

ENROLLED  
HB 7175, Engrossed 2

2006 Legislature

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

## ENROLLED

HB 7175, Engrossed 2

2006 Legislature

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

## ENROLLED

HB 7175, Engrossed 2

2006 Legislature

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

ENROLLED  
 HB 7175, Engrossed 2

2006 Legislature

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.~~

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ENROLLED  
 HB 7175, Engrossed 2

2006 Legislature

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.

## ENROLLED

HB 7175, Engrossed 2

2006 Legislature

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

ENROLLED  
 HB 7175, Engrossed 2

2006 Legislature

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.--

## ENROLLED

HB 7175, Engrossed 2

2006 Legislature

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.--



ENROLLED  
 HB 7175, Engrossed 2

2006 Legislature

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

ENROLLED  
 HB 7175, Engrossed 2

2006 Legislature

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.--

ENROLLED  
 HB 7175, Engrossed 2

2006 Legislature

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

ENROLLED  
 HB 7175, Engrossed 2

2006 Legislature

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

ENROLLED  
 HB 7175, Engrossed 2

2006 Legislature

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

ENROLLED  
 HB 7175, Engrossed 2

2006 Legislature

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

## ENROLLED

HB 7175, Engrossed 2

2006 Legislature

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

ENROLLED  
 HB 7175, Engrossed 2

2006 Legislature

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



ENROLLED  
 HB 7175, Engrossed 2

2006 Legislature

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~~

ENROLLED  
 HB 7175, Engrossed 2

2006 Legislature

458 ~~er 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 ~~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

## ENROLLED

HB 7175, Engrossed 2

2006 Legislature

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.