



26 | to protect certain seagrass; authorizing the  
27 | commission to adopt rules; providing a definition;  
28 | amending s. 327.60, F.S.; authorizing a local  
29 | government to enact and enforce certain regulations  
30 | that prohibit or restrict mooring or anchoring of  
31 | certain vessels, that require sewage disposal by  
32 | certain vessels and floating structures, and that  
33 | authorize the removal of certain vessels; requiring  
34 | local governments to ensure that certain sewage  
35 | pumpout services and facilities are available;  
36 | requiring the commission to review and approve certain  
37 | ordinances; providing applicability; authorizing the  
38 | commission to adopt rules; amending s. 327.70, F.S.;  
39 | providing for issuance of uniform boating citations  
40 | for anchoring or mooring in prohibited areas; amending  
41 | s. 327.73, F.S.; providing penalties for operating a  
42 | vessel with an expired registration and anchoring or  
43 | mooring in prohibited areas; amending s. 328.09, F.S.;  
44 | prohibiting the issuance of certificates of title for  
45 | derelict vessels unless certain documentation is  
46 | provided; amending s. 328.70, F.S.; requiring  
47 | commercial fishing vessels to be registered and  
48 | classified as commercial vessels; amending s. 328.72,  
49 | F.S.; revising the penalties for operation, use, or  
50 | storage of vessels with expired registrations;

51 | amending s. 705.103, F.S.; exempting certain law  
 52 | enforcement officers from specified abandoned or lost  
 53 | property notice requirements; providing an effective  
 54 | date.

55 |

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

57 |

58 | Section 1. Paragraph (f) of subsection (2) of section  
 59 | 253.0347, Florida Statutes, is amended to read:

60 | 253.0347 Lease of sovereignty submerged lands for private  
 61 | residential docks and piers.—

62 | (2)

63 | (f) A lessee of sovereignty submerged lands for a private  
 64 | residential multifamily dock designed to moor boats up to the  
 65 | number of units within the multifamily development is not  
 66 | required to pay lease fees for a preempted area equal to or less  
 67 | than 10 times the riparian shoreline along sovereignty submerged  
 68 | land on the affected waterbody times the number of units with  
 69 | docks in the private multifamily development. Private  
 70 | residential multifamily docks grandfathered-in to use  
 71 | sovereignty submerged lands by January 1, 1998, pursuant to  
 72 | former rule 18-21.00405, Florida Administrative Code, as it  
 73 | existed in rule on March 15, 1990, may moor a number of boats  
 74 | that exceeds the number of units within the private multifamily  
 75 | development as previously authorized under such rule.

76 Section 2. Subsections (3) and (4) of section 327.02,  
77 Florida Statutes, are renumbered as subsections (4) and (5),  
78 respectively, present subsection (5) is renumbered as subsection  
79 (7), present subsections (7) through (10) are renumbered as  
80 subsections (9) through (12), respectively, present subsections  
81 (11) through (13) are renumbered as subsections (14) through  
82 (16), respectively, present subsection (14) is renumbered as  
83 subsection (18), present subsection (15) is renumbered as  
84 subsection (17), present subsections (16) through (44) are  
85 renumbered as subsections (19) through (47), respectively,  
86 present subsections (6) and (19) are amended, and new  
87 subsections (3), (8), and (13) are added to that section, to  
88 read:

89 327.02 Definitions.—As used in this chapter and in chapter  
90 328, unless the context clearly requires a different meaning,  
91 the term:

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

95 (6) "Commercial fishing vessel" means~~+~~

96 ~~(a)~~ a vessel primarily engaged in the taking or landing of  
97 saltwater fish or saltwater products or freshwater fish or  
98 freshwater products, or a vessel licensed pursuant to s. 379.361  
99 from which commercial quantities of saltwater products are  
100 harvested, from within and without the waters of this state for

101 sale to the consumer or to a retail or wholesale dealer.

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

104 (8) "Commercial vessel" means a vessel used as a place of  
 105 business or a professional or other commercial enterprise.

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

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

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

111 (22)~~(19)~~ "Live-aboard vessel" means:

112 (a) A vessel used solely as a residence and not for  
 113 navigation;

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

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

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

120  
 121 A commercial fishing vessel ~~boat~~ is expressly excluded from the  
 122 term "live-aboard vessel."

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

125 327.391 Airboats regulated.—

126 (1) The exhaust of every internal combustion engine used  
 127 on any airboat operated on the waters of this state shall be  
 128 provided with an automotive-style factory muffler, underwater  
 129 exhaust, or other manufactured device capable of adequately  
 130 muffling the sound of the exhaust of the engine as described in  
 131 s. 327.02(30) ~~327.02(27)~~. The use of cutouts or flex pipe as the  
 132 sole source of muffling is prohibited, except as provided in  
 133 subsection (4). Any person who violates this subsection commits  
 134 a noncriminal infraction punishable as provided in s. 327.73(1).

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

137 327.4107 Vessels at risk of becoming derelict on waters of  
 138 this state.—

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

143 (e) The vessel does not have an effective means of  
 144 propulsion for safe navigation within 72 hours after the vessel  
 145 owner or operator receives telephonic or written notice, which  
 146 may be provided by facsimile, electronic mail, or other  
 147 electronic means, stating such from an officer, and the vessel  
 148 owner or operator is unable to provide a receipt, proof of  
 149 purchase, or other documentation of having ordered necessary  
 150 parts for vessel repair. The commission may adopt rules to

151 implement this paragraph.

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

154 327.4108 Anchoring of vessels in anchoring limitation  
 155 areas.—

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

160 Section 6. Section 327.4109, Florida Statutes, is created  
 161 to read:

162 327.4109 Anchoring or mooring prohibited; exceptions;  
 163 penalties.—

164 (1) (a) The owner or operator of a vessel or floating  
 165 structure may not anchor or moor such that the nearest approach  
 166 of the anchored or moored vessel or floating structure is:

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

169 2. Within 300 feet of a superyacht repair facility. For  
 170 purposes of this subparagraph, the term "superyacht repair  
 171 facility" means a facility that services or repairs a yacht with  
 172 a water line of 120 feet or more in length; or

173 3. Within 100 feet outward from the marked boundary of a  
 174 public mooring field or a lesser distance if approved by the  
 175 commission upon request of a local government within which the

176 mooring field is located. The commission may adopt rules to  
 177 implement this subparagraph.

178 (b) This subsection does not apply to:

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

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

182 3. A commercial fishing vessel actively engaged in  
 183 commercial fishing.

184 4. A vessel actively engaged in recreational fishing if  
 185 the persons onboard are actively tending hook and line fishing  
 186 gear or nets.

187 (2) Notwithstanding subsection (1), an owner or operator  
 188 of a vessel may anchor or moor within 150 feet of any marina,  
 189 boat ramp, boatyard, or other vessel launching or loading  
 190 facility; within 300 feet of a superyacht repair facility; or  
 191 within 100 feet outward from the marked boundary of a public  
 192 mooring field if:

193 (a) The vessel suffers a mechanical failure that poses an  
 194 unreasonable risk of harm to the vessel or the persons onboard  
 195 such vessel. The owner or operator of the vessel may anchor or  
 196 moor for 5 business days or until the vessel is repaired,  
 197 whichever occurs first.

198 (b) Imminent or existing weather conditions in the  
 199 vicinity of the vessel pose an unreasonable risk of harm to the  
 200 vessel or the persons onboard such vessel. The owner or operator



201 of the vessel may anchor or moor until weather conditions no  
 202 longer pose such risk. During a hurricane or tropical storm,  
 203 weather conditions are deemed to no longer pose an unreasonable  
 204 risk of harm when the hurricane or tropical storm warning  
 205 affecting the area has expired.

206 (3) The owner or operator of a vessel or floating  
 207 structure may not anchor or moor within the marked boundary of a  
 208 public mooring field unless the owner or operator has a lawful  
 209 right to do so by contractual agreement or other business  
 210 arrangement.

211 (4) The owner or operator of a vessel or floating  
 212 structure may not anchor, moor, tie, or otherwise affix or allow  
 213 the vessel or floating structure to remain anchored, moored,  
 214 tied, or otherwise affixed to an unpermitted, unauthorized, or  
 215 otherwise unlawful object that is on or affixed to the bottom of  
 216 the waters of this state. This subsection does not apply to a  
 217 private mooring owned by the owner of privately owned submerged  
 218 lands.

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

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

223 327.44 Interference with navigation; relocation or  
 224 removal; recovery of costs.—

225 (2) A ~~No~~ person may not ~~shall~~ anchor, moor ~~operate~~, or

226 | allow permit to be anchored or moored, except in case of  
 227 | emergency, or operate ~~operated~~ a vessel or carry on any  
 228 | prohibited activity in a manner which ~~shall~~ unreasonably or  
 229 | unnecessarily constitutes ~~constitute~~ a navigational hazard or  
 230 | interference ~~interfere~~ with another vessel. Anchoring or mooring  
 231 | under bridges or in or adjacent to heavily traveled channels  
 232 | constitutes ~~shall constitute~~ interference if unreasonable under  
 233 | the prevailing circumstances.

234 | Section 8. Subsection (1) of section 327.46, Florida  
 235 | Statutes, is amended to read:

236 | 327.46 Boating-restricted areas.—

237 | (1) Boating-restricted areas, including, but not limited  
 238 | to, restrictions of vessel speeds and vessel traffic, may be  
 239 | established on the waters of this state for any purpose  
 240 | necessary to protect the safety of the public if such  
 241 | restrictions are necessary based on boating accidents,  
 242 | visibility, hazardous currents or water levels, vessel traffic  
 243 | congestion, or other navigational hazards or to protect  
 244 | seagrasses on privately owned submerged lands.

245 | (a) The commission may establish boating-restricted areas  
 246 | by rule pursuant to chapter 120.

247 | (b) Municipalities and counties have the authority to  
 248 | establish the following boating-restricted areas by ordinance:

249 | 1. An ordinance establishing an idle speed, no wake  
 250 | boating-restricted area, if the area is:

251           a. Within 500 feet of any boat ramp, hoist, marine  
 252 railway, or other launching or landing facility available for  
 253 use by the general boating public on waterways more than 300  
 254 feet in width or within 300 feet of any boat ramp, hoist, marine  
 255 railway, or other launching or landing facility available for  
 256 use by the general boating public on waterways not exceeding 300  
 257 feet in width.

258           b. Within 500 feet of fuel pumps or dispensers at any  
 259 marine fueling facility that sells motor fuel to the general  
 260 boating public on waterways more than 300 feet in width or  
 261 within 300 feet of the fuel pumps or dispensers at any licensed  
 262 terminal facility that sells motor fuel to the general boating  
 263 public on waterways not exceeding 300 feet in width.

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

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

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

268           b. Within 300 feet of any bridge span presenting a  
 269 vertical clearance of less than 25 feet or a horizontal  
 270 clearance of less than 100 feet.

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

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

- 276           3. An ordinance establishing a vessel-exclusion zone if  
 277 the area is:
- 278           a. Designated as a public bathing beach or swim area.
- 279           b. Within 300 feet of a dam, spillway, or flood control  
 280 structure.
- 281           (c) Municipalities and counties have the authority to  
 282 establish by ordinance the following other boating-restricted  
 283 areas:
- 284           1. An ordinance establishing an idle speed, no wake  
 285 boating-restricted area, if the area is within 300 feet of a  
 286 confluence of water bodies presenting a blind corner, a bend in  
 287 a narrow channel or fairway, or such other area if an  
 288 intervening obstruction to visibility may obscure other vessels  
 289 or other users of the waterway.
- 290           2. An ordinance establishing a slow speed, minimum wake,  
 291 or numerical speed limit boating-restricted area if the area is:
- 292           a. Within 300 feet of a confluence of water bodies  
 293 presenting a blind corner, a bend in a narrow channel or  
 294 fairway, or such other area if an intervening obstruction to  
 295 visibility may obscure other vessels or other users of the  
 296 waterway.
- 297           b. Subject to unsafe levels of vessel traffic congestion.
- 298           c. Subject to hazardous water levels or currents, or  
 299 containing other navigational hazards.
- 300           d. An area that accident reports, uniform boating

301 citations, vessel traffic studies, or other creditable data  
302 demonstrate to present a significant risk of collision or a  
303 significant threat to boating safety.

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

306 a. As a canoe trail or otherwise limited to vessels under  
307 oars or under sail.

308 b. For a particular activity and user group separation  
309 must be imposed to protect the safety of those participating in  
310 such activity.

311  
312 Any of the ordinances adopted pursuant to this paragraph shall  
313 not take effect until the commission has reviewed the ordinance  
314 and determined by substantial competent evidence that the  
315 ordinance is necessary to protect public safety pursuant to this  
316 paragraph. Any application for approval of an ordinance shall be  
317 reviewed and acted upon within 90 days after receipt of a  
318 completed application. Within 30 days after a municipality or  
319 county submits an application for approval to the commission,  
320 the commission shall advise the municipality or county as to  
321 what information, if any, is needed to deem the application  
322 complete. An application shall be considered complete upon  
323 receipt of all requested information and correction of any error  
324 or omission for which the applicant was timely notified or when  
325 the time for such notification has expired. The commission's

326 | action on the application shall be subject to review under  
327 | chapter 120. The commission shall initiate rulemaking no later  
328 | than January 1, 2010, to provide criteria and procedures for  
329 | reviewing applications and procedures for providing for public  
330 | notice and participation pursuant to this paragraph.

331 |       (d) Owners of private submerged lands that are adjacent to  
332 | Outstanding Florida Waters, as defined in s. 403.061(27), or an  
333 | aquatic preserve established under ss. 258.39-258.399 may  
334 | request that the commission establish boating-restricted areas  
335 | solely to protect any seagrass and contiguous seagrass habitat  
336 | within their private property boundaries from seagrass scarring  
337 | due to propeller dredging. Owners making a request pursuant to  
338 | this paragraph must demonstrate to the commission clear  
339 | ownership of the submerged lands. The commission shall adopt  
340 | rules to implement this paragraph, including, but not limited  
341 | to, establishing an application process and criteria for meeting  
342 | the requirements of this paragraph. Each approved boating-  
343 | restricted area shall be established by commission rule. For  
344 | marking boating-restricted zones established pursuant to this  
345 | paragraph, owners of privately submerged lands shall apply to  
346 | the commission for a uniform waterway marker permit in  
347 | accordance with ss. 327.40 and 327.41, and shall be responsible  
348 | for marking the boating-restricted zone in accordance with the  
349 | terms of the permit.

350 |       (e) As used in this section, the term "seagrass" has the

351 same meaning as in s. 253.04.

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

355 327.60 Local regulations; limitations.—

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

361 (a) Establishing a vessel or associated equipment  
362 performance or other safety standard, imposing a requirement for  
363 associated equipment, or regulating the carrying or use of  
364 marine safety articles;

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

368 (c) Regulating any vessel upon the Florida Intracoastal  
369 Waterway;

370 (d) Discriminating against personal watercraft;

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

374 (f) Regulating the anchoring of vessels ~~other than live-~~  
375 ~~aboard vessels~~ outside the marked boundaries of mooring fields

376 | permitted as provided in s. 327.40, except for:

377 |       1. Live-aboard vessels; and

378 |       2. Commercial vessels, excluding commercial fishing  
 379 | vessels;

380 |       (g) Regulating engine or exhaust noise, except as provided  
 381 | in s. 327.65; or

382 |       (h) That conflicts with any provisions of this chapter or  
 383 | any amendments thereto or rules adopted thereunder.

384 |       (3) ~~Nothing in This section does not shall be construed to~~  
 385 | prohibit local governmental authorities from the enactment or  
 386 | enforcement of regulations that ~~which~~ prohibit or restrict the  
 387 | mooring or anchoring of floating structures, ~~or~~ live-aboard  
 388 | vessels, or commercial vessels, excluding commercial fishing  
 389 | vessels, within their jurisdictions or of any vessels within the  
 390 | marked boundaries of mooring fields permitted as provided in s.  
 391 | 327.40. ~~However, local governmental authorities are prohibited~~  
 392 | ~~from regulating the anchoring outside of such mooring fields of~~  
 393 | ~~vessels other than live-aboard vessels as defined in s. 327.02.~~

394 |       (4) (a) A local government may enact and enforce  
 395 | regulations that require owners or operators of vessels or  
 396 | floating structures subject to the marine sanitation  
 397 | requirements of s. 327.53 to provide proof of proper sewage  
 398 | disposal by means of an approved sewage pumpout service,  
 399 | approved sewage pumpout facility, or approved waste reception  
 400 | facility when anchored or moored for more than 10 consecutive



401 days within the following areas:

402 1. Marked boundaries of a permitted mooring field under  
403 the jurisdiction of the local government;

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

408 3. No-discharge zones established pursuant to 40 C.F.R. s.  
409 1700.10.

410 (b) Before a local government may adopt an ordinance to  
411 enact and enforce such regulations, the local government must  
412 ensure that there are approved sewage pumpout services, approved  
413 sewage pumpout facilities, or approved waste reception  
414 facilities available within its jurisdiction. Any ordinance  
415 adopted pursuant to this subsection may not take effect until  
416 reviewed and approved as consistent with this subsection by the  
417 commission.

418 (c) This subsection does not prohibit a local government  
419 from enacting or enforcing such sewage pumpout requirements for  
420 live-aboard vessels, floating structures, and commercial  
421 vessels, excluding commercial fishing vessels, within any areas  
422 of its jurisdiction.

423 (d) The commission may adopt rules to implement this  
424 subsection.

425 (5) A local government may enact and enforce regulations

426 to implement the procedures for abandoned or lost property that  
427 allow the local law enforcement agency to remove a vessel  
428 affixed to a public dock within its jurisdiction that is  
429 abandoned or lost property pursuant to s. 705.103(1). Such  
430 regulation must require the local law enforcement agency to post  
431 a written notice at least 24 hours before removing the vessel.

432 Section 10. Subsection (3) of section 327.70, Florida  
433 Statutes, is amended to read:

434 327.70 Enforcement of this chapter and chapter 328.—

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

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

440 2. Section 327.44, relating to interference with  
441 navigation.

442 3. Section 327.50(2), relating to required lights and  
443 shapes.

444 4. Section 327.53, relating to marine sanitation.

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

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

447 7. Section 327.4107, relating to vessels at risk of  
448 becoming derelict.

449 8. Section 327.4109, relating to prohibited anchoring or  
450 mooring.

451 (b) Citations issued to livery vessels under this  
 452 subsection are ~~shall be~~ the responsibility of the lessee of the  
 453 vessel if the livery has included a warning of this  
 454 responsibility as a part of the rental agreement and has  
 455 provided to the agency issuing the citation the name, address,  
 456 and date of birth of the lessee when requested by that agency.  
 457 The livery is not responsible for the payment of citations if  
 458 the livery provides the required warning and lessee information.

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

462 (d) A noncriminal violation of s. 327.4109 may be enforced  
 463 by a uniform boating citation issued to the owner or operator of  
 464 a vessel or floating structure unlawfully anchored or moored in  
 465 a prohibited area.

466 Section 11. Paragraph (g) of subsection (1) of section  
 467 327.73, Florida Statutes, is amended, and paragraph (bb) is  
 468 added to that subsection, to read:

469 327.73 Noncriminal infractions.—

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

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

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

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

478           3. For a second or subsequent offense of s. 328.72(13)(b),  
 479 up to a maximum of \$500. Any person cited for a noncriminal  
 480 infraction under this subparagraph may not have the provisions  
 481 of paragraph (4)(a) available to him or her but must appear  
 482 before the designated official at the time and location of the  
 483 scheduled hearing.

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

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

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

488           3. For a third or subsequent offense, up to a maximum of  
 489 \$250.

490  
 491 Any person cited for a violation of any provision of this  
 492 subsection shall be deemed to be charged with a noncriminal  
 493 infraction, shall be cited for such an infraction, and shall be  
 494 cited to appear before the county court. The civil penalty for  
 495 any such infraction is \$50, except as otherwise provided in this  
 496 section. Any person who fails to appear or otherwise properly  
 497 respond to a uniform boating citation shall, in addition to the  
 498 charge relating to the violation of the boating laws of this  
 499 state, be charged with the offense of failing to respond to such  
 500 citation and, upon conviction, be guilty of a misdemeanor of the

501 second degree, punishable as provided in s. 775.082 or s.  
 502 775.083. A written warning to this effect shall be provided at  
 503 the time such uniform boating citation is issued.

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

506 328.09 Refusal to issue and authority to cancel a  
 507 certificate of title or registration.—

508 (4) The department may not issue a certificate of title to  
 509 any applicant for any vessel that has been deemed derelict by a  
 510 law enforcement officer under s. 823.11. A law enforcement  
 511 officer must inform the department in writing, which may be  
 512 provided by facsimile, electronic mail, or other electronic  
 513 means, of the vessel's derelict status and supply the department  
 514 with the vessel title number or vessel identification number.  
 515 The department may issue a certificate of title once a law  
 516 enforcement officer has verified in writing, which may be  
 517 provided by facsimile, electronic mail, or other electronic  
 518 means, that the vessel is no longer a derelict vessel.

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

521 328.70 Legislative intent with respect to uniform  
 522 registration fee, classification of vessels.—

523 (2) Any vessel that ~~which~~ is required to be registered and  
 524 that meets the definition of a commercial fishing vessel or a  
 525 commercial vessel shall be classified and registered as a

526 "commercial vessel."

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

529 328.72 Classification; registration; fees and charges;  
530 surcharge; disposition of fees; fines; marine turtle stickers.-

531 (13) EXPIRED REGISTRATION.-The operation, use, or storage  
532 on the waters of this state of a previously registered vessel is  
533 subject to the following penalties:

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

537 (b) The owner or operator of a vessel with an expired  
538 registration of more than 6 months commits a noncriminal  
539 infraction, punishable as provided in s. 327.73(1)(g)2. or  
540 (1)(g)3. after the expiration of the registration period is a  
541 noncriminal violation, as defined in s. 327.73.

542  
543 This subsection does not apply to vessels lawfully stored at a  
544 dock or in a marina.

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

547 705.103 Procedure for abandoned or lost property.-

548 (2) Whenever a law enforcement officer ascertains that an  
549 article of lost or abandoned property is present on public  
550 property and is of such nature that it cannot be easily removed,

551 the officer shall cause a notice to be placed upon such article  
552 in substantially the following form:  
553 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
554 PROPERTY. This property, to wit: ...(setting forth brief  
555 description)... is unlawfully upon public property known as  
556 ...(setting forth brief description of location)... and must be  
557 removed within 5 days; otherwise, it will be removed and  
558 disposed of pursuant to chapter 705, Florida Statutes. The owner  
559 will be liable for the costs of removal, storage, and  
560 publication of notice. Dated this: ...(setting forth the date of  
561 posting of notice)..., signed: ...(setting forth name, title,  
562 address, and telephone number of law enforcement officer)....  
563 Such notice shall be not less than 8 inches by 10 inches and  
564 shall be sufficiently weatherproof to withstand normal exposure  
565 to the elements. In addition to posting, the law enforcement  
566 officer shall make a reasonable effort to ascertain the name and  
567 address of the owner. If such is reasonably available to the  
568 officer, she or he shall mail a copy of such notice to the owner  
569 on or before the date of posting. If the property is a motor  
570 vehicle as defined in s. 320.01(1) or a vessel as defined in s.  
571 327.02, the law enforcement agency shall contact the Department  
572 of Highway Safety and Motor Vehicles in order to determine the  
573 name and address of the owner and any person who has filed a  
574 lien on the vehicle or vessel as provided in s. 319.27(2) or (3)  
575 or s. 328.15(1). On receipt of this information, the law

576 enforcement agency shall mail a copy of the notice by certified  
577 mail, return receipt requested, to the owner and to the  
578 lienholder, if any, except that a law enforcement officer who  
579 has issued a citation for a violation of s. 823.11 to the owner  
580 of a derelict vessel is not required to mail a copy of the  
581 notice by certified mail, return receipt requested, to the  
582 owner. If, at the end of 5 days after posting the notice and  
583 mailing such notice, if required, the owner or any person  
584 interested in the lost or abandoned article or articles  
585 described has not removed the article or articles from public  
586 property or shown reasonable cause for failure to do so, the  
587 following shall apply:

588 (a) For abandoned property, the law enforcement agency may  
589 retain any or all of the property for its own use or for use by  
590 the state or unit of local government, trade such property to  
591 another unit of local government or state agency, donate the  
592 property to a charitable organization, sell the property, or  
593 notify the appropriate refuse removal service.

594 (b) For lost property, the officer shall take custody and  
595 the agency shall retain custody of the property for 90 days. The  
596 agency shall publish notice of the intended disposition of the  
597 property, as provided in this section, during the first 45 days  
598 of this time period.

599 1. If the agency elects to retain the property for use by  
600 the unit of government, donate the property to a charitable



601 organization, surrender such property to the finder, sell the  
602 property, or trade the property to another unit of local  
603 government or state agency, notice of such election shall be  
604 given by an advertisement published once a week for 2  
605 consecutive weeks in a newspaper of general circulation in the  
606 county where the property was found if the value of the property  
607 is more than \$100. If the value of the property is \$100 or less,  
608 notice shall be given by posting a description of the property  
609 at the law enforcement agency where the property was turned in.  
610 The notice must be posted for not less than 2 consecutive weeks  
611 in a public place designated by the law enforcement agency. The  
612 notice must describe the property in a manner reasonably  
613 adequate to permit the rightful owner of the property to claim  
614 it.

615       2. If the agency elects to sell the property, it must do  
616 so at public sale by competitive bidding. Notice of the time and  
617 place of the sale shall be given by an advertisement of the sale  
618 published once a week for 2 consecutive weeks in a newspaper of  
619 general circulation in the county where the sale is to be held.  
620 The notice shall include a statement that the sale shall be  
621 subject to any and all liens. The sale must be held at the  
622 nearest suitable place to that where the lost or abandoned  
623 property is held or stored. The advertisement must include a  
624 description of the goods and the time and place of the sale. The  
625 sale may take place no earlier than 10 days after the final

626 publication. If there is no newspaper of general circulation in  
627 the county where the sale is to be held, the advertisement shall  
628 be posted at the door of the courthouse and at three other  
629 public places in the county at least 10 days prior to sale.  
630 Notice of the agency's intended disposition shall describe the  
631 property in a manner reasonably adequate to permit the rightful  
632 owner of the property to identify it.

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