

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Chaney offered the following:

3  
 4 **Amendment (with title amendment)**

5 Between lines 122 and 123, insert:

6 Section 2. For the purpose of incorporating the amendment  
 7 made by this act to section 705.103, Florida Statutes, in a  
 8 reference thereto, paragraph (a) of subsection (7) of section  
 9 327.4107, Florida Statutes, is reenacted to read:

10 327.4107 Vessels at risk of becoming derelict on waters of  
 11 this state.—

12 (7) The commission may establish a derelict vessel  
 13 prevention program to address vessels at risk of becoming  
 14 derelict. Such program may, but is not required to, include:

15 (a) Removal, relocation, and destruction of vessels  
 16 declared a public nuisance, derelict or at risk of becoming

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17 derelict, or lost or abandoned in accordance with s. 327.53(7),  
18 s. 327.73(1)(aa), s. 705.103(2) and (4), or s. 823.11(3).

19  
20 The commission may adopt rules to implement this subsection.  
21 Implementation of the derelict vessel prevention program shall  
22 be subject to appropriation by the Legislature and shall be  
23 funded by the Marine Resources Conservation Trust Fund or the  
24 Florida Coastal Protection Trust Fund.

25 Section 3. For the purpose of incorporating the amendment  
26 made by this act to section 705.103, Florida Statutes, in a  
27 reference thereto, paragraph (d) of subsection (6) of section  
28 327.4108, Florida Statutes, is reenacted to read:

29 327.4108 Anchoring of vessels in anchoring limitation  
30 areas.—

31 (6)

32 (d) A vessel that is the subject of more than three  
33 violations within 12 months which result in dispositions other  
34 than acquittal or dismissal shall be declared to be a public  
35 nuisance and subject to s. 705.103 or, for a derelict vessel,  
36 subject to s. 823.11.

37 Section 4. For the purpose of incorporating the amendment  
38 made by this act to section 705.103, Florida Statutes, in a  
39 reference thereto, subsection (5) of section 327.60, Florida  
40 Statutes, is reenacted to read:

41 327.60 Local regulations; limitations.—

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42 (5) A local government may enact and enforce regulations  
43 to implement the procedures for abandoned or lost property that  
44 allow the local law enforcement agency to remove a vessel  
45 affixed to a public dock or mooring within its jurisdiction that  
46 is abandoned or lost property pursuant to s. 705.103(1). Such  
47 regulation must require the local law enforcement agency to post  
48 a written notice at least 24 hours before removing the vessel.

49 Section 5. For the purpose of incorporating the amendment  
50 made by this act to section 705.103, Florida Statutes, in a  
51 reference thereto, paragraph (a) of subsection (2) of section  
52 327.66, Florida Statutes, is reenacted to read:

53 327.66 Carriage of gasoline on vessels.—

54 (2)(a) Gasoline possessed or transported in violation of  
55 this section and all containers holding such gasoline are  
56 declared to be a public nuisance. A law enforcement agency  
57 discovering gasoline possessed or transported in violation of  
58 paragraph (1)(a) shall abate the nuisance by removing the  
59 gasoline and containers from the vessel and from the waters of  
60 this state. A law enforcement agency that removes gasoline or  
61 containers pursuant to this subsection may elect to:

- 62 1. Retain the property for the agency's own use;
- 63 2. Transfer the property to another unit of state or local  
64 government;
- 65 3. Donate the property to a charitable organization; or

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66 4. Sell the property at public sale pursuant to s.  
67 705.103.

68 Section 6. For the purpose of incorporating the amendment  
69 made by this act to section 705.103, Florida Statutes, in a  
70 reference thereto, paragraph (aa) of subsection (1) of section  
71 327.73, Florida Statutes, is reenacted to read:

72 327.73 Noncriminal infractions.—

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

75 (aa) Section 327.4107, relating to vessels at risk of  
76 becoming derelict on waters of this state, for which the civil  
77 penalty is:

78 1. For a first offense, \$100.

79 2. For a second offense occurring 30 days or more after a  
80 first offense, \$250.

81 3. For a third or subsequent offense occurring 30 days or  
82 more after a previous offense, \$500.

83

84 A vessel that is the subject of three or more violations issued  
85 pursuant to the same paragraph of s. 327.4107(2) within an 18-  
86 month period which result in dispositions other than acquittal  
87 or dismissal shall be declared to be a public nuisance and  
88 subject to ss. 705.103(2) and (4) and 823.11(3). The commission,  
89 an officer of the commission, or a law enforcement agency or  
90 officer specified in s. 327.70 may relocate, remove, or cause to

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91 | be relocated or removed such public nuisance vessels from waters  
92 | of this state. The commission, an officer of the commission, or  
93 | a law enforcement agency or officer acting pursuant to this  
94 | paragraph upon waters of this state shall be held harmless for  
95 | all damages to the vessel resulting from such relocation or  
96 | removal unless the damage results from gross negligence or  
97 | willful misconduct as these terms are defined in s. 823.11.

98 |  
99 | Any person cited for a violation of this subsection shall be  
100 | deemed to be charged with a noncriminal infraction, shall be  
101 | cited for such an infraction, and shall be cited to appear  
102 | before the county court. The civil penalty for any such  
103 | infraction is \$100, except as otherwise provided in this  
104 | section. Any person who fails to appear or otherwise properly  
105 | respond to a uniform boating citation, in addition to the charge  
106 | relating to the violation of the boating laws of this state,  
107 | must be charged with the offense of failing to respond to such  
108 | citation and, upon conviction, be guilty of a misdemeanor of the  
109 | second degree, punishable as provided in s. 775.082 or s.  
110 | 775.083. A written warning to this effect shall be provided at  
111 | the time such uniform boating citation is issued.

112 |       Section 7. For the purpose of incorporating the amendment  
113 | made by this act to section 705.103, Florida Statutes, in a  
114 | reference thereto, subsection (1) of section 379.338, Florida  
115 | Statutes, is reenacted to read:

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116 379.338 Confiscation and disposition of illegally taken  
117 wildlife, freshwater fish, and saltwater fish.—

118 (1) All wildlife, freshwater fish, and saltwater fish  
119 seized under the authority of this chapter, any other chapter,  
120 or rules of the commission shall, upon conviction of the  
121 offender or sooner in accordance with a court order if the court  
122 so orders, be forfeited to the investigating law enforcement  
123 agency. The law enforcement agency may elect to retain the  
124 wildlife, freshwater fish, or saltwater fish for the agency's  
125 official use; transfer it to another unit of state or local  
126 government for official use; donate it to a charitable  
127 organization; sell it at a public sale pursuant to s. 705.103;  
128 or destroy the wildlife, freshwater fish, or saltwater fish if  
129 none of the other options is practicable or if the wildlife,  
130 freshwater fish, or saltwater fish is unwholesome or otherwise  
131 not of appreciable value. All illegally possessed live wildlife,  
132 freshwater fish, and saltwater fish that are properly documented  
133 as evidence as provided in s. 379.3381 may be returned to the  
134 habitat unharmed. Any unclaimed wildlife, freshwater fish, or  
135 saltwater fish shall be retained by the investigating law  
136 enforcement agency and disposed of in accordance with this  
137 subsection.

138 Section 8. For the purpose of incorporating the amendment  
139 made by this act to section 705.103, Florida Statutes, in

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140 references thereto, subsection (1) of section 705.104, Florida  
141 Statutes, is reenacted to read:

142 705.104 Title to lost or abandoned property.—

143 (1) Title to lost or abandoned property is hereby vested  
144 in the finder upon the expiration of the 90-day custodial time  
145 period specified in s. 705.103(2)(b), provided the notice  
146 requirements of s. 705.103 have been met, unless the rightful  
147 owner or a lienholder claims the property within that time.

148 Section 9. For the purpose of incorporating the amendment  
149 made by this act to section 705.103, Florida Statutes, in a  
150 reference thereto, paragraph (a) of subsection (1) of section  
151 705.105, Florida Statutes, is reenacted to read:

152 705.105 Procedure regarding unclaimed evidence.—

153 (1) Title to unclaimed evidence or unclaimed tangible  
154 personal property lawfully seized pursuant to a lawful  
155 investigation in the custody of the court or clerk of the court  
156 from a criminal proceeding or seized as evidence by and in the  
157 custody of a law enforcement agency shall vest permanently in  
158 the law enforcement agency 60 days after the conclusion of the  
159 proceeding.

160 (a) If the property is of appreciable value, the agency  
161 may elect to:

- 162 1. Retain the property for the agency's own use;  
163 2. Transfer the property to another unit of state or local  
164 government;

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- 165           3. Donate the property to a charitable organization;  
166           4. Sell the property at public sale, pursuant to the  
167 provisions of s. 705.103.

168           Section 10. For the purpose of incorporating the amendment  
169 made by this act to section 705.103, Florida Statutes, in a  
170 reference thereto, subsection (8) of section 713.585, Florida  
171 Statutes, is reenacted to read:

172           713.585 Enforcement of lien by sale of motor vehicle.—A  
173 person claiming a lien under s. 713.58 for performing labor or  
174 services on a motor vehicle may enforce such lien by sale of the  
175 vehicle in accordance with the following procedures:

176           (8) A vehicle subject to lien enforcement pursuant to this  
177 section must be sold by the lienor at public sale. Immediately  
178 upon the sale of the vehicle and payment in cash of the purchase  
179 price, the lienor shall deposit with the clerk of the circuit  
180 court the proceeds of the sale less the amount claimed by the  
181 lienor for work done and storage, if any, and all reasonable  
182 costs and expenses incurred in conducting the sale, including  
183 any attorney's fees and costs ordered by the court.

184 Simultaneously with depositing the proceeds of sale remaining  
185 after payment to the lienor, the lienor shall file with the  
186 clerk a verified report of the sale stating a description of the  
187 vehicle sold, including the vehicle identification number; the  
188 name and address of the purchaser; the date of the sale; and the  
189 selling price. The report shall also itemize the amount retained

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190 by the lienor pursuant to this section and shall indicate  
191 whether a hearing was demanded and held. All proceeds held by  
192 the court shall be held for the benefit of the owner of the  
193 vehicle or any lienholder whose lien is discharged by the sale  
194 and shall be disbursed only upon order of the court. Unless a  
195 proceeding is initiated to validate a claim to such proceeds  
196 within 1 year and a day from the date of the sale, the proceeds  
197 shall be deemed abandoned property and disposition thereof shall  
198 be governed by s. 705.103. The clerk shall receive 5 percent of  
199 the proceeds deposited with her or him, not to exceed \$25, for  
200 her or his services under this section.

201 Section 11. For the purpose of incorporating the amendment  
202 made by this act to section 705.103, Florida Statutes, in a  
203 reference thereto, paragraph (d) of subsection (2) of section  
204 823.11, Florida Statutes, is reenacted to read:

205 823.11 Derelict vessels; relocation or removal; penalty.-

206 (2)

207 (d) Notwithstanding the additional 45 days provided in  
208 sub-subparagraph (b)2.b. during which an owner or a responsible  
209 party may not be charged for a violation of this section, the  
210 commission, an officer of the commission, a law enforcement  
211 agency or officer specified in s. 327.70, or, during a state of  
212 emergency declared by the Governor, the Division of Emergency  
213 Management or its designee, may immediately begin the process  
214 set forth in s. 705.103(2)(a) and, once that process has been

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215 completed and the 45 days provided herein have passed, any  
216 vessel that has not been removed or repaired such that it is no  
217 longer derelict upon the waters of this state may be removed and  
218 destroyed as provided therein.

219

220

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221

**T I T L E   A M E N D M E N T**

222

Remove line 6 and insert:

223

properties; reenacting ss. 327.4107(7)(a), 327.4108(6)(d),

224

327.60(5), 327.66(2)(a), 327.73(1)(aa), 379.338(1), 705.104(1),

225

705.105(1)(a), 713.585(8), and 823.11(2)(d), F.S., relating to a

226

program to remove, relocate, or destroy vessels at risk of

227

becoming derelict on waters of this state, the anchoring of

228

vessels with more than three violations within a 12-month period

229

in anchoring limitation areas, local regulations for procedures

230

to remove abandoned or lost vessels affixed to a public dock or

231

mooring, the removal of specified gasoline and gasoline

232

containers on vessels and the removal of such vessels by a law

233

enforcement agency, civil penalties for violations of specified

234

laws relating to certain vessels, confiscation and disposition

235

of illegally taken wildlife, freshwater fish, and saltwater

236

fish, title to lost or abandoned property, the procedure

237

regarding certain unclaimed evidence, the proceeds and

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disposition from the sale of certain motor vehicles, and the

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removal and destruction of specified derelict vessels,

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 487 (2024)

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240 | respectively, to incorporate the amendment made to s. 705.103,  
241 | F.S., in references thereto; providing an effective date.