

CHAMBER ACTION

1 The State Resources Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to vessels; amending s. 206.606, F.S.;
7 authorizing the use of certain funds for local boating
8 related projects and activities; amending s. 327.59, F.S.;
9 authorizing marina owners, operators, employees, and
10 agents to take actions to secure vessels during severe
11 weather and to charge fees and be held harmless for such
12 service; holding marina operators, employees, and agents
13 liable for damage caused by intentional acts or negligence
14 while removing or securing vessels; authorizing contract
15 provisions and providing contract notice requirements
16 relating to removing or securing vessels; amending s.
17 327.60, F.S.; providing for local regulation of anchoring
18 within mooring fields; amending s. 328.64, F.S.; requiring
19 the Department of Highway Safety and Motor Vehicles to
20 provide forms for certain notification related to vessels;
21 requiring the department to provide by rule for the
22 surrender and replacement of certificates of registration
23 to reflect change of address; amending s. 328.72, F.S.;

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24 requiring counties to use funds for specific boating
25 related purposes; requiring counties to provide reports
26 demonstrating specified expenditure of such funds;
27 providing penalties for failure to comply; amending s.
28 376.11, F.S.; authorizing the distribution of revenues
29 from the Florida Coastal Protection Trust Fund to all
30 local governments for the removal of certain vessels;
31 amending s. 376.15, F.S.; revising provisions relating to
32 the removal of abandoned and derelict vessels; specifying
33 officers authorized to remove such vessels; providing that
34 certain costs are recoverable; requiring the Department of
35 Legal Affairs to represent the Fish and Wildlife
36 Conservation Commission in certain actions; expanding
37 eligibility for disbursement of grant funds for the
38 removal of certain vessels; amending s. 403.813, F.S.;
39 providing exemptions from permitting, registration, and
40 regulation of floating vessel platforms or floating boat
41 lifts by a local government; authorizing local governments
42 to require certain permits or registration for floating
43 vessel platforms or floating boat lifts under certain
44 circumstances; amending s. 705.101, F.S.; revising the
45 definition of "abandoned property" to include certain
46 vessels; amending s. 705.103, F.S.; revising the
47 terminology relating to abandoned or lost property to
48 conform; amending s. 823.11, F.S.; revising provisions
49 relating to abandoned and derelict vessels and the removal
50 of such vessels; providing a definition of "derelict
51 vessel"; specifying which officers may remove such

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52 | vessels; directing the Fish and Wildlife Conservation
 53 | Commission to implement a plan for the procurement of
 54 | federal disaster funds for the removal of derelict
 55 | vessels; requiring the Department of Legal Affairs to
 56 | represent the commission in certain actions; deleting a
 57 | provision authorizing the commission to delegate certain
 58 | authority to local governments under certain
 59 | circumstances; authorizing private property owners to
 60 | remove certain vessels with required notice; providing
 61 | that cost of such removal is recoverable; prohibiting
 62 | private property owners from hindering the removal of
 63 | certain vessels by vessel owners or agents; providing for
 64 | jurisdictional imposition of civil penalties for
 65 | violations relating to certain vessels; providing an
 66 | effective date.

67 |

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

69 |

70 | Section 1. Paragraph (b) of subsection (1) of section
 71 | 206.606, Florida Statutes, is amended to read:

72 | 206.606 Distribution of certain proceeds.--

73 | (1) Moneys collected pursuant to ss. 206.41(1)(g) and
 74 | 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
 75 | Fund. Such moneys, after deducting the service charges imposed
 76 | by s. 215.20, the refunds granted pursuant to s. 206.41, and the
 77 | administrative costs incurred by the department in collecting,
 78 | administering, enforcing, and distributing the tax, which
 79 | administrative costs may not exceed 2 percent of collections,

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80 shall be distributed monthly to the State Transportation Trust
81 Fund, except that:

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

91 1. A minimum of \$1.25 million shall be used to fund local
92 projects to provide recreational channel marking and other
93 uniform waterway markers, public boat ramps, lifts, and hoists,
94 marine railways, and other public launching facilities, derelict
95 vessel removal ~~aquatic plant control~~, and other local boating
96 related activities. In funding the projects, the commission
97 shall give priority consideration as follows:

98 a. Unmet needs in counties with populations of 100,000 or
99 less.

100 b. Unmet needs in coastal counties with a high level of
101 boating related activities from individuals residing in other
102 counties.

103 2. The remaining \$1.25 million may be used for
104 recreational boating activities and freshwater fisheries
105 management and research.

106 3. The commission is authorized to adopt rules pursuant to
107 ss. 120.536(1) and 120.54 to implement a Florida Boating

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108 | ~~Improvement Program similar to the program administered by the~~
109 | ~~Department of Environmental Protection and established in rules~~
110 | ~~62D-5.031 — 62D-5.036, Florida Administrative Code, to determine~~
111 | ~~projects eligible for funding under this subsection.~~

112

113 | On February 1 of each year, the commission shall file an annual
114 | report with the President of the Senate and the Speaker of the
115 | House of Representatives outlining the status of its Florida
116 | Boating Improvement Program, including the projects funded, and
117 | a list of counties whose needs are unmet due to insufficient
118 | financial resources from vessel registration fees.

119 | Section 2. Section 327.59, Florida Statutes, is amended to
120 | read:

121 | 327.59 Marina evacuations.--

122 | (1) After June 1, 1994, marinas may not adopt, maintain,
123 | or enforce policies pertaining to evacuation of vessels which
124 | require vessels to be removed from marinas following the
125 | issuance of a hurricane watch or warning, in order to ensure
126 | that protecting the lives and safety of vessel owners is placed
127 | before interests of protecting property.

128 | (2) Nothing in this section may be construed to restrict
129 | the ability of an owner of a vessel or the owner's authorized
130 | representative to remove a vessel voluntarily from a marina at
131 | any time or to restrict a marina owner from dictating the kind
132 | of cleats, ropes, fenders, and other measures that must be used
133 | on vessels as a condition of use of a marina. After a tropical
134 | storm or hurricane watch has been issued, a marina owner or
135 | operator, or an employee or agent of such owner or operator, may

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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136 take reasonable actions to further secure any vessel within the
137 marina to minimize damage to a vessel and to protect marina
138 property, private property, and the environment and may charge a
139 reasonable fee for such services.

140 (3) Notwithstanding any other provisions of this section,
141 in order to minimize damage to a vessel and to protect marina
142 property, private property, and the environment, a marina owner
143 may provide by contract that in the event a vessel owner fails
144 to promptly remove a vessel from a marina after a tropical storm
145 or hurricane watch has been issued, the marina owner, operator,
146 employee, or agent may remove the vessel, if reasonable, from
147 its slip or take whatever reasonable actions are deemed
148 necessary to properly secure a vessel to minimize damage to a
149 vessel and to protect marina property, private property, and the
150 environment and may charge the vessel owner a reasonable fee for
151 any such services rendered. In order to add such a provision to
152 a contract, the marina owner must provide notice to the vessel
153 owner in any such contract in a font size of at least 10 points
154 and in substantially the following form:

155
156 NOTICE TO VESSEL OWNER

157
158 The undersigned hereby informs you that in the event you fail to
159 remove your vessel from the marina promptly (timeframe to be
160 determined between the marina owner or operator and the vessel
161 owner) after the issuance of a tropical storm or hurricane watch
162 for (insert geographic area), Florida, under Florida law, the
163 undersigned or his or her employees or agents are authorized to

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164 remove your vessel, if reasonable, from its slip or take any and
 165 all other reasonable actions deemed appropriate by the
 166 undersigned or his or her employees or agents in order to better
 167 secure your vessel and to protect marina property, private
 168 property, and the environment. You are further notified that you
 169 may be charged a reasonable fee for any such action.

170 (4) A marina owner, operator, employee, or agent shall not
 171 be held liable for any damage incurred to a vessel from storms
 172 or hurricanes and is held harmless as a result of such actions.
 173 Nothing in this section may be construed to provide immunity to
 174 a marina operator, employee, or agent for any damage caused by
 175 intentional acts or negligence when removing or securing a
 176 vessel as permitted under this section.

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

179 327.60 Local regulations; limitations.--

180 (2) Nothing contained in the provisions of this section
 181 shall be construed to prohibit local governmental authorities
 182 from the enactment or enforcement of regulations which prohibit
 183 or restrict the mooring or anchoring of floating structures or
 184 live-aboard vessels within their jurisdictions or of any vessels
 185 within the marked boundaries of mooring fields permitted as
 186 provided in s. 327.40. However, local governmental authorities
 187 are prohibited from regulating the anchoring outside of such
 188 mooring fields ~~anchorage~~ of non-live-aboard vessels ~~engaged~~ in
 189 ~~the exercise of rights of navigation.~~

190 Section 4. Section 328.64, Florida Statutes, is amended to
 191 read:

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192 328.64 Change of interest and address.--

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

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

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

218 328.72 Classification; registration; fees and charges;
 219 surcharge; disposition of fees; fines; marine turtle stickers.--

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220 (15) DISTRIBUTION OF FEES.--Except for the first \$2, \$1 of
221 which shall be remitted to the state for deposit into the Save
222 the Manatee Trust Fund created within the Fish and Wildlife
223 Conservation Commission and \$1 of which shall be remitted to the
224 state for deposit into the Marine Resources Conservation Trust
225 Fund to fund a grant program for public launching facilities,
226 pursuant to s. 206.606 ~~327.47~~, giving priority consideration to
227 counties with more than 35,000 registered vessels, moneys
228 designated for the use of the counties, as specified in
229 subsection (1), shall be distributed by the tax collector to the
230 board of county commissioners for use only as provided in this
231 section. Such moneys to be returned to the counties are for the
232 sole purposes of providing recreational channel marking and
233 other uniform waterway markers, public boat ramps, lifts, and
234 hoists, marine railways, and other public launching facilities,
235 derelict vessel removal, and ~~other boating related activities,~~
236 ~~for~~ removal of vessels and floating structures deemed a hazard
237 to public safety and health for failure to comply with s.
238 ~~327.53, and for manatee and marine mammal protection and~~
239 ~~recovery~~. Counties shall ~~that~~ demonstrate through an annual
240 detailed accounting report of vessel registration revenues that
241 ~~at least \$1 of~~ the registration fees were spent as provided in
242 this subsection ~~on boating infrastructure shall only be required~~
243 ~~to transfer the first \$1 of the fees to the Save the Manatee~~
244 ~~Trust Fund~~. This report shall be provided to the Fish and
245 Wildlife Conservation Commission no later than November 1 of
246 each year. If, prior to January 1 of each calendar year, the
247 annual detailed accounting report meeting the prescribed

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248 criteria has still not been provided to the commission, the tax
 249 collector of that county shall not distribute the moneys
 250 designated for the use of counties, as specified in subsection
 251 (1), to the board of county commissioners but shall, instead,
 252 for the next calendar year, remit such moneys to the state for
 253 deposit into the Marine Resources Conservation Trust Fund. The
 254 commission shall return those moneys to the county if the county
 255 fully complies with this section within that calendar year. If
 256 the county does not fully comply with this section within that
 257 calendar year, the moneys shall remain within the Marine
 258 Resources Trust Fund and may be appropriated for the purposes
 259 specified in this subsection ~~The commission shall provide an~~
 260 ~~exemption letter to the department by December 15 of each year~~
 261 ~~for qualifying counties.~~

262 Section 6. Paragraph (g) of subsection (4) of section
 263 376.11, Florida Statutes, is amended to read:

264 376.11 Florida Coastal Protection Trust Fund.--

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

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

270 Section 7. Section 376.15, Florida Statutes, is amended to
 271 read:

272 376.15 Derelict vessels; removal from public waters.--

273 (1) It is unlawful for any person, firm, or corporation to
 274 store, leave, or abandon any derelict vessel as defined in s.
 275 823.11(1) in this state ~~or leave any vessel in a wrecked,~~

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276 | ~~junked, or substantially dismantled condition or abandoned upon~~
277 | ~~any public waters or at any port in this state without the~~
278 | ~~consent of the agency having jurisdiction thereof or docked at~~
279 | ~~any private property without the consent of the owner of the~~
280 | ~~private property.~~

281 | (2) (a) The Fish and Wildlife Conservation Commission and
282 | its officers and all law enforcement officers as specified in s.
283 | 327.70 are ~~is hereby designated as the agency of the state~~
284 | ~~authorized and empowered to remove any derelict vessel as~~
285 | defined in s. 823.11(1) described in subsection (1) from public
286 | waters. All costs incurred by the commission or other law
287 | enforcement agency in the removal of any abandoned or derelict
288 | vessel shall be recoverable against the owner of the vessel. The
289 | Department of Legal Affairs shall represent the commission in
290 | such actions.

291 | (b) The commission may establish a program to provide
292 | grants to ~~coastal~~ local governments for the removal of derelict
293 | vessels from the public waters of the state. The program shall
294 | be funded from the Florida Coastal Protection Trust Fund.
295 | Notwithstanding the provisions in s. 216.181(11), funds
296 | available for grants may only be authorized by appropriations
297 | acts of the Legislature.

298 | (c) The commission shall adopt by rule procedures for
299 | submitting a grant application and criteria for allocating
300 | available funds. Such criteria shall include, but not be limited
301 | to, the following:

302 | 1. The number of derelict vessels within the jurisdiction
303 | of the applicant.

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304 2. The threat posed by such vessels to public health or
305 safety, the environment, navigation, or the aesthetic condition
306 of the general vicinity.

307 3. The degree of commitment of the local government to
308 maintain waters free of abandoned and derelict vessels and to
309 seek legal action against those who abandon vessels in the
310 waters of the state.

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

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

316 Section 8. Paragraph (s) of subsection (2) of section
317 403.813, Florida Statutes, is amended to read:

318 403.813 Permits issued at district centers; exceptions.--

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

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331 (s) The construction, installation, operation, or
332 maintenance of floating vessel platforms or floating boat lifts,
333 provided that such structures:

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

337 2. Are wholly contained within a boat slip previously
338 permitted under ss. 403.91-403.929, 1984 Supplement to the
339 Florida Statutes 1983, as amended, or part IV of chapter 373, or
340 do not exceed a combined total of 500 square feet, or 200 square
341 feet in an Outstanding Florida Water, when associated with a
342 dock that is exempt under this subsection or associated with a
343 permitted dock with no defined boat slip or attached to a
344 bulkhead on a parcel of land where there is no other docking
345 structure, ~~do not exceed a combined total of 500 square feet, or~~
346 ~~200 square feet in an Outstanding Florida Water;~~

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

352 4. Are constructed and used so as to minimize adverse
353 impacts to submerged lands, wetlands, shellfish areas, aquatic
354 plant and animal species, and other biological communities,
355 including locating such structures in areas where ~~no~~ seagrasses
356 are least dense exist if such areas are present adjacent to the
357 dock or bulkhead; and

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

363
364 Structures that qualify for this exemption are relieved from any
365 requirement to obtain permission to use or occupy lands owned by
366 the Board of Trustees of the Internal Improvement Trust Fund and
367 shall not be subject to any more stringent permitting
368 requirements, registration requirements, or other regulation by
369 any local government. Local governments may require either
370 permitting or one-time registration of floating vessel platforms
371 as necessary to ensure compliance with the exemption criteria in
372 this section; to ensure compliance with local ordinances, codes,
373 or regulations relating to building or zoning, which are no more
374 stringent than the exemption criteria in this section; and to
375 ensure proper installation and maintenance of a floating vessel
376 platform or floating boat lift that is proposed to be attached
377 to a bulkhead or parcel of land where there is no other docking
378 structure. The exemption provided in this paragraph shall be in
379 addition to the exemption provided in paragraph (b). ~~By January~~
380 ~~1, 2003,~~ The department shall adopt a general permit by rule for
381 the construction, installation, operation, or maintenance of
382 those floating vessel platforms or floating boat lifts that do
383 not qualify for the exemption provided in this paragraph but do
384 not cause significant adverse impacts to occur individually or
385 cumulatively. The issuance of such general permit shall also

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386 constitute permission to use or occupy lands owned by the Board
387 of Trustees of the Internal Improvement Trust Fund. ~~Upon the~~
388 ~~adoption of the rule creating such general permit,~~ No local
389 government shall impose a more stringent regulation, permitting
390 requirement, registration requirement, or other regulation
391 covered by such general permit. Local governments may require
392 either permitting or one-time registration of floating vessel
393 platforms as necessary to ensure compliance with the general
394 permit in this section; to ensure compliance with local
395 ordinances, codes, or regulations relating to building or zoning
396 that are no more stringent than the general permit in this
397 section; and to ensure proper installation and maintenance of a
398 floating vessel platform or floating boat lift that is proposed
399 to be attached to a bulkhead or parcel of land where there is no
400 other docking structure on floating vessel platforms or floating
401 ~~boat lifts covered by such general permit.~~

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

404 705.101 Definitions.--As used in this chapter:

405 (3) "Abandoned property" means all tangible personal
406 property that does not have an identifiable owner and that has
407 been disposed on public property in a wrecked, inoperative, or
408 partially dismantled condition or has no apparent intrinsic
409 value to the rightful owner. The term includes derelict vessels
410 as defined in s. 823.11(1) ~~Vessels determined to be derelict by~~
411 ~~the Fish and Wildlife Conservation Commission or a county or~~
412 ~~municipality in accordance with the provisions of s. 823.11 are~~
413 ~~included within this definition.~~

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

416 705.103 Procedure for abandoned or lost property.--

417 (4) The owner of any abandoned or lost property who, after
418 notice as provided in this section, does not remove such
419 property within the specified period shall be liable to the law
420 enforcement agency for all costs of removal, storage, and
421 destruction of such property, less any salvage value obtained by
422 disposal of the property. Upon final disposition of the
423 property, the law enforcement officer shall notify the owner, if
424 known, of the amount owed. In the case of an abandoned vessel
425 ~~boat~~ or motor vehicle, any person who neglects or refuses to pay
426 such amount is not entitled to be issued a certificate of
427 registration for such vessel ~~boat~~ or motor vehicle, or any other
428 vessel ~~boat~~ or motor vehicle, until such costs have been paid.
429 The law enforcement officer shall supply the Department of
430 Highway Safety and Motor Vehicles with a list of persons whose
431 vessel ~~boat~~ registration privileges or whose motor vehicle
432 privileges have been revoked under this subsection. Neither the
433 department nor any other person acting as agent thereof shall
434 issue a certificate of registration to a person whose vessel
435 ~~boat~~ or motor vehicle registration privileges have been revoked,
436 as provided by this subsection, until such costs have been paid.

437 Section 11. Section 823.11, Florida Statutes, is amended
438 to read:

439 823.11 Abandoned and derelict vessels; removal; penalty.--

440 (1) "Derelict vessel" means any vessel, as defined in s.
441 327.02, that is left stored or abandoned:

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

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

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

448 (2) It is unlawful for any person, firm, or corporation to
449 store, leave, or abandon any derelict vessel as defined in this
450 section in this state ~~or leave any vessel as defined by maritime~~
451 ~~law in a wrecked, junked, or substantially dismantled condition~~
452 ~~or abandoned upon or in any public water or at any port in this~~
453 ~~state without the consent of the agency having jurisdiction~~
454 ~~thereof, or docked at any private property without the consent~~
455 ~~of the owner of such property.~~

456 (3) (a) ~~(2)~~ The Fish and Wildlife Conservation Commission
457 and its officers and all law enforcement officers as specified
458 in s. 327.70 are ~~is designated as the agency of the state~~
459 ~~authorized and empowered to remove or cause to be removed any~~
460 ~~abandoned or derelict vessel from public waters in any instance~~
461 ~~when the same obstructs or threatens to obstruct navigation or~~
462 ~~in any way constitutes a danger to the environment. Removal of~~
463 vessels pursuant to this section may be funded by grants
464 provided in ss. 206.606 and 376.15. The Fish and Wildlife
465 Conservation Commission is directed to implement a plan for the
466 procurement of any available federal disaster funds and to use
467 such funds for the removal of derelict vessels. All costs
468 incurred by the commission ~~or other law enforcement agency in~~
469 ~~the removal of any abandoned or derelict vessel as set out above~~

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470 shall be recoverable against the owner thereof. The Department
471 of Legal Affairs shall represent the commission in such actions.
472 As provided in s. 705.103(4), any person who neglects or refuses
473 to pay such amount is not entitled to be issued a certificate of
474 registration for such vessel or for any other vessel or motor
475 vehicle until the costs have been paid.

476 (b) When a derelict vessel is docked or grounded at or
477 beached upon private property without the consent of the owner
478 of the property, the owner of the property may remove the vessel
479 at the vessel owner's expense 60 days after compliance with the
480 notice requirements specified in s. 328.17(5). The private
481 property owner may not hinder reasonable efforts by the vessel
482 owner or agent to remove the vessel. Any notice given pursuant
483 to this paragraph shall be presumed delivered when it is
484 deposited with the United States Postal Service, certified, and
485 properly addressed with prepaid postage. Pursuant to an
486 agreement with the governing body of a county or municipality,
487 and upon a finding by the commission that the county or
488 municipality is competent to undertake said responsibilities,
489 the commission may delegate to the county or municipality its
490 authority to remove or cause to be removed an abandoned or
491 derelict vessel from public waters within the county or
492 municipality.

493 (4)(3) Any person, firm, or corporation violating this act
494 commits is guilty of a misdemeanor of the first degree and shall
495 be punished as provided by law. Conviction under this section
496 shall not bar the assessment and collection of the civil penalty
497 provided in s. 376.16 for violation of s. 376.15. The court

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498 | having jurisdiction over the criminal offense, notwithstanding
499 | any jurisdictional limitations on the amount in controversy, may
500 | order the imposition of such civil penalty in addition to any
501 | sentence imposed for the first criminal offense.

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