

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Government Accountability
2 Committee

3 Representative Raschein offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (f) of subsection (2) of section

8 253.0347, Florida Statutes, is amended to read:

9 253.0347 Lease of sovereignty submerged lands for private
10 residential docks and piers.—

11 (2)

12 (f) A lessee of sovereignty submerged lands for a private
13 residential multifamily dock designed to moor boats up to the
14 number of units within the multifamily development is not
15 required to pay lease fees for a preempted area equal to or less
16 than 10 times the riparian shoreline along sovereignty submerged

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17 land on the affected waterbody times the number of units with
18 docks in the private multifamily development. Private
19 residential multifamily docks grandfathered-in to use
20 sovereignty submerged lands by January 1, 1998, pursuant to
21 former rule 18-21.00405, Florida Administrative Code, as it
22 existed in rule on March 15, 1990, may moor a number of boats
23 that exceed the number of units within the private multifamily
24 development as previously authorized under such rule.

25 Section 2. Subsections (3) through (5) of section 327.02,
26 Florida Statutes, are renumbered as subsections (4) through (6),
27 respectively, present subsections (6) through (10) are
28 renumbered as subsection (7) through (12), respectively, present
29 subsections (11) through (15) are renumbered as subsections (14)
30 through (18), respectively, present subsections (16) through
31 (44) are renumbered as (19) through (47), respectively, present
32 subsections (6) and (19) are amended, and new subsections (3),
33 (8), and (13) are added to that section, to read:

34 327.02 Definitions.—As used in this chapter and in chapter
35 328, unless the context clearly requires a different meaning,
36 the term:

37 (3) "Barge" means a vessel that does not have living
38 quarters, is not propelled by its own power, and is designed to
39 be pushed or pulled by another vessel.

40 (7)-(6) "Commercial fishing vessel" means:

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41 ~~(a)~~ a vessel primarily engaged in the taking or landing of
42 saltwater fish or saltwater products or freshwater fish or
43 freshwater products, or a vessel licensed pursuant to s. 379.361
44 from which commercial quantities of saltwater products are
45 harvested, from within and without the waters of this state for
46 sale to the consumer or to a retail or wholesale dealer.

47 ~~(b) Any other vessel, except a recreational vessel as~~
48 ~~defined in this section.~~

49 (8) "Commercial vessel" means a vessel represented as a
50 place of business or a professional or other commercial
51 enterprise.

52 (13) "Effective means of propulsion for safe navigation"
53 means a vessel, other than a barge, that is equipped with:

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

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

57 (22)~~(19)~~ "Live-aboard vessel" means:

58 (a) A vessel used solely as a residence and not for
59 navigation;

60 ~~(b) A vessel represented as a place of business or a~~
61 ~~professional or other commercial enterprise; or~~

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

64 (c) A vessel used as a residence that does not have an
65 effective means of propulsion for safe navigation.

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67 A commercial fishing vessel ~~boat~~ is expressly excluded from the
68 term "live-aboard vessel."

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

71 327.391 Airboats regulated.—

72 (1) The exhaust of every internal combustion engine used
73 on any airboat operated on the waters of this state shall be
74 provided with an automotive-style factory muffler, underwater
75 exhaust, or other manufactured device capable of adequately
76 muffling the sound of the exhaust of the engine as described in
77 s. ~~327.02(30)~~~~327.02(27)~~. The use of cutouts or flex pipe as the
78 sole source of muffling is prohibited, except as provided in
79 subsection (4). Any person who violates this subsection commits
80 a noncriminal infraction punishable as provided in s. 327.73(1).

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

83 327.4107 Vessels at risk of becoming derelict on waters of
84 this state.—

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

89 (e) The vessel does not have an effective means of
90 propulsion for safe navigation within 72 hours after the vessel

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91 owner or operator receives telephonic or written notice, which
92 may be provided by facsimile, electronic mail, or other
93 electronic means, stating such from an officer, and the vessel
94 owner or operator is unable to provide a receipt, proof of
95 purchase, or other documentation of having ordered necessary
96 parts for vessel repair. The commission may adopt rules to
97 implement this paragraph.

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

100 327.4108 Anchoring of vessels in anchoring limitation
101 areas.-

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

106 Section 6. Section 327.4109, Florida Statutes, is created
107 to read:

108 327.4109 Anchoring or mooring prohibited; exceptions;
109 penalties.-

110 (1) (a) An owner or operator of a vessel or floating
111 structure may not anchor or moor such that the nearest approach
112 of the anchored or moored vessel or floating structure is:

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

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115 2. Within 300 feet of a superyacht repair facility. For
116 purposes of this subparagraph, the term "superyacht repair
117 facility" means a facility that services or repairs a yacht of
118 120 feet or more in length; or

119 3. Within 100 feet outward from the marked boundary of a
120 public mooring field or a lesser distance if approved by the
121 commission upon request of a local government within which the
122 mooring field is located. The commission may adopt rules to
123 implement this subparagraph.

124 (b) This subsection does not apply to:

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

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

128 3. A commercial fishing vessel actively engaged in
129 commercial fishing.

130 4. A vessel actively engaged in recreational fishing if
131 the persons onboard are actively tending hook and line fishing
132 gear or nets.

133 (2) Notwithstanding subsection (1), an owner or operator
134 of a vessel may anchor or moor within 150 feet of any marina,
135 boat ramp, boatyard, or other vessel launching or loading
136 facility, within 300 feet of a superyacht repair facility, or
137 within 100 feet outward from the marked boundary of a public
138 mooring field if:

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139 (a) The vessel suffers a mechanical failure that poses an
140 unreasonable risk of harm to the vessel or the persons onboard
141 such vessel. The owner or operator of the vessel may anchor or
142 moor for 5 business days or until the vessel is repaired,
143 whichever occurs first.

144 (b) Imminent or existing weather conditions in the
145 vicinity of the vessel pose an unreasonable risk of harm to the
146 vessel or the persons onboard such vessel. The owner or operator
147 of the vessel may anchor or moor until weather conditions no
148 longer pose such risk. During a hurricane or tropical storm,
149 weather conditions are deemed to no longer pose an unreasonable
150 risk of harm when the hurricane or tropical storm warning
151 affecting the area has expired.

152 (3) The owner or operator of a vessel or floating
153 structure may not anchor or moor within the marked boundary of a
154 public mooring field unless the owner or operator has a lawful
155 right to anchor or moor in the mooring field by contractual
156 agreement or other business arrangement.

157 (4) The owner or operator of a vessel or floating
158 structure may not anchor, moor, tie, or otherwise affix or allow
159 the vessel or floating structure to remain anchored, moored,
160 tied, or otherwise affixed to an unpermitted, unauthorized, or
161 otherwise unlawful object that is on or affixed to the bottom of
162 the waters of this state. This subsection does not apply to a

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163 private mooring owned by the owner of privately owned submerged
164 lands.

165 (5) A violation of this section is a noncriminal
166 infraction, punishable as provided in s. 327.73(1)(bb).

167 Section 7. Subsection (2) of section 327.44, Florida
168 Statutes, is amended to read:

169 327.44 Interference with navigation; relocation or
170 removal; recovery of costs.—

171 (2) No person shall anchor, moor ~~operate~~, or permit to be
172 anchored or moored, except in case of emergency, or operate
173 ~~operated~~ a vessel or carry on any prohibited activity in a
174 manner which shall unreasonably or unnecessarily constitute a
175 navigational hazard or interfere with another vessel. Anchoring
176 or mooring under bridges or in or adjacent to heavily traveled
177 channels shall constitute interference if unreasonable under the
178 prevailing circumstances.

179 Section 8. Subsection (1) of section 327.46, Florida
180 Statutes, is amended, and paragraphs (d) and (e) are added to
181 that subsection, to read:

182 327.46 Boating-restricted areas.—

183 (1) Boating-restricted areas, including, but not limited
184 to, restrictions of vessel speeds and vessel traffic, may be
185 established on the waters of this state for any purpose
186 necessary to protect the safety of the public if such
187 restrictions are necessary based on boating accidents,

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188 visibility, hazardous currents or water levels, vessel traffic
189 congestion, or other navigational hazards or to protect
190 seagrasses on privately owned submerged lands.

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

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

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

197 a. Within 500 feet of any boat ramp, hoist, marine
198 railway, or other launching or landing facility available for
199 use by the general boating public on waterways more than 300
200 feet in width or within 300 feet of any boat ramp, hoist, marine
201 railway, or other launching or landing facility available for
202 use by the general boating public on waterways not exceeding 300
203 feet in width.

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

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

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

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- 213 a. Within 300 feet of any bridge fender system.
- 214 b. Within 300 feet of any bridge span presenting a
215 vertical clearance of less than 25 feet or a horizontal
216 clearance of less than 100 feet.
- 217 c. On a creek, stream, canal, or similar linear waterway
218 if the waterway is less than 75 feet in width from shoreline to
219 shoreline.
- 220 d. On a lake or pond of less than 10 acres in total
221 surface area.
- 222 3. An ordinance establishing a vessel-exclusion zone if
223 the area is:
- 224 a. Designated as a public bathing beach or swim area.
- 225 b. Within 300 feet of a dam, spillway, or flood control
226 structure.
- 227 (c) Municipalities and counties have the authority to
228 establish by ordinance the following other boating-restricted
229 areas:
- 230 1. An ordinance establishing an idle speed, no wake
231 boating-restricted area, if the area is within 300 feet of a
232 confluence of water bodies presenting a blind corner, a bend in
233 a narrow channel or fairway, or such other area if an
234 intervening obstruction to visibility may obscure other vessels
235 or other users of the waterway.
- 236 2. An ordinance establishing a slow speed, minimum wake,
237 or numerical speed limit boating-restricted area if the area is:

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

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

244 c. Subject to hazardous water levels or currents, or
245 containing other navigational hazards.

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

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

252 a. As a canoe trail or otherwise limited to vessels under
253 oars or under sail.

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

257
258 Any of the ordinances adopted pursuant to this paragraph shall
259 not take effect until the commission has reviewed the ordinance
260 and determined by substantial competent evidence that the
261 ordinance is necessary to protect public safety pursuant to this
262 paragraph. Any application for approval of an ordinance shall be

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

277 (d) Owners of private submerged lands that are adjacent to
278 Outstanding Florida Waters, as defined in s. 403.061(27), or an
279 aquatic preserve established under ss. 258.39-258.399 may
280 request that the commission establish boating-restricted areas
281 solely to protect any seagrass and contiguous seagrass habitat
282 within their private property boundaries from seagrass scarring
283 due to propeller dredging. Owners making a request pursuant to
284 this paragraph must demonstrate to the commission clear
285 ownership of the submerged lands. The commission shall adopt
286 rules to implement this paragraph, including, but not limited
287 to, establishing an application process and criteria for meeting

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288 the requirements of this paragraph. Each approved boating-
289 restricted area shall be established by commission rule. For
290 marking boating-restricted zones established pursuant to this
291 paragraph, owners of privately submerged lands shall apply to
292 the commission for a uniform waterway marker permit in
293 accordance with ss. 327.40 and 327.41, and shall be responsible
294 for marking the boating-restricted zone in accordance with the
295 terms of the permit.

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

298 Section 9. Subsections (2) and (3) of section 327.60,
299 Florida Statutes, are amended, and subsections (4) and (5) are
300 added to that section, to read:

301 327.60 Local regulations; limitations.—

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

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

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

314 (c) Regulating any vessel upon the Florida Intracoastal
315 Waterway;

316 (d) Discriminating against personal watercraft;

317 (e) Discriminating against airboats, for ordinances
318 adopted after July 1, 2006, unless adopted by a two-thirds vote
319 of the governing body enacting such ordinance;

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

323 1. Live-aboard vessels; and

324 2. Commercial vessels, excluding commercial fishing
325 vessels;

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

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

330 (3) ~~Nothing in This section does not shall be construed to~~
331 ~~prohibit local governments governmental authorities~~ from
332 ~~enacting or enforcing the enactment or enforcement of~~
333 ~~regulations that which~~ prohibit or restrict the mooring or
334 anchoring of floating structures, ~~or~~ live-aboard vessels, or
335 commercial vessels, excluding commercial fishing vessels, within

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336 their jurisdictions or of any vessels within the marked
337 boundaries of mooring fields permitted as provided in s. 327.40.
338 ~~However, local governmental authorities are prohibited from~~
339 ~~regulating the anchoring outside of such mooring fields of~~
340 ~~vessels other than live-aboard vessels as defined in s. 327.02.~~

341 (4) (a) A local government may enact and enforce
342 regulations that require owners or operators of vessels or
343 floating structures subject to the marine sanitation
344 requirements of s. 327.53 to provide proof of proper sewage
345 disposal by means of an approved sewage pumpout service,
346 approved sewage pumpout facility, or approved waste reception
347 facility when anchored or moored for more than 10 consecutive
348 days within the following areas:

349 1. Marked boundaries of a permitted mooring field under
350 the jurisdiction of the local government;

351 2. No-discharge zones as published in Volume 53, No. 13 of
352 the Federal Register, page 1678 (1988); Volume 64, No. 164 of
353 the Federal Register, pages 46390-46391 (1999); and Volume 67,
354 No. 98 of the Federal Register, pages 35735-35743 (2002); or

355 3. No-discharge zones established pursuant to 40 C.F.R. s.
356 1700.10.

357 (b) Before a local government may adopt an ordinance to
358 enact and enforce such regulations, the local government must
359 ensure that there are approved sewage pumpout services, approved
360 sewage pumpout facilities, or approved waste reception

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361 facilities available within its jurisdiction. Any ordinance
362 adopted pursuant to this subsection may not take effect until
363 reviewed and approved as consistent with this subsection by the
364 commission.

365 (c) This subsection does not prohibit a local government
366 from enacting or enforcing such sewage pumpout requirements for
367 live-aboard vessels, floating structures, and commercial vessels
368 within any areas of its jurisdiction.

369 (d) The commission may adopt rules to implement this
370 subsection.

371 (5) A local government may enact and enforce regulations
372 to implement the procedures for abandoned or lost property that
373 allow a local government law enforcement agency to remove a
374 vessel affixed to a public dock within its jurisdiction that is
375 abandoned or lost property pursuant to s. 705.103. The
376 regulations must follow the procedures established in s. 705.103
377 and be reviewed and approved by the commission.

378 Section 10. Subsection (3) of section 327.70, Florida
379 Statutes, is amended, and paragraph (d) is added to that
380 subsection, to read:

381 327.70 Enforcement of this chapter and chapter 328.—

382 (3) (a) Noncriminal violations of the following statutes
383 may be enforced by a uniform boating citation mailed to the
384 registered owner of an unattended vessel anchored, aground, or
385 moored on the waters of this state:

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

387 2. Section 327.44, relating to interference with
388 navigation.

389 3. Section 327.50(2), relating to required lights and
390 shapes.

391 4. Section 327.53, relating to marine sanitation.

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

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

394 7. Section 327.4107, relating to vessels at risk of
395 becoming derelict.

396 8. Section 327.4109, relating to prohibited anchoring or
397 mooring.

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

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

409 (d) A noncriminal violation of s. 327.4109 may be enforced
410 by a uniform boating citation issued to an owner or operator of

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411 a vessel or floating structure that is anchored or moored where
412 prohibited.

413 Section 11. Paragraph (g) of subsection (1) of section
414 327.73, Florida Statutes, is amended, and paragraph (bb) is
415 added to that subsection, to read:

416 327.73 Noncriminal infractions.—

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

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

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

423 2. For a first offense of s. 328.72(13)(b), up to a
424 maximum of \$250.

425 3. For a second or subsequent offense of s. 328.72(13)(b),
426 up to a maximum of \$500. A person cited for a noncriminal
427 infraction under this subparagraph may not have the provisions
428 of paragraph (4)(a) available to him or her and must appear
429 before the designated official at the time and location of the
430 scheduled hearing.

431 (bb) Section 327.4109, relating to anchoring or mooring in
432 a prohibited area, for which the penalty is:

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

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

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435 3. For a third or subsequent offense, up to a maximum of
436 \$250.

437
438 Any person cited for a violation of any provision of this
439 subsection shall be deemed to be charged with a noncriminal
440 infraction, shall be cited for such an infraction, and shall be
441 cited to appear before the county court. The civil penalty for
442 any such infraction is \$50, except as otherwise provided in this
443 section. Any person who fails to appear or otherwise properly
444 respond to a uniform boating citation shall, in addition to the
445 charge relating to the violation of the boating laws of this
446 state, be charged with the offense of failing to respond to such
447 citation and, upon conviction, be guilty of a misdemeanor of the
448 second degree, punishable as provided in s. 775.082 or s.
449 775.083. A written warning to this effect shall be provided at
450 the time such uniform boating citation is issued.

451 Section 12. Subsection (4) is added to section 328.09,
452 Florida Statutes, to read:

453 328.09 Refusal to issue and authority to cancel a
454 certificate of title or registration.-

455 (4) The department may not issue a certificate of title to
456 any applicant for any vessel that has been deemed derelict by a
457 law enforcement officer under s. 823.11. A law enforcement
458 officer must inform the department in writing, which may be
459 provided by facsimile, electronic mail, or other electronic

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460 means, of the vessel's derelict status and supply the department
461 with the vessel title number or vessel identification number.
462 The department may issue a certificate of title once a law
463 enforcement officer has verified in writing, which may be
464 provided by facsimile, electronic mail, or other electronic
465 means, that the vessel is no longer a derelict vessel.

466 Section 13. Subsection (2) of section 328.70, Florida
467 Statutes, is amended to read:

468 328.70 Legislative intent with respect to uniform
469 registration fee, classification of vessels.—

470 (2) Any vessel that ~~which~~ is required to be registered and
471 meets the definition of a commercial fishing vessel or
472 commercial vessel shall be classified and registered as a
473 "commercial vessel."

474 Section 14. Subsection (13) of section 328.72, Florida
475 Statutes, is amended to read:

476 328.72 Classification; registration; fees and charges;
477 surcharge; disposition of fees; fines; marine turtle stickers.—

478 (13) EXPIRED REGISTRATION.—The operation, use, or storage
479 on the waters of this state of a previously registered vessel is
480 subject to the following penalties:

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

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484 (b) The owner or operator of a vessel with an expired
485 registration of more than 6 months commits a noncriminal
486 infraction, punishable as provided in s. 327.73(1)(g)2. or
487 (1)(g)3. after the expiration of the registration period is a
488 noncriminal violation, as defined in s. 327.73. This subsection
489 does not apply to vessels lawfully stored at a dock or in a
490 marina.

491 Section 15. Subsection (2) of section 705.103, Florida
492 Statutes, is amended to read:

493 705.103 Procedure for abandoned or lost property.—

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

499 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
500 PROPERTY. This property, to wit: ...(setting forth brief
501 description)... is unlawfully upon public property known as
502 ...(setting forth brief description of location)... and must be
503 removed within 5 days; otherwise, it will be removed and
504 disposed of pursuant to chapter 705, Florida Statutes. The owner
505 will be liable for the costs of removal, storage, and
506 publication of notice. Dated this: ...(setting forth the date of
507 posting of notice)..., signed: ...(setting forth name, title,
508 address, and telephone number of law enforcement officer)....

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509 Such notice shall be not less than 8 inches by 10 inches and
510 shall be sufficiently weatherproof to withstand normal exposure
511 to the elements. In addition to posting, the law enforcement
512 officer shall make a reasonable effort to ascertain the name and
513 address of the owner. If such is reasonably available to the
514 officer, she or he shall mail a copy of such notice to the owner
515 on or before the date of posting. If the property is a motor
516 vehicle as defined in s. 320.01(1) or a vessel as defined in s.
517 327.02, the law enforcement agency shall contact the Department
518 of Highway Safety and Motor Vehicles in order to determine the
519 name and address of the owner and any person who has filed a
520 lien on the vehicle or vessel as provided in s. 319.27(2) or (3)
521 or s. 328.15(1). On receipt of this information, the law
522 enforcement agency shall mail a copy of the notice by certified
523 mail, return receipt requested, to the owner and to the
524 lienholder, if any, except that a law enforcement officer who
525 has issued the owner of a derelict vessel a citation for a
526 violation of s. 823.11 is not required to mail a copy of the
527 notice by certified mail, return receipt requested, to the
528 owner. If, at the end of 5 days after posting the notice and
529 mailing such notice, if required, the owner or any person
530 interested in the lost or abandoned article or articles
531 described has not removed the article or articles from public
532 property or shown reasonable cause for failure to do so, the
533 following shall apply:

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534 (a) For abandoned property, the law enforcement agency may
535 retain any or all of the property for its own use or for use by
536 the state or unit of local government, trade such property to
537 another unit of local government or state agency, donate the
538 property to a charitable organization, sell the property, or
539 notify the appropriate refuse removal service.

540 (b) For lost property, the officer shall take custody and
541 the agency shall retain custody of the property for 90 days. The
542 agency shall publish notice of the intended disposition of the
543 property, as provided in this section, during the first 45 days
544 of this time period.

545 1. If the agency elects to retain the property for use by
546 the unit of government, donate the property to a charitable
547 organization, surrender such property to the finder, sell the
548 property, or trade the property to another unit of local
549 government or state agency, notice of such election shall be
550 given by an advertisement published once a week for 2
551 consecutive weeks in a newspaper of general circulation in the
552 county where the property was found if the value of the property
553 is more than \$100. If the value of the property is \$100 or less,
554 notice shall be given by posting a description of the property
555 at the law enforcement agency where the property was turned in.
556 The notice must be posted for not less than 2 consecutive weeks
557 in a public place designated by the law enforcement agency. The
558 notice must describe the property in a manner reasonably

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559 adequate to permit the rightful owner of the property to claim
560 it.

561 2. If the agency elects to sell the property, it must do
562 so at public sale by competitive bidding. Notice of the time and
563 place of the sale shall be given by an advertisement of the sale
564 published once a week for 2 consecutive weeks in a newspaper of
565 general circulation in the county where the sale is to be held.
566 The notice shall include a statement that the sale shall be
567 subject to any and all liens. The sale must be held at the
568 nearest suitable place to that where the lost or abandoned
569 property is held or stored. The advertisement must include a
570 description of the goods and the time and place of the sale. The
571 sale may take place no earlier than 10 days after the final
572 publication. If there is no newspaper of general circulation in
573 the county where the sale is to be held, the advertisement shall
574 be posted at the door of the courthouse and at three other
575 public places in the county at least 10 days prior to sale.
576 Notice of the agency's intended disposition shall describe the
577 property in a manner reasonably adequate to permit the rightful
578 owner of the property to identify it.

579 Section 16. This act shall take effect July 1, 2017.

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T I T L E A M E N D M E N T

583

Remove everything before the enacting clause and insert:

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7043 (2017)

Amendment No.

584 An act relating to vessels; amending s. 253.0347, F.S.;

585 authorizing certain grandfathered private residential

586 multifamily docks to exceed the number of moored boats for the

587 number of residential units; amending s. 327.02, F.S.; providing

588 and revising definitions; amending s. 327.391, F.S.; conforming

589 a cross-reference; amending s. 327.4107, F.S.; providing a

590 condition under which a vessel is at risk of becoming derelict;

591 specifying the means by which an officer may provide notice to a

592 vessel owner or operator; authorizing the Fish and Wildlife

593 Conservation Commission to adopt rules; amending s. 327.4108,

594 F.S.; removing the expiration of provisions relating to

595 anchoring of vessels in anchoring limitation areas; creating s.

596 327.4109, F.S.; prohibiting anchoring or mooring of vessels and

597 floating structures in certain areas; providing exceptions and a

598 penalties; amending s. 327.44, F.S.; prohibiting mooring that

599 unreasonably or unnecessarily constitutes a navigational hazard

600 or interference with another vessel; amending s. 327.46, F.S.;

601 authorizing owners of certain privately submerged land to

602 request that the commission establish boating-restricted areas

603 to protect certain seagrass; authorizing the commission to adopt

604 rules; providing a definition; amending s. 327.60, F.S.;

605 authorizing a local government to enact and enforce certain

606 regulations that prohibit or restrict mooring or anchoring of

607 certain vessels, that require sewage disposal by certain vessels

608 and floating structures, and that authorize the removal of

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7043 (2017)

Amendment No.

609 certain vessels; requiring local governments with requirements
610 for sewage disposal to provide sewage pumpout services;
611 requiring the commission to review and approve certain
612 ordinances; providing applicability; authorizing the commission
613 to adopt rules; amending s. 327.70, F.S.; providing for issuance
614 of uniform boating citations for anchoring or mooring in
615 prohibited areas; amending s. 327.73, F.S.; providing penalties
616 for operating a vessel with an expired registration and
617 anchoring or mooring in prohibited areas; amending s. 328.09,
618 F.S.; prohibiting the issuance of certificates of title for
619 derelict vessels unless certain documentation is provided;
620 amending s. 328.70, F.S.; providing that a commercial fishing
621 vessel must be classified and registered as a commercial vessel;
622 amending s. 328.72, F.S.; revising the penalties for operation,
623 use, or storage of vessels with an expired registration;
624 amending s. 705.103, F.S.; exempting derelict vessels from
625 certain abandoned or lost property notice requirements;
626 providing an effective date.

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