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CS/CS/HB 7043

2017 Legislature

1
2 An act relating to vessels; amending s. 253.0347,
3 F.S.; authorizing certain grandfathered private
4 residential multifamily docks to moor a number of
5 boats that exceeds the number of units within the
6 private multifamily development; amending s. 327.02,
7 F.S.; providing and revising definitions; amending s.
8 327.391, F.S.; conforming a cross-reference; amending
9 s. 327.4107, F.S.; providing a condition under which a
10 vessel is at risk of becoming derelict; specifying the
11 means by which an officer may provide certain
12 telephonic or written notice to a vessel owner or
13 operator; authorizing the Fish and Wildlife
14 Conservation Commission to adopt rules; amending s.
15 327.4108, F.S.; removing the expiration of provisions
16 relating to anchoring vessels in anchoring limitation
17 areas; creating s. 327.4109, F.S.; prohibiting owners
18 and operators of vessels and floating structures from
19 anchoring or mooring in certain areas; providing
20 exceptions and a penalty; amending s. 327.44, F.S.;
21 prohibiting persons from mooring vessels in a manner
22 that constitutes certain navigational hazards or
23 interference; amending s. 327.46, F.S.; authorizing
24 owners of certain privately submerged land to request
25 that the commission establish boating-restricted areas

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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;

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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.

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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

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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.—

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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

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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

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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

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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

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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:

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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.

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- 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

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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

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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

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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

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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

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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

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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.

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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.

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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

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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

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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,

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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

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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

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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

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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.