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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2021	.	
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The Committee on Appropriations (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 547 - 1205

and insert:

suspended for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a chemical or physical breath test upon the request of a law enforcement officer as provided in this section



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11 is admissible into evidence in any criminal proceeding.

12 2. A ~~Any~~ person who accepts the privilege extended by the
13 laws of this state of operating a vessel within this state is,
14 by ~~se~~ operating such vessel, deemed to have given his or her
15 consent to submit to a urine test for the purpose of detecting
16 the presence of chemical substances as set forth in s. 877.111
17 or controlled substances if the person is lawfully arrested for
18 any offense allegedly committed while the person was operating a
19 vessel while under the influence of chemical substances or
20 controlled substances. The urine test must be incidental to a
21 lawful arrest and administered at a detention facility or any
22 other facility, mobile or otherwise, which is equipped to
23 administer such tests at the request of a law enforcement
24 officer who has reasonable cause to believe such person was
25 operating a vessel within this state while under the influence
26 of chemical substances or controlled substances. The urine test
27 shall be administered at a detention facility or any other
28 facility, mobile or otherwise, which is equipped to administer
29 such test in a reasonable manner that will ensure the accuracy
30 of the specimen and maintain the privacy of the individual
31 involved. The administration of a urine test does not preclude
32 the administration of another type of test. The person shall be
33 told that his or her failure to submit to any lawful test of his
34 or her urine under this chapter will result in a civil penalty
35 of \$500, and shall also be told that if he or she refuses to
36 submit to a lawful test of his or her urine and he or she has
37 been previously fined under s. 327.35215 or has previously had
38 his or her driver license suspended for refusal to submit to any
39 lawful test of his or her breath, urine, or blood, he or she



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40 commits a misdemeanor of the first degree, punishable as
41 provided in s. 775.082 or s. 775.083, in addition to any other
42 penalties provided by law. The refusal to submit to a urine test
43 upon the request of a law enforcement officer as provided in
44 this section is admissible into evidence in any criminal
45 proceeding.

46 (c) A ~~Any~~ person who accepts the privilege extended by the
47 laws of this state of operating a vessel within this state is,
48 by operating such vessel, deemed to have given his or her
49 consent to submit to an approved blood test for the purpose of
50 determining the alcoholic content of the blood or a blood test
51 for the purpose of determining the presence of chemical
52 substances or controlled substances as provided in this section
53 if there is reasonable cause to believe the person was operating
54 a vessel while under the influence of alcoholic beverages or
55 chemical or controlled substances and the person appears for
56 treatment at a hospital, clinic, or other medical facility and
57 the administration of a breath or urine test is impractical or
58 impossible. As used in this paragraph, the term "other medical
59 facility" includes an ambulance or other medical emergency
60 vehicle. The blood test shall be performed in a reasonable
61 manner. A ~~Any~~ person who is incapable of refusal by reason of
62 unconsciousness or other mental or physical condition is deemed
63 not to have withdrawn his or her consent to such test. A ~~Any~~
64 person who is capable of refusal shall be told that his or her
65 failure to submit to such a blood test will result in a civil
66 penalty of \$500 ~~and that a refusal to submit to a lawful test of~~
67 ~~his or her blood, if he or she has previously been fined for~~
68 ~~refusal to submit to any lawful test of his or her breath,~~



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69 ~~urine, or blood, is a misdemeanor.~~ The refusal to submit to a
70 blood test upon the request of a law enforcement officer shall
71 be admissible in evidence in any criminal proceeding.

72 Section 7. Subsection (3) of section 327.35215, Florida
73 Statutes, is amended to read:

74 327.35215 Penalty for failure to submit to test.—

75 (3) A person who has been advised of the penalties pursuant
76 to subsection (2) may, within 30 days afterwards, request a
77 hearing before a county court judge. A request for a hearing
78 tolls the period for payment of the civil penalty, and, if
79 assessment of the civil penalty is sustained by the hearing and
80 any subsequent judicial review, the civil penalty must be paid
81 within 30 days after final disposition. The clerk of the court
82 shall notify the Department of Highway Safety and Motor Vehicles
83 of the final disposition of all actions filed under this section
84 by electronic transmission in a format prescribed by the
85 department. When the department receives the final disposition,
86 the department shall enter the disposition on the person's
87 driving record.

88 Section 8. Effective October 1, 2021, section 327.359,
89 Florida Statutes, is amended to read:

90 327.359 Refusal to submit to testing; penalties.—~~A~~ Any
91 person who has refused to submit to a chemical or physical test
92 of his or her breath, ~~blood,~~ or urine, as described in s.
93 327.352, and who has been previously fined under s. 327.35215 or
94 has previously had his or her driver license suspended for
95 refusal to submit to a lawful test of his or her breath, urine,
96 or blood, and:

97 (1) Who the arresting law enforcement officer had probable



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98 cause to believe was operating or in actual physical control of
99 a vessel in this state while under the influence of alcoholic
100 beverages, chemical substances, or controlled substances;

101 (2) Who was placed under lawful arrest for a violation of
102 s. 327.35 unless such test was requested pursuant to s.
103 327.352(1)(c);

104 (3) Who was informed that if he or she refused to submit to
105 such test, he or she is subject to a fine of \$500;

106 (4) Who was informed that a refusal to submit to a lawful
107 test of his or her breath or, ~~urine, or blood~~, if he or she has
108 been previously fined under s. 327.35215 or has previously had
109 his or her driver license suspended for refusal to submit to a
110 lawful test of his or her breath, urine, or blood, is a
111 misdemeanor of the first degree, punishable as provided in s.
112 775.082 or s. 775.083; and

113 (5) Who, after having been so informed, refused to submit
114 to any such test when requested to do so by a law enforcement
115 officer or correctional officer commits a misdemeanor of the
116 first degree, punishable and is subject to punishment as
117 provided in s. 775.082 or s. 775.083.

118 Section 9. Section 327.371, Florida Statutes, is created to
119 read:

120 327.371 Human-powered vessels regulated.-

121 (1) A person may operate a human-powered vessel within the
122 boundaries of the marked channel of the Florida Intracoastal
123 Waterway as defined in s. 327.02:

124 (a) When the marked channel is the only navigable portion
125 of the waterway available due to vessel congestion or
126 obstructions on the water. The operator of the human-powered



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127 vessel shall proceed with diligence to a location where he or
128 she may safely operate the vessel outside the marked channel of
129 the Florida Intracoastal Waterway.

130 (b) When crossing the marked channel, provided that the
131 crossing is done in the most direct, continuous, and expeditious
132 manner possible and does not interfere with other vessel traffic
133 in the channel.

134 (c) During an emergency endangering life or limb.

135 (2) A person may not operate a human-powered vessel in the
136 marked channel of the Florida Intracoastal Waterway except as
137 provided in subsection (1).

138 (3) A person who violates this section commits a
139 noncriminal infraction, punishable as provided in s. 327.73.

140 Section 10. Subsection (1) and paragraphs (a) and (b) of
141 subsection (5) of section 327.391, Florida Statutes, are amended
142 to read:

143 327.391 Airboats regulated.—

144 (1) The exhaust of every internal combustion engine used on
145 any airboat operated on the waters of this state shall be
146 provided with an automotive-style factory muffler, underwater
147 exhaust, or other manufactured device capable of adequately
148 muffling the sound of the exhaust of the engine as described in
149 s. 327.02(31) ~~s. 327.02(30)~~. The use of cutouts or flex pipe as
150 the sole source of muffling is prohibited, except as provided in
151 subsection (4). A ~~Any~~ person who violates this subsection
152 commits a noncriminal infraction, punishable as provided in s.
153 327.73(1).

154 (5) (a) ~~Beginning July 1, 2019,~~ A person may not operate an
155 airboat to carry one or more passengers for hire on waters of



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156 this ~~the~~ state unless he or she has all of the following onboard
157 the airboat:

158 1. A photographic identification card.

159 2. Proof of completion of a boater education course that
160 complies with s. 327.395(2)(a) ~~s. 327.395(1)(a)~~. Except as
161 provided in paragraph (b), no operator is exempt from this
162 requirement, regardless of age or the exemptions provided under
163 s. 327.395.

164 3. Proof of successful completion of a commission-approved
165 airboat operator course that meets the minimum standards
166 established by commission rule.

167 4. Proof of successful course completion in cardiopulmonary
168 resuscitation and first aid.

169 (b) A person issued a captain's license by the United
170 States Coast Guard is not required to complete a boating safety
171 education course that complies with s. 327.395(2)(a) ~~s.~~
172 ~~327.395(1)(a)~~. Proof of the captain's license must be onboard
173 the airboat when carrying one or more passengers for hire on
174 waters of this ~~the~~ state.

175 Section 11. Section 327.395, Florida Statutes, is amended
176 to read:

177 327.395 Boating safety education.—

178 (1) A person born on or after January 1, 1988, may not
179 operate a vessel powered by a motor of 10 horsepower or greater
180 unless such person has in his or her possession aboard the
181 vessel the documents required by subsection (2).

182 (2) While operating a vessel, a person identified under
183 subsection (1) must have in his or her possession aboard the
184 vessel photographic identification and a Florida boating safety



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185 identification card issued by the commission;~~;~~ a state-issued
186 identification card or driver license indicating possession of
187 the Florida boating safety identification card;~~;~~ or photographic
188 identification and a temporary certificate issued or approved by
189 the commission, an International Certificate of Competency, a
190 boating safety card or certificate from another state or United
191 States territory, or a Canadian Pleasure Craft Operator Card,
192 which shows that he or she has:

193 (a) Completed a commission-approved boating safety
194 education course that meets the minimum requirements established
195 by the National Association of State Boating Law Administrators;
196 ~~or~~

197 (b) Passed a temporary certificate examination developed or
198 approved by the commission;

199 (c) A valid International Certificate of Competency; or

200 (d) Completed a boating safety education course or
201 equivalency examination in another state, a United States
202 territory, or Canada which meets or exceeds the minimum
203 requirements established by the National Association of State
204 Boating Law Administrators.

205 (3) (a) ~~(2) (a)~~ A person may obtain a Florida boating safety
206 identification card by successfully completing a boating safety
207 education course that meets the requirements of this section and
208 rules adopted by the commission pursuant to this section.

209 (b) A person may obtain a temporary certificate by passing
210 a temporary certificate examination that meets the requirements
211 of this section and rules adopted by the commission pursuant to
212 this section.

213 (4) ~~(3)~~ A ~~Any~~ commission-approved boating safety education



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214 course or temporary certificate examination developed or
215 approved by the commission must include a component regarding
216 diving vessels, awareness of divers in the water, divers-down
217 warning devices, and the requirements of s. 327.331.

218 ~~(4) The commission may appoint liveries, marinas, or other~~
219 ~~persons as its agents to administer the course or temporary~~
220 ~~certificate examination and issue identification cards or~~
221 ~~temporary certificates in digital, electronic, or paper format~~
222 ~~under guidelines established by the commission. An agent must~~
223 ~~charge the \$2 examination fee, which must be forwarded to the~~
224 ~~commission with proof of passage of the examination and may~~
225 ~~charge and keep a \$1 service fee.~~

226 (5) A Florida boating safety identification card issued to
227 a person who has completed a boating safety education course is
228 valid for life. A temporary certificate issued to a person who
229 has passed a temporary certification examination is valid for 90
230 days after the date of issuance. The commission may issue either
231 the boating safety identification card or the temporary
232 certificate in a digital, electronic, or paper format.

233 (6) A person is exempt from subsection (1) if he or she:

234 (a) 1. Is licensed by the United States Coast Guard to serve
235 as master of a vessel; or

236 2. Has been previously licensed by the United States Coast
237 Guard to serve as master of a vessel, provides proof of such
238 licensure to the commission, and requests that a boating safety
239 identification card be issued in his or her name.

240 (b) Operates a vessel only on a private lake or pond.

241 (c) Is accompanied in the vessel by a person who is exempt
242 from this section or who holds a boating safety identification



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243 card in compliance with this section, who is 18 years of age or
244 older, and who is attendant to the operation of the vessel and
245 responsible for the safe operation of the vessel and for any
246 violation that occurs during the operation of the vessel.

247 (d) Is a nonresident who has in his or her possession
248 photographic identification and proof that he or she has
249 completed a boating safety education course or equivalency
250 examination in another state or a United States territory which
251 meets or exceeds the minimum requirements established by the
252 National Association of State Boating Law Administrators.

253 (e) Is operating a vessel within 90 days after the purchase
254 of that vessel and has available for inspection aboard that
255 vessel a bill of sale meeting the requirements of s. 328.46(1).

256 (f) Is operating a vessel within 90 days after completing a
257 boating safety education course in accordance with paragraph
258 (2) (a) the requirements of paragraph (1) (a) and has a
259 photographic identification card and a boating safety education
260 certificate available for inspection as proof of having
261 completed a boating safety education course. The boating safety
262 education certificate must provide, at a minimum, the student's
263 first and last name, the student's date of birth, and the date
264 that he or she passed the course examination.

265 (g) Is exempted by rule of the commission.

266 (7) A person who operates a vessel in violation of this
267 section subsection (1) commits a noncriminal infraction,
268 punishable as provided in s. 327.73.

269 (8) The commission shall institute and coordinate a
270 statewide program of boating safety instruction and
271 certification to ensure that boating safety courses and



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272 examinations are available in each county of this ~~the~~ state. The
273 commission may appoint agents to administer the boating safety
274 education course or temporary certificate examination and may
275 authorize the agents to issue temporary certificates in digital,
276 electronic, or paper format. An agent ~~The agents~~ shall charge
277 and collect the \$2 fee required in subsection (9) for each
278 temporary certificate requested of the commission by that agent,
279 which must be forwarded to the commission. The agent may charge
280 and keep a ~~\$1~~ service fee.

281 (9) The commission may ~~is authorized to~~ establish and ~~to~~
282 collect a \$2 fee for each card and temporary certificate issued
283 pursuant to this section.

284 (10) The commission shall design forms and adopt rules
285 pursuant to chapter 120 to implement ~~the provisions of~~ this
286 section.

287 (11) This section may be cited as the "Osmany 'Ozzie'
288 Castellanos Boating Safety Education Act."

289 Section 12. Present subsection (5) of section 327.4107,
290 Florida Statutes, is redesignated as subsection (6), a new
291 subsection (5) and subsection (7) are added to that section, and
292 paragraphs (d) and (e) of subsection (2) of that section are
293 amended, to read:

294 327.4107 Vessels at risk of becoming derelict on waters of
295 this state.—

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

300 (d) The vessel is ~~left or stored aground unattended in such~~



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301 ~~a state that would prevent the vessel from getting underway, is~~
302 ~~listing due to water intrusion, or is sunk or partially sunk.~~

303 (e) The vessel does not have an effective means of
304 propulsion for safe navigation within 72 hours after the vessel
305 owner or operator receives telephonic notice, in-person notice
306 recorded on an agency-approved body camera, or written notice,
307 which may be provided by facsimile, electronic mail, or other
308 electronic means, stating such from an officer, and the vessel
309 owner or operator is unable to provide a receipt, proof of
310 purchase, or other documentation of having ordered necessary
311 parts for vessel repair. The commission may adopt rules to
312 implement this paragraph.

313 (5) The commission, an officer of the commission, or a law
314 enforcement agency or officer specified in s. 327.70 may
315 relocate or cause to be relocated an at-risk vessel found to be
316 in violation of this section to a distance greater than 20 feet
317 from a mangrove or upland vegetation. The commission, an officer
318 of the commission, or a law enforcement agency or officer acting
319 pursuant to this subsection upon waters of this state shall be
320 held harmless for all damages to the at-risk vessel resulting
321 from such relocation unless the damage results from gross
322 negligence or willful misconduct as these terms are defined in
323 s. 823.11.

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

327 (a) Removal, relocation, and destruction of vessels
328 declared a public nuisance, derelict or at risk of becoming
329 derelict, or lost or abandoned in accordance with s. 327.53(7),



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330 s. 327.73(1)(aa), s. 705.103(2) and (4), or s. 823.11(3).

331 (b) Creation of a vessel turn-in program allowing the owner
332 of a vessel determined by law enforcement to be at risk of
333 becoming derelict in accordance with this section to turn his or
334 her vessel and vessel title over to the commission to be
335 destroyed without penalty.

336 (c) Providing for removal and destruction of an abandoned
337 vessel for which an owner cannot be identified or the owner of
338 which is deceased and no heir is interested in acquiring the
339 vessel.

340 (d) Purchase of anchor line, anchors, and other equipment
341 necessary for securing vessels at risk of becoming derelict.

342 (e) Creating or acquiring moorings designated for securing
343 vessels at risk of becoming derelict.

344
345 The commission may adopt rules to implement this subsection.
346 Implementation of the derelict vessel prevention program shall
347 be subject to appropriation by the Legislature and shall be
348 funded by the Marine Resources Conservation Trust Fund or the
349 Florida Coastal Protection Trust Fund.

350 Section 13. Section 327.4108, Florida Statutes, is amended
351 to read:

352 327.4108 Anchoring of vessels in anchoring limitation
353 areas.-

354 (1) The following densely populated urban areas, which have
355 narrow state waterways, residential docking facilities, and
356 significant recreational boating traffic, are designated as
357 anchoring limitation areas, within which a person may not anchor
358 a vessel at any time during the period between one-half hour



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359 after sunset and one-half hour before sunrise, except as
360 provided in subsections (3) and (4):

361 (a) The section of Middle River lying between Northeast
362 21st Court and the Intracoastal Waterway in Broward County.

363 (b) Sunset Lake in Miami-Dade County.

364 (c) The sections of Biscayne Bay in Miami-Dade County lying
365 between:

366 1. Rivo Alto Island and Di Lido Island.

367 2. San Marino Island and San Marco Island.

368 3. San Marco Island and Biscayne Island.

369 (2) (a) Monroe County is designated as an anchoring
370 limitation area within which a vessel on waters of the state may
371 only be anchored in the same location for a maximum of 90 days.

372 The commission shall adopt rules to implement this subsection.

373 (b) The anchoring limitations in this subsection do not
374 apply to approved and permitted moorings or mooring fields.

375 (c) Notwithstanding the commission rules adopted pursuant
376 to this section, this section is not effective for Monroe County
377 until the county approves, permits, and opens new moorings for
378 public use, including at least 250 moorings within 1 mile of the
379 Key West Bight City Dock and at least 50 moorings within the Key
380 West Garrison Bight Mooring Field. Until such time, the
381 commission shall designate the area within 1 mile of the Key
382 West Bight City Dock as a priority for the investigation and
383 removal of derelict vessels.

384 ~~(2) To promote the public's use and enjoyment of the~~
385 ~~designated waterway, except as provided in subsections (3) and~~
386 ~~(4), a person may not anchor a vessel at any time during the~~
387 ~~period between one-half hour after sunset and one-half hour~~



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388 ~~before sunrise in an anchoring limitation area.~~

389 (3) Notwithstanding subsections (1) and subsection (2), a
390 person may anchor a vessel in an anchoring limitation area
391 during a time that would otherwise be unlawful:

392 (a) If the vessel suffers a mechanical failure that poses
393 an unreasonable risk of harm to the vessel or the persons
394 onboard unless the vessel anchors. The vessel may anchor for 3
395 business days or until the vessel is repaired, whichever occurs
396 first.

397 (b) If imminent or existing weather conditions in the
398 vicinity of the vessel pose an unreasonable risk of harm to the
399 vessel or the persons onboard unless the vessel anchors. The
400 vessel may anchor until weather conditions no longer pose such
401 risk. During a hurricane or tropical storm, weather conditions
402 are deemed to no longer pose an unreasonable risk of harm when
403 the hurricane or tropical storm warning affecting the area has
404 expired.

405 (c) During events described in s. 327.48 or other special
406 events, including, but not limited to, public music
407 performances, local government waterfront activities, or
408 fireworks displays. A vessel may anchor for the lesser of the
409 duration of the special event or 3 days.

410 (4) This section does not apply to:

411 (a) Vessels owned or operated by a governmental entity for
412 law enforcement, firefighting, military, or rescue purposes.

413 (b) Construction or dredging vessels on an active job site.

414 (c) Vessels actively engaged in commercial fishing.

415 (d) Vessels engaged in recreational fishing if the persons
416 onboard are actively tending hook and line fishing gear or nets.



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417 (5) (a) As used in this subsection, the term "law
418 enforcement officer or agency" means an officer or agency
419 authorized to enforce this section pursuant to s. 327.70.

420 (b) A law enforcement officer or agency may remove a vessel
421 from an anchoring limitation area and impound the vessel for up
422 to 48 hours, or cause such removal and impoundment, if the
423 vessel operator, after being issued a citation for a violation
424 of this section:

425 1. Anchors the vessel in violation of this section within
426 12 hours after being issued the citation; or

427 2. Refuses to leave the anchoring limitation area after
428 being directed to do so by a law enforcement officer or agency.

429 (c) A law enforcement officer or agency acting under this
430 subsection to remove or impound a vessel, or to cause such
431 removal or impoundment, shall be held harmless for any damage to
432 the vessel resulting from such removal or impoundment unless the
433 damage results from gross negligence or willful misconduct.

434 (d) A contractor performing removal or impoundment services
435 at the direction of a law enforcement officer or agency pursuant
436 to this subsection must:

437 1. Be licensed in accordance with United States Coast Guard
438 regulations, as applicable.

439 2. Obtain and carry a current policy issued by a licensed
440 insurance carrier in this state to insure against any accident,
441 loss, injury, property damage, or other casualty caused by or
442 resulting from the contractor's actions.

443 3. Be properly equipped to perform such services.

444 (e) In addition to the civil penalty imposed under s.
445 327.73(1)(z), the operator of a vessel that is removed and



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446 impounded pursuant to paragraph (b) must pay all removal and
447 storage fees before the vessel is released. A vessel removed
448 pursuant to paragraph (b) may not be impounded for longer than
449 48 hours.

450 (6) A violation of this section is punishable as provided
451 in s. 327.73(1)(z).

452 ~~(7) This section shall remain in effect notwithstanding the~~
453 ~~Legislature's adoption of the commission's recommendations for~~
454 ~~the regulation of mooring vessels outside of public mooring~~
455 ~~fields pursuant to s. 327.4105.~~

456 Section 14. Paragraph (a) of subsection (1) and subsection
457 (2) of section 327.4109, Florida Statutes, are amended to read:
458 327.4109 Anchoring or mooring prohibited; exceptions;
459 penalties.—

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

463 1. Within 150 feet of any public or private marina, boat
464 ramp, boatyard, or other public vessel launching or loading
465 facility;

466 2. Within 500 ~~300~~ feet of a superyacht repair facility. For
467 purposes of this subparagraph, the term "superyacht repair
468 facility" means a facility that services or repairs a yacht with
469 a water line of 120 feet or more in length; or

470 3. Within 100 feet outward from the marked boundary of a
471 public mooring field or a lesser distance if approved by the
472 commission upon request of a local government within which the
473 mooring field is located. The commission may adopt rules to
474 implement this subparagraph.



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475 (2) Notwithstanding subsection (1), an owner or operator of
476 a vessel may anchor or moor within 150 feet of any public or
477 private marina, boat ramp, boatyard, or other public vessel
478 launching or loading facility; within 500 ~~300~~ feet of a
479 superyacht repair facility; or within 100 feet outward from the
480 marked boundary of a public mooring field if:

481 (a) The vessel suffers a mechanical failure that poses an
482 unreasonable risk of harm to the vessel or the persons onboard
483 such vessel. The owner or operator of the vessel may anchor or
484 moor for 5 business days or until the vessel is repaired,
485 whichever occurs first.

486 (b) Imminent or existing weather conditions in the vicinity
487 of the vessel pose an unreasonable risk of harm to the vessel or
488 the persons onboard such vessel. The owner or operator of the
489 vessel may anchor or moor until weather conditions no longer
490 pose such risk. During a hurricane or tropical storm, weather
491 conditions are deemed to no longer pose an unreasonable risk of
492 harm when the hurricane or tropical storm warning affecting the
493 area has expired.

494 Section 15. Subsection (2) of section 327.45, Florida
495 Statutes, is amended to read:

496 327.45 Protection zones for springs.—

497 (2) The commission may establish by rule protection zones
498 that restrict the speed and operation of vessels, or that
499 prohibit the anchoring, mooring, beaching, or grounding of
500 vessels, to protect and prevent harm to first, second, and third
501 magnitude springs and springs groups, including their associated
502 spring runs, as determined by the commission using the most
503 recent Florida Geological Survey springs bulletin. This harm



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504 includes negative impacts to water quality, water quantity,
505 hydrology, wetlands, and aquatic and wetland-dependent species.

506 Section 16. Paragraph (b) of subsection (1) of section
507 327.46, Florida Statutes, is amended to read:

508 327.46 Boating-restricted areas.—

509 (1) Boating-restricted areas, including, but not limited
510 to, restrictions of vessel speeds and vessel traffic, may be
511 established on the waters of this state for any purpose
512 necessary to protect the safety of the public if such
513 restrictions are necessary based on boating accidents,
514 visibility, hazardous currents or water levels, vessel traffic
515 congestion, or other navigational hazards or to protect
516 seagrasses on privately owned submerged lands.

517 (b) Municipalities and counties may have the authority to
518 establish the following boating-restricted areas by ordinance,
519 including, notwithstanding the prohibition in s. 327.60(2)(c),
520 within the portion of the Florida Intracoastal Waterway within
521 their jurisdiction:

522 1. An ordinance establishing an idle speed, no wake
523 boating-restricted area, if the area is:

524 a. Within 500 feet of any boat ramp, hoist, marine railway,
525 or other launching or landing facility available for use by the
526 general boating public on waterways more than 300 feet in width
527 or within 300 feet of any boat ramp, hoist, marine railway, or
528 other launching or landing facility available for use by the
529 general boating public on waterways not exceeding 300 feet in
530 width.

531 b. Within 500 feet of fuel pumps or dispensers at any
532 marine fueling facility that sells motor fuel to the general



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533 boating public on waterways more than 300 feet in width or
534 within 300 feet of the fuel pumps or dispensers at any licensed
535 terminal facility that sells motor fuel to the general boating
536 public on waterways not exceeding 300 feet in width.
537 c. Inside or within 300 feet of any lock structure.
538 2. An ordinance establishing a slow speed, minimum wake
539 boating-restricted area if the area is:
540 a. Within 300 feet of any bridge fender system.
541 b. Within 300 feet of any bridge span presenting a vertical
542 clearance of less than 25 feet or a horizontal clearance of less
543 than 100 feet.
544 c. On a creek, stream, canal, or similar linear waterway if
545 the waterway is less than 75 feet in width from shoreline to
546 shoreline.
547 d. On a lake or pond of less than 10 acres in total surface
548 area.
549 e. Within the boundaries of a permitted public mooring
550 field and a buffer around the mooring field of up to 100 feet.
551 3. An ordinance establishing a vessel-exclusion zone if the
552 area is:
553 a. Accessible by land, open to the general public, and
554 designated as a public bathing beach or swim area, except that
555 such areas may not be established within the Florida
556 Intracoastal Waterway.
557 b. Within 300 feet of a dam, spillway, or flood control
558 structure.
559 Section 17. Section 327.463, Florida Statutes, is created
560 to read:
561 327.463 Special hazards.—



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562 (1) For purposes of this section, a vessel:
563 (a) Is operating at slow speed, minimum wake only if it is:
564 1. Fully off plane and completely settled into the water;
565 and
566 2. Proceeding without wake or with minimum wake.
567
568 A vessel that is required to operate at slow speed, minimum wake
569 may not proceed at a speed greater than a speed that is
570 reasonable and prudent to avoid the creation of an excessive
571 wake or other hazardous condition under the existing
572 circumstances.
573 (b) Is not proceeding at slow speed, minimum wake if it is:
574 1. Operating on plane;
575 2. In the process of coming off plane and settling into the
576 water or getting on plane; or
577 3. Operating at a speed that creates a wake that
578 unreasonably or unnecessarily endangers other vessels.
579 (2) A person may not operate a vessel faster than slow
580 speed, minimum wake within 300 feet of any emergency vessel,
581 including, but not limited to, a law enforcement vessel, United
582 States Coast Guard vessel, or firefighting vessel, when such
583 emergency vessel's emergency lights are activated.
584 (3) (a) A person may not operate a vessel faster than slow
585 speed, minimum wake within 300 feet of any construction vessel
586 or barge when the vessel or barge is displaying an orange flag
587 from a pole extending:
588 1. At least 10 feet above the tallest portion of the vessel
589 or barge, indicating that the vessel or barge is actively
590 engaged in construction operations; or



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591 2. At least 5 feet above any superstructure permanently
592 installed upon the vessel or barge, indicating that the vessel
593 or barge is actively engaged in construction operations.

594 (b) A flag displayed on a construction vessel or barge
595 pursuant to this subsection must:

596 1. Be at least 2 feet by 3 feet in size.

597 2. Have a wire or other stiffener or be otherwise
598 constructed to ensure that the flag remains fully unfurled and
599 extended in the absence of a wind or breeze.

600 3. Be displayed so that the visibility of the flag is not
601 obscured in any direction.

602 (c) In periods of low visibility, including any time
603 between 30 minutes after sunset and 30 minutes before sunrise, a
604 person may not be cited for a violation of this subsection
605 unless the orange flag is illuminated and visible from a
606 distance of at least 2 nautical miles. Such illumination does
607 not relieve the construction vessel or barge from complying with
608 all navigation rules.

609 (4) (a) A person operating a vessel in violation of this
610 section commits a noncriminal infraction, punishable as provided
611 in s. 327.73.

612 (b) The owner of, or party who is responsible for, a
613 construction vessel or barge who displays an orange flag on the
614 vessel or barge when it is not actively engaged in construction
615 operations commits a noncriminal infraction, punishable as
616 provided in s. 327.73.

617 (5) The speed and penalty provisions of this section do not
618 apply to a law enforcement, firefighting, or rescue vessel that
619 is owned or operated by a governmental entity.



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620 Section 18. Paragraph (a) of subsection (1) of section
621 327.50, Florida Statutes, is amended to read:

622 327.50 Vessel safety regulations; equipment and lighting
623 requirements.—

624 (1) (a) The owner and operator of every vessel on the waters
625 of this state shall carry, store, maintain, and use safety
626 equipment in accordance with current United States Coast Guard
627 safety equipment requirements as specified in the Code of
628 Federal Regulations, unless expressly exempted by the commission
629 department.

630 Section 19. Paragraph (a) of subsection (6) and subsection
631 (7) of section 327.53, Florida Statutes, are amended, and
632 subsection (8) is added to that section, to read:

633 327.53 Marine sanitation.—

634 (6) (a) A violation of this section is a noncriminal
635 infraction, punishable as provided in s. 327.73. Each violation
636 shall be a separate offense. The owner and operator of any
637 vessel shall be jointly and severally liable for the civil
638 penalty imposed pursuant to this section.

639 (7) A ~~Any~~ vessel or floating structure operated or occupied
640 on the waters of this ~~the~~ state in violation of this section is
641 declared a nuisance and a hazard to public safety and health.
642 The owner or operator of a ~~any~~ vessel or floating structure
643 cited for violating this section shall, within 30 days following
644 the issuance of the citation, correct the violation for which
645 the citation was issued or remove the vessel or floating
646 structure from the waters of this ~~the~~ state. If the violation is
647 not corrected within the 30 days and the vessel or floating
648 structure remains on the waters of this ~~the~~ state in violation



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649 of this section, law enforcement officers charged with the
650 enforcement of this chapter under s. 327.70 shall apply to the
651 appropriate court in the county in which the vessel or floating
652 structure is located, to order or otherwise cause the removal of
653 such vessel or floating structure from the waters of this the
654 state at the owner's expense. If the owner cannot be found or
655 otherwise fails to pay the removal costs, the provisions of s.
656 328.17 shall apply. If the proceeds under s. 328.17 are not
657 sufficient to pay all removal costs, funds appropriated from the
658 Marine Resources Conservation Trust Fund pursuant to paragraph
659 (6) (b) or s. 328.72(15) (c) ~~s. 328.72(16)~~ may be used.

660 (8) The owner or operator of a live-aboard vessel as
661 defined in s. 327.02(23), or a houseboat as defined in s.
662 327.02(17), that is equipped with a marine sanitation device
663 must maintain a record of the date of each pumpout of the marine
664 sanitation device and the location of the pumpout station or
665 waste reception facility. Each record must be maintained for 1
666 year after the date of the pumpout. This subsection does not
667 apply to marine compost toilets that process and manage human
668 waste using marine compost toilet technologies that comply with
669 United States Coast Guard requirements.

670 Section 20. Subsection (2) of section 327.54, Florida
671 Statutes, is amended to read:

672 327.54 Liveries; safety regulations; penalty.—

673 (2) A livery may not knowingly lease, hire, or rent a any
674 vessel ~~powered by a motor of 10 horsepower or greater~~ to a any
675 person who is required to comply with s. 327.395, unless such
676 person presents to the livery the documentation required by s.
677 327.395(2) for the operation of a vessel ~~photographic~~



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678 ~~identification and a valid boater safety identification card as~~
679 ~~required under s. 327.395(1),~~ or meets the exemption provided
680 under

681
682 ===== T I T L E A M E N D M E N T =====

683 And the title is amended as follows:

684 Delete lines 26 - 92

685 and insert:

686 penalties; amending s. 327.352, F.S.; revising
687 conditions under which a person commits a misdemeanor
688 of the first degree for refusing to submit to certain
689 tests; amending s. 327.35215, F.S.; requiring the
690 clerk of the court to notify the Department of Highway
691 Safety and Motor Vehicles of certain final
692 dispositions by electronic transmission; requiring the
693 department to enter such disposition on a person's
694 driving record; amending s. 327.359, F.S.; revising
695 conditions under which a person commits a misdemeanor
696 of the first degree for refusing to submit to certain
697 tests; creating s. 327.371, F.S.; providing
698 circumstances under which a person may operate a
699 human-powered vessel within the boundaries of the
700 marked channel of the Florida Intracoastal Waterway;
701 providing a penalty; amending s. 327.391, F.S.;
702 conforming cross-references; amending s. 327.395,
703 F.S.; revising the types of documentation that a
704 person may use to comply with certain boating safety
705 requirements; removing the authority of the commission
706 to appoint certain entities to administer a boating



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707 safety education course or temporary certificate
708 examination and issue certain credentials; exempting
709 certain persons from the requirement to possess
710 certain documents aboard a vessel; removing the
711 specified service fee amount that certain entities
712 that issue boating safety identification cards and
713 temporary certificates may charge and keep; amending
714 s. 327.4107, F.S.; revising the conditions under which
715 officers may determine a vessel is at risk of becoming
716 derelict; authorizing certain officers to provide
717 notice that a vessel is at risk of becoming derelict
718 via body camera recordings; authorizing the commission
719 or certain officers to relocate at-risk vessels to a
720 certain distance from mangroves or vegetation;
721 providing that the commission or officers are not
722 liable for damages to such vessels; providing an
723 exception; authorizing the commission to establish a
724 derelict vessel prevention program consisting of
725 certain components; authorizing the commission to
726 adopt rules; providing that such program is subject to
727 appropriation by the Legislature; providing for
728 funding; amending s. 327.4108, F.S.; designating
729 Monroe County as an anchoring limitation area subject
730 to certain requirements; requiring the commission to
731 adopt rules; providing construction; requiring the
732 commission to designate a specified area as a priority
733 for the removal of derelict vessels until certain
734 conditions are met; deleting obsolete language;
735 amending s. 327.4109, F.S.; prohibiting the anchoring



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736 or mooring of a vessel or floating structure within a
737 certain distance of certain facilities; providing
738 exceptions; amending s. 327.45, F.S.; authorizing the
739 commission to establish protection zones where certain
740 activities are prohibited in or near springs; amending
741 s. 327.46, F.S.; authorizing a county or municipality
742 to establish a boating-restricted area within and
743 around a public mooring field and within certain
744 portions of the Florida Intracoastal Waterway;
745 creating s. 327.463, F.S.; specifying conditions under
746 which a vessel is and is not operating at slow speed,
747 minimum wake; prohibiting a person from operating a
748 vessel faster than slow speed, minimum wake within a
749 certain distance from other specified vessels;
750 providing requirements for construction vessel or
751 barge flags; exempting a person from being cited for a
752 violation under certain circumstances; providing
753 penalties; providing applicability; amending s.
754 327.50, F.S.; authorizing the commission to exempt
755 vessel owners and operators from certain safety
756 equipment requirements; amending s. 327.53, F.S.;
757 requiring the owner or operator of a live-aboard
758 vessel or houseboat equipped with a marine sanitation
759 device to maintain a record of the date and location
760 of each pumpout of the device for a certain period;
761 providing an exception;