

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

47 |
48 | Be It Enacted by the Legislature of the State of Florida:

49 |
50 | Section 1. Paragraph (f) of subsection (2) of section

51 | 253.0347, Florida Statutes, is amended to read:

52 | 253.0347 Lease of sovereignty submerged lands for private
53 | residential docks and piers.—

54 | (2)

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

69 | Section 2. Subsections (3) through (10) of section 327.02,
70 | Florida Statutes, are renumbered as subsections (4) through
71 | (11), respectively, present subsections (11) through (13) are
72 | renumbered as subsections (13) through (15), respectively,
73 | present subsections (14) and (15) are renumbered as subsections
74 | (17) and (16), respectively, present subsections (16) through
75 | (44) are renumbered as subsections (18) through (46),

76 | respectively, present subsection (19) is amended, and new
 77 | subsections (3) and (12) are added to that section, to read:

78 | 327.02 Definitions.—As used in this chapter and in chapter
 79 | 328, unless the context clearly requires a different meaning,
 80 | the term:

81 | (3) "Barge" means a flat-bottomed vessel used for the
 82 | transport of goods on inland waterways that is propelled by its
 83 | own power or towed by another vessel.

84 | (12) "Effective means of propulsion for safe navigation"
 85 | means a vessel, other than a barge, that is equipped with:

86 | (a) A functioning motor, controls, and steering system; or

87 | (b) Rigging and sails that are present and in good working
 88 | order, and a functioning steering system.

89 | (21)~~(19)~~ "Live-aboard vessel" means:

90 | (a) A vessel used solely as a residence and not for
 91 | navigation;

92 | ~~(b) A vessel represented as a place of business or a~~
 93 | ~~professional or other commercial enterprise; or~~

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

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

98 |
 99 | A commercial vessel and a barge are ~~fishing boat is~~ expressly
 100 | excluded from the term "live-aboard vessel."

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

103 327.391 Airboats regulated.—

104 (1) The exhaust of every internal combustion engine used
 105 on any airboat operated on the waters of this state shall be
 106 provided with an automotive-style factory muffler, underwater
 107 exhaust, or other manufactured device capable of adequately
 108 muffling the sound of the exhaust of the engine as described in
 109 s. 327.02(29) ~~327.02(27)~~. The use of cutouts or flex pipe as the
 110 sole source of muffling is prohibited, except as provided in
 111 subsection (4). Any person who violates this subsection commits
 112 a noncriminal infraction punishable as provided in s. 327.73(1).

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

115 327.4107 Vessels at risk of becoming derelict on waters of
 116 this state.—

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

121 (e) The vessel does not have an effective means of
 122 propulsion for safe navigation within 72 hours after the vessel
 123 owner or operator receives written notice, which may be provided
 124 by facsimile, electronic mail, or other electronic means,
 125 stating such from an officer, and the vessel owner or operator

126 | is unable to provide a receipt, proof of purchase, or other
 127 | documentation of having ordered necessary parts for vessel
 128 | repair. The commission may adopt rules to implement this
 129 | paragraph.

130 | Section 5. Subsection (7) of section 327.4108, Florida
 131 | Statutes, is amended to read:

132 | 327.4108 Anchoring of vessels in anchoring limitation
 133 | areas.—

134 | (7) This section shall remain in effect notwithstanding
 135 | ~~expires upon~~ the Legislature's adoption of the commission's
 136 | recommendations for the regulation of mooring vessels outside of
 137 | public mooring fields pursuant to s. 327.4105.

138 | Section 6. Section 327.4109, Florida Statutes, is created
 139 | to read:

140 | 327.4109 Anchoring or mooring prohibited; exceptions;
 141 | penalties.—

142 | (1) (a) A vessel or floating structure may not anchor or
 143 | moor such that the nearest approach of the anchored or moored
 144 | vessel or floating structure is:

145 | 1. Within 150 feet of any marina, boat ramp, boatyard, or
 146 | other vessel launching or loading facility;

147 | 2. Within 300 feet of a superyacht repair facility. For
 148 | purposes of this subparagraph, the term "superyacht repair
 149 | facility" means a facility that services or repairs a yacht with
 150 | a load line of 79 feet or more in length; or

151 3. Within 100 feet of a public mooring field boundary or a
152 lesser distance if approved by the commission upon request of a
153 local government within which the mooring field is located. The
154 commission may adopt rules to implement this subparagraph.

155 (b) This subsection does not apply to:

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

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

159 3. A vessel actively engaged in commercial fishing.

160 4. A vessel actively engaged in recreational fishing if
161 the persons onboard are actively tending hook and line fishing
162 gear or nets.

163 (2) Notwithstanding subsection (1), an owner or operator
164 of a vessel may anchor or moor within 150 feet of any marina,
165 boat ramp, boatyard, or other vessel launching or loading
166 facility or within 100 feet of a public mooring field boundary
167 if:

168 (a) The vessel suffers a mechanical failure that poses an
169 unreasonable risk of harm to the vessel or the persons onboard
170 such vessel. The owner or operator of the vessel may anchor or
171 moor for 5 business days or until the vessel is repaired,
172 whichever occurs first.

173 (b) Imminent or existing weather conditions in the
174 vicinity of the vessel pose an unreasonable risk of harm to the
175 vessel or the persons onboard such vessel. The owner or operator

176 | of the vessel may anchor or moor until weather conditions no
 177 | longer pose such risk. During a hurricane or tropical storm,
 178 | weather conditions are deemed to no longer pose an unreasonable
 179 | risk of harm when the hurricane or tropical storm warning
 180 | affecting the area has expired.

181 | (3) The owner or operator of a vessel or floating
 182 | structure may not anchor, moor, tie, or otherwise affix or allow
 183 | the vessel or floating structure to remain anchored, moored,
 184 | tied, or otherwise affixed to an unpermitted, unauthorized, or
 185 | otherwise unlawful object that is on or affixed to the bottom of
 186 | the waters of this state. This subsection does not apply to a
 187 | private mooring owned by the owner of privately owned submerged
 188 | lands.

189 | (4) A violation of this section is a noncriminal
 190 | infraction, punishable as provided in s. 327.73(1)(bb).

191 | Section 7. Subsection (1) of section 327.46, Florida
 192 | Statutes, is amended to read:

193 | 327.46 Boating-restricted areas.—

194 | (1) Boating-restricted areas, including, but not limited
 195 | to, restrictions of vessel speeds and vessel traffic, may be
 196 | established on the waters of this state for any purpose
 197 | necessary to protect the safety of the public if such
 198 | restrictions are necessary based on boating accidents,
 199 | visibility, hazardous currents or water levels, vessel traffic
 200 | congestion, or other navigational hazards or to protect

201 seagrasses on privately owned submerged lands.

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

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

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

208 a. Within 500 feet of any boat ramp, hoist, marine
209 railway, or other launching or landing facility available for
210 use by the general boating public on waterways more than 300
211 feet in width or within 300 feet of any boat ramp, hoist, marine
212 railway, or other launching or landing facility available for
213 use by the general boating public on waterways not exceeding 300
214 feet in width.

215 b. Within 500 feet of fuel pumps or dispensers at any
216 marine fueling facility that sells motor fuel to the general
217 boating public on waterways more than 300 feet in width or
218 within 300 feet of the fuel pumps or dispensers at any licensed
219 terminal facility that sells motor fuel to the general boating
220 public on waterways not exceeding 300 feet in width.

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

222 2. An ordinance establishing a slow speed, minimum wake
223 boating-restricted area if the area is:

224 a. Within 300 feet of any bridge fender system.

225 b. Within 300 feet of any bridge span presenting a

226 vertical clearance of less than 25 feet or a horizontal
 227 clearance of less than 100 feet.

228 c. On a creek, stream, canal, or similar linear waterway
 229 if the waterway is less than 75 feet in width from shoreline to
 230 shoreline.

231 d. On a lake or pond of less than 10 acres in total
 232 surface area.

233 3. An ordinance establishing a vessel-exclusion zone if
 234 the area is:

235 a. Designated as a public bathing beach or swim area.

236 b. Within 300 feet of a dam, spillway, or flood control
 237 structure.

238 (c) Municipalities and counties have the authority to
 239 establish by ordinance the following other boating-restricted
 240 areas:

241 1. An ordinance establishing an idle speed, no wake
 242 boating-restricted area, if the area is within 300 feet of a
 243 confluence of water bodies presenting a blind corner, a bend in
 244 a narrow channel or fairway, or such other area if an
 245 intervening obstruction to visibility may obscure other vessels
 246 or other users of the waterway.

247 2. An ordinance establishing a slow speed, minimum wake,
 248 or numerical speed limit boating-restricted area if the area is:

249 a. Within 300 feet of a confluence of water bodies
 250 presenting a blind corner, a bend in a narrow channel or

251 fairway, or such other area if an intervening obstruction to
 252 visibility may obscure other vessels or other users of the
 253 waterway.

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

255 c. Subject to hazardous water levels or currents, or
 256 containing other navigational hazards.

257 d. An area that accident reports, uniform boating
 258 citations, vessel traffic studies, or other creditable data
 259 demonstrate to present a significant risk of collision or a
 260 significant threat to boating safety.

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

263 a. As a canoe trail or otherwise limited to vessels under
 264 oars or under sail.

265 b. For a particular activity and user group separation
 266 must be imposed to protect the safety of those participating in
 267 such activity.

268

269 Any of the ordinances adopted pursuant to this paragraph shall
 270 not take effect until the commission has reviewed the ordinance
 271 and determined by substantial competent evidence that the
 272 ordinance is necessary to protect public safety pursuant to this
 273 paragraph. Any application for approval of an ordinance shall be
 274 reviewed and acted upon within 90 days after receipt of a
 275 completed application. Within 30 days after a municipality or

276 county submits an application for approval to the commission,
277 the commission shall advise the municipality or county as to
278 what information, if any, is needed to deem the application
279 complete. An application shall be considered complete upon
280 receipt of all requested information and correction of any error
281 or omission for which the applicant was timely notified or when
282 the time for such notification has expired. The commission's
283 action on the application shall be subject to review under
284 chapter 120. The commission shall initiate rulemaking no later
285 than January 1, 2010, to provide criteria and procedures for
286 reviewing applications and procedures for providing for public
287 notice and participation pursuant to this paragraph.

288 (d) Owners of private submerged lands that are adjacent to
289 Outstanding Florida Waters, as defined in s. 403.061(27), or an
290 aquatic preserve established under ss. 258.39-258.399 may
291 request that the commission establish boating-restricted areas
292 solely to protect any seagrass and contiguous seagrass habitat
293 within their private property boundaries from seagrass scarring
294 due to propeller dredging. Owners making a request pursuant to
295 this paragraph must demonstrate to the commission clear
296 ownership of the submerged lands. The commission shall adopt
297 rules to implement this paragraph, including, but not limited
298 to, establishing an application process and criteria for meeting
299 the requirements of this paragraph. Each approved boating-
300 restricted area shall be established by commission rule. For

301 marking boating-restricted zones established pursuant to this
 302 paragraph, owners of privately submerged lands shall apply to
 303 the commission for a uniform waterway marker permit in
 304 accordance with ss. 327.40 and 327.41.

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

307 Section 8. Subsections (2) and (3) of section 327.60,
 308 Florida Statutes, are amended, and subsections (4) and (5) are
 309 added to that section, to read:

310 327.60 Local regulations; limitations.—

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

316 (a) Establishing a vessel or associated equipment
 317 performance or other safety standard, imposing a requirement for
 318 associated equipment, or regulating the carrying or use of
 319 marine safety articles;

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

323 (c) Regulating any vessel upon the Florida Intracoastal
 324 Waterway;

325 (d) Discriminating against personal watercraft;

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

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

332 1. Live-aboard vessels; and

333 2. Vessels represented as a place of business or a
 334 professional or other commercial enterprise, excluding
 335 commercial vessels or barges;

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

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

340 (3) ~~Nothing in This section does not shall be construed to~~
 341 prohibit local governmental authorities from the enactment or
 342 enforcement of regulations that ~~which~~ prohibit or restrict the
 343 mooring or anchoring of floating structures, ~~or~~ live-aboard
 344 vessels, or vessels represented as a place of business or a
 345 professional or other commercial enterprise, excluding
 346 commercial vessels or barges, within their jurisdictions or of
 347 any vessels within the marked boundaries of mooring fields
 348 permitted as provided in s. 327.40. However, local governmental
 349 authorities are prohibited from regulating the anchoring outside
 350 of such mooring fields of commercial vessels or barges and any

351 vessels other than live-aboard vessels ~~as defined in s. 327.02.~~

352 (4) (a) A local government may enact and enforce
353 regulations that require owners or operators of vessels or
354 floating structures subject to the marine sanitation
355 requirements of s. 327.53 to provide proof of proper sewage
356 disposal by means of an approved sewage pumpout service,
357 approved sewage pumpout facility, or approved waste reception
358 facility when anchored or moored for more than 10 consecutive
359 days within the following areas:

360 1. Marked boundaries of a permitted mooring field under
361 the jurisdiction of the local government;

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

366 3. No-discharge zones established pursuant to 40 C.F.R. s.
367 1700.10.

368 (b) Before a local government may adopt an ordinance to
369 enact and enforce such regulations, the local government must
370 provide adequate sewage pumpout services. Any ordinance adopted
371 pursuant to this subsection may not take effect until reviewed
372 and approved as consistent with this subsection by the
373 commission.

374 (c) This subsection does not prohibit a local government
375 from enacting or enforcing such sewage pumpout requirements for

376 live-aboard vessels within any areas of its jurisdiction.

377 (d) The commission may adopt rules to implement this
 378 subsection.

379 (5) A local government may enact and enforce regulations
 380 that allow the local government to remove a vessel affixed to a
 381 public dock within its jurisdiction that is abandoned or lost
 382 property pursuant to s. 705.103(1).

383 Section 9. Subsection (3) of section 327.70, Florida
 384 Statutes, is amended to read:

385 327.70 Enforcement of this chapter and chapter 328.—

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

390 1. Section 327.33(3) (b), relating to navigation rules.

391 2. Section 327.44, relating to interference with
 392 navigation.

393 3. Section 327.50(2), relating to required lights and
 394 shapes.

395 4. Section 327.53, relating to marine sanitation.

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

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

398 7. Section 327.4107, relating to vessels at risk of
 399 becoming derelict.

400 8. Section 327.4109, relating to prohibited anchoring or

401 mooring.

402 (b) Citations issued to livery vessels under this
 403 subsection are ~~shall be~~ the responsibility of the lessee of the
 404 vessel if the livery has included a warning of this
 405 responsibility as a part of the rental agreement and has
 406 provided to the agency issuing the citation the name, address,
 407 and date of birth of the lessee when requested by that agency.
 408 The livery is not responsible for the payment of citations if
 409 the livery provides the required warning and lessee information.

410 (c) A noncriminal violation of s. 327.4108 may be enforced
 411 by a uniform boating citation issued to the operator of a vessel
 412 unlawfully anchored in an anchoring limitation area.

413 (d) A noncriminal violation of s. 327.4109 may be enforced
 414 by a uniform boating citation issued to an owner or operator of
 415 a vessel or floating structure unlawfully anchored, moored,
 416 tied, or otherwise affixed in a prohibited area.

417 Section 10. Paragraph (g) of subsection (1) of section
 418 327.73, Florida Statutes, is amended, and paragraph (bb) is
 419 added to that subsection, to read:

420 327.73 Noncriminal infractions.—

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

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

425 1. For a first or subsequent offense of s. 328.72(13)(a),

426 up to a maximum of \$50.

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

429 3. For a second or subsequent offense of s. 328.72(13)(b),
430 up to a maximum of \$500. Any person cited for a noncriminal
431 infraction under this subparagraph shall not have the provisions
432 of paragraph (4)(a) available to him or her but must appear
433 before the designated official at the time and location of the
434 scheduled hearing.

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

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

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

439 3. For a third or subsequent offense, up to a maximum of
440 \$250.

441
442 Any person cited for a violation of any provision of this
443 subsection shall be deemed to be charged with a noncriminal
444 infraction, shall be cited for such an infraction, and shall be
445 cited to appear before the county court. The civil penalty for
446 any such infraction is \$50, except as otherwise provided in this
447 section. Any person who fails to appear or otherwise properly
448 respond to a uniform boating citation shall, in addition to the
449 charge relating to the violation of the boating laws of this
450 state, be charged with the offense of failing to respond to such

451 citation and, upon conviction, be guilty of a misdemeanor of the
452 second degree, punishable as provided in s. 775.082 or s.
453 775.083. A written warning to this effect shall be provided at
454 the time such uniform boating citation is issued.

455 Section 11. Subsection (4) is added to section 328.09,
456 Florida Statutes, to read:

457 328.09 Refusal to issue and authority to cancel a
458 certificate of title or registration.—

459 (4) The department may not issue a certificate of title to
460 any applicant for any vessel that has been deemed derelict by a
461 law enforcement officer under s. 823.11. A law enforcement
462 officer must inform the department in writing, which may be
463 provided by facsimile, electronic mail, or other electronic
464 means, of the vessel's derelict status and supply the department
465 with the vessel title number or vessel identification number.
466 The department may issue a certificate of title once a law
467 enforcement officer has verified in writing, which may be
468 provided by facsimile, electronic mail, or other electronic
469 means, that the vessel is no longer a derelict vessel.

470 Section 12. Subsection (13) of section 328.72, Florida
471 Statutes, is amended to read:

472 328.72 Classification; registration; fees and charges;
473 surcharge; disposition of fees; fines; marine turtle stickers.—

474 (13) EXPIRED REGISTRATION.—The operation, use, or storage
475 on the waters of this state of a previously registered vessel is

476 subject to the following penalties:

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

480 (b) The owner or operator of a vessel with an expired
481 registration of more than 6 months commits a noncriminal
482 infraction, punishable as provided in s. 327.73(1)(g)2. or
483 (1)(g)3. after the expiration of the registration period is a
484 noncriminal violation, as defined in s. 327.73.

485

486 This subsection does not apply to vessels lawfully stored at a
487 dock or in a marina.

488 Section 13. Subsection (2) of section 705.103, Florida
489 Statutes, is amended to read:

490 705.103 Procedure for abandoned or lost property.—

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

496 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
497 PROPERTY. This property, to wit: ...(setting forth brief
498 description)... is unlawfully upon public property known as
499 ...(setting forth brief description of location)... and must be
500 removed within 5 days; otherwise, it will be removed and

501 disposed of pursuant to chapter 705, Florida Statutes. The owner
502 will be liable for the costs of removal, storage, and
503 publication of notice. Dated this: ...(setting forth the date of
504 posting of notice)..., signed: ...(setting forth name, title,
505 address, and telephone number of law enforcement officer)....
506 Such notice shall be not less than 8 inches by 10 inches and
507 shall be sufficiently weatherproof to withstand normal exposure
508 to the elements. In addition to posting, the law enforcement
509 officer shall make a reasonable effort to ascertain the name and
510 address of the owner. If such is reasonably available to the
511 officer, she or he shall mail a copy of such notice to the owner
512 on or before the date of posting. If the property is a motor
513 vehicle as defined in s. 320.01(1) or a vessel as defined in s.
514 327.02, the law enforcement agency shall contact the Department
515 of Highway Safety and Motor Vehicles in order to determine the
516 name and address of the owner and any person who has filed a
517 lien on the vehicle or vessel as provided in s. 319.27(2) or (3)
518 or s. 328.15(1). On receipt of this information, the law
519 enforcement agency shall mail a copy of the notice by certified
520 mail, return receipt requested, to the owner and to the
521 lienholder, if any, except that a law enforcement officer who
522 has provided notice of a violation of s. 823.11, and issued a
523 citation for the violation, to the owner of a derelict vessel is
524 not required to mail a copy of the notice by certified mail,
525 return receipt requested, to the owner. If, at the end of 5 days

526 after posting the notice and mailing such notice, if required,
527 the owner or any person interested in the lost or abandoned
528 article or articles described has not removed the article or
529 articles from public property or shown reasonable cause for
530 failure to do so, the following shall apply:

531 (a) For abandoned property, the law enforcement agency may
532 retain any or all of the property for its own use or for use by
533 the state or unit of local government, trade such property to
534 another unit of local government or state agency, donate the
535 property to a charitable organization, sell the property, or
536 notify the appropriate refuse removal service.

537 (b) For lost property, the officer shall take custody and
538 the agency shall retain custody of the property for 90 days. The
539 agency shall publish notice of the intended disposition of the
540 property, as provided in this section, during the first 45 days
541 of this time period.

542 1. If the agency elects to retain the property for use by
543 the unit of government, donate the property to a charitable
544 organization, surrender such property to the finder, sell the
545 property, or trade the property to another unit of local
546 government or state agency, notice of such election shall be
547 given by an advertisement published once a week for 2
548 consecutive weeks in a newspaper of general circulation in the
549 county where the property was found if the value of the property
550 is more than \$100. If the value of the property is \$100 or less,

551 notice shall be given by posting a description of the property
552 at the law enforcement agency where the property was turned in.
553 The notice must be posted for not less than 2 consecutive weeks
554 in a public place designated by the law enforcement agency. The
555 notice must describe the property in a manner reasonably
556 adequate to permit the rightful owner of the property to claim
557 it.

558 2. If the agency elects to sell the property, it must do
559 so at public sale by competitive bidding. Notice of the time and
560 place of the sale shall be given by an advertisement of the sale
561 published once a week for 2 consecutive weeks in a newspaper of
562 general circulation in the county where the sale is to be held.
563 The notice shall include a statement that the sale shall be
564 subject to any and all liens. The sale must be held at the
565 nearest suitable place to that where the lost or abandoned
566 property is held or stored. The advertisement must include a
567 description of the goods and the time and place of the sale. The
568 sale may take place no earlier than 10 days after the final
569 publication. If there is no newspaper of general circulation in
570 the county where the sale is to be held, the advertisement shall
571 be posted at the door of the courthouse and at three other
572 public places in the county at least 10 days prior to sale.
573 Notice of the agency's intended disposition shall describe the
574 property in a manner reasonably adequate to permit the rightful
575 owner of the property to identify it.

576 | Section 14. This act shall take effect July 1, 2017. |