



**RESOLUTION NO. -2011**

**A RESOLUTION OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING POLICY FOR THE USE OF BOATING IMPROVEMENT FUNDS, AND MAKING MAINTENANCE OF INFRASTRUCTURE OR OPERATIONS THAT GENERATE REVENUE AN INELIGIBLE USE OF BOATING IMPROVEMENT FUNDS.**

**WHEREAS,** The Marine Resources Office routinely provides funding assistance to the various municipalities for boating related projects utilizing Boating Improvement Funds (BIF); and

**WHEREAS,** at its October 19, 2011 meeting the Board of County Commissioners adopted Resolution 371-2011 establishing policy regarding the general use of BIF, reimbursement request submission timelines, and provision of reimbursement funding via Inter-local Agreements (ILA); and

**WHEREAS,** at its October 19, 2011 meeting the Board of County Commissioners discussed the various uses of BIF, and directed staff to draft a resolution revising Resolution 371-2011, making the maintenance of municipal infrastructure or operations that generate revenue an ineligible use of BIF;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:**

The Monroe County Board of County Commissioners has determined that maintenance of revenue producing municipal infrastructure, such as mooring fields, should be funded by the fees assessed to the users served by that infrastructure, and reimbursement for such maintenance is hereby an ineligible use of Boating Improvement Funds.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 16th day of November, 2011.

Mayor Heather Carruthers	_____
Mayor Pro Tem David Rice	_____
Commissioner Kim Wigington	_____
Commissioner George Neugent	_____
Commissioner Sylvia J. Murphy	_____

**BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA**

**BY:** \_\_\_\_\_  
Mayor

(SEAL)  
ATTEST: DANNY L. KOLHAGE, CLERK

\_\_\_\_\_  
Deputy Clerk



Select Year:  

## The 2011 Florida Statutes

---

[Title XXIV](#)[Chapter 328](#)[View Entire Chapter](#)

VESSELS

VESSELS: TITLE CERTIFICATES; LIENS; REGISTRATION

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

(1) VESSEL REGISTRATION FEE.—

(a) Vessels that are required to be registered shall be classified for registration purposes according to the following schedule, and the registration certificate fee shall be in the following amounts:

Class A-1—Less than 12 feet in length, and all canoes to which propulsion motors have been attached, regardless of length: \$5.50 for each 12-month period registered.

Class A-2—12 feet or more and less than 16 feet in length: \$16.25 for each 12-month period registered.

(To county): 2.85 for each 12-month period registered.

Class 1—16 feet or more and less than 26 feet in length: \$28.75 for each 12-month period registered.

(To county): 8.85 for each 12-month period registered.

Class 2—26 feet or more and less than 40 feet in length: \$78.25 for each 12-month period registered.

(To county): 32.85 for each 12-month period registered.

Class 3—40 feet or more and less than 65 feet in length: \$127.75 for each 12-month period registered.

(To county): 56.85 for each 12-month period registered.

Class 4—65 feet or more and less than 110 feet in length: \$152.75 for each 12-month period registered.

(To county): 68.85 for each 12-month period registered.

Class 5—110 feet or more in length: \$189.75 for each 12-month period registered.

(To county): 86.85 for each 12-month period registered.

Dealer registration certificate: \$25.50 for each 12-month period registered.

The county portion of the vessel registration fee is derived from recreational vessels only.

(b) In 2013 and every 5 years thereafter, vessel registration fees shall be adjusted by the percentage change in the Consumer Price Index for All Urban Consumers since the fees were last adjusted, unless otherwise provided by general law. By February 1 of each year in which an adjustment is scheduled to occur, the Fish and Wildlife Conservation Commission shall submit a report to the President of the Senate and the Speaker of the House of Representatives detailing how the increase in vessel registration fees will be used within the agency. The vessel registration fee increases shall take effect July 1 of each adjustment year.

(2) ANTIQUE VESSEL REGISTRATION FEE.—

(a) A vessel that is at least 30 years old, used only for recreational purposes, and powered by the vessel's original-type power plant may be registered as an antique vessel. When applying for registration as an antique vessel, the owner of such a vessel shall submit certification, as prescribed by the

Department of Highway Safety and Motor Vehicles or from a marine surveyor that the vessel meets the requirements of this paragraph.

(b) The registration number for an antique vessel shall be permanently attached to each side of the forward half of the vessel as provided in ss. 328.48 and 328.54.

(c) The Department of Highway Safety and Motor Vehicles may issue a decal identifying the vessel as an antique vessel. The decal shall be displayed as provided in ss. 328.48 and 328.54.

(3) ALIEN OR NONRESIDENT LICENSE FEE.—An additional license fee of \$50 for each 12-month period registered shall be required of all aliens or nonresidents of the state on all vessels not subject to a specific reciprocal agreement with another state, which vessels are used for commercial purposes and owned in whole or in part by such aliens or nonresidents. Such fee shall be in addition to the vessel registration fee required by this section.

(4) TRANSFER OF OWNERSHIP.—

(a) When the ownership of a registered vessel changes, an application for transfer of registration shall be filed with the county tax collector by the new owner within 30 days with a fee of \$3.25. The county tax collector shall retain \$2.25 of the fee and shall remit \$1 to the department. A refund may not be made for any unused portion of a registration period.

(b) If a vessel is an antique as defined in subsection (2), the application shall be accompanied by either a certificate of title, a bill of sale and a registration, or a bill of sale and an affidavit by the owner defending the title from all claims. The bill of sale must contain a complete vessel description to include the hull identification number and engine number, if appropriate; the year, make, and color of the vessel; the selling price; and the signatures of the seller and purchaser.

(5) REPLACEMENT DECAL.—A decal issued to replace a lost or misplaced decal may be obtained by submitting \$2.25 with a request for such replacement decal to the county tax collector. A replacement decal may not be issued except upon receipt of a written request by the registered owner or an appointed representative.

(6) CHANGE OF CLASSIFICATION.—If the classification of a vessel changes from recreational to commercial, or from commercial to recreational and a current registration certificate has been issued to the owner, the owner shall within 30 days forward his or her certificate to the county tax collector with a fee of \$2.25 and a new certificate shall be issued.

(7) SERVICE FEE.—In addition to other registration fees, the vessel owner shall pay the tax collector a \$2.25 service fee for each registration issued, replaced, or renewed. Except as provided in subsection (15), all fees, other than the service charge, collected by a tax collector must be remitted to the department not later than 7 working days following the last day of the week in which the money was remitted. Vessels may travel in salt water or fresh water.

(8) MAIL SERVICE CHARGE.—A mail service charge shall be collected for each registration or reregistration mailed by the Department of Highway Safety and Motor Vehicles or any tax collector. All registrations and reregistrations shall be mailed by first-class mail. The amount of the mail service charge shall be the actual postage required rounded to the nearest 5 cents, plus a 25-cent handling charge. The mail service charge shall be in addition to the service charge provided in subsection (7) and shall be used and accounted for in accordance with law.

(9) SURCHARGE.—In addition, there is hereby levied and imposed on each vessel registration fee imposed under subsection (1) a surcharge in the amount of \$1 for each 12-month period of registration, which shall be collected in the same manner as the fee and deposited into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services.

(10) **DUPLICATE REGISTRATION CERTIFICATE.**—A duplicate registration certificate to replace a lost or misplaced certificate may be obtained from a tax collector for \$2.25. A duplicate certificate will not be issued except by written request of the registered owner or a person authorized by the owner to make such a request.

(11) **VOLUNTARY CONTRIBUTIONS.**—The application form for boat registration shall include a provision to allow each applicant to indicate a desire to pay an additional voluntary contribution to the Save the Manatee Trust Fund to be used for the purposes specified in s. 379.2431(4). This contribution shall be in addition to all other fees and charges. The amount of the request for a voluntary contribution solicited shall be \$2 or \$5 per registrant. A registrant who provides a voluntary contribution of \$5 or more shall be given a sticker or emblem by the tax collector to display, which signifies support for the Save the Manatee Trust Fund. All voluntary contributions shall be deposited in the Save the Manatee Trust Fund and shall be used for the purposes specified in s. 379.2431(4). The form shall also include language permitting a voluntary contribution of \$5 per applicant, which contribution shall be transferred into the 'Election Campaign Financing Trust Fund. A statement providing an explanation of the purpose of the trust fund shall also be included.

(12) **REGISTRATION.**—

(a) “Registration period” is a period of 12 months during which a vessel registration is valid.

(b) Any vessel owner who is subject to registration under subparagraph (c)1. is eligible for an extended registration period that begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner’s birth month 24 months after the beginning of the registration period. If the vessel is registered in the name of more than one person, the birth month of the person whose name first appears on the registration shall be used to determine the extended registration period. For a vessel subject to this extended registration period, the renewal period is the 30-day period ending at midnight on the vessel owner’s date of birth.

(c) The following registration periods and renewal periods are established:

1. For vessels owned by individuals, the registration period begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner’s birth month in the succeeding year. If the vessel is registered in the name of more than one person, the birth month of the person whose name first appears on the registration shall be used to determine the registration period. For a vessel subject to this registration period, the renewal period is the 30-day period ending at midnight on the vessel owner’s date of birth.

2. For vessels owned by companies, corporations, governmental entities, and registrations issued to dealers and manufacturers, the registration period begins July 1 and ends June 30. The renewal period is the 30-day period beginning June 1.

(13) **EXPIRED REGISTRATION.**—The operation, use, or storage on the waters of this state of a previously registered vessel after the expiration of the registration period is a noncriminal violation, as defined in s. 327.73. This subsection does not apply to vessels lawfully stored at a dock or in a marina.

(14) **EXEMPTIONS.**—The following vessels are exempt from provisions of subsection (1):

(a) A vessel that is owned and operated by Sea Explorer or Sea Scout units of the Boy Scouts of America, the Girl Scouts of America, the Florida Association of Christian Child Caring Agencies, Inc., Safe Harbor Haven, Inc., or the Associated Marine Institutes, Inc., and its affiliates.

(b) An antique vessel as defined in paragraph (2)(a).

(c) A non-motor-powered sailing vessel that is owned by a nonprofit entity and used exclusively for teaching boating safety, boat handling, or seamanship skills, including the racing of such sailing vessels.

Such vessels shall be issued certificates of registration and numbers upon application and payment of the service fee provided in subsection (7).

(15) **DISTRIBUTION OF FEES.**—Except for the first \$2, \$1 of which shall be remitted to the state for deposit into the Save the Manatee Trust Fund created within the Fish and Wildlife Conservation Commission and \$1 of which shall be remitted to the state for deposit into the Marine Resources Conservation Trust Fund to fund a grant program for public launching facilities, pursuant to s. 206.606, giving priority consideration to counties with more than 35,000 registered vessels, moneys designated for the use of the counties, as specified in subsection (1), shall be distributed by the tax collector to the board of county commissioners for use only as provided in this section. Such moneys to be returned to the counties are for the sole purposes of providing recreational channel marking and other uniform waterway markers, public boat ramps, lifts, and hoists, marine railways, and other public launching facilities, derelict vessel removal, and removal of vessels and floating structures deemed a hazard to public safety and health for failure to comply with s. 327.53. Counties shall demonstrate through an annual detailed accounting report of vessel registration revenues that the registration fees were spent as provided in this subsection. This report shall be provided to the Fish and Wildlife Conservation Commission no later than November 1 of each year. If, prior to January 1 of each calendar year, the annual detailed accounting report meeting the prescribed criteria has still not been provided to the commission, the tax collector of that county shall not distribute the moneys designated for the use of counties, as specified in subsection (1), to the board of county commissioners but shall, instead, for the next calendar year, remit such moneys to the state for deposit into the Marine Resources Conservation Trust Fund. The commission shall return those moneys to the county if the county fully complies with this section within that calendar year. If the county does not fully comply with this section within that calendar year, the moneys shall remain within the Marine Resources Trust Fund and may be appropriated for the purposes specified in this subsection.

(16) **MARINE TURTLE STICKER.**—The Department of Highway Safety and Motor Vehicles shall offer for sale with vessel registrations a waterproof sticker in the shape of a marine turtle at an additional cost of \$5, the proceeds of which shall be deposited in the Marine Resources Conservation Trust Fund to be used for marine turtle protection, research, and recovery efforts pursuant to the provisions of s. 379.2431(1).

(17) **FORMS AND NOTICES.**—The Department of Highway Safety and Motor Vehicles shall prescribe and provide suitable forms for applications and other notices and forms necessary to administer the provisions of this chapter.

**History.**—s. 1, ch. 65-361; s. 2, ch. 67-586; s. 1, ch. 69-300; s. 4, ch. 70-336; s. 1, ch. 73-146; ss. 9, 15, ch. 74-327; s. 1, ch. 77-174; s. 81, ch. 79-164; s. 1, ch. 79-307; ss. 26, 30, ch. 79-334; s. 1, ch. 79-364; s. 2, ch. 80-266; s. 51, ch. 80-274; s. 9, ch. 81-100; s. 2, ch. 82-97; s. 2, ch. 82-181; s. 78, ch. 82-226; s. 9, ch. 84-184; s. 66, ch. 84-338; s. 6, ch. 85-324; s. 2, ch. 87-392; s. 3, ch. 88-144; s. 3, ch. 88-336; s. 5, ch. 89-168; s. 2, ch. 90-219; s. 29, ch. 91-107; s. 1, ch. 91-199; s. 1, ch. 91-215; s. 83, ch. 91-221; s. 4, ch. 92-72; s. 279, ch. 92-279; s. 55, ch. 92-326; s. 3, ch. 94-241; s. 952, ch. 95-148; s. 54, ch. 95-333; s. 16, ch. 96-321; s. 1, ch. 97-16; s. 40, ch. 97-96; s. 41, ch. 97-300; s. 15, ch. 99-4; s. 18, ch. 99-5; s. 113, ch. 99-13; s. 19, ch. 99-245; s. 55, ch. 99-248; s. 25, ch. 99-289; s. 39, ch. 99-399; s. 50, ch. 2000-152; s. 42, ch. 2000-313; ss. 30, 31, ch. 2000-362; s. 1, ch. 2001-369; s. 1, ch. 2004-75; s. 12, ch. 2005-157; s. 5, ch. 2006-309; s. 7, ch. 2007-242; s. 4, ch. 2008-106; s. 198, ch. 2008-247; s. 29, ch. 2009-86.

<sup>1</sup>**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

**Note.**—Former s. 371.65; s. 327.25.

Select Year:  

## The 2011 Florida Statutes

---

[Title XXIV](#)[Chapter 328](#)[View Entire Chapter](#)

VESSELS

VESSELS: TITLE CERTIFICATES; LIENS; REGISTRATION

**328.66 County and municipality optional registration fee.—**

(1) Any county may impose an annual registration fee on vessels registered, operated, used, or stored on the waters of this state within its jurisdiction. This fee shall be 50 percent of the applicable state registration fee. However, the first \$1 of every registration imposed under this subsection shall be remitted to the state for deposit in the Save the Manatee Trust Fund created within the Fish and Wildlife Conservation Commission, and shall be used only for the purposes specified in s. [379.2431\(4\)](#). All other moneys received from such fee shall be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities of such municipality or county. A municipality that was imposing a registration fee before April 1, 1984, may continue to levy such fee, notwithstanding the provisions of this section.

(2) Any county which imposes an annual registration fee may establish, by interlocal agreement with one or more of the municipalities located in the county, a distribution formula for dividing the proceeds of the fee or for use of the funds for boating-related projects located within the county or the municipality or municipalities, or the county and the municipality or municipalities.

**History.**—s. 22, ch. 99-289; s. 28, ch. 2000-362; s. 197, ch. 2008-247; s. 28, ch. 2009-86.

**RESOLUTION NO. 371 -2011**

**A RESOLUTION OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS PROVIDING A POLICY FOR THE USE OF BOATING IMPROVEMENT FUNDS AND THE DISTRIBUTION OF A PORTION OF COUNTY BOATING IMPROVEMENT FUNDS TO THE MUNICIPALITIES.**

**WHEREAS**, moneys from vessel registration fees designated for the use of the counties is distributed by the tax collector to the Board of County Commissioners, pursuant to F.S. 328.72, hereafter referred to as State Boating Improvement Funds; and

**WHEREAS**, State Boating Improvement Funds are for the sole purposes of providing recreational channel marking and other uniform waterway markers, public boat ramps, lifts, and hoists, marine railways, and other public launching facilities, derelict vessel removal, and removal of vessels and floating structures deemed a hazard to public safety and health for failure to comply with F.S.327.53; and

**WHEREAS**, State Boating Improvement Fund revenues provide approximately \$250,000 annually; and

**WHEREAS**, the County approved Ordinance No.034-2002 to impose an annual registration fee on vessels registered, operated, or stored in the water within its jurisdiction pursuant to F.S.328.66, hereafter referred to as County Boating Improvement Funds; and

**WHEREAS**, County Boating Improvement Funds shall be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities of municipalities or counties; and

**WHEREAS**, County Boating Improvement Fund revenues provide approximately \$400,000 annually; and

**WHEREAS**, the County has expended County Boating Improvement Funds for new pumpout vessel match payments, boating and waterways studies, pumpout staff salary, and pumpout vessel operational costs; and

**WHEREAS**, the County has been providing reimbursement funding to the municipalities for boating and waterways related projects from State and County Boating Improvement Funds based on funding requests averaging \$51,094 in the past four calendar years; and

**WHEREAS**, requests have recently been received from several incorporated cities exceeding the typical annual amount the County has awarded; and

**WHEREAS**, State and County Boating Improvement Funds are utilized by the County for County channel marker and boat ramp maintenance, derelict vessel removals, pumpout program costs, and other boating and waterway related projects Keys-wide; and

**WHEREAS**, the County currently has no policy regarding the distribution of State and County Boating Improvement Funds, nor a maximum annual amount for cities; and

**WHEREAS**, the State allows for the distribution of Boating Improvement Funds to municipalities, but holds the County responsible for the appropriate expenditure of such funds; and

**WHEREAS**, it is in the best interest of the County to create a policy regarding the use of Boating Improvement Funds, and the distribution of a portion of State and County Boating Improvement Funds to the municipalities; and

**WHEREAS**, an evaluation of State and County Boating Improvement Fund revenues and expenditures indicates that the County can provide a portion of Boating Improvement Funds, in an amount up to \$75,000 per year, to the municipalities within the County, subject to annual funding availability, and still maintain State and County funds adequate to fund County obligations, including: channel marker maintenance, derelict vessel removals, pumpout program costs, and boat ramp construction;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:**

**Section 1.** The Monroe County Board of County Commissioners shall expend State and County Boating Improvement Funds only for County boating and waterway related projects, and municipal boating and waterway related projects in the form of reimbursement funding, in accordance with the allowed uses of Boating Improvement Funds as described in F.S. 328.72 and F.S. 328.66.

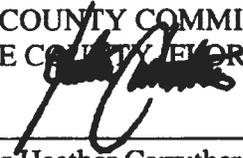
**Section 2.** The Monroe County Board of County Commissioners and municipalities within Monroe County shall execute boating and waterway related projects that serve the general boating public.

**Section 3.** Municipality reimbursement funding requests for Boating Improvement Funds shall be received by the County no later than April, 1 of the fiscal year and shall be reviewed by the County, approximately four months prior to the end of the County's fiscal year (on or around June of the fiscal year). At that time staff will review the collective funding requests and make recommendations to the BOCC for reimbursement accordingly, and in consideration of funding availability. Reimbursement funding shall be provided for by Inter-local Agreement (ILA). Any unused funds allocated for a particular municipality may be provided to other municipalities based on their funding requests.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 19th day of October, 2011.

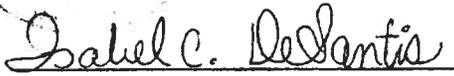
Mayor Heather Carruthers	<u>Yes</u>
Mayor Pro Tem David Rice	<u>Yes</u>
Commissioner Kim Wigington	<u>Yes</u>
Commissioner George Neugent	<u>Yes</u>
Commissioner Sylvia J. Murphy	<u>Yes</u>

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY:   
Mayor Heather Carruthers

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

  
Deputy Clerk

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:

  
SUSAN M. GRIMSLEY  
ASSISTANT COUNTY ATTORNEY  
Date October 28, 2011

FILED FOR RECORD  
2011 NOV -1 AM 8:26