

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 providing contract notice requirements
12 relating to removing or securing vessels; amending s.
13 327.60, F.S.; providing for local regulation of anchoring
14 within mooring fields; amending s. 328.64, F.S.; requiring
15 the Department of Highway Safety and Motor Vehicles to
16 provide forms for certain notification related to vessels;
17 requiring the department to provide by rule for the
18 surrender and replacement of certificates of registration
19 to reflect change of address; amending s. 328.72, F.S.;
20 requiring counties to use funds for specific boating
21 related purposes; requiring counties to provide reports
22 demonstrating specified expenditure of such funds;
23 providing penalties for failure to comply; amending s.
24 376.11, F.S.; authorizing the distribution of revenues
25 from the Florida Coastal Protection Trust Fund to all
26 local governments for the removal of certain vessels;
27 amending s. 376.15, F.S.; revising provisions relating to

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

55 | circumstances; authorizing private property owners to
 56 | remove certain vessels with required notice; providing
 57 | that cost of such removal is recoverable; prohibiting
 58 | private property owners from hindering the removal of
 59 | certain vessels by vessel owners or agents; providing for
 60 | jurisdictional imposition of civil penalties for
 61 | violations relating to certain vessels; providing an
 62 | effective date.

63 |

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

65 |

66 | Section 1. Paragraph (b) of subsection (1) of section
 67 | 206.606, Florida Statutes, is amended to read:

68 | 206.606 Distribution of certain proceeds.--

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

78 | (b) \$2.5 million shall be transferred to the State Game
 79 | Trust Fund in the Fish and Wildlife Conservation Commission in
 80 | each fiscal year and used for recreational boating activities,
 81 | and freshwater fisheries management and research. The transfers

82 | must be made in equal monthly amounts beginning on July 1 of
 83 | each fiscal year. The commission shall annually determine where
 84 | unmet needs exist for boating-related activities, and may fund
 85 | such activities in counties where, due to the number of vessel
 86 | registrations, sufficient financial resources are unavailable.

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

94 | a. Unmet needs in counties with populations of 100,000 or
 95 | less.

96 | b. Unmet needs in coastal counties with a high level of
 97 | boating related activities from individuals residing in other
 98 | counties.

99 | 2. The remaining \$1.25 million may be used for
 100 | recreational boating activities and freshwater fisheries
 101 | management and research.

102 | 3. The commission is authorized to adopt rules pursuant to
 103 | ss. 120.536(1) and 120.54 to implement a Florida Boating
 104 | Improvement Program ~~similar to the program administered by the~~
 105 | ~~Department of Environmental Protection and established in rules~~
 106 | ~~62D-5.031 — 62D-5.036, Florida Administrative Code, to determine~~
 107 | ~~projects eligible for funding under this subsection.~~

108 |

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

115 Section 2. Section 327.59, Florida Statutes, is amended to
116 read:

117 327.59 Marina evacuations.--

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

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

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

151
152 NOTICE TO VESSEL OWNER

153
154 The undersigned hereby informs you that in the event you fail to
155 remove your vessel from the marina promptly (timeframe to be
156 determined between the marina owner or operator and the vessel
157 owner) after the issuance of a tropical storm or hurricane watch
158 for (insert geographic area), Florida, under Florida law, the
159 undersigned or his or her employees or agents are authorized to
160 remove your vessel, if reasonable, from its slip or take any and
161 all other reasonable actions deemed appropriate by the
162 undersigned or his or her employees or agents in order to better

163 secure your vessel and to protect marina property, private
164 property, and the environment. You are further notified that you
165 may be charged a reasonable fee for any such action.

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

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

175 327.60 Local regulations; limitations.--

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

186 Section 4. Section 328.64, Florida Statutes, is amended to
187 read:

188 328.64 Change of interest and address.--

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

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

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

214 328.72 Classification; registration; fees and charges;
 215 surcharge; disposition of fees; fines; marine turtle stickers.--

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

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

258 Section 6. Paragraph (g) of subsection (4) of section
 259 376.11, Florida Statutes, is amended to read:

260 376.11 Florida Coastal Protection Trust Fund.--

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

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

266 Section 7. Section 376.15, Florida Statutes, is amended to
 267 read:

268 376.15 Derelict vessels; removal from public waters.--

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

277 (2) (a) The Fish and Wildlife Conservation Commission and
278 its officers and all law enforcement officers as specified in s.
279 327.70 ~~are is hereby designated as the agency of the state~~
280 ~~authorized and empowered to remove any derelict vessel as~~
281 defined in s. 823.11(1) ~~described in subsection (1)~~ from public
282 waters. All costs incurred by the commission or other law
283 enforcement agency in the removal of any abandoned or derelict
284 vessel shall be recoverable against the owner of the vessel. The
285 Department of Legal Affairs shall represent the commission in
286 such actions.

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

294 (c) The commission shall adopt by rule procedures for
295 submitting a grant application and criteria for allocating

296 available funds. Such criteria shall include, but not be limited
 297 to, the following:

298 1. The number of derelict vessels within the jurisdiction
 299 of the applicant.

300 2. The threat posed by such vessels to public health or
 301 safety, the environment, navigation, or the aesthetic condition
 302 of the general vicinity.

303 3. The degree of commitment of the local government to
 304 maintain waters free of abandoned and derelict vessels and to
 305 seek legal action against those who abandon vessels in the
 306 waters of the state.

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

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

312 Section 8. Paragraph (s) of subsection (2) of section
 313 403.813, Florida Statutes, is amended to read:

314 403.813 Permits issued at district centers; exceptions.--

315 (2) A permit is not required under this chapter, chapter
 316 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 317 chapter 25270, 1949, Laws of Florida, for activities associated
 318 with the following types of projects; however, except as
 319 otherwise provided in this subsection, nothing in this
 320 subsection relieves an applicant from any requirement to obtain
 321 permission to use or occupy lands owned by the Board of Trustees
 322 of the Internal Improvement Trust Fund or any water management

323 district in its governmental or proprietary capacity or from
324 complying with applicable local pollution control programs
325 authorized under this chapter or other requirements of county
326 and municipal governments:

327 (s) The construction, installation, operation, or
328 maintenance of floating vessel platforms or floating boat lifts,
329 provided that such structures:

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

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

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

348 4. Are constructed and used so as to minimize adverse
349 impacts to submerged lands, wetlands, shellfish areas, aquatic

350 plant and animal species, and other biological communities,
351 including locating such structures in areas where ~~no~~ seagrasses
352 are least dense ~~exist if such areas are present~~ adjacent to the
353 dock or bulkhead; and

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

359
360 Structures that qualify for this exemption are relieved from any
361 requirement to obtain permission to use or occupy lands owned by
362 the Board of Trustees of the Internal Improvement Trust Fund
363 and, with the exception of those structures attached to a
364 bulkhead on a parcel of land where there is no docking
365 structure, shall not be subject to any more stringent permitting
366 requirements, registration requirements, or other regulation by
367 any local government. Local governments may require either
368 permitting or one-time registration of floating vessel platforms
369 to be attached to a bulkhead on a parcel of land where there is
370 no other docking structure as necessary to ensure compliance
371 with local ordinances, codes, or regulations. Local governments
372 may require either permitting or one-time registration of all
373 other floating vessel platforms as necessary to ensure
374 compliance with the exemption criteria in this section; to
375 ensure compliance with local ordinances, codes, or regulations
376 relating to building or zoning, which are no more stringent than

377 the exemption criteria in this section or address subjects other
378 than subjects addressed by the exemption criteria in this
379 section; and to ensure proper installation, maintenance, and
380 precautionary or evacuation action following a tropical storm or
381 hurricane watch of a floating vessel platform or floating boat
382 lift that is proposed to be attached to a bulkhead or parcel of
383 land where there is no other docking structure. The exemption
384 provided in this paragraph shall be in addition to the exemption
385 provided in paragraph (b). ~~By January 1, 2003,~~ The department
386 shall adopt a general permit by rule for the construction,
387 installation, operation, or maintenance of those floating vessel
388 platforms or floating boat lifts that do not qualify for the
389 exemption provided in this paragraph but do not cause
390 significant adverse impacts to occur individually or
391 cumulatively. The issuance of such general permit shall also
392 constitute permission to use or occupy lands owned by the Board
393 of Trustees of the Internal Improvement Trust Fund. ~~Upon the~~
394 ~~adoption of the rule creating such general permit,~~ No local
395 government shall impose a more stringent regulation, permitting
396 requirement, registration requirement, or other regulation
397 covered by such general permit. Local governments may require
398 either permitting or one-time registration of floating vessel
399 platforms as necessary to ensure compliance with the general
400 permit in this section; to ensure compliance with local
401 ordinances, codes, or regulations relating to building or zoning
402 that are no more stringent than the general permit in this
403 section; and to ensure proper installation and maintenance of a

404 floating vessel platform or floating boat lift that is proposed
 405 to be attached to a bulkhead or parcel of land where there is no
 406 other docking structure ~~on floating vessel platforms or floating~~
 407 ~~boat lifts covered by such general permit.~~

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

410 705.101 Definitions.--As used in this chapter:

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

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

422 705.103 Procedure for abandoned or lost property.--

423 (4) The owner of any abandoned or lost property who, after
 424 notice as provided in this section, does not remove such
 425 property within the specified period shall be liable to the law
 426 enforcement agency for all costs of removal, storage, and
 427 destruction of such property, less any salvage value obtained by
 428 disposal of the property. Upon final disposition of the
 429 property, the law enforcement officer shall notify the owner, if
 430 known, of the amount owed. In the case of an abandoned vessel

431 ~~boat~~ or motor vehicle, any person who neglects or refuses to pay
 432 such amount is not entitled to be issued a certificate of
 433 registration for such vessel ~~boat~~ or motor vehicle, or any other
 434 vessel ~~boat~~ or motor vehicle, until such costs have been paid.
 435 The law enforcement officer shall supply the Department of
 436 Highway Safety and Motor Vehicles with a list of persons whose
 437 vessel ~~boat~~ registration privileges or whose motor vehicle
 438 privileges have been revoked under this subsection. Neither the
 439 department nor any other person acting as agent thereof shall
 440 issue a certificate of registration to a person whose vessel
 441 ~~boat~~ or motor vehicle registration privileges have been revoked,
 442 as provided by this subsection, until such costs have been paid.

443 Section 11. Section 823.11, Florida Statutes, is amended
 444 to read:

445 823.11 Abandoned and derelict vessels; removal; penalty.--

446 (1) "Derelict vessel" means any vessel, as defined in s.
 447 327.02, that is left, stored, or abandoned:

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

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

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

454 (2) It is unlawful for any person, firm, or corporation to
 455 store, leave, or abandon any derelict vessel as defined in this
 456 section in this state ~~or leave any vessel as defined by maritime~~
 457 ~~law in a wrecked, junked, or substantially dismantled condition~~

458 ~~or abandoned upon or in any public water or at any port in this~~
459 ~~state without the consent of the agency having jurisdiction~~
460 ~~thereof, or docked at any private property without the consent~~
461 ~~of the owner of such property.~~

462 (3) (a) (2) The Fish and Wildlife Conservation Commission
463 and its officers and all law enforcement officers as specified
464 in s. 327.70 are is designated as the agency of the state
465 authorized and empowered to remove or cause to be removed any
466 abandoned or derelict vessel from public waters in any instance
467 when the same obstructs or threatens to obstruct navigation or
468 in any way constitutes a danger to the environment. Removal of
469 vessels pursuant to this section may be funded by grants
470 provided in ss. 206.606 and 376.15. The Fish and Wildlife
471 Conservation Commission is directed to implement a plan for the
472 procurement of any available federal disaster funds and to use
473 such funds for the removal of derelict vessels. All costs
474 incurred by the commission or other law enforcement agency in
475 the removal of any abandoned or derelict vessel as set out above
476 shall be recoverable against the owner thereof. The Department
477 of Legal Affairs shall represent the commission in such actions.
478 As provided in s. 705.103(4), any person who neglects or refuses
479 to pay such amount is not entitled to be issued a certificate of
480 registration for such vessel or for any other vessel or motor
481 vehicle until the costs have been paid.

482 (b) When a derelict vessel is docked or grounded at or
483 beached upon private property without the consent of the owner
484 of the property, the owner of the property may remove the vessel

485 at the vessel owner's expense 60 days after compliance with the
486 notice requirements specified in s. 328.17(5). The private
487 property owner may not hinder reasonable efforts by the vessel
488 owner or agent to remove the vessel. Any notice given pursuant
489 to this paragraph shall be presumed delivered when it is
490 deposited with the United States Postal Service, certified, and
491 properly addressed with prepaid postage. Pursuant to an
492 agreement with the governing body of a county or municipality,
493 and upon a finding by the commission that the county or
494 municipality is competent to undertake said responsibilities,
495 the commission may delegate to the county or municipality its
496 authority to remove or cause to be removed an abandoned or
497 derelict vessel from public waters within the county or
498 municipality.

499 (4)(3) Any person, firm, or corporation violating this act
500 commits is guilty of a misdemeanor of the first degree and shall
501 be punished as provided by law. Conviction under this section
502 shall not bar the assessment and collection of the civil penalty
503 provided in s. 376.16 for violation of s. 376.15. The court
504 having jurisdiction over the criminal offense, notwithstanding
505 any jurisdictional limitations on the amount in controversy, may
506 order the imposition of such civil penalty in addition to any
507 sentence imposed for the first criminal offense.

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