

1 A bill to be entitled
2 An act relating to vessels; amending s. 206.606, F.S.;
3 authorizing the use of certain funds for local boating
4 related projects and activities; amending s. 327.59, F.S.;
5 authorizing marina owners, operators, employees, and
6 agents to take actions to secure vessels during severe
7 weather and to charge fees and be held harmless for such
8 service; holding marina operators, employees, and agents
9 liable for damage caused by intentional acts or negligence
10 while removing or securing vessels; authorizing contract
11 provisions and notice relating to removing or securing
12 vessels; amending s. 327.60, F.S.; providing for local
13 regulation of anchoring within mooring fields; amending s.
14 328.64, F.S.; requiring the Department of Highway Safety
15 and Motor Vehicles to provide forms for certain
16 notification related to vessels; requiring the department
17 to provide by rule for the surrender and replacement of
18 certificates of registration to reflect change of address;
19 amending s. 328.72, F.S.; requiring counties to use funds
20 for specific boating related purposes; requiring counties
21 to provide reports demonstrating specified expenditure of
22 such funds; providing penalties for failure to comply;
23 amending s. 376.11, F.S.; authorizing the distribution of
24 revenues from the Florida Coastal Protection Trust Fund to
25 all local governments for the removal of certain vessels;
26 amending s. 376.15, F.S.; revising provisions relating to
27 the removal of abandoned and derelict vessels; specifying
28 officers authorized to remove such vessels; providing that

29 | certain costs are recoverable; requiring the Department of
30 | Legal Affairs to represent the Fish and Wildlife
31 | Conservation Commission in certain actions; expanding
32 | eligibility for disbursement of grant funds for the
33 | removal of certain vessels; amending s. 403.813, F.S.;
34 | providing exemptions from permitting, registration, and
35 | regulation of floating vessel platforms or floating boat
36 | lifts by a local government; amending s. 705.101, F.S.;
37 | revising the definition of "abandoned property" to include
38 | certain vessels; amending s. 705.103, F.S.; revising the
39 | terminology relating to abandoned or lost property to
40 | conform; amending s. 823.11, F.S.; revising provisions
41 | relating to abandoned and derelict vessels and the removal
42 | of such vessels; providing a definition of "derelict
43 | vessel"; specifying which officers may remove such
44 | vessels; directing the Fish and Wildlife Conservation
45 | Commission to implement a plan for the procurement of
46 | federal disaster funds for the removal of derelict
47 | vessels; requiring the Department of Legal Affairs to
48 | represent the commission in certain actions; deleting a
49 | provision authorizing the commission to delegate certain
50 | authority to local governments under certain
51 | circumstances; authorizing private property owners to
52 | remove certain vessels with required notice; providing
53 | that cost of such removal is recoverable; prohibiting
54 | private property owners from hindering the removal of
55 | certain vessels by vessel owners or agents; providing for
56 | jurisdictional imposition of civil penalties for

57 | violations relating to certain vessels; providing an
 58 | effective date.

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

62 | Section 1. Paragraph (b) of subsection (1) of section
 63 | 206.606, Florida Statutes, is amended to read:

64 | 206.606 Distribution of certain proceeds.--

65 | (1) Moneys collected pursuant to ss. 206.41(1)(g) and
 66 | 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
 67 | Fund. Such moneys, after deducting the service charges imposed
 68 | by s. 215.20, the refunds granted pursuant to s. 206.41, and the
 69 | administrative costs incurred by the department in collecting,
 70 | administering, enforcing, and distributing the tax, which
 71 | administrative costs may not exceed 2 percent of collections,
 72 | shall be distributed monthly to the State Transportation Trust
 73 | Fund, except that:

74 | (b) \$2.5 million shall be transferred to the State Game
 75 | Trust Fund in the Fish and Wildlife Conservation Commission in
 76 | each fiscal year and used for recreational boating activities,
 77 | and freshwater fisheries management and research. The transfers
 78 | must be made in equal monthly amounts beginning on July 1 of
 79 | each fiscal year. The commission shall annually determine where
 80 | unmet needs exist for boating-related activities, and may fund
 81 | such activities in counties where, due to the number of vessel
 82 | registrations, sufficient financial resources are unavailable.

83 | 1. A minimum of \$1.25 million shall be used to fund local
 84 | projects to provide recreational channel marking and other

85 uniform waterway markers, public boat ramps, lifts, and hoists,
 86 marine railways, and other, public launching facilities,
 87 derelict vessel removal aquatic plant control, and other local
 88 boating related activities. In funding the projects, the
 89 commission shall give priority consideration as follows:

90 a. Unmet needs in counties with populations of 100,000 or
 91 less.

92 b. Unmet needs in coastal counties with a high level of
 93 boating related activities from individuals residing in other
 94 counties.

95 2. The remaining \$1.25 million may be used for
 96 recreational boating activities and freshwater fisheries
 97 management and research.

98 3. The commission is authorized to adopt rules pursuant to
 99 ss. 120.536(1) and 120.54 to implement a Florida Boating
 100 Improvement Program ~~similar to the program administered by the~~
 101 ~~Department of Environmental Protection and established in rules~~
 102 ~~62D 5.031—62D 5.036, Florida Administrative Code, to determine~~
 103 ~~projects eligible for funding under this subsection.~~

104
 105 On February 1 of each year, the commission shall file an annual
 106 report with the President of the Senate and the Speaker of the
 107 House of Representatives outlining the status of its Florida
 108 Boating Improvement Program, including the projects funded, and
 109 a list of counties whose needs are unmet due to insufficient
 110 financial resources from vessel registration fees.

111 Section 2. Section 327.59, Florida Statutes, is amended to
 112 read:

113 327.59 Marina evacuations.--

114 (1) After June 1, 1994, marinas may not adopt, maintain,
 115 or enforce policies pertaining to evacuation of vessels which
 116 require vessels to be removed from marinas following the
 117 issuance of a hurricane watch or warning, in order to ensure
 118 that protecting the lives and safety of vessel owners is placed
 119 before interests of protecting property.

120 (2) Nothing in this section may be construed to restrict
 121 the ability of an owner of a vessel or the owner's authorized
 122 representative to remove a vessel voluntarily from a marina at
 123 any time or to restrict a marina owner from dictating the kind
 124 of cleats, ropes, fenders, and other measures that must be used
 125 on vessels as a condition of use of a marina. After a tropical
 126 storm or hurricane watch has been issued, a marina owner or
 127 operator, or an employee or agent of such owner or operator, may
 128 take reasonable actions to further secure any vessel within the
 129 marina to minimize damage to a vessel and to protect marina
 130 property, private property, and the environment and may charge a
 131 reasonable fee for such services.

132 (3) Notwithstanding any other provisions of this section,
 133 in order to minimize damage to a vessel and to protect marina
 134 property, private property, and the environment, a marina owner
 135 may provide by contract that in the event a vessel owner fails
 136 to promptly remove a vessel from a marina after a tropical storm
 137 or hurricane watch has been issued, the marina owner, operator,
 138 employee, or agent may remove the vessel, if reasonable, from
 139 its slip or take whatever reasonable actions are deemed
 140 necessary to properly secure a vessel to minimize damage to a

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141 vessel and to protect marina property, private property, and the
142 environment and may charge the vessel owner a reasonable fee for
143 any such services rendered. In order to add such a provision to
144 a contract, the marina owner must provide notice to the vessel
145 owner in any such contract in a font size of at least 10 points
146 and in substantially the following form:

147
148 NOTICE TO VESSEL OWNER

149
150 The undersigned hereby informs you that in the event you fail to
151 remove your vessel from the marina promptly (timeframe to be
152 determined between the marina owner or operator and the vessel
153 owner) after the issuance of a tropical storm or hurricane watch
154 for (insert geographic area), Florida, under Florida law, the
155 undersigned or his or her employees or agents are authorized to
156 remove your vessel, if feasible, from its slip or take any and
157 all other reasonable actions deemed appropriate by the
158 undersigned or his or her employees or agents in order to better
159 secure your vessel and to protect marina property, private
160 property, and the environment. You are further notified that you
161 may be charged a reasonable fee for any such action.

162 (4) A marina owner, operator, employee, or agent shall not
163 be held liable for any damage incurred to a vessel from storms
164 or hurricanes and is held harmless as a result of such actions.
165 Nothing in this section may be construed to provide immunity to
166 a marina operator, employee, or agent for any damage caused by
167 intentional acts or negligence when removing or securing a
168 vessel as permitted under this section.

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169 Section 3. Subsection (2) of section 327.60, Florida
 170 Statutes, is amended to read:

171 327.60 Local regulations; limitations.--

172 (2) Nothing contained in the provisions of this section
 173 shall be construed to prohibit local governmental authorities
 174 from the enactment or enforcement of regulations which prohibit
 175 or restrict the mooring or anchoring of floating structures or
 176 live-aboard vessels within their jurisdictions or of any vessels
 177 within the marked boundaries of mooring fields permitted as
 178 provided in s. 327.40. However, local governmental authorities
 179 are prohibited from regulating the anchoring outside of such
 180 mooring fields ~~anchorage~~ of non-live-aboard vessels ~~engaged~~ in
 181 ~~the exercise of rights of~~ navigation.

182 Section 4. Section 328.64, Florida Statutes, is amended to
 183 read:

184 328.64 Change of interest and address.--

185 (1) The owner shall furnish the Department of Highway
 186 Safety and Motor Vehicles notice of the transfer of all or any
 187 part of his or her interest in a vessel registered or titled in
 188 this state pursuant to this chapter or chapter 328 or of the
 189 destruction or abandonment of such vessel, within 30 days
 190 thereof, on a form prescribed by the department. Such transfer,
 191 destruction, or abandonment shall terminate the certificate for
 192 such vessel, except that in the case of a transfer of a part
 193 interest which does not affect the owner's right to operate such
 194 vessel, such transfer shall not terminate the certificate. The
 195 department shall provide the form for such notice and shall
 196 attach the form to every vessel title issued or reissued.

197 (2) Any holder of a certificate of registration shall
 198 notify the Department of Highway Safety and Motor Vehicles or
 199 the county tax collector within 30 days, if his or her address
 200 no longer conforms to the address appearing on the certificate
 201 and shall, as a part of such notification, furnish the
 202 department or such county tax collector with the new address.
 203 The department shall ~~may~~ provide in its rules and regulations
 204 for the surrender of the certificate bearing the former address
 205 and its replacement with a certificate bearing the new address
 206 or for the alteration of an outstanding certificate to show the
 207 new address of the holder.

208 Section 5. Subsection (15) of section 328.72, Florida
 209 Statutes, is amended to read:

210 328.72 Classification; registration; fees and charges;
 211 surcharge; disposition of fees; fines; marine turtle stickers.--

212 (15) DISTRIBUTION OF FEES.--Except for the first \$2, \$1 of
 213 which shall be remitted to the state for deposit into the Save
 214 the Manatee Trust Fund created within the Fish and Wildlife
 215 Conservation Commission and \$1 of which shall be remitted to the
 216 state for deposit into the Marine Resources Conservation Trust
 217 Fund to fund a grant program for public launching facilities,
 218 pursuant to s. 327.47, giving priority consideration to counties
 219 with more than 35,000 registered vessels, moneys designated for
 220 the use of the counties, as specified in subsection (1), shall
 221 be distributed by the tax collector to the board of county
 222 commissioners for use only as provided in this section. Such
 223 moneys to be returned to the counties are for the sole purposes
 224 of providing recreational channel marking and other uniform

225 waterway markers, public boat ramps, lifts, and hoists, marine
 226 railways, and other public launching facilities, derelict vessel
 227 removal, and ~~other boating-related activities, for~~ removal of
 228 vessels and floating structures deemed a hazard to public safety
 229 and health for failure to comply with s. 327.53, ~~and for manatee~~
 230 ~~and marine mammal protection and recovery.~~ Counties shall that
 231 demonstrate through an annual detailed accounting report of
 232 vessel registration revenues that ~~at least \$1 of the~~
 233 registration fees were spent as provided in this subsection ~~on~~
 234 ~~boating infrastructure shall only be required to transfer the~~
 235 ~~first \$1 of the fees to the Save the Manatee Trust Fund.~~ This
 236 report shall be provided to the Fish and Wildlife Conservation
 237 Commission no later than November 1 of each year. If, prior to
 238 January 1 of each calendar year, the annual detailed accounting
 239 report meeting the prescribed criteria has still not been
 240 provided to the commission, the tax collector of that county
 241 shall not distribute the moneys designated for the use of
 242 counties, as specified in subsection (1), to the board of county
 243 commissioners but shall, instead, for the next calendar year,
 244 remit such moneys to the state for deposit into the Marine
 245 Resources Conservation Trust Fund. The commission shall return
 246 those moneys to the county if the county fully complies with
 247 this section within that calendar year. If the county does not
 248 fully comply with this section within that calendar year, the
 249 moneys shall remain within the Marine Resources Trust Fund and
 250 may be appropriated for the purposes specified in this
 251 subsection ~~The commission shall provide an exemption letter to~~

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252 ~~the department by December 15 of each year for qualifying~~
 253 ~~counties.~~

254 Section 6. Paragraph (g) of subsection (4) of section
 255 376.11, Florida Statutes, is amended to read:

256 376.11 Florida Coastal Protection Trust Fund.--

257 (4) Moneys in the Florida Coastal Protection Trust Fund
 258 shall be disbursed for the following purposes and no others:

259 (g) The funding of a grant program to ~~coastal~~ local
 260 governments, pursuant to s. 376.15(2)(b) and (c), for the
 261 removal of derelict vessels from the public waters of the state.

262 Section 7. Section 376.15, Florida Statutes, is amended to
 263 read:

264 376.15 Derelict vessels; removal from public waters.--

265 (1) It is unlawful for any person, firm, or corporation to
 266 store, leave, or abandon any derelict vessel as defined in s.
 267 823.11(1) in this state ~~or leave any vessel in a wrecked,~~
 268 ~~junked, or substantially dismantled condition or abandoned upon~~
 269 ~~any public waters or at any port in this state without the~~
 270 ~~consent of the agency having jurisdiction thereof or docked at~~
 271 ~~any private property without the consent of the owner of the~~
 272 ~~private property.~~

273 (2)(a) The Fish and Wildlife Conservation Commission and
 274 its officers and all law enforcement officers as specified in s.
 275 327.70 are ~~is hereby designated as the agency of the state~~
 276 authorized and empowered to remove any derelict vessel as
 277 defined in s. 823.11(1) ~~described in subsection (1)~~ from public
 278 waters. All costs incurred by the commission or other law
 279 enforcement agency in the removal of any abandoned or derelict

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280 vessel shall be recoverable against the owner of the vessel. The
281 Department of Legal Affairs shall represent the commission in
282 such actions.

283 (b) The commission may establish a program to provide
284 grants to ~~coastal~~ local governments for the removal of derelict
285 vessels from the public waters of the state. The program shall
286 be funded from the Florida Coastal Protection Trust Fund.
287 Notwithstanding the provisions in s. 216.181(11), funds
288 available for grants may only be authorized by appropriations
289 acts of the Legislature.

290 (c) The commission shall adopt by rule procedures for
291 submitting a grant application and criteria for allocating
292 available funds. Such criteria shall include, but not be limited
293 to, the following:

294 1. The number of derelict vessels within the jurisdiction
295 of the applicant.

296 2. The threat posed by such vessels to public health or
297 safety, the environment, navigation, or the aesthetic condition
298 of the general vicinity.

299 3. The degree of commitment of the local government to
300 maintain waters free of abandoned and derelict vessels and to
301 seek legal action against those who abandon vessels in the
302 waters of the state.

303 (d) This section shall constitute the authority ~~of the~~
304 ~~commission~~ for such removal, but is not intended to be in
305 contravention of any applicable federal act.

306 ~~(e) The Department of Legal Affairs shall represent the~~
307 ~~Fish and Wildlife Conservation Commission in such actions.~~

308 Section 8. Paragraph (s) of subsection (2) of section
 309 403.813, Florida Statutes, is amended to read:

310 403.813 Permits issued at district centers; exceptions.--

311 (2) A permit is not required under this chapter, chapter
 312 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 313 chapter 25270, 1949, Laws of Florida, for activities associated
 314 with the following types of projects; however, except as
 315 otherwise provided in this subsection, nothing in this
 316 subsection relieves an applicant from any requirement to obtain
 317 permission to use or occupy lands owned by the Board of Trustees
 318 of the Internal Improvement Trust Fund or any water management
 319 district in its governmental or proprietary capacity or from
 320 complying with applicable local pollution control programs
 321 authorized under this chapter or other requirements of county
 322 and municipal governments:

323 (s) The construction, installation, operation, or
 324 maintenance of floating vessel platforms or floating boat lifts,
 325 provided that such structures:

326 1. Float at all times in the water for the sole purpose of
 327 supporting a vessel so that the vessel is out of the water when
 328 not in use;

329 2. Are wholly contained within a boat slip previously
 330 permitted under ss. 403.91-403.929, 1984 Supplement to the
 331 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 332 do not exceed a combined total of 500 square feet, or 200 square
 333 feet in an Outstanding Florida Water, when associated with a
 334 dock that is exempt under this subsection or associated with a
 335 permitted dock with no defined boat slip or attached to a

336 bulkhead on a parcel of land where there is no other docking
 337 structure, do not exceed a combined total of 500 square feet, or
 338 200 square feet in an Outstanding Florida Water;

339 3. Are not used for any commercial purpose or for mooring
 340 vessels that remain in the water when not in use, and do not
 341 substantially impede the flow of water, create a navigational
 342 hazard, or unreasonably infringe upon the riparian rights of
 343 adjacent property owners, as defined in s. 253.141;

344 4. Are constructed and used so as to minimize adverse
 345 impacts to submerged lands, wetlands, shellfish areas, aquatic
 346 plant and animal species, and other biological communities,
 347 including locating such structures in areas where ~~no~~ seagrasses
 348 are least dense exist if such areas are present adjacent to the
 349 dock or bulkhead; and

350 5. Are not constructed in areas specifically prohibited
 351 for boat mooring under conditions of a permit issued in
 352 accordance with ss. 403.91-403.929, 1984 Supplement to the
 353 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 354 other form of authorization issued by a local government.

355
 356 Structures that qualify for this exemption are relieved from any
 357 requirement to obtain permission to use or occupy lands owned by
 358 the Board of Trustees of the Internal Improvement Trust Fund and
 359 shall not be subject to any permitting requirements,
 360 registration requirements, or other more stringent regulation by
 361 any local government. The exemption provided in this paragraph
 362 shall be in addition to the exemption provided in paragraph (b).
 363 ~~By January 1, 2003,~~ The department shall adopt a general permit

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364 by rule for the construction, installation, operation, or
 365 maintenance of those floating vessel platforms or floating boat
 366 lifts that do not qualify for the exemption provided in this
 367 paragraph but do not cause significant adverse impacts to occur
 368 individually or cumulatively. The issuance of such general
 369 permit shall also constitute permission to use or occupy lands
 370 owned by the Board of Trustees of the Internal Improvement Trust
 371 Fund. ~~Upon the adoption of the rule creating such general~~
 372 ~~permit,~~ No local government shall impose a more stringent
 373 regulation, permitting requirement, or registration requirement
 374 on floating vessel platforms or floating boat lifts covered by
 375 such general permit.

376 Section 9. Subsection (3) of section 705.101, Florida
 377 Statutes, is amended to read:

378 705.101 Definitions.--As used in this chapter:

379 (3) "Abandoned property" means all tangible personal
 380 property that does not have an identifiable owner and that has
 381 been disposed on public property in a wrecked, inoperative, or
 382 partially dismantled condition or has no apparent intrinsic
 383 value to the rightful owner. The term includes derelict vessels
 384 ~~as defined in s. 823.11(1) Vessels determined to be derelict by~~
 385 ~~the Fish and Wildlife Conservation Commission or a county or~~
 386 ~~municipality in accordance with the provisions of s. 823.11 are~~
 387 ~~included within this definition.~~

388 Section 10. Subsection (4) of section 705.103, Florida
 389 Statutes, is amended to read:

390 705.103 Procedure for abandoned or lost property.--

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391 (4) The owner of any abandoned or lost property who, after
 392 notice as provided in this section, does not remove such
 393 property within the specified period shall be liable to the law
 394 enforcement agency for all costs of removal, storage, and
 395 destruction of such property, less any salvage value obtained by
 396 disposal of the property. Upon final disposition of the
 397 property, the law enforcement officer shall notify the owner, if
 398 known, of the amount owed. In the case of an abandoned vessel
 399 ~~boat~~ or motor vehicle, any person who neglects or refuses to pay
 400 such amount is not entitled to be issued a certificate of
 401 registration for such vessel ~~boat~~ or motor vehicle, or any other
 402 vessel ~~boat~~ or motor vehicle, until such costs have been paid.
 403 The law enforcement officer shall supply the Department of
 404 Highway Safety and Motor Vehicles with a list of persons whose
 405 vessel ~~boat~~ registration privileges or whose motor vehicle
 406 privileges have been revoked under this subsection. Neither the
 407 department nor any other person acting as agent thereof shall
 408 issue a certificate of registration to a person whose vessel
 409 ~~boat~~ or motor vehicle registration privileges have been revoked,
 410 as provided by this subsection, until such costs have been paid.

411 Section 11. Section 823.11, Florida Statutes, is amended
 412 to read:

413 823.11 Abandoned and derelict vessels; removal; penalty.--

414 (1) "Derelict vessel" means any vessel, as defined in s.
 415 327.02, that is left stored or abandoned:

416 (a) In a wrecked, junked, or substantially dismantled
 417 condition upon any public waters of this state.

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418 (b) At any port in this state without the consent of the
419 agency having jurisdiction thereof.

420 (c) Docked or grounded at or beached upon the property of
421 another without the consent of the owner of the property.

422 (2) It is unlawful for any person, firm, or corporation to
423 store, leave, or abandon any derelict vessel as defined in this
424 section in this state ~~or leave any vessel as defined by maritime~~
425 ~~law in a wrecked, junked, or substantially dismantled condition~~
426 ~~or abandoned upon or in any public water or at any port in this~~
427 ~~state without the consent of the agency having jurisdiction~~
428 ~~thereof, or docked at any private property without the consent~~
429 ~~of the owner of such property.~~

430 (3) (a) ~~(2)~~ The Fish and Wildlife Conservation Commission
431 and its officers and all law enforcement officers as specified
432 in s. 327.70 are is designated as the agency of the state
433 authorized and empowered to remove or cause to be removed any
434 abandoned or derelict vessel from public waters in any instance
435 when the same obstructs or threatens to obstruct navigation or
436 in any way constitutes a danger to the environment. Removal of
437 vessels pursuant to this section may be funded by grants
438 provided in ss. 206.606 and 376.15. The Fish and Wildlife
439 Conservation Commission is directed to implement a plan for the
440 procurement of any available federal disaster funds and to use
441 such funds for the removal of derelict vessels. All costs
442 incurred by the commission or other law enforcement agency in
443 the removal of any abandoned or derelict vessel as set out above
444 shall be recoverable against the owner thereof. The Department
445 of Legal Affairs shall represent the commission in such actions.

446 As provided in s. 705.103(4), any person who neglects or refuses
 447 to pay such amount is not entitled to be issued a certificate of
 448 registration for such vessel or for any other vessel or motor
 449 vehicle until the costs have been paid.

450 (b) When a derelict vessel is docked or grounded at or
 451 beached upon private property without the consent of the owner
 452 of the property, the owner of the property may remove the vessel
 453 at the vessel owner's expense 60 days after compliance with the
 454 notice requirements specified in s. 328.17(5). The private
 455 property owner may not hinder reasonable efforts by the vessel
 456 owner or agent to remove the vessel. Any notice given pursuant
 457 to this paragraph shall be presumed delivered when it is
 458 deposited with the United States Postal Service, certified, and
 459 properly addressed with prepaid postage. Pursuant to an
 460 agreement with the governing body of a county or municipality,
 461 and upon a finding by the commission that the county or
 462 municipality is competent to undertake said responsibilities,
 463 the commission may delegate to the county or municipality its
 464 authority to remove or cause to be removed an abandoned or
 465 derelict vessel from public waters within the county or
 466 municipality.

467 (4)(3) Any person, firm, or corporation violating this act
 468 commits is guilty of a misdemeanor of the first degree and shall
 469 be punished as provided by law. Conviction under this section
 470 shall not bar the assessment and collection of the civil penalty
 471 provided in s. 376.16 for violation of s. 376.15. The court
 472 having jurisdiction over the criminal offense, notwithstanding
 473 any jurisdictional limitations on the amount in controversy, may

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474 order the imposition of such civil penalty in addition to any
475 sentence imposed for the first criminal offense.

476 Section 12. This act shall take effect July 1, 2006.