

By the Committee on Environmental Preservation and Conservation;  
and Senator Book

592-02750-17

20171338c1

1                   A bill to be entitled  
2       An act relating to vessels; amending s. 253.0347,  
3       F.S.; providing an exemption from sovereignty  
4       submerged lease fees for grandfathered private  
5       residential multifamily docks; amending s. 327.02,  
6       F.S.; defining terms; revising the definition of the  
7       term "live-aboard vessel"; amending s. 327.391, F.S.;  
8       conforming a cross-reference; amending s. 327.4107,  
9       F.S.; providing that vessels without an effective  
10      means of propulsion are at risk of becoming derelict  
11      under certain conditions; authorizing the Fish and  
12      Wildlife Conservation Commission to adopt rules;  
13      amending s. 327.4108, F.S.; removing the expiration of  
14      provisions relating to anchoring of vessels in  
15      anchoring limitation areas; creating s. 327.4109,  
16      F.S.; prohibiting anchoring or mooring of vessels and  
17      floating structures in certain areas; providing  
18      exceptions and penalties; authorizing the commission  
19      to adopt rules; amending s. 327.46, F.S.; providing  
20      for boating-restricted areas to protect seagrasses on  
21      privately owned submerged lands upon application by  
22      the owner and commission approval; authorizing the  
23      commission to adopt rules; defining the term  
24      "seagrass"; amending s. 327.60, F.S.; authorizing a  
25      local government to enact and enforce certain  
26      regulations for sewage disposal by certain vessels and  
27      floating structures; requiring local governments with  
28      requirements for sewage disposal to provide adequate  
29      sewage pumpout services; requiring the commission to

592-02750-17

20171338c1

30 review such requirements and make certain  
31 determinations; authorizing the commission to adopt  
32 rules; providing applicability; authorizing local  
33 governments to remove certain abandoned or lost  
34 vessels; amending s. 327.70, F.S.; providing for  
35 issuance of uniform boating citations for anchoring or  
36 mooring where prohibited; amending s. 327.73, F.S.;  
37 providing penalties for anchoring or mooring where  
38 prohibited; amending s. 328.09, F.S.; prohibiting the  
39 issuance of certificate of title for derelict vessels;  
40 amending s. 328.72, F.S.; revising the penalties for  
41 operation, use, or storage of a vessel with an expired  
42 registration; amending s. 705.103, F.S.; providing an  
43 exception for certified mail for a derelict vessel;  
44 providing an effective date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Paragraph (f) of subsection (2) of section  
49 253.0347, Florida Statutes, is amended to read:

50 253.0347 Lease of sovereignty submerged lands for private  
51 residential docks and piers.—

52 (2)

53 (f) A lessee of sovereignty submerged lands for a private  
54 residential multifamily dock designed to moor boats up to the  
55 number of units within the multifamily development is not  
56 required to pay lease fees for a preempted area equal to or less  
57 than 10 times the riparian shoreline along sovereignty submerged  
58 land on the affected waterbody times the number of units with

592-02750-17

20171338c1

59 docks in the private multifamily development. Private  
60 residential multifamily docks grandfathered-in to use  
61 sovereignty submerged lands by January 1, 1998, pursuant to  
62 former rule 18-21.00405, Florida Administrative Code, as it  
63 existed in rule on March 15, 1990, may exceed the number of  
64 moored boats for the number of units within the private  
65 multifamily development as previously authorized under the  
66 grandfather program.

67 Section 2. Present subsections (3) through (10) and present  
68 subsections (11) through (44) of section 327.02, Florida  
69 Statutes, are renumbered as subsections (4) through (11) and  
70 subsections (13) through (46), respectively, new subsections (3)  
71 and (12) are added to that section, and present subsection (19)  
72 of that section is amended, to read:

73 327.02 Definitions.—As used in this chapter and in chapter  
74 328, unless the context clearly requires a different meaning,  
75 the term:

76 (3) "Barge" means a flat-bottomed vessel used for the  
77 transport of goods on inland waterways which is propelled by its  
78 own power or towed by another vessel.

79 (12) "Effective means of propulsion for safe navigation"  
80 means when a vessel, other than a barge, is equipped with:

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

82 (b) Rigging and sails that are present and in good working  
83 order, and a functioning steering system.

84 (21)~~(19)~~ "Live-aboard vessel" means:

85 (a) A vessel used solely as a residence and not for  
86 navigation;

87 (b) ~~A vessel represented as a place of business or a~~

592-02750-17

20171338c1

88 ~~professional or other commercial enterprise; or~~

89 ~~(e)~~ A vessel for which a declaration of domicile has been  
90 filed pursuant to s. 222.17; or

91 (c) A vessel used as a residence which does not have an  
92 effective means of propulsion for safe navigation.

93

94 A commercial vessel and a barge are ~~fishing boat~~ is expressly  
95 excluded from the term "live-aboard vessel."

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

98 327.391 Airboats regulated.—

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

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

110 327.4107 Vessels at risk of becoming derelict on waters of  
111 this state.—

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

116 (e) The vessel does not have an effective means of

592-02750-17

20171338c1

117 propulsion for safe navigation within 72 hours after the owner  
118 or operator of the vessel receives written notice, which may  
119 include electronic mail or by other electronic documentation, of  
120 such from an officer, and the vessel owner or operator is unable  
121 to provide a receipt, proof of purchase, or other documentation  
122 of having ordered necessary parts for vessel repair. The  
123 commission may adopt rules to implement this paragraph.

124 Section 5. Subsection (7) of section 327.4108, Florida  
125 Statutes, is amended to read:

126 327.4108 Anchoring of vessels in anchoring limitation  
127 areas.—

128 (7) This section shall remain in effect notwithstanding  
129 ~~expires upon~~ the Legislature's adoption of the commission's  
130 recommendations for the regulation of mooring vessels outside of  
131 public mooring fields pursuant to s. 327.4105.

132 Section 6. Section 327.4109, Florida Statutes, is created  
133 to read:

134 327.4109 Anchoring or mooring prohibited; exceptions;  
135 penalties.—

136 (1) (a) A vessel or floating structure may not anchor or  
137 moor such that the nearest approach of the anchored vessel is:

138 1. Within 150 feet of any marina, boat ramp, boatyard, or  
139 other vessel launching or loading facility;

140 2. Within 300 feet of a superyacht repair facility. For  
141 purposes of this subparagraph, a "superyacht repair facility"  
142 means a facility that can provide service or repair to a yacht  
143 with a load line of 79 feet or more in length; or

144 3. Within 100 feet of a public mooring field boundary or a  
145 lesser distance if approved by the commission upon request by a

592-02750-17

20171338c1

146 local government within which the mooring field is located. The  
147 commission may adopt rules to implement this subparagraph.

148 (b) Paragraph (a) does not apply to:

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

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

151 3. A vessel actively engaged in commercial fishing.

152 4. A vessel actively engaged in recreational fishing if the  
153 persons onboard are actively tending hook and line fishing gear  
154 or nets.

155 (2) Notwithstanding paragraph (1) (a), an owner or operator  
156 of a vessel may anchor or moor within 150 feet of any marina,  
157 boat ramp, boatyard, or other vessel launching or loading  
158 facility or within 100 feet of public mooring field boundaries  
159 if:

160 (a) The vessel suffers a mechanical failure that poses an  
161 unreasonable risk of harm to the vessel or the persons on board  
162 such vessel. The owner or operator of the vessel may anchor or  
163 moor for 5 business days or until the vessel is repaired,  
164 whichever occurs first; or

165 (b) Imminent or existing weather conditions in the vicinity  
166 of the vessel pose an unreasonable risk of harm to the vessel or  
167 the persons on board. The owner or operator of the vessel may  
168 anchor or moor until weather conditions no longer pose such  
169 risk. During a hurricane or tropical storm, weather conditions  
170 are deemed to no longer pose an unreasonable risk of harm when  
171 the hurricane or tropical storm warning affecting the area has  
172 expired.

173 (3) The owner or operator of a vessel or floating structure  
174 may not anchor, moor, tie, or otherwise affix or allow the

592-02750-17

20171338c1

175 vessel or floating structure to remain anchored, moored, tied,  
176 or otherwise affixed to an unpermitted, unauthorized, or  
177 otherwise unlawful object that is on or affixed to the bottom of  
178 the waters of this state. This subsection does not apply to a  
179 private mooring owned by the owner of private submerged lands.

180 (4) A violation of this section is a noncriminal infraction  
181 punishable as provided in s. 327.73(1)(bb).

182 Section 7. Subsection (1) of section 327.46, Florida  
183 Statutes, is amended to read:

184 327.46 Boating-restricted areas.-

185 (1) Boating-restricted areas, including, but not limited  
186 to, restrictions of vessel speeds and vessel traffic, may be  
187 established on the waters of this state for any purpose  
188 necessary to protect the safety of the public if such  
189 restrictions are necessary based on boating accidents,  
190 visibility, hazardous currents or water levels, vessel traffic  
191 congestion, or other navigational hazards or to protect  
192 seagrasses on privately owned submerged lands.

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

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

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

199 a. Within 500 feet of any boat ramp, hoist, marine railway,  
200 or other launching or landing facility available for use by the  
201 general boating public on waterways more than 300 feet in width  
202 or within 300 feet of any boat ramp, hoist, marine railway, or  
203 other launching or landing facility available for use by the

592-02750-17

20171338c1

204 general boating public on waterways not exceeding 300 feet in  
205 width.

206 b. Within 500 feet of fuel pumps or dispensers at any  
207 marine fueling facility that sells motor fuel to the general  
208 boating public on waterways more than 300 feet in width or  
209 within 300 feet of the fuel pumps or dispensers at any licensed  
210 terminal facility that sells motor fuel to the general boating  
211 public on waterways not exceeding 300 feet in width.

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

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

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

216 b. Within 300 feet of any bridge span presenting a vertical  
217 clearance of less than 25 feet or a horizontal clearance of less  
218 than 100 feet.

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

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

224 3. An ordinance establishing a vessel-exclusion zone if the  
225 area is:

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

227 b. Within 300 feet of a dam, spillway, or flood control  
228 structure.

229 (c) Municipalities and counties have the authority to  
230 establish by ordinance the following other boating-restricted  
231 areas:

232 1. An ordinance establishing an idle speed, no wake



592-02750-17

20171338c1

233 boating-restricted area, if the area is within 300 feet of a  
234 confluence of water bodies presenting a blind corner, a bend in  
235 a narrow channel or fairway, or such other area if an  
236 intervening obstruction to visibility may obscure other vessels  
237 or other users of the waterway.

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

240 a. Within 300 feet of a confluence of water bodies  
241 presenting a blind corner, a bend in a narrow channel or  
242 fairway, or such other area if an intervening obstruction to  
243 visibility may obscure other vessels or other users of the  
244 waterway.

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

246 c. Subject to hazardous water levels or currents, or  
247 containing other navigational hazards.

248 d. An area that accident reports, uniform boating  
249 citations, vessel traffic studies, or other creditable data  
250 demonstrate to present a significant risk of collision or a  
251 significant threat to boating safety.

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

254 a. As a canoe trail or otherwise limited to vessels under  
255 oars or under sail.

256 b. For a particular activity and user group separation must  
257 be imposed to protect the safety of those participating in such  
258 activity.

259

260 Any of the ordinances adopted pursuant to this paragraph shall  
261 not take effect until the commission has reviewed the ordinance

592-02750-17

20171338c1

262 and determined by substantial competent evidence that the  
263 ordinance is necessary to protect public safety pursuant to this  
264 paragraph. Any application for approval of an ordinance shall be  
265 reviewed and acted upon within 90 days after receipt of a  
266 completed application. Within 30 days after a municipality or  
267 county submits an application for approval to the commission,  
268 the commission shall advise the municipality or county as to  
269 what information, if any, is needed to deem the application  
270 complete. An application shall be considered complete upon  
271 receipt of all requested information and correction of any error  
272 or omission for which the applicant was timely notified or when  
273 the time for such notification has expired. The commission's  
274 action on the application shall be subject to review under  
275 chapter 120. The commission shall initiate rulemaking no later  
276 than January 1, 2010, to provide criteria and procedures for  
277 reviewing applications and procedures for providing for public  
278 notice and participation pursuant to this paragraph.

279 (d)1. Owners of private submerged lands that are adjacent  
280 to Outstanding Florida Waters, as defined in s. 403.061(27), or  
281 an aquatic preserve established under ss. 258.39-258.399, may  
282 request that the commission establish boating-restricted areas  
283 for the sole purpose of protecting any seagrass and contiguous  
284 seagrass habitat within their private property boundaries from  
285 seagrass scarring due to propeller dredging. Owners making a  
286 request pursuant to this paragraph must demonstrate to the  
287 commission clear ownership of the submerged lands.

288 2. The commission shall adopt rules to implement this  
289 paragraph, including, but not limited to, establishing an  
290 application process and criteria for meeting the requirements of

592-02750-17

20171338c1

291 subparagraph 1.

292 3. Each approved boating-restricted area must be  
293 established by commission rule.

294 4. For marking boating-restricted areas established  
295 pursuant to this paragraph, private property owners must apply  
296 to the commission for a uniform waterway marker permit in  
297 accordance with ss. 327.40 and 327.41.

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

300 Section 8. Subsections (2) and subsection (3) of section  
301 327.60, Florida Statutes, are amended, and subsections (4) and  
302 (5) are added to that section, to read:

303 327.60 Local regulations; limitations.—

304 (2) Nothing in this chapter or chapter 328 shall be  
305 construed to prevent the adoption of any ordinance or local  
306 regulation relating to operation of vessels, except that a  
307 county or municipality may ~~shall~~ not enact, continue in effect,  
308 or enforce any ordinance or local regulation:

309 (a) Establishing a vessel or associated equipment  
310 performance or other safety standard, imposing a requirement for  
311 associated equipment, or regulating the carrying or use of  
312 marine safety articles;

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

316 (c) Regulating any vessel upon the Florida Intracoastal  
317 Waterway;

318 (d) Discriminating against personal watercraft;

319 (e) Discriminating against airboats, for ordinances adopted

592-02750-17

20171338c1

320 after July 1, 2006, unless adopted by a two-thirds vote of the  
321 governing body enacting such ordinance;

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

325 1. Live-aboard vessels; and

326 2. Vessels represented as a place of business or a  
327 professional or other commercial enterprise. This does not  
328 include commercial vessels or barges;

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

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

333 (3) Nothing in this section shall be construed to prohibit  
334 local governmental authorities from the enactment or enforcement  
335 of regulations that ~~which~~ prohibit or restrict the mooring or  
336 anchoring of floating structures, ~~or~~ live-aboard vessels, or  
337 vessels represented as a place of business or a professional or  
338 other commercial enterprise, other than commercial vessels or  
339 barges, within their jurisdictions or of any vessels within the  
340 marked boundaries of mooring fields permitted as provided in s.  
341 327.40. However, local governmental authorities are prohibited  
342 from regulating the anchoring outside of such mooring fields of  
343 commercial vessels or barges and any vessels other than live-  
344 aboard vessels as defined in s. 327.02.

345 (4) (a) A local government may enact and enforce regulations  
346 requiring owners or operators of vessels or floating structures  
347 subject to the marine sanitation requirements of s. 327.53, when  
348 anchored or moored for more than 10 consecutive days within the

592-02750-17

20171338c1

349 following areas, to provide proof of proper sewage disposal by  
350 means of an approved sewage pumpout service, approved sewage  
351 pumpout facility, or approved waste reception facility:

352 1. Marked boundaries of a permitted mooring field under the  
353 jurisdiction of the local government; or

354 2. Designated no-discharge zones pursuant to 40 C.F.R. s.  
355 1700.10, and those provided in Volume 53, No. 13 of the Federal  
356 Register, page 1678 (1988); Volume 64, No. 164 of the Federal  
357 Register, pages 46390-46391 (1999); and Volume 67, No. 98 of the  
358 Federal Register, pages 35735-35743 (2002).

359 (b) Before a local government may adopt an ordinance to  
360 enact and enforce such regulations, the local government must  
361 provide adequate sewage pumpout services. Any ordinance adopted  
362 pursuant to this subsection may not take effect until the  
363 commission has reviewed and approved the ordinance as being  
364 consistent with the requirements of this subsection.

365 (c) The commission may adopt rules to implement this  
366 subsection.

367 (d) This subsection does not prohibit a local government  
368 from enacting or enforcing sewage pumpout requirements for live-  
369 aboard vessels within any areas of its jurisdiction.

370 (5) A local government may enact and enforce regulations  
371 that allow the local government to remove a vessel affixed to a  
372 public dock within its jurisdiction which is abandoned or lost  
373 property pursuant to s. 705.103(1).

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

376 327.70 Enforcement of this chapter and chapter 328.—

377 (3) (a) Noncriminal violations of the following statutes may

592-02750-17

20171338c1

378 be enforced by a uniform boating citation mailed to the  
379 registered owner of an unattended vessel anchored, aground, or  
380 moored on the waters of this state:

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

382 2. Section 327.44, relating to interference with  
383 navigation.

384 3. Section 327.50(2), relating to required lights and  
385 shapes.

386 4. Section 327.53, relating to marine sanitation.

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

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

389 7. Section 327.4107, relating to vessels at risk of  
390 becoming derelict.

391 8. Section 327.4109, relating to prohibited anchoring or  
392 mooring.

393 (b) Citations issued to livery vessels under this  
394 subsection shall be the responsibility of the lessee of the  
395 vessel if the livery has included a warning of this  
396 responsibility as a part of the rental agreement and has  
397 provided to the agency issuing the citation the name, address,  
398 and date of birth of the lessee when requested by that agency.  
399 The livery is not responsible for the payment of citations if  
400 the livery provides the required warning and lessee information.

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

404 (d) A noncriminal violation of s. 327.4109 may be enforced  
405 by a uniform boating citation issued to an owner or operator of  
406 a vessel or floating structure unlawfully anchored, moored,

592-02750-17

20171338c1

407 tied, or otherwise affixed in a prohibited area.

408 Section 10. Paragraph (g) of subsection (1) of section  
409 327.73, Florida Statutes, is amended, and paragraph (bb) is  
410 added to that section, to read:

411 327.73 Noncriminal infractions.—

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

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

416 1. For a first or subsequent offense of 328.72(13) (a), up  
417 to a maximum of \$50.

418 2. For a first offense of 328.72(13) (b), up to a maximum of  
419 \$250.

420 3. For a second or subsequent offense of 328.72(13) (b), up  
421 to a maximum of \$500, and the violator may not have the  
422 provisions of paragraph (4) (a) available to him or her but must  
423 appear before the designated official at the time and location  
424 of the scheduled hearing.

425 (bb) Section 327.4109, relating to prohibited anchoring or  
426 mooring, for which the penalty is:

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

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

429 3. For a third or subsequent offense, up to a maximum of  
430 \$250.

431  
432 Any person cited for a violation of any provision of this  
433 subsection shall be deemed to be charged with a noncriminal  
434 infraction, shall be cited for such an infraction, and shall be  
435 cited to appear before the county court. The civil penalty for

592-02750-17

20171338c1

436 any such infraction is \$50, except as otherwise provided in this  
437 section. Any person who fails to appear or otherwise properly  
438 respond to a uniform boating citation shall, in addition to the  
439 charge relating to the violation of the boating laws of this  
440 state, be charged with the offense of failing to respond to such  
441 citation and, upon conviction, be guilty of a misdemeanor of the  
442 second degree, punishable as provided in s. 775.082 or s.  
443 775.083. A written warning to this effect shall be provided at  
444 the time such uniform boating citation is issued.

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

447 328.09 Refusal to issue and authority to cancel a  
448 certificate of title or registration.—

449 (4) The department may not issue a certificate of title to  
450 any applicant for any vessel that has been deemed derelict by a  
451 law enforcement officer under s. 823.11. A law enforcement  
452 officer must inform the department in writing, which may include  
453 facsimile, electronic mail, or other electronic documentation,  
454 of the vessel's derelict status and must supply the vessel title  
455 number or vessel identification number. The department may issue  
456 a certificate of title once a law enforcement officer has  
457 verified in writing, which may include facsimile, electronic  
458 mail, or other electronic documentation, that the vessel is no  
459 longer a derelict vessel.

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

462 328.72 Classification; registration; fees and charges;  
463 surcharge; disposition of fees; fines; marine turtle stickers.—

464 (13) EXPIRED REGISTRATION.—The operation, use, or storage



592-02750-17

20171338c1

465 on the waters of this state of a previously registered vessel is  
466 subject to the following penalties:

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

470 (b) The owner or operator of a vessel with an expired  
471 registration of more than 6 months commits a noncriminal  
472 infraction, punishable as provided in s. 327.73(1)(g)2. and 3  
473 ~~after the expiration of the registration period is a noncriminal~~  
474 ~~violation, as defined in s. 327.73.~~ This subsection does not  
475 apply to vessels lawfully stored at a dock or in a marina.

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

478 705.103 Procedure for abandoned or lost property.—

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

484

485 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
486 PROPERTY. This property, to wit: ...(setting forth brief  
487 description)... is unlawfully upon public property known as  
488 ...(setting forth brief description of location)... and must be  
489 removed within 5 days; otherwise, it will be removed and  
490 disposed of pursuant to chapter 705, Florida Statutes. The owner  
491 will be liable for the costs of removal, storage, and  
492 publication of notice. Dated this: ...(setting forth the date of  
493 posting of notice)..., signed: ...(setting forth name, title,

592-02750-17

20171338c1

494 address, and telephone number of law enforcement officer)....

495

496 Such notice shall be not less than 8 inches by 10 inches and

497 shall be sufficiently weatherproof to withstand normal exposure

498 to the elements. In addition to posting, the law enforcement

499 officer shall make a reasonable effort to ascertain the name and

500 address of the owner. If such is reasonably available to the

501 officer, she or he shall mail a copy of such notice to the owner

502 on or before the date of posting. If the property is a motor

503 vehicle as defined in s. 320.01(1) or a vessel as defined in s.

504 327.02, the law enforcement agency shall contact the Department

505 of Highway Safety and Motor Vehicles in order to determine the

506 name and address of the owner and any person who has filed a

507 lien on the vehicle or vessel as provided in s. 319.27(2) or (3)

508 or s. 328.15(1). On receipt of this information, the law

509 enforcement agency shall mail a copy of the notice by certified

510 mail, return receipt requested, to the owner and to the

511 lienholder, if any, except that when a law enforcement officer

512 has given the owner of a derelict vessel notice of a violation

513 of s. 823.11 and issued a citation for the violation, the

514 officer is not required to send notice by certified mail to the

515 owner. If, at the end of 5 days after posting the notice and

516 mailing such notice, if required, the owner or any person

517 interested in the lost or abandoned article or articles

518 described has not removed the article or articles from public

519 property or shown reasonable cause for failure to do so, the

520 following shall apply:

521 (a) For abandoned property, the law enforcement agency may

522 retain any or all of the property for its own use or for use by

592-02750-17

20171338c1

523 the state or unit of local government, trade such property to  
524 another unit of local government or state agency, donate the  
525 property to a charitable organization, sell the property, or  
526 notify the appropriate refuse removal service.

527 (b) For lost property, the officer shall take custody and  
528 the agency shall retain custody of the property for 90 days. The  
529 agency shall publish notice of the intended disposition of the  
530 property, as provided in this section, during the first 45 days  
531 of this time period.

532 1. If the agency elects to retain the property for use by  
533 the unit of government, donate the property to a charitable  
534 organization, surrender such property to the finder, sell the  
535 property, or trade the property to another unit of local  
536 government or state agency, notice of such election shall be  
537 given by an advertisement published once a week for 2  
538 consecutive weeks in a newspaper of general circulation in the  
539 county where the property was found if the value of the property  
540 is more than \$100. If the value of the property is \$100 or less,  
541 notice shall be given by posting a description of the property  
542 at the law enforcement agency where the property was turned in.  
543 The notice must be posted for not less than 2 consecutive weeks  
544 in a public place designated by the law enforcement agency. The  
545 notice must describe the property in a manner reasonably  
546 adequate to permit the rightful owner of the property to claim  
547 it.

548 2. If the agency elects to sell the property, it must do so  
549 at public sale by competitive bidding. Notice of the time and  
550 place of the sale shall be given by an advertisement of the sale  
551 published once a week for 2 consecutive weeks in a newspaper of

592-02750-17

20171338c1

552 general circulation in the county where the sale is to be held.  
553 The notice shall include a statement that the sale shall be  
554 subject to any and all liens. The sale must be held at the  
555 nearest suitable place to that where the lost or abandoned  
556 property is held or stored. The advertisement must include a  
557 description of the goods and the time and place of the sale. The  
558 sale may take place no earlier than 10 days after the final  
559 publication. If there is no newspaper of general circulation in  
560 the county where the sale is to be held, the advertisement shall  
561 be posted at the door of the courthouse and at three other  
562 public places in the county at least 10 days prior to sale.  
563 Notice of the agency's intended disposition shall describe the  
564 property in a manner reasonably adequate to permit the rightful  
565 owner of the property to identify it.

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