

312 Section 8. Paragraph (s) of subsection (2) of section
313 403.813, Florida Statutes, is amended to read:

314 403.813 Permits issued at district centers; exceptions.--

315 (2) A permit is not required under this chapter, chapter
316 373, chapter 61-691, Laws of Florida, or chapter 25214 or
317 chapter 25270, 1949, Laws of Florida, for activities associated
318 with the following types of projects; however, except as
319 otherwise provided in this subsection, nothing in this
320 subsection relieves an applicant from any requirement to obtain
321 permission to use or occupy lands owned by the Board of Trustees
322 of the Internal Improvement Trust Fund or any water management

323 | district in its governmental or proprietary capacity or from
 324 | complying with applicable local pollution control programs
 325 | authorized under this chapter or other requirements of county
 326 | and municipal governments:

327 | (s) The construction, installation, operation, or
 328 | maintenance of floating vessel platforms or floating boat lifts,
 329 | provided that such structures:

330 | 1. Float at all times in the water for the sole purpose of
 331 | supporting a vessel so that the vessel is out of the water when
 332 | not in use;

333 | 2. Are wholly contained within a boat slip previously
 334 | permitted under ss. 403.91-403.929, 1984 Supplement to the
 335 | Florida Statutes 1983, as amended, or part IV of chapter 373, or
 336 | do not exceed a combined total of 500 square feet, or 200 square
 337 | feet in an Outstanding Florida Water, when associated with a
 338 | dock that is exempt under this subsection or associated with a
 339 | permitted dock with no defined boat slip or attached to a
 340 | bulkhead on a parcel of land where there is no other docking
 341 | structure, ~~do not exceed a combined total of 500 square feet, or~~
 342 | ~~200 square feet in an Outstanding Florida Water;~~

343 | 3. Are not used for any commercial purpose or for mooring
 344 | vessels that remain in the water when not in use, and do not
 345 | substantially impede the flow of water, create a navigational
 346 | hazard, or unreasonably infringe upon the riparian rights of
 347 | adjacent property owners, as defined in s. 253.141;

348 | 4. Are constructed and used so as to minimize adverse
 349 | impacts to submerged lands, wetlands, shellfish areas, aquatic

350 plant and animal species, and other biological communities,
351 including locating such structures in areas where ~~no~~ seagrasses
352 are least dense ~~exist if such areas are present~~ adjacent to the
353 dock or bulkhead; and

354 5. Are not constructed in areas specifically prohibited
355 for boat mooring under conditions of a permit issued in
356 accordance with ss. 403.91-403.929, 1984 Supplement to the
357 Florida Statutes 1983, as amended, or part IV of chapter 373, or
358 other form of authorization issued by a local government.

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360 Structures that qualify for this exemption are relieved from any
361 requirement to obtain permission to use or occupy lands owned by
362 the Board of Trustees of the Internal Improvement Trust Fund
363 and, with the exception of those structures attached to a
364 bulkhead on a parcel of land where there is no docking
365 structure, shall not be subject to any more stringent permitting
366 requirements, registration requirements, or other regulation by
367 any local government. Local governments may require either
368 permitting or one-time registration of floating vessel platforms
369 to be attached to a bulkhead on a parcel of land where there is
370 no other docking structure as necessary to ensure compliance
371 with local ordinances, codes, or regulations. Local governments
372 may require either permitting or one-time registration of all
373 other floating vessel platforms as necessary to ensure
374 compliance with the exemption criteria in this section; to
375 ensure compliance with local ordinances, codes, or regulations
376 relating to building or zoning, which are no more stringent than

377 the exemption criteria in this section or address subjects other
378 than subjects addressed by the exemption criteria in this
379 section; and to ensure proper installation, maintenance, and
380 precautionary or evacuation action following a tropical storm or
381 hurricane watch of a floating vessel platform or floating boat
382 lift that is proposed to be attached to a bulkhead or parcel of
383 land where there is no other docking structure. The exemption
384 provided in this paragraph shall be in addition to the exemption
385 provided in paragraph (b). ~~By January 1, 2003,~~ The department
386 shall adopt a general permit by rule for the construction,
387 installation, operation, or maintenance of those floating vessel
388 platforms or floating boat lifts that do not qualify for the
389 exemption provided in this paragraph but do not cause
390 significant adverse impacts to occur individually or
391 cumulatively. The issuance of such general permit shall also
392 constitute permission to use or occupy lands owned by the Board
393 of Trustees of the Internal Improvement Trust Fund. ~~Upon the~~
394 ~~adoption of the rule creating such general permit,~~ No local
395 government shall impose a more stringent regulation, permitting
396 requirement, registration requirement, or other regulation
397 covered by such general permit. Local governments may require
398 either permitting or one-time registration of floating vessel
399 platforms as necessary to ensure compliance with the general
400 permit in this section; to ensure compliance with local
401 ordinances, codes, or regulations relating to building or zoning
402 that are no more stringent than the general permit in this
403 section; and to ensure proper installation and maintenance of a

404 floating vessel platform or floating boat lift that is proposed
 405 to be attached to a bulkhead or parcel of land where there is no
 406 other docking structure ~~on floating vessel platforms or floating~~
 407 ~~boat lifts covered by such general permit.~~

408 Section 9. Subsection (3) of section 705.101, Florida
 409 Statutes, is amended to read:

410 705.101 Definitions.--As used in this chapter:

411 (3) "Abandoned property" means all tangible personal
 412 property that does not have an identifiable owner and that has
 413 been disposed on public property in a wrecked, inoperative, or
 414 partially dismantled condition or has no apparent intrinsic
 415 value to the rightful owner. The term includes derelict vessels
 416 as defined in s. 823.11(1) ~~Vessels determined to be derelict by~~
 417 ~~the Fish and Wildlife Conservation Commission or a county or~~
 418 ~~municipality in accordance with the provisions of s. 823.11 are~~
 419 ~~included within this definition.~~

420 Section 10. Subsection (4) of section 705.103, Florida
 421 Statutes, is amended to read:

422 705.103 Procedure for abandoned or lost property.--

423 (4) The owner of any abandoned or lost property who, after
 424 notice as provided in this section, does not remove such
 425 property within the specified period shall be liable to the law
 426 enforcement agency for all costs of removal, storage, and
 427 destruction of such property, less any salvage value obtained by
 428 disposal of the property. Upon final disposition of the
 429 property, the law enforcement officer shall notify the owner, if
 430 known, of the amount owed. In the case of an abandoned vessel

431 ~~boat~~ or motor vehicle, any person who neglects or refuses to pay
 432 such amount is not entitled to be issued a certificate of
 433 registration for such vessel ~~boat~~ or motor vehicle, or any other
 434 vessel ~~boat~~ or motor vehicle, until such costs have been paid.
 435 The law enforcement officer shall supply the Department of
 436 Highway Safety and Motor Vehicles with a list of persons whose
 437 vessel ~~boat~~ registration privileges or whose motor vehicle
 438 privileges have been revoked under this subsection. Neither the
 439 department nor any other person acting as agent thereof shall
 440 issue a certificate of registration to a person whose vessel
 441 ~~boat~~ or motor vehicle registration privileges have been revoked,
 442 as provided by this subsection, until such costs have been paid.

443 Section 11. Section 823.11, Florida Statutes, is amended
 444 to read:

445 823.11 Abandoned and derelict vessels; removal; penalty.--

446 (1) "Derelict vessel" means any vessel, as defined in s.
 447 327.02, that is left, stored, or abandoned:

448 (a) In a wrecked, junked, or substantially dismantled
 449 condition upon any public waters of this state.

450 (b) At any port in this state without the consent of the
 451 agency having jurisdiction thereof.

452 (c) Docked or grounded at or beached upon the property of
 453 another without the consent of the owner of the property.

454 (2) It is unlawful for any person, firm, or corporation to
 455 store, leave, or abandon any derelict vessel as defined in this
 456 section in this state ~~or leave any vessel as defined by maritime~~
 457 ~~law in a wrecked, junked, or substantially dismantled condition~~

458 ~~or abandoned upon or in any public water or at any port in this~~
459 ~~state without the consent of the agency having jurisdiction~~
460 ~~thereof, or docked at any private property without the consent~~
461 ~~of the owner of such property.~~

462 (3) (a) (2) The Fish and Wildlife Conservation Commission
463 and its officers and all law enforcement officers as specified
464 in s. 327.70 are is designated as the agency of the state
465 authorized and empowered to remove or cause to be removed any
466 abandoned or derelict vessel from public waters in any instance
467 when the same obstructs or threatens to obstruct navigation or
468 in any way constitutes a danger to the environment. Removal of
469 vessels pursuant to this section may be funded by grants
470 provided in ss. 206.606 and 376.15. The Fish and Wildlife
471 Conservation Commission is directed to implement a plan for the
472 procurement of any available federal disaster funds and to use
473 such funds for the removal of derelict vessels. All costs
474 incurred by the commission or other law enforcement agency in
475 the removal of any abandoned or derelict vessel as set out above
476 shall be recoverable against the owner thereof. The Department
477 of Legal Affairs shall represent the commission in such actions.
478 As provided in s. 705.103(4), any person who neglects or refuses
479 to pay such amount is not entitled to be issued a certificate of
480 registration for such vessel or for any other vessel or motor
481 vehicle until the costs have been paid.

482 (b) When a derelict vessel is docked or grounded at or
483 beached upon private property without the consent of the owner
484 of the property, the owner of the property may remove the vessel

485 at the vessel owner's expense 60 days after compliance with the
486 notice requirements specified in s. 328.17(5). The private
487 property owner may not hinder reasonable efforts by the vessel
488 owner or agent to remove the vessel. Any notice given pursuant
489 to this paragraph shall be presumed delivered when it is
490 deposited with the United States Postal Service, certified, and
491 properly addressed with prepaid postage. Pursuant to an
492 agreement with the governing body of a county or municipality,
493 and upon a finding by the commission that the county or
494 municipality is competent to undertake said responsibilities,
495 the commission may delegate to the county or municipality its
496 authority to remove or cause to be removed an abandoned or
497 derelict vessel from public waters within the county or
498 municipality.

499 (4)(3) Any person, firm, or corporation violating this act
500 commits is guilty of a misdemeanor of the first degree and shall
501 be punished as provided by law. Conviction under this section
502 shall not bar the assessment and collection of the civil penalty
503 provided in s. 376.16 for violation of s. 376.15. The court
504 having jurisdiction over the criminal offense, notwithstanding
505 any jurisdictional limitations on the amount in controversy, may
506 order the imposition of such civil penalty in addition to any
507 sentence imposed for the first criminal offense.

508 Section 12. This act shall take effect July 1, 2006.