to respond to such
497 citation and, upon conviction, be guilty of a misdemeanor of the
498 second degree, punishable as provided in s. 775.082 or s.
499 775.083. A written warning to this effect shall be provided at
500 the time such uniform boating citation is issued.

501 Section 12. Subsection (4) is added to section 328.09,
502 Florida Statutes, to read:

503 328.09 Refusal to issue and authority to cancel a
504 certificate of title or registration.—

505 (4) The department may not issue a certificate of title to
506 any applicant for any vessel that has been deemed derelict by a
507 law enforcement officer under s. 823.11. A law enforcement
508 officer must inform the department in writing, which may be
509 provided by facsimile, electronic mail, or other electronic
510 means, of the vessel's derelict status and supply the department
511 with the vessel title number or vessel identification number.
512 The department may issue a certificate of title once a law
513 enforcement officer has verified in writing, which may be
514 provided by facsimile, electronic mail, or other electronic
515 means, that the vessel is no longer a derelict vessel.

516 Section 13. Subsection (2) of section 328.70, Florida
517 Statutes, is amended to read:

518 328.70 Legislative intent with respect to uniform
519 registration fee, classification of vessels.—

520 (2) Any vessel that ~~which~~ is required to be registered and
521 meets the definition of a commercial fishing vessel or
522 commercial vessel shall be classified and registered as a

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523 "commercial vessel."

524 Section 14. Subsection (13) of section 328.72, Florida
525 Statutes, is amended to read:

526 328.72 Classification; registration; fees and charges;
527 surcharge; disposition of fees; fines; marine turtle stickers.-

528 (13) EXPIRED REGISTRATION.-The operation, use, or storage
529 on the waters of this state of a previously registered vessel is
530 subject to the following penalties:

531 (a) The owner or operator of a vessel with an expired
532 registration of 6 months or less commits a noncriminal
533 infraction, punishable as provided in s. 327.73(1)(g)1.

534 (b) The owner or operator of a vessel with an expired
535 registration of more than 6 months commits a noncriminal
536 infraction, punishable as provided in s. 327.73(1)(g)2. or
537 (1)(g)3. after the expiration of the registration period is a
538 noncriminal violation, as defined in s. 327.73. This subsection
539 does not apply to vessels lawfully stored at a dock or in a
540 marina.

541 Section 15. Subsection (2) of section 705.103, Florida
542 Statutes, is amended to read:

543 705.103 Procedure for abandoned or lost property.-

544 (2) Whenever a law enforcement officer ascertains that an
545 article of lost or abandoned property is present on public
546 property and is of such nature that it cannot be easily removed,
547 the officer shall cause a notice to be placed upon such article
548 in substantially the following form:

549

550 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
551 PROPERTY. This property, to wit: ...(setting forth brief

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552 description)... is unlawfully upon public property known as
553 ...(setting forth brief description of location)... and must be
554 removed within 5 days; otherwise, it will be removed and
555 disposed of pursuant to chapter 705, Florida Statutes. The owner
556 will be liable for the costs of removal, storage, and
557 publication of notice. Dated this: ...(setting forth the date of
558 posting of notice)..., signed: ...(setting forth name, title,
559 address, and telephone number of law enforcement officer)....
560

561 Such notice shall be not less than 8 inches by 10 inches and
562 shall be sufficiently weatherproof to withstand normal exposure
563 to the elements. In addition to posting, the law enforcement
564 officer shall make a reasonable effort to ascertain the name and
565 address of the owner. If such is reasonably available to the
566 officer, she or he shall mail a copy of such notice to the owner
567 on or before the date of posting. If the property is a motor
568 vehicle as defined in s. 320.01(1) or a vessel as defined in s.
569 327.02, the law enforcement agency shall contact the Department
570 of Highway Safety and Motor Vehicles in order to determine the
571 name and address of the owner and any person who has filed a
572 lien on the vehicle or vessel as provided in s. 319.27(2) or (3)
573 or s. 328.15(1). On receipt of this information, the law
574 enforcement agency shall mail a copy of the notice by certified
575 mail, return receipt requested, to the owner and to the
576 lienholder, if any, except that a law enforcement officer who
577 has issued the owner of a derelict vessel a citation for a
578 violation of s. 823.11 is not required to mail a copy of the
579 notice by certified mail, return receipt requested, to the
580 owner. If, at the end of 5 days after posting the notice and

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581 mailing such notice, if required, the owner or any person
582 interested in the lost or abandoned article or articles
583 described has not removed the article or articles from public
584 property or shown reasonable cause for failure to do so, the
585 following shall apply:

586 (a) For abandoned property, the law enforcement agency may
587 retain any or all of the property for its own use or for use by
588 the state or unit of local government, trade such property to
589 another unit of local government or state agency, donate the
590 property to a charitable organization, sell the property, or
591 notify the appropriate refuse removal service.

592 (b) For lost property, the officer shall take custody and
593 the agency shall retain custody of the property for 90 days. The
594 agency shall publish notice of the intended disposition of the
595 property, as provided in this section, during the first 45 days
596 of this time period.

597 1. If the agency elects to retain the property for use by
598 the unit of government, donate the property to a charitable
599 organization, surrender such property to the finder, sell the
600 property, or trade the property to another unit of local
601 government or state agency, notice of such election shall be
602 given by an advertisement published once a week for 2
603 consecutive weeks in a newspaper of general circulation in the
604 county where the property was found if the value of the property
605 is more than \$100. If the value of the property is \$100 or less,
606 notice shall be given by posting a description of the property
607 at the law enforcement agency where the property was turned in.
608 The notice must be posted for not less than 2 consecutive weeks
609 in a public place designated by the law enforcement agency. The

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610 notice must describe the property in a manner reasonably
611 adequate to permit the rightful owner of the property to claim
612 it.

613 2. If the agency elects to sell the property, it must do so
614 at public sale by competitive bidding. Notice of the time and
615 place of the sale shall be given by an advertisement of the sale
616 published once a week for 2 consecutive weeks in a newspaper of
617 general circulation in the county where the sale is to be held.
618 The notice shall include a statement that the sale shall be
619 subject to any and all liens. The sale must be held at the
620 nearest suitable place to that where the lost or abandoned
621 property is held or stored. The advertisement must include a
622 description of the goods and the time and place of the sale. The
623 sale may take place no earlier than 10 days after the final
624 publication. If there is no newspaper of general circulation in
625 the county where the sale is to be held, the advertisement shall
626 be posted at the door of the courthouse and at three other
627 public places in the county at least 10 days prior to sale.
628 Notice of the agency's intended disposition shall describe the
629 property in a manner reasonably adequate to permit the rightful
630 owner of the property to identify it.

631 Section 16. This act shall take effect July 1, 2017.