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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2021	.	
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Appropriations Subcommittee on Agriculture, Environment, and General Government (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Effective October 1, 2021, paragraphs (a) and (c) of subsection (1) of section 316.1932, Florida Statutes, are amended to read:

316.1932 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.—

(1) (a) 1.a. A Any person who accepts the privilege extended



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11 by the laws of this state of operating a motor vehicle within  
12 this state is, by ~~se~~ operating such vehicle, deemed to have  
13 given his or her consent to submit to an approved chemical test  
14 or physical test including, but not limited to, an infrared  
15 light test of his or her breath for the purpose of determining  
16 the alcoholic content of his or her blood or breath if the  
17 person is lawfully arrested for any offense allegedly committed  
18 while the person was driving or was in actual physical control  
19 of a motor vehicle while under the influence of alcoholic  
20 beverages. The chemical or physical breath test must be  
21 incidental to a lawful arrest and administered at the request of  
22 a law enforcement officer who has reasonable cause to believe  
23 such person was driving or was in actual physical control of the  
24 motor vehicle within this state while under the influence of  
25 alcoholic beverages. The administration of a breath test does  
26 not preclude the administration of another type of test. The  
27 person shall be told that his or her failure to submit to any  
28 lawful test of his or her breath will result in the suspension  
29 of the person's privilege to operate a motor vehicle for a  
30 period of 1 year for a first refusal, or for a period of 18  
31 months if the driving privilege of such person has been  
32 previously suspended or if he or she has previously been fined  
33 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a  
34 test or tests required under this chapter or chapter 327, and  
35 shall also be told that if he or she refuses to submit to a  
36 lawful test of his or her breath and his or her driving  
37 privilege has been previously suspended or if he or she has  
38 previously been fined under s. 327.35215 for a prior refusal to  
39 submit to a lawful test of his or her breath, urine, or blood as



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40 required under this chapter or chapter 327, he or she commits a  
41 misdemeanor of the first degree, punishable as provided in s.  
42 775.082 or s. 775.083, in addition to any other penalties  
43 provided by law. The refusal to submit to a chemical or physical  
44 breath test upon the request of a law enforcement officer as  
45 provided in this section is admissible into evidence in any  
46 criminal proceeding.

47       b. A ~~Any~~ person who accepts the privilege extended by the  
48 laws of this state of operating a motor vehicle within this  
49 state is, by ~~se~~ operating such vehicle, deemed to have given his  
50 or her consent to submit to a urine test for the purpose of  
51 detecting the presence of chemical substances as set forth in s.  
52 877.111 or controlled substances if the person is lawfully  
53 arrested for any offense allegedly committed while the person  
54 was driving or was in actual physical control of a motor vehicle  
55 while under the influence of chemical substances or controlled  
56 substances. The urine test must be incidental to a lawful arrest  
57 and administered at a detention facility or any other facility,  
58 mobile or otherwise, which is equipped to administer such tests  
59 at the request of a law enforcement officer who has reasonable  
60 cause to believe such person was driving or was in actual  
61 physical control of a motor vehicle within this state while  
62 under the influence of chemical substances or controlled  
63 substances. The urine test shall be administered at a detention  
64 facility or any other facility, mobile or otherwise, which is  
65 equipped to administer such test in a reasonable manner that  
66 will ensure the accuracy of the specimen and maintain the  
67 privacy of the individual involved. The administration of a  
68 urine test does not preclude the administration of another type



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69 of test. The person shall be told that his or her failure to  
70 submit to any lawful test of his or her urine will result in the  
71 suspension of the person's privilege to operate a motor vehicle  
72 for a period of 1 year for the first refusal, or for a period of  
73 18 months if the driving privilege of such person has been  
74 previously suspended or if he or she has previously been fined  
75 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a  
76 test or tests required under this chapter or chapter 327, and  
77 shall also be told that if he or she refuses to submit to a  
78 lawful test of his or her urine and his or her driving privilege  
79 has been previously suspended or if he or she has previously  
80 been fined under s. 327.35215 for a prior refusal to submit to a  
81 lawful test of his or her breath, urine, or blood as required  
82 under this chapter or chapter 327, he or she commits a  
83 misdemeanor of the first degree, punishable as provided in s.  
84 775.082 or s. 775.083, in addition to any other penalties  
85 provided by law. The refusal to submit to a urine test upon the  
86 request of a law enforcement officer as provided in this section  
87 is admissible into evidence in any criminal proceeding.

88 2. The Alcohol Testing Program within the Department of Law  
89 Enforcement is responsible for the regulation of the operation,  
90 inspection, and registration of breath test instruments utilized  
91 under the driving and boating under the influence provisions and  
92 related provisions located in this chapter and chapters 322 and  
93 327. The program is responsible for the regulation of the  
94 individuals who operate, inspect, and instruct on the breath  
95 test instruments utilized in the driving and boating under the  
96 influence provisions and related provisions located in this  
97 chapter and chapters 322 and 327. The program is further



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98 responsible for the regulation of blood analysts who conduct  
99 blood testing to be utilized under the driving and boating under  
100 the influence provisions and related provisions located in this  
101 chapter and chapters 322 and 327. The program shall:

102 a. Establish uniform criteria for the issuance of permits  
103 to breath test operators, agency inspectors, instructors, blood  
104 analysts, and instruments.

105 b. Have the authority to permit breath test operators,  
106 agency inspectors, instructors, blood analysts, and instruments.

107 c. Have the authority to discipline and suspend, revoke, or  
108 renew the permits of breath test operators, agency inspectors,  
109 instructors, blood analysts, and instruments.

110 d. Establish uniform requirements for instruction and  
111 curricula for the operation and inspection of approved  
112 instruments.

113 e. Have the authority to specify one approved curriculum  
114 for the operation and inspection of approved instruments.

115 f. Establish a procedure for the approval of breath test  
116 operator and agency inspector classes.

117 g. Have the authority to approve or disapprove breath test  
118 instruments and accompanying paraphernalia for use pursuant to  
119 the driving and boating under the influence provisions and  
120 related provisions located in this chapter and chapters 322 and  
121 327.

122 h. With the approval of the executive director of the  
123 Department of Law Enforcement, make and enter into contracts and  
124 agreements with other agencies, organizations, associations,  
125 corporations, individuals, or federal agencies as are necessary,  
126 expedient, or incidental to the performance of duties.



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127           i. Issue final orders which include findings of fact and  
128 conclusions of law and which constitute final agency action for  
129 the purpose of chapter 120.

130           j. Enforce compliance with ~~the provisions of~~ this section  
131 through civil or administrative proceedings.

132           k. Make recommendations concerning any matter within the  
133 purview of this section, this chapter, chapter 322, or chapter  
134 327.

135           l. Promulgate rules for the administration and  
136 implementation of this section, including definitions of terms.

137           m. Consult and cooperate with other entities for the  
138 purpose of implementing the mandates of this section.

139           n. Have the authority to approve the type of blood test  
140 utilized under the driving and boating under the influence  
141 provisions and related provisions located in this chapter and  
142 chapters 322 and 327.

143           o. Have the authority to specify techniques and methods for  
144 breath alcohol testing and blood testing utilized under the  
145 driving and boating under the influence provisions and related  
146 provisions located in this chapter and chapters 322 and 327.

147           p. Have the authority to approve repair facilities for the  
148 approved breath test instruments, including the authority to set  
149 criteria for approval.

150

151 Nothing in this section shall be construed to supersede  
152 provisions in this chapter and chapters 322 and 327. The  
153 specifications in this section are derived from the power and  
154 authority previously and currently possessed by the Department  
155 of Law Enforcement and are enumerated to conform with the



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156 mandates of chapter 99-379, Laws of Florida.

157 (c) A ~~Any~~ person who accepts the privilege extended by the  
158 laws of this state of operating a motor vehicle within this  
159 state is, by operating such vehicle, deemed to have given his or  
160 her consent to submit to an approved blood test for the purpose  
161 of determining the alcoholic content of the blood or a blood  
162 test for the purpose of determining the presence of chemical  
163 substances or controlled substances as provided in this section  
164 if there is reasonable cause to believe the person was driving  
165 or in actual physical control of a motor vehicle while under the  
166 influence of alcoholic beverages or chemical or controlled  
167 substances and the person appears for treatment at a hospital,  
168 clinic, or other medical facility and the administration of a  
169 breath or urine test is impractical or impossible. As used in  
170 this paragraph, the term "other medical facility" includes an  
171 ambulance or other medical emergency vehicle. The blood test  
172 shall be performed in a reasonable manner. A ~~Any~~ person who is  
173 incapable of refusal by reason of unconsciousness or other  
174 mental or physical condition is deemed not to have withdrawn his  
175 or her consent to such test. A blood test may be administered  
176 whether or not the person is told that his or her failure to  
177 submit to such a blood test will result in the suspension of the  
178 person's privilege to operate a motor vehicle upon the public  
179 highways of this state and that a refusal to submit to a lawful  
180 test of his or her blood, if his or her driving privilege has  
181 been previously suspended for refusal to submit to a lawful test  
182 of his or her breath, urine, or blood, is a misdemeanor. A ~~Any~~  
183 person who is capable of refusal shall be told that his or her  
184 failure to submit to such a blood test will result in the



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185 suspension of the person's privilege to operate a motor vehicle  
186 for a period of 1 year for a first refusal, or for a period of  
187 18 months if the driving privilege of the person has been  
188 suspended previously or if he or she has previously been fined  
189 under s. 327.35215 as a result of a refusal to submit to ~~such a~~  
190 test or tests required under this chapter or chapter 327, ~~and~~  
191 ~~that a refusal to submit to a lawful test of his or her blood,~~  
192 ~~if his or her driving privilege has been previously suspended~~  
193 ~~for a prior refusal to submit to a lawful test of his or her~~  
194 ~~breath, urine, or blood, is a misdemeanor.~~ The refusal to submit  
195 to a blood test upon the request of a law enforcement officer is  
196 admissible in evidence in any criminal proceeding.

197 Section 2. Effective October 1, 2021, subsection (1) of  
198 section 316.1939, Florida Statutes, is amended to read:

199 316.1939 Refusal to submit to testing; penalties.—

200 (1) A ~~Any~~ person who has refused to submit to a chemical or  
201 physical test of his or her breath, ~~blood,~~ or urine, as  
202 described in s. 316.1932, and whose driving privilege was  
203 previously suspended or who was previously fined under s.  
204 327.35215 for a prior refusal to submit to a lawful test of his  
205 or her breath, urine, or blood required under this chapter or  
206 chapter 327, and:

207 (a) Who the arresting law enforcement officer had probable  
208 cause to believe was driving or in actual physical control of a  
209 motor vehicle in this state while under the influence of  
210 alcoholic beverages, chemical substances, or controlled  
211 substances;

212 (b) Who was placed under lawful arrest for a violation of  
213 s. 316.193 unless such test was requested pursuant to s.





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214 316.1932(1)(c);

215 (c) Who was informed that, if he or she refused to submit  
216 to such test, his or her privilege to operate a motor vehicle  
217 would be suspended for a period of 1 year or, in the case of a  
218 second or subsequent refusal, for a period of 18 months;

219 (d) Who was informed that a refusal to submit to a lawful  
220 test of his or her breath or, urine, ~~or blood~~, if his or her  
221 driving privilege has been previously suspended or if he or she  
222 has previously been fined under s. 327.35215 for a prior refusal  
223 to submit to a lawful test of his or her breath, urine, or blood  
224 as required under this chapter or chapter 327, is a misdemeanor  
225 of the first degree, punishable as provided in s. 775.082 or s.  
226 775.083, in addition to any other penalties provided by law; and

227 (e) Who, after having been so informed, refused to submit  
228 to any such test when requested to do so by a law enforcement  
229 officer or correctional officer commits a misdemeanor of the  
230 first degree and is subject to punishment as provided in s.  
231 775.082 or s. 775.083.

232 Section 3. Present subsections (18) through (47) of section  
233 327.02, Florida Statutes, are redesignated as subsections (19)  
234 through (48), respectively, a new subsection (18) is added to  
235 that section, and present subsection (31) of that section is  
236 amended, to read:

237 327.02 Definitions.—As used in this chapter and in chapter  
238 328, unless the context clearly requires a different meaning,  
239 the term:

240 (18) "Human-powered vessel" means a vessel powered only by  
241 its occupant or occupants, including, but not limited to, a  
242 vessel powered only by the occupants' hands or feet, oars, or



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243 paddles.

244 (32)~~(31)~~ "Navigation rules" means, for vessels on:

245 (a) Waters outside established navigational lines of  
246 demarcation as specified in 33 C.F.R. part 80, the International  
247 Navigational Rules Act of 1977, 33 U.S.C. s. 1602, as amended,  
248 including the appendix and annexes thereto, through December 31,  
249 2020 ~~October 1, 2012.~~

250 (b) All waters not outside of such established lines of  
251 demarcation, the Inland Navigational Rules Act of 1980, 33  
252 C.F.R. parts 83-90, as amended, through December 31, 2020  
253 ~~October 1, 2012.~~

254 Section 4. Section 327.04, Florida Statutes, is amended to  
255 read:

256 327.04 Rules.—The commission may ~~has authority to~~ adopt  
257 rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~  
258 ~~provisions of this chapter,~~ the provisions of chapter 705  
259 relating to vessels, and ss. 376.15 and 823.11 conferring powers  
260 or duties upon it.

261 Section 5. Section 327.462, Florida Statutes, is created to  
262 read:

263 327.462 Temporary protection zones for spaceflight launches  
264 and recovery of spaceflight assets.—

265 (1) As used in this section, the term:

266 (a) "Launch services" means the conduct of a launch and  
267 activities involved in the preparation of a launch vehicle,  
268 payload, government astronaut, commercial astronaut, or  
269 spaceflight participant for such launch.

270 (b) "Reentry services" means the conduct of a reentry and  
271 activities involved in the preparation of a reentry vehicle,



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272 payload, government astronaut, commercial astronaut, or  
273 spaceflight participant for such reentry.

274 (c) "Spaceflight assets" means any item, or any part of an  
275 item, owned by a spaceflight entity which is used in launch  
276 services or reentry services, including crewed and uncrewed  
277 spacecraft, launch vehicles, parachutes and other landing aids,  
278 and any spacecraft or ancillary equipment that was attached to  
279 the launch vehicle during launch, orbit, or reentry.

280 (d) "Spaceflight entity" has the same meaning as provided  
281 in s. 331.501.

282 (2) The head of a law enforcement agency or entity  
283 identified in s. 327.70(1), or his or her designee, may, upon  
284 waters of this state within the law enforcement agency's or  
285 entity's jurisdiction, when necessary for preparations in  
286 advance of a launch service or reentry service or for the  
287 recovery of spaceflight assets before or after a launch service  
288 or reentry service, temporarily establish a protection zone  
289 requiring vessels to leave, or prohibiting vessels from  
290 entering, water bodies within:

291 (a) Five hundred yards of where launch services, reentry  
292 services, or spaceflight asset recovery operations are being  
293 conducted; or

294 (b) A distance greater than provided in paragraph (a) if  
295 the head of such law enforcement agency or entity, or his or her  
296 designee, determines such greater distance is in the best  
297 interest of public safety.

298 (3) A protection zone established under subsection (2) may  
299 remain in effect only as long as necessary to ensure security  
300 around the launch and recovery areas and to recover spaceflight



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301 assets and any personnel being transported within a spacecraft  
302 following the launch or reentry activity. Such protection zone  
303 may not be in place more than 72 hours before or 72 hours after  
304 the launch. The head of a law enforcement agency or entity  
305 identified in s. 327.70, or his or her designee:

306 (a) May also restrict vessels from operating within up to  
307 500 yards of any vessel transporting recovered spaceflight  
308 assets following a spaceflight launch or reentry while such  
309 vessel is continuously underway transporting such assets to a  
310 location for removal from the waters of this state; and

311 (b) May not restrict vessel movement within the Florida  
312 Intracoastal Waterway, except as necessary during the transport  
313 of spaceflight assets to or from port or during exigent  
314 circumstances.

315 (4) The head of a law enforcement agency or entity  
316 establishing a protection zone under this section, or his or her  
317 designee, must report the establishment of such protection zone  
318 via e-mail to the commission's Division of Law Enforcement,  
319 Boating and Waterways Section, and to the appropriate United  
320 States Coast Guard Sector Command having responsibility over the  
321 water body, at least 72 hours before establishment of the  
322 protection zone. Such report must include the reasons for the  
323 protection zone, the portion of the water body or water bodies  
324 which will be included in the protection zone, and the duration  
325 of the protection zone. No later than 72 hours after the end of  
326 the protection zone period, the head of the law enforcement  
327 agency or entity, or his or her designee, must report via e-mail  
328 to the commission's Division of Law Enforcement, Boating and  
329 Waterways Section, the details of all citations issued for



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330 violating the protection zone.

331 (5) This section applies only to launch services, reentry  
332 services, or the recovery of spaceflight assets occurring or  
333 originating within spaceport territory, as defined in s.  
334 331.304, and to federally licensed or federally authorized  
335 launches and reentries occurring or transiting to an end  
336 destination upon waters of this state.

337 (6) A person who violates this section or any directive  
338 given by a law enforcement officer relating to the establishment  
339 of a protection zone under this section after being advised of  
340 the establishment of the protection zone commits a misdemeanor  
341 of the second degree, punishable as provided in s. 775.082 or s.  
342 775.083.

343 Section 6. Effective October 1, 2021, paragraphs (a) and  
344 (c) of subsection (1) of section 327.352, Florida Statutes, are  
345 amended to read:

346 327.352 Tests for alcohol, chemical substances, or  
347 controlled substances; implied consent; refusal.—

348 (1)(a)1. The Legislature declares that the operation of a  
349 vessel is a privilege that must be exercised in a reasonable  
350 manner. In order to protect the public health and safety, it is  
351 essential that a lawful and effective means of reducing the  
352 incidence of boating while impaired or intoxicated be  
353 established. Therefore, a any person who accepts the privilege  
354 extended by the laws of this state of operating a vessel within  
355 this state is, by ~~se~~ operating such vessel, deemed to have given  
356 his or her consent to submit to an approved chemical test or  
357 physical test including, but not limited to, an infrared light  
358 test of his or her breath for the purpose of determining the



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359 alcoholic content of his or her blood or breath if the person is  
360 lawfully arrested for any offense allegedly committed while the  
361 person was operating a vessel while under the influence of  
362 alcoholic beverages. The chemical or physical breath test must  
363 be incidental to a lawful arrest and administered at the request  
364 of a law enforcement officer who has reasonable cause to believe  
365 such person was operating the vessel within this state while  
366 under the influence of alcoholic beverages. The administration  
367 of a breath test does not preclude the administration of another  
368 type of test. The person shall be told that his or her failure  
369 to submit to any lawful test of his or her breath under this  
370 chapter will result in a civil penalty of \$500, and shall also  
371 be told that if he or she refuses to submit to a lawful test of  
372 his or her breath and he or she has been previously fined under  
373 s. 327.35215 or has previously had his or her driver license  
374 suspended under s. 322.2615 for refusal to submit to any lawful  
375 test of his or her breath, urine, or blood, he or she commits a  
376 misdemeanor of the first degree, punishable as provided in s.  
377 775.082 or s. 775.083, in addition to any other penalties  
378 provided by law. The refusal to submit to a chemical or physical  
379 breath test upon the request of a law enforcement officer as  
380 provided in this section is admissible into evidence in any  
381 criminal proceeding.

382       2. A ~~Any~~ person who accepts the privilege extended by the  
383 laws of this state of operating a vessel within this state is,  
384 by ~~se~~ operating such vessel, deemed to have given his or her  
385 consent to submit to a urine test for the purpose of detecting  
386 the presence of chemical substances as set forth in s. 877.111  
387 or controlled substances if the person is lawfully arrested for



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388 any offense allegedly committed while the person was operating a  
389 vessel while under the influence of chemical substances or  
390 controlled substances. The urine test must be incidental to a  
391 lawful arrest and administered at a detention facility or any  
392 other facility, mobile or otherwise, which is equipped to  
393 administer such tests at the request of a law enforcement  
394 officer who has reasonable cause to believe such person was  
395 operating a vessel within this state while under the influence  
396 of chemical substances or controlled substances. The urine test  
397 shall be administered at a detention facility or any other  
398 facility, mobile or otherwise, which is equipped to administer  
399 such test in a reasonable manner that will ensure the accuracy  
400 of the specimen and maintain the privacy of the individual  
401 involved. The administration of a urine test does not preclude  
402 the administration of another type of test. The person shall be  
403 told that his or her failure to submit to any lawful test of his  
404 or her urine under this chapter will result in a civil penalty  
405 of \$500, and shall also be told that if he or she refuses to  
406 submit to a lawful test of his or her urine and he or she has  
407 been previously fined under s. 327.35215 or has previously had  
408 his or her driver license suspended under s. 322.2615 for  
409 refusal to submit to any lawful test of his or her breath,  
410 urine, or blood, he or she commits a misdemeanor of the first  
411 degree, punishable as provided in s. 775.082 or s. 775.083, in  
412 addition to any other penalties provided by law. The refusal to  
413 submit to a urine test upon the request of a law enforcement  
414 officer as provided in this section is admissible into evidence  
415 in any criminal proceeding.

416 (c) A ~~Any~~ person who accepts the privilege extended by the



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417 laws of this state of operating a vessel within this state is,  
418 by operating such vessel, deemed to have given his or her  
419 consent to submit to an approved blood test for the purpose of  
420 determining the alcoholic content of the blood or a blood test  
421 for the purpose of determining the presence of chemical  
422 substances or controlled substances as provided in this section  
423 if there is reasonable cause to believe the person was operating  
424 a vessel while under the influence of alcoholic beverages or  
425 chemical or controlled substances and the person appears for  
426 treatment at a hospital, clinic, or other medical facility and  
427 the administration of a breath or urine test is impractical or  
428 impossible. As used in this paragraph, the term "other medical  
429 facility" includes an ambulance or other medical emergency  
430 vehicle. The blood test shall be performed in a reasonable  
431 manner. A ~~Any~~ person who is incapable of refusal by reason of  
432 unconsciousness or other mental or physical condition is deemed  
433 not to have withdrawn his or her consent to such test. A ~~Any~~  
434 person who is capable of refusal shall be told that his or her  
435 failure to submit to such a blood test will result in a civil  
436 penalty of \$500 ~~and that a refusal to submit to a lawful test of~~  
437 ~~his or her blood, if he or she has previously been fined for~~  
438 ~~refusal to submit to any lawful test of his or her breath,~~  
439 ~~urine, or blood, is a misdemeanor.~~ The refusal to submit to a  
440 blood test upon the request of a law enforcement officer shall  
441 be admissible in evidence in any criminal proceeding.

442 Section 7. Effective October 1, 2021, section 327.359,  
443 Florida Statutes, is amended to read:

444 327.359 Refusal to submit to testing; penalties.—A ~~Any~~  
445 person who has refused to submit to a chemical or physical test





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446 of his or her breath, ~~blood,~~ or urine, as described in s.  
447 327.352, and who has been previously fined under s. 327.35215 or  
448 has previously had his or her driver license suspended under s.  
449 322.2615 for refusal to submit to a lawful test of his or her  
450 breath, urine, or blood, and:

451 (1) Who the arresting law enforcement officer had probable  
452 cause to believe was operating or in actual physical control of  
453 a vessel in this state while under the influence of alcoholic  
454 beverages, chemical substances, or controlled substances;

455 (2) Who was placed under lawful arrest for a violation of  
456 s. 327.35 unless such test was requested pursuant to s.  
457 327.352 (1) (c);

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

460 (4) Who was informed that a refusal to submit to a lawful  
461 test of his or her breath or, ~~urine, or blood,~~ if he or she has  
462 been previously fined under s. 327.35215 or has previously had  
463 his or her driver license suspended under s. 322.2615 for  
464 refusal to submit to a lawful test of his or her breath, urine,  
465 or blood, is a misdemeanor of the first degree, punishable as  
466 provided in s. 775.082 or s. 775.083; and

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

472 Section 8. Section 327.371, Florida Statutes, is created to  
473 read:

474 327.371 Human-powered vessels regulated.-



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

478 (a) When the marked channel is the only navigable portion  
479 of the waterway available due to vessel congestion or  
480 obstructions on the water. The operator of the human-powered  
481 vessel shall proceed with diligence to a location where he or  
482 she may safely operate the vessel outside the marked channel of  
483 the Florida Intracoastal Waterway.

484 (b) When crossing the marked channel, provided that the  
485 crossing is done in the most direct, continuous, and expeditious  
486 manner possible and does not interfere with other vessel traffic  
487 in the channel.

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

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

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

494 Section 9. Subsection (1) and paragraphs (a) and (b) of  
495 subsection (5) of section 327.391, Florida Statutes, are amended  
496 to read:

497 327.391 Airboats regulated.—

498 (1) The exhaust of every internal combustion engine used on  
499 any airboat operated on the waters of this state shall be  
500 provided with an automotive-style factory muffler, underwater  
501 exhaust, or other manufactured device capable of adequately  
502 muffling the sound of the exhaust of the engine as described in  
503 s. 327.02(31) s. ~~327.02(30)~~. The use of cutouts or flex pipe as



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504 the sole source of muffling is prohibited, except as provided in  
505 subsection (4). A ~~Any~~ person who violates this subsection  
506 commits a noncriminal infraction, punishable as provided in s.  
507 327.73(1).

508 (5) (a) ~~Beginning July 1, 2019,~~ A person may not operate an  
509 airboat to carry one or more passengers for hire on waters of  
510 this ~~the~~ state unless he or she has all of the following onboard  
511 the airboat:

512 1. A photographic identification card.

513 2. Proof of completion of a boater education course that  
514 complies with s. 327.395(2) (a) ~~s. 327.395(1) (a)~~. Except as  
515 provided in paragraph (b), no operator is exempt from this  
516 requirement, regardless of age or the exemptions provided under  
517 s. 327.395.

518 3. Proof of successful completion of a commission-approved  
519 airboat operator course that meets the minimum standards  
520 established by commission rule.

521 4. Proof of successful course completion in cardiopulmonary  
522 resuscitation and first aid.

523 (b) A person issued a captain's license by the United  
524 States Coast Guard is not required to complete a boating safety  
525 education course that complies with s. 327.395(2) (a) ~~s.~~  
526 ~~327.395(1) (a)~~. Proof of the captain's license must be onboard  
527 the airboat when carrying one or more passengers for hire on  
528 waters of this ~~the~~ state.

529 Section 10. Section 327.395, Florida Statutes, is amended  
530 to read:

531 327.395 Boating safety education.—

532 (1) A person born on or after January 1, 1988, may not



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533 operate a vessel powered by a motor of 10 horsepower or greater  
534 unless such person has in his or her possession aboard the  
535 vessel the documents required by subsection (2).

536 (2) While operating a vessel, a person identified under  
537 subsection (1) must have in his or her possession aboard the  
538 vessel photographic identification and a Florida boating safety  
539 identification card issued by the commission; ~~a state-issued~~  
540 identification card or driver license indicating possession of  
541 the Florida boating safety identification card; ~~or photographic~~  
542 identification and a temporary certificate issued or approved by  
543 the commission, an International Certificate of Competency, a  
544 boating safety card or certificate from another state or United  
545 States territory, or a Canadian Pleasure Craft Operator Card,  
546 which shows that he or she has:

547 (a) Completed a commission-approved boating safety  
548 education course that meets the minimum requirements established  
549 by the National Association of State Boating Law Administrators;  
550 ~~or~~

551 (b) Passed a temporary certificate examination developed or  
552 approved by the commission;

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

554 (d) Completed a boating safety education course or  
555 equivalency examination in another state, a United States  
556 territory, or Canada which meets or exceeds the minimum  
557 requirements established by the National Association of State  
558 Boating Law Administrators.

559 (3) (a) ~~(2) (a)~~ A person may obtain a Florida boating safety  
560 identification card by successfully completing a boating safety  
561 education course that meets the requirements of this section and



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562 rules adopted by the commission pursuant to this section.

563 (b) A person may obtain a temporary certificate by passing  
564 a temporary certificate examination that meets the requirements  
565 of this section and rules adopted by the commission pursuant to  
566 this section.

567 ~~(4)(3) A~~ A ~~Any~~ commission-approved boating safety education  
568 course or temporary certificate examination developed or  
569 approved by the commission must include a component regarding  
570 diving vessels, awareness of divers in the water, divers-down  
571 warning devices, and the requirements of s. 327.331.

572 ~~(4) The commission may appoint liveries, marinas, or other~~  
573 ~~persons as its agents to administer the course or temporary~~  
574 ~~certificate examination and issue identification cards or~~  
575 ~~temporary certificates in digital, electronic, or paper format~~  
576 ~~under guidelines established by the commission. An agent must~~  
577 ~~charge the \$2 examination fee, which must be forwarded to the~~  
578 ~~commission with proof of passage of the examination and may~~  
579 ~~charge and keep a \$1 service fee.~~

580 (5) A Florida boating safety identification card issued to  
581 a person who has completed a boating safety education course is  
582 valid for life. A temporary certificate issued to a person who  
583 has passed a temporary certification examination is valid for 90  
584 days after the date of issuance. The commission may issue either  
585 the boating safety identification card or the temporary  
586 certificate in a digital, electronic, or paper format.

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

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

590 2. Has been previously licensed by the United States Coast



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591 Guard to serve as master of a vessel, provides proof of such  
592 licensure to the commission, and requests that a boating safety  
593 identification card be issued in his or her name.

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

595 (c) Is accompanied in the vessel by a person who is exempt  
596 from this section or who holds a boating safety identification  
597 card in compliance with this section, who is 18 years of age or  
598 older, and who is attendant to the operation of the vessel and  
599 responsible for the safe operation of the vessel and for any  
600 violation that occurs during the operation of the vessel.

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

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

610 (f) Is operating a vessel within 90 days after completing a  
611 boating safety education course in accordance with paragraph  
612 (2)(a) ~~the requirements of paragraph (1)(a)~~ and has a  
613 photographic identification card and a boating safety education  
614 certificate available for inspection as proof of having  
615 completed a boating safety education course. The boating safety  
616 education certificate must provide, at a minimum, the student's  
617 first and last name, the student's date of birth, and the date  
618 that he or she passed the course examination.

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



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620 (7) A person who operates a vessel in violation of this  
621 section ~~subsection (1)~~ commits a noncriminal infraction,  
622 punishable as provided in s. 327.73.

623 (8) The commission shall institute and coordinate a  
624 statewide program of boating safety instruction and  
625 certification to ensure that boating safety courses and  
626 examinations are available in each county of this ~~the~~ state. The  
627 commission may appoint agents to administer the boating safety  
628 education course or temporary certificate examination and may  
629 authorize the agents to issue temporary certificates in digital,  
630 electronic, or paper format. An agent ~~The agents~~ shall charge  
631 and collect the \$2 fee required in subsection (9) for each  
632 temporary certificate requested of the commission by that agent,  
633 which must be forwarded to the commission. The agent may charge  
634 and keep a ~~\$1~~ service fee.

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

638 (10) The commission shall design forms and adopt rules  
639 pursuant to chapter 120 to implement ~~the provisions of~~ this  
640 section.

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

643 Section 11. Present subsection (5) of section 327.4107,  
644 Florida Statutes, is redesignated as subsection (6), a new  
645 subsection (5) and subsection (7) are added to that section, and  
646 paragraphs (d) and (e) of subsection (2) of that section are  
647 amended, to read:

648 327.4107 Vessels at risk of becoming derelict on waters of



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649 this state.-

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

654 (d) The vessel is ~~left or stored aground unattended in such~~  
655 ~~a state that would prevent the vessel from getting underway, is~~  
656 ~~listing due to water intrusion, or is sunk or partially sunk.~~

657 (e) The vessel does not have an effective means of  
658 propulsion for safe navigation within 72 hours after the vessel  
659 owner or operator receives telephonic notice, in-person notice  
660 recorded on an agency-approved body camera, or written notice,  
661 which may be provided by facsimile, electronic mail, or other  
662 electronic means, stating such from an officer, and the vessel  
663 owner or operator is unable to provide a receipt, proof of  
664 purchase, or other documentation of having ordered necessary  
665 parts for vessel repair. The commission may adopt rules to  
666 implement this paragraph.

667 (5) The commission, an officer of the commission, or a law  
668 enforcement agency or officer specified in s. 327.70 may  
669 relocate or cause to be relocated an at-risk vessel found to be  
670 in violation of this section to a distance greater than 20 feet  
671 from a mangrove or upland vegetation. The commission, an officer  
672 of the commission, or a law enforcement agency or officer acting  
673 pursuant to this subsection upon waters of this state shall be  
674 held harmless for all damages to the at-risk vessel resulting  
675 from such relocation unless the damage results from gross  
676 negligence or willful misconduct as these terms are defined in  
677 s. 823.11.





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

681       (a) Removal, relocation, and destruction of vessels  
682 declared a public nuisance, derelict or at risk of becoming  
683 derelict, or lost or abandoned in accordance with s. 327.53(7),  
684 s. 327.73(1)(aa), s. 705.103(2) and (4), or s. 823.11(3).

685       (b) Creation of a vessel turn-in program allowing the owner  
686 of a vessel determined by law enforcement to be at risk of  
687 becoming derelict in accordance with this section to turn his or  
688 her vessel and vessel title over to the commission to be  
689 destroyed without penalty.

690       (c) Providing for removal and destruction of an abandoned  
691 vessel for which an owner cannot be identified or the owner of  
692 which is deceased and no heir is interested in acquiring the  
693 vessel.

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

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

698  
699 The commission may adopt rules to implement this subsection.  
700 Implementation of the derelict vessel prevention program shall  
701 be subject to appropriation by the Legislature and shall be  
702 funded by the Marine Resources Conservation Trust Fund or the  
703 Florida Coastal Protection Trust Fund.

704       Section 12. Section 327.4108, Florida Statutes, is amended  
705 to read:

706       327.4108 Anchoring of vessels in anchoring limitation



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707 areas.-

708 (1) The following densely populated urban areas, which have  
709 narrow state waterways, residential docking facilities, and  
710 significant recreational boating traffic, are designated as  
711 anchoring limitation areas, within which a person may not anchor  
712 a vessel at any time during the period between one-half hour  
713 after sunset and one-half hour before sunrise, except as  
714 provided in subsections (3) and (4):

715 (a) The section of Middle River lying between Northeast  
716 21st Court and the Intracoastal Waterway in Broward County.

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

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

720 1. Rivo Alto Island and Di Lido Island.

721 2. San Marino Island and San Marco Island.

722 3. San Marco Island and Biscayne Island.

723 (2) (a) Monroe County is designated as an anchoring  
724 limitation area within which a vessel may only be anchored in  
725 the same location for a maximum of 90 days. The commission shall  
726 adopt rules to implement this subsection.

727 (b) This subsection does not apply to an approved and  
728 permitted mooring field or to privately owned submerged land.

729 (c) Notwithstanding the commission rules adopted pursuant  
730 to this section, the designation made by this section is not  
731 effective until Monroe County establishes 200 approved and  
732 permitted moorings.

733 ~~(2) To promote the public's use and enjoyment of the~~  
734 ~~designated waterway, except as provided in subsections (3) and~~  
735 ~~(4), a person may not anchor a vessel at any time during the~~



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736 ~~period between one-half hour after sunset and one-half hour~~  
737 ~~before sunrise in an anchoring limitation area.~~

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

741 (a) If the vessel suffers a mechanical failure that poses  
742 an unreasonable risk of harm to the vessel or the persons  
743 onboard unless the vessel anchors. The vessel may anchor for 3  
744 business days or until the vessel is repaired, whichever occurs  
745 first.

746 (b) If imminent or existing weather conditions in the  
747 vicinity of the vessel pose an unreasonable risk of harm to the  
748 vessel or the persons onboard unless the vessel anchors. The  
749 vessel may anchor until weather conditions no longer pose such  
750 risk. During a hurricane or tropical storm, weather conditions  
751 are deemed to no longer pose an unreasonable risk of harm when  
752 the hurricane or tropical storm warning affecting the area has  
753 expired.

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

759 (4) This section does not apply to:

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

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

763 (c) Vessels actively engaged in commercial fishing.

764 (d) Vessels engaged in recreational fishing if the persons



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765 onboard are actively tending hook and line fishing gear or nets.

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

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

774 1. Anchors the vessel in violation of this section within  
775 12 hours after being issued the citation; or

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

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

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

786 1. Be licensed in accordance with United States Coast Guard  
787 regulations, as applicable.

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

792 3. Be properly equipped to perform such services.

793 (e) In addition to the civil penalty imposed under s.



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794 327.73(1)(z), the operator of a vessel that is removed and  
795 impounded pursuant to paragraph (b) must pay all removal and  
796 storage fees before the vessel is released. A vessel removed  
797 pursuant to paragraph (b) may not be impounded for longer than  
798 48 hours.

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

801 ~~(7) This section shall remain in effect notwithstanding the~~  
802 ~~Legislature's adoption of the commission's recommendations for~~  
803 ~~the regulation of mooring vessels outside of public mooring~~  
804 ~~fields pursuant to s. 327.4105.~~

805 Section 13. Paragraph (a) of subsection (1) and subsection  
806 (2) of section 327.4109, Florida Statutes, are amended to read:  
807 327.4109 Anchoring or mooring prohibited; exceptions;  
808 penalties.—

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

812 1. Within 150 feet of any public or private marina, boat  
813 ramp, boatyard, or other public vessel launching or loading  
814 facility;

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

819 3. Within 100 feet outward from the marked boundary of a  
820 public mooring field or a lesser distance if approved by the  
821 commission upon request of a local government within which the  
822 mooring field is located. The commission may adopt rules to



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823 implement this subparagraph.

824 (2) Notwithstanding subsection (1), an owner or operator of  
825 a vessel may anchor or moor within 150 feet of any public or  
826 private marina, boat ramp, boatyard, or other public vessel  
827 launching or loading facility; within 500 ~~300~~ feet of a  
828 superyacht repair facility; or within 100 feet outward from the  
829 marked boundary of a public mooring field if:

830 (a) The vessel suffers a mechanical failure that poses an  
831 unreasonable risk of harm to the vessel or the persons onboard  
832 such vessel. The owner or operator of the vessel may anchor or  
833 moor for 5 business days or until the vessel is repaired,  
834 whichever occurs first.

835 (b) Imminent or existing weather conditions in the vicinity  
836 of the vessel pose an unreasonable risk of harm to the vessel or  
837 the persons onboard such vessel. The owner or operator of the  
838 vessel may anchor or moor until weather conditions no longer  
839 pose such risk. During a hurricane or tropical storm, weather  
840 conditions are deemed to no longer pose an unreasonable risk of  
841 harm when the hurricane or tropical storm warning affecting the  
842 area has expired.

843 Section 14. Subsection (2) of section 327.45, Florida  
844 Statutes, is amended to read:

845 327.45 Protection zones for springs.—

846 (2) The commission may establish by rule protection zones  
847 that restrict the speed and operation of vessels, or that  
848 prohibit the anchoring, mooring, beaching, or grounding of  
849 vessels, to protect and prevent harm to first, second, and third  
850 magnitude springs and springs groups, including their associated  
851 spring runs, as determined by the commission using the most



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852 recent Florida Geological Survey springs bulletin. This harm  
853 includes negative impacts to water quality, water quantity,  
854 hydrology, wetlands, and aquatic and wetland-dependent species.

855 Section 15. Paragraph (b) of subsection (1) of section  
856 327.46, Florida Statutes, is amended to read:

857 327.46 Boating-restricted areas.—

858 (1) Boating-restricted areas, including, but not limited  
859 to, restrictions of vessel speeds and vessel traffic, may be  
860 established on the waters of this state for any purpose  
861 necessary to protect the safety of the public if such  
862 restrictions are necessary based on boating accidents,  
863 visibility, hazardous currents or water levels, vessel traffic  
864 congestion, or other navigational hazards or to protect  
865 seagrasses on privately owned submerged lands.

866 (b) Municipalities and counties may ~~have the authority to~~  
867 establish the following boating-restricted areas by ordinance,  
868 including, notwithstanding the prohibition in s. 327.60(2)(c),  
869 within the portion of the Florida Intracoastal Waterway within  
870 their jurisdiction:

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

873 a. Within 500 feet of any boat ramp, hoist, marine railway,  
874 or other launching or landing facility available for use by the  
875 general boating public on waterways more than 300 feet in width  
876 or within 300 feet of any boat ramp, hoist, marine railway, or  
877 other launching or landing facility available for use by the  
878 general boating public on waterways not exceeding 300 feet in  
879 width.

880 b. Within 500 feet of fuel pumps or dispensers at any



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881 marine fueling facility that sells motor fuel to the general  
882 boating public on waterways more than 300 feet in width or  
883 within 300 feet of the fuel pumps or dispensers at any licensed  
884 terminal facility that sells motor fuel to the general boating  
885 public on waterways not exceeding 300 feet in width.

886 c. Inside or within 300 feet of any lock structure.

887 2. An ordinance establishing a slow speed, minimum wake  
888 boating-restricted area if the area is:

889 a. Within 300 feet of any bridge fender system.

890 b. Within 300 feet of any bridge span presenting a vertical  
891 clearance of less than 25 feet or a horizontal clearance of less  
892 than 100 feet.

893 c. On a creek, stream, canal, or similar linear waterway if  
894 the waterway is less than 75 feet in width from shoreline to  
895 shoreline.

896 d. On a lake or pond of less than 10 acres in total surface  
897 area.

898 e. Within the boundaries of a permitted public mooring  
899 field and a buffer around the mooring field of up to 100 feet.

900 3. An ordinance establishing a vessel-exclusion zone if the  
901 area is:

902 a. Designated as a public bathing beach or swim area,  
903 except that such areas may not be established within the Florida  
904 Intracoastal Waterway.

905 b. Within 300 feet of a dam, spillway, or flood control  
906 structure.

907 Section 16. Section 327.463, Florida Statutes, is created  
908 to read:

909 327.463 Special hazards.-





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- 910 (1) For purposes of this section, a vessel:  
911 (a) Is operating at slow speed, minimum wake only if it is:  
912 1. Fully off plane and completely settled into the water;  
913 and  
914 2. Proceeding without wake or with minimum wake.

915  
916 A vessel that is required to operate at slow speed, minimum wake  
917 may not proceed at a speed greater than a speed that is  
918 reasonable and prudent to avoid the creation of an excessive  
919 wake or other hazardous condition under the existing  
920 circumstances.

- 921 (b) Is not proceeding at slow speed, minimum wake if it is:  
922 1. Operating on plane;  
923 2. In the process of coming off plane and settling into the  
924 water or getting on plane; or  
925 3. Operating at a speed that creates a wake that  
926 unreasonably or unnecessarily endangers other vessels.

927 (2) A person may not operate a vessel faster than slow  
928 speed, minimum wake within 300 feet of any emergency vessel,  
929 including, but not limited to, a law enforcement vessel, United  
930 States Coast Guard vessel, or firefighting vessel, when such  
931 emergency vessel's emergency lights are activated.

932 (3) (a) A person may not operate a vessel faster than slow  
933 speed, minimum wake within 300 feet of any construction vessel  
934 or barge when the vessel or barge is displaying an orange flag  
935 from a pole extending:

- 936 1. At least 10 feet above the tallest portion of the vessel  
937 or barge, indicating that the vessel or barge is actively  
938 engaged in construction operations; or



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

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

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

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

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

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

957           (4) (a) A person operating a vessel in violation of this  
958 section commits a noncriminal infraction, punishable as provided  
959 in s. 327.73.

960           (b) The owner of, or party who is responsible for, a  
961 construction vessel or barge who displays an orange flag on the  
962 vessel or barge when it is not actively engaged in construction  
963 operations commits a noncriminal infraction, punishable as  
964 provided in s. 327.73.

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



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968 Section 17. Paragraph (a) of subsection (1) of section  
969 327.50, Florida Statutes, is amended to read:

970 327.50 Vessel safety regulations; equipment and lighting  
971 requirements.—

972 (1) (a) The owner and operator of every vessel on the waters  
973 of this state shall carry, store, maintain, and use safety  
974 equipment in accordance with current United States Coast Guard  
975 safety equipment requirements as specified in the Code of  
976 Federal Regulations, unless expressly exempted by the commission  
977 department.

978 Section 18. Paragraph (a) of subsection (6) and subsection  
979 (7) of section 327.53, Florida Statutes, are amended, and  
980 subsection (8) is added to that section, to read:

981 327.53 Marine sanitation.—

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

987 (7) A ~~Any~~ vessel or floating structure operated or occupied  
988 on the waters of this ~~the~~ state in violation of this section is  
989 declared a nuisance and a hazard to public safety and health.  
990 The owner or operator of a ~~any~~ vessel or floating structure  
991 cited for violating this section shall, within 30 days following  
992 the issuance of the citation, correct the violation for which  
993 the citation was issued or remove the vessel or floating  
994 structure from the waters of this ~~the~~ state. If the violation is  
995 not corrected within the 30 days and the vessel or floating  
996 structure remains on the waters of this ~~the~~ state in violation



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997 of this section, law enforcement officers charged with the  
998 enforcement of this chapter under s. 327.70 shall apply to the  
999 appropriate court in the county in which the vessel or floating  
1000 structure is located, to order or otherwise cause the removal of  
1001 such vessel or floating structure from the waters of this the  
1002 state at the owner's expense. If the owner cannot be found or  
1003 otherwise fails to pay the removal costs, the provisions of s.  
1004 328.17 shall apply. If the proceeds under s. 328.17 are not  
1005 sufficient to pay all removal costs, funds appropriated from the  
1006 Marine Resources Conservation Trust Fund pursuant to paragraph  
1007 (6) (b) or s. 328.72(15) (c) ~~s. 328.72(16)~~ may be used.

1008 (8) The owner or operator of a live-aboard vessel as  
1009 defined in s. 327.02(23), or a houseboat as defined in s.  
1010 327.02(17), that is equipped with a marine sanitation device  
1011 must maintain a record of the date of each pumpout of the marine  
1012 sanitation device and the location of the pumpout station or  
1013 waste reception facility. Each record must be maintained for 1  
1014 year after the date of the pumpout.

1015 Section 19. Subsection (2) of section 327.54, Florida  
1016 Statutes, is amended to read:

1017 327.54 Liveries; safety regulations; penalty.—

1018 (2) A livery may not knowingly lease, hire, or rent a any  
1019 vessel ~~powered by a motor of 10 horsepower or greater~~ to a any  
1020 person who is required to comply with s. 327.395, unless such  
1021 person presents to the livery photographic identification and a  
1022 valid boater safety identification card issued by the  
1023 commission, a state-issued identification card or driver license  
1024 indicating possession of the boating safety identification card,  
1025 or photographic identification and a valid temporary certificate



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1026 issued or approved by the commission as required under s.  
1027 327.395(2) ~~s. 327.395(1)~~, or meets the exemption provided under  
1028 s. 327.395(6) (f).

1029 Section 20. Subsection (5) of section 327.60, Florida  
1030 Statutes, is amended to read:

1031 327.60 Local regulations; limitations.—

1032 (5) A local government may enact and enforce regulations to  
1033 implement the procedures for abandoned or lost property that  
1034 allow the local law enforcement agency to remove a vessel  
1035 affixed to a public dock or mooring within its jurisdiction that  
1036 is abandoned or lost property pursuant to s. 705.103(1). Such  
1037 regulation must require the local law enforcement agency to post  
1038 a written notice at least 24 hours before removing the vessel.

1039 Section 21. Paragraphs (q), (s), and (aa) of subsection (1)  
1040 of section 327.73, Florida Statutes, are amended, and paragraphs  
1041 (cc) and (dd) are added to that subsection, to read:

1042 327.73 Noncriminal infractions.—

1043 (1) Violations of the following provisions of the vessel  
1044 laws of this state are noncriminal infractions:

1045 (q) Section 327.53(1), (2), ~~and~~ (3), and (8), relating to  
1046 marine sanitation.

1047 (s) Section 327.395, relating to boater safety education.

1048 However, a person cited for violating the requirements of s.  
1049 327.395 relating to failure to have required proof of boating  
1050 safety education in his or her possession may not be convicted  
1051 if, before or at the time of a county court hearing, the person  
1052 produces proof of the boating safety education identification  
1053 card or temporary certificate for verification by the hearing  
1054 officer or the court clerk and the identification card or



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1055 temporary certificate was valid at the time the person was  
1056 cited.

1057 (aa) Section 327.4107, relating to vessels at risk of  
1058 becoming derelict on waters of this state, for which the civil  
1059 penalty is:

1060 1. For a first offense, \$100 ~~\$50~~.

1061 2. For a second offense occurring 30 days or more after a  
1062 first offense, \$250 ~~\$100~~.

1063 3. For a third or subsequent offense occurring 30 days or  
1064 more after a previous offense, \$500 ~~\$250~~.

1065  
1066 A vessel that is the subject of three or more violations issued  
1067 pursuant to the same paragraph of s. 327.4107(2) within an 18-  
1068 month period which result in dispositions other than acquittal  
1069 or dismissal shall be declared to be a public nuisance and  
1070 subject to ss. 705.103(2) and (4) and 823.11(3). The commission,  
1071 an officer of the commission, or a law enforcement agency or  
1072 officer specified in s. 327.70 may relocate, remove, or cause to  
1073 be relocated or removed such public nuisance vessels from waters  
1074 of this state. The commission, an officer of the commission, or  
1075 a law enforcement agency or officer acting pursuant to this  
1076 paragraph upon waters of this state shall be held harmless for  
1077 all damages to the vessel resulting from such relocation or  
1078 removal unless the damage results from gross negligence or  
1079 willful misconduct as these terms are defined in s. 823.11.

1080 (cc) Section 327.463(4) (a) and (b), relating to vessels  
1081 creating special hazards, for which the penalty is:

1082 1. For a first offense, \$50.

1083 2. For a second offense occurring within 12 months after a



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1084 prior offense, \$100.

1085 3. For a third offense occurring within 36 months after a  
1086 prior offense, \$250.

1087 (dd) Section 327.371, relating to the regulation of human-  
1088 powered vessels.

1089

1090 Any person cited for a violation of any provision of this  
1091 subsection shall be deemed to be charged with a noncriminal  
1092 infraction, shall be cited for such an infraction, and shall be  
1093 cited to appear before the county court. The civil penalty for  
1094 any such infraction is \$50, except as otherwise provided in this  
1095 section. Any person who fails to appear or otherwise properly  
1096 respond to a uniform boating citation shall, in addition to the  
1097 charge relating to the violation of the boating laws of this  
1098 state, be charged with the offense of failing to respond to such  
1099 citation and, upon conviction, be guilty of a misdemeanor of the  
1100 second degree, punishable as provided in s. 775.082 or s.  
1101 775.083. A written warning to this effect shall be provided at  
1102 the time such uniform boating citation is issued.

1103 Section 22. Subsection (4) of section 328.09, Florida  
1104 Statutes, is amended to read:

1105 328.09 Refusal to issue and authority to cancel a  
1106 certificate of title or registration.-

1107 (4) The department may not issue a certificate of title to  
1108 an any applicant for a any vessel that has been deemed derelict  
1109 by a law enforcement officer under s. 376.15 or s. 823.11. A law  
1110 enforcement officer must inform the department in writing, which  
1111 may be provided by facsimile, electronic mail, or other  
1112 electronic means, of the vessel's derelict status and supply the



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1113 department with the vessel title number or vessel identification  
1114 number. The department may issue a certificate of title once a  
1115 law enforcement officer has verified in writing, which may be  
1116 provided by facsimile, electronic mail, or other electronic  
1117 means, that the vessel is no longer a derelict vessel.

1118 Section 23. Effective July 1, 2023, paragraph (e) of  
1119 subsection (3) of section 328.09, Florida Statutes, as amended  
1120 by section 12 of chapter 2019-76, Laws of Florida, is amended to  
1121 read:

1122 328.09 Refusal to issue and authority to cancel a  
1123 certificate of title or registration.-

1124 (3) Except as otherwise provided in subsection (4), the  
1125 department may reject an application for a certificate of title  
1126 only if:

1127 (e) The application is for a vessel that has been deemed  
1128 derelict by a law enforcement officer under s. 376.15 or s.  
1129 823.11. In such case, a law enforcement officer must inform the  
1130 department in writing, which may be provided by facsimile, e-  
1131 mail, or other electronic means, of the vessel's derelict status  
1132 and supply the department with the vessel title number or vessel  
1133 identification number. The department may issue a certificate of  
1134 title once a law enforcement officer has verified in writing,  
1135 which may be provided by facsimile, e-mail, or other electronic  
1136 means, that the vessel is no longer a derelict vessel.

1137 Section 24. Section 376.15, Florida Statutes, is amended to  
1138 read:

1139 376.15 Derelict vessels; relocation or removal from ~~public~~  
1140 waters of this state.-

1141 (1) As used in this section, the term:





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1142 (a) "Commission" means the Fish and Wildlife Conservation  
1143 Commission.

1144 (b) "Gross negligence" means conduct so reckless or wanting  
1145 in care that it constitutes a conscious disregard or  
1146 indifference to the safety of the property exposed to such  
1147 conduct.

1148 (c) "Willful misconduct" means conduct evidencing  
1149 carelessness or negligence of such a degree or recurrence as to  
1150 manifest culpability, wrongful intent, or evil design or to show  
1151 an intentional and substantial disregard of the interests of the  
1152 vessel owner.

1153 (2)(a) It is unlawful for any person, firm, or corporation  
1154 to ~~store, leave, or abandon~~ any derelict vessel as defined in s.  
1155 823.11 upon the waters of in this state. For purposes of this  
1156 paragraph, the term "leave" means to allow a vessel to remain  
1157 occupied or unoccupied on the waters of this state for more than  
1158 24 hours.

1159 (b) Notwithstanding paragraph (a), a person who owns or  
1160 operates a vessel that becomes derelict upon the waters of this  
1161 state solely as a result of a boating accident that is reported  
1162 to law enforcement in accordance with s. 327.301 or otherwise  
1163 reported to law enforcement; a hurricane; or another sudden  
1164 event outside of his or her control may not be charged with a  
1165 violation if:

1166 1. The individual documents for law enforcement the  
1167 specific event that led to the vessel being derelict upon the  
1168 waters of this state; and

1169 2. The vessel has been removed from the waters of this  
1170 state or has been repaired or addressed such that it is no



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1171 longer derelict upon the waters of this state:

1172 a. For a vessel that has become derelict as a result of a  
1173 boating accident or other sudden event outside of his or her  
1174 control, within 7 days after such accident or event; or

1175 b. Within 45 days after the hurricane has passed over this  
1176 state.

1177 (c) This subsection does not apply to a vessel that was  
1178 derelict upon the waters of this state before the stated  
1179 accident or event.

1180 (3) (a) The commission, an officer ~~officers~~ of the  
1181 commission, or a ~~and any~~ law enforcement agency or officer  
1182 specified in s. 327.70 may ~~are authorized and empowered to~~  
1183 relocate, remove, store, destroy, or dispose of or cause to be  
1184 relocated, ~~or~~ removed, stored, destroyed, or disposed of a ~~any~~  
1185 derelict vessel as defined in s. 823.11 from public waters of  
1186 this state as defined in s. 327.02. All costs, including costs  
1187 owed to a third party, incurred by the commission or other law  
1188 enforcement agency in the relocation, ~~or~~ removal, storage,  
1189 destruction, or disposal of any abandoned or derelict vessel are  
1190 recoverable against the owner of the vessel or the party  
1191 determined to be legally responsible for the vessel being upon  
1192 the waters of this state in a derelict condition. The Department  
1193 of Legal Affairs shall represent the commission in actions to  
1194 recover such costs.

1195 (b) The commission, an officer ~~officers~~ of the commission,  
1196 or a ~~and any other~~ law enforcement agency or officer specified  
1197 in s. 327.70 acting pursuant to ~~under~~ this section to relocate,  
1198 remove, store, destroy, or dispose of or cause to be relocated,  
1199 ~~or~~ removed, stored, destroyed, or disposed of a derelict vessel



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1200 from ~~public~~ waters of this state as defined in s. 327.02 shall  
1201 be held harmless for all damages to the derelict vessel  
1202 resulting from such action ~~relocation or removal~~ unless the  
1203 damage results from gross negligence or willful misconduct as  
1204 these terms are defined in s. 823.11.

1205 (c) A contractor performing relocation or removal  
1206 activities at the direction of the commission, an officer  
1207 ~~officers~~ of the commission, ~~or~~ a law enforcement agency or  
1208 officer, or a governmental subdivision, when the governmental  
1209 subdivision has received authorization for the relocation or  
1210 removal from a law enforcement officer or agency pursuant to  
1211 this section, must be licensed in accordance with applicable  
1212 United States Coast Guard regulations where required; obtain and  
1213 carry in full force and effect a policy from a licensed  
1214 insurance carrier in this state to insure against any accident,  
1215 loss, injury, property damage, or other casualty caused by or  
1216 resulting from the contractor's actions; and be properly  
1217 equipped to perform the services to be provided.

1218 (d) The commission may establish a program to provide  
1219 grants to local governments for the removal, storage,  
1220 destruction, and disposal of derelict vessels from the ~~public~~  
1221 waters of this ~~the~~ state as defined in s. 327.02. The program  
1222 shall be funded from the Marine Resources Conservation Trust  
1223 Fund or the Florida Coastal Protection Trust Fund.  
1224 Notwithstanding ~~the provisions in~~ s. 216.181(11), funds  
1225 available for grants may only be authorized by appropriations  
1226 acts of the Legislature. In a given fiscal year, if all funds  
1227 appropriated pursuant to this paragraph are not requested by and  
1228 granted to local governments for the removal, storage,



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1229 destruction, and disposal of derelict vessels by the end of the  
1230 third quarter, the Fish and Wildlife Conservation Commission may  
1231 use the remainder of the funds to remove, store, destroy, and  
1232 dispose of, or to pay private contractors to remove, store,  
1233 destroy, and dispose of, derelict vessels.

1234 (e) The commission shall adopt by rule procedures for  
1235 submitting a grant application and criteria for allocating  
1236 available funds. Such criteria shall include, but not be limited  
1237 to, the following:

1238 1. The number of derelict vessels within the jurisdiction  
1239 of the applicant.

1240 2. The threat posed by such vessels to public health or  
1241 safety, the environment, navigation, or the aesthetic condition  
1242 of the general vicinity.

1243 3. The degree of commitment of the local government to  
1244 maintain waters free of abandoned and derelict vessels and to  
1245 seek legal action against those who abandon vessels in the  
1246 waters of this the state as defined in s. 327.02.

1247 (f) This section constitutes the authority for such removal  
1248 but is not intended to be in contravention of any applicable  
1249 federal act.

1250 Section 25. Subsections (2) and (4) of section 705.103,  
1251 Florida Statutes, are amended to read:

1252 705.103 Procedure for abandoned or lost property.—

1253 (2) (a)1. Whenever a law enforcement officer ascertains  
1254 that:

1255 a. An article of lost or abandoned property other than a  
1256 derelict vessel or a vessel declared a public nuisance pursuant  
1257 to s. 327.73(1)(aa) is present on public property and is of such



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1258 nature that it cannot be easily removed, the officer shall cause  
1259 a notice to be placed upon such article in substantially the  
1260 following form:

1261  
1262 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
1263 PROPERTY. This property, to wit: ...(setting forth brief  
1264 description)... is unlawfully upon public property known as  
1265 ...(setting forth brief description of location)... and must be  
1266 removed within 5 days; otherwise, it will be removed and  
1267 disposed of pursuant to chapter 705, Florida Statutes. The owner  
1268 will be liable for the costs of removal, storage, and  
1269 publication of notice. Dated this: ...(setting forth the date of  
1270 posting of notice)..., signed: ...(setting forth name, title,  
1271 address, and telephone number of law enforcement officer)....

1272  
1273 b. A derelict vessel or a vessel declared a public nuisance  
1274 pursuant to s. 327.73(1)(aa) is present on the waters of this  
1275 state, the officer shall cause a notice to be placed upon such  
1276 vessel in substantially the following form:

1277  
1278 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
1279 VESSEL. This vessel, to wit: ...(setting forth brief  
1280 description)... has been determined to be (derelict or a public  
1281 nuisance) and is unlawfully upon waters of this state  
1282 ...(setting forth brief description of location)... and must be  
1283 removed within 21 days; otherwise, it will be removed and  
1284 disposed of pursuant to chapter 705, Florida Statutes. The owner  
1285 and other interested parties have the right to a hearing to  
1286 challenge the determination that this vessel is derelict or



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1287 otherwise in violation of the law. Please contact ... (contact  
1288 information for person who can arrange for a hearing in  
1289 accordance with this section).... The owner or the party  
1290 determined to be legally responsible for the vessel being upon  
1291 the waters of this state in a derelict condition will be liable  
1292 for the costs of removal, destruction, and disposal if this  
1293 vessel is not removed by the owner. Dated this: ... (setting  
1294 forth the date of posting of notice)...., signed: ... (setting  
1295 forth name, title, address, and telephone number of law  
1296 enforcement officer)....

1297 2. The notices required under subparagraph 1. may ~~Such~~  
1298 ~~notice shall be~~ not be less than 8 inches by 10 inches and shall  
1299 be sufficiently weatherproof to withstand normal exposure to the  
1300 elements. In addition to posting, the law enforcement officer  
1301 shall make a reasonable effort to ascertain the name and address  
1302 of the owner. If such is reasonably available to the officer,  
1303 she or he shall mail a copy of such notice to the owner on or  
1304 before the date of posting. If the property is a motor vehicle  
1305 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,  
1306 the law enforcement agency shall contact the Department of  
1307 Highway Safety and Motor Vehicles in order to determine the name  
1308 and address of the owner and any person who has filed a lien on  
1309 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.  
1310 328.15(1). On receipt of this information, the law enforcement  
1311 agency shall mail a copy of the notice by certified mail, return  
1312 receipt requested, to the owner and to the lienholder, if any,  
1313 except that a law enforcement officer who has issued a citation  
1314 for a violation of s. 376.15 or s. 823.11 to the owner of a  
1315 derelict vessel is not required to mail a copy of the notice by



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1316 certified mail, return receipt requested, to the owner. For a  
1317 derelict vessel or a vessel declared a public nuisance pursuant  
1318 to s. 327.73(1)(aa), the mailed notice must inform the owner or  
1319 responsible party that he or she has a right to a hearing to  
1320 dispute the determination that the vessel is derelict or  
1321 otherwise in violation of the law. If a request for a hearing is  
1322 made, a state agency shall follow the processes set forth in s.  
1323 120.569. Local governmental entities shall follow the processes  
1324 set forth in s. 120.569, except that a local judge, magistrate,  
1325 or code enforcement officer may be designated to conduct such a  
1326 hearing. If, at the end of 5 days after posting the notice in  
1327 sub-subparagraph 1.a., or at the end of 21 days after posting  
1328 the notice in sub-subparagraph 1.b., and mailing such notice, if  
1329 required, the owner or any person interested in the lost or  
1330 abandoned article or articles described has not removed the  
1331 article or articles from public property or shown reasonable  
1332 cause for failure to do so, and, in the case of a derelict  
1333 vessel or a vessel declared a public nuisance pursuant to s.  
1334 327.73(1)(aa), has not requested a hearing in accordance with  
1335 this section, the following shall apply:

1336 a. ~~(a)~~ For abandoned property other than a derelict vessel  
1337 or a vessel declared a public nuisance pursuant to s.  
1338 327.73(1)(aa), the law enforcement agency may retain any or all  
1339 of the property for its own use or for use by the state or unit  
1340 of local government, trade such property to another unit of  
1341 local government or state agency, donate the property to a  
1342 charitable organization, sell the property, or notify the  
1343 appropriate refuse removal service.

1344 b. For a derelict vessel or a vessel declared a public



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1345 nuisance pursuant to s. 327.73(1)(aa), the law enforcement  
1346 agency or its designee may:

1347 (I) Remove the vessel from the waters of this state and  
1348 destroy and dispose of the vessel or authorize another  
1349 governmental entity or its designee to do so; or

1350 (II) Authorize the vessel's use as an artificial reef in  
1351 accordance with s. 379.249 if all necessary federal, state, and  
1352 local authorizations are received.

1353  
1354 A law enforcement agency or its designee may also take action as  
1355 described in this sub-subparagraph if, following a hearing  
1356 pursuant to this section, the judge, magistrate, administrative  
1357 law judge, or hearing officer has determined the vessel to be  
1358 derelict as provided in s. 823.11 or otherwise in violation of  
1359 the law in accordance with s. 327.73(1)(aa) and a final order  
1360 has been entered or the case is otherwise closed.

1361 (b) For lost property, the officer shall take custody and  
1362 the agency shall retain custody of the property for 90 days. The  
1363 agency shall publish notice of the intended disposition of the  
1364 property, as provided in this section, during the first 45 days  
1365 of this time period.

1366 1. If the agency elects to retain the property for use by  
1367 the unit of government, donate the property to a charitable  
1368 organization, surrender such property to the finder, sell the  
1369 property, or trade the property to another unit of local  
1370 government or state agency, notice of such election shall be  
1371 given by an advertisement published once a week for 2  
1372 consecutive weeks in a newspaper of general circulation in the  
1373 county where the property was found if the value of the property





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1374 is more than \$100. If the value of the property is \$100 or less,  
1375 notice shall be given by posting a description of the property  
1376 at the law enforcement agency where the property was turned in.  
1377 The notice must be posted for not less than 2 consecutive weeks  
1378 in a public place designated by the law enforcement agency. The  
1379 notice must describe the property in a manner reasonably  
1380 adequate to permit the rightful owner of the property to claim  
1381 it.

1382         2. If the agency elects to sell the property, it must do so  
1383 at public sale by competitive bidding. Notice of the time and  
1384 place of the sale shall be given by an advertisement of the sale  
1385 published once a week for 2 consecutive weeks in a newspaper of  
1386 general circulation in the county where the sale is to be held.  
1387 The notice shall include a statement that the sale shall be  
1388 subject to any and all liens. The sale must be held at the  
1389 nearest suitable place to that where the lost or abandoned  
1390 property is held or stored. The advertisement must include a  
1391 description of the goods and the time and place of the sale. The  
1392 sale may take place no earlier than 10 days after the final  
1393 publication. If there is no newspaper of general circulation in  
1394 the county where the sale is to be held, the advertisement shall  
1395 be posted at the door of the courthouse and at three other  
1396 public places in the county at least 10 days prior to sale.  
1397 Notice of the agency's intended disposition shall describe the  
1398 property in a manner reasonably adequate to permit the rightful  
1399 owner of the property to identify it.

1400         (4) The owner of any abandoned or lost property, or in the  
1401 case of a derelict vessel, the owner or other party determined  
1402 to be legally responsible for the vessel being upon the waters



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1403 of this state in a derelict condition, who, after notice as  
1404 provided in this section, does not remove such property within  
1405 the specified period shall be liable to the law enforcement  
1406 agency, other governmental entity, or the agency's or entity's  
1407 designee for all costs of removal, storage, and destruction of  
1408 such property, less any salvage value obtained by disposal of  
1409 the property. Upon final disposition of the property, the law  
1410 enforcement officer or representative of the law enforcement  
1411 agency or other governmental entity shall notify the owner, if  
1412 known, of the amount owed. In the case of an abandoned vessel or  
1413 motor vehicle, any person who neglects or refuses to pay such  
1414 amount is not entitled to be issued a certificate of  
1415 registration for such vessel or motor vehicle, or any other  
1416 vessel or motor vehicle, until such costs have been paid. A  
1417 person who has neglected or refused to pay all costs of removal,  
1418 storage, disposal, and destruction of a vessel or motor vehicle  
1419 as provided in this section, after having been provided written  
1420 notice via certified mail that such costs are owed, and who  
1421 applies for and is issued a registration for a vessel or motor  
1422 vehicle before such costs have been paid in full commits a  
1423 misdemeanor of the first degree, punishable as provided in s.  
1424 775.082 or s. 775.083. The law enforcement officer or  
1425 representative of the law enforcement agency or other  
1426 governmental entity shall supply the Department of Highway  
1427 Safety and Motor Vehicles with a list of persons whose vessel  
1428 registration privileges and ~~or whose~~ motor vehicle privileges  
1429 have been revoked under this subsection. ~~Neither~~ The department  
1430 or a nor any other person acting as an agent of the department  
1431 may not thereof shall issue a certificate of registration to a



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1432 person whose vessel and ~~or~~ motor vehicle registration privileges  
1433 have been revoked, as provided by this subsection, until such  
1434 costs have been paid.

1435 Section 26. Effective July 1, 2023, subsection (2) of  
1436 section 705.103, Florida Statutes, as amended by section 29 of  
1437 chapter 2019-76, Laws of Florida, is amended to read:

1438 705.103 Procedure for abandoned or lost property.-

1439 (2) (a)1. Whenever a law enforcement officer ascertains  
1440 that:

1441 a. An article of lost or abandoned property other than a  
1442 derelict vessel or a vessel declared a public nuisance pursuant  
1443 to s. 327.73(1)(aa) is present on public property and is of such  
1444 nature that it cannot be easily removed, the officer shall cause  
1445 a notice to be placed upon such article in substantially the  
1446 following form:

1447  
1448 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
1449 PROPERTY. This property, to wit: ...(setting forth brief  
1450 description)... is unlawfully upon public property known as  
1451 ...(setting forth brief description of location)... and must be  
1452 removed within 5 days; otherwise, it will be removed and  
1453 disposed of pursuant to chapter 705, Florida Statutes. The owner  
1454 will be liable for the costs of removal, storage, and  
1455 publication of notice. Dated this: ...(setting forth the date of  
1456 posting of notice)..., signed: ...(setting forth name, title,  
1457 address, and telephone number of law enforcement officer)....

1458  
1459 b. A derelict vessel or a vessel declared a public nuisance  
1460 pursuant to s. 327.73(1)(aa) is present on the waters of this



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1461 state, the officer shall cause a notice to be placed upon such  
1462 vessel in substantially the following form:

1463  
1464 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
1465 VESSEL. This vessel, to wit: ...(setting forth brief description  
1466 of location)... has been determined to be (derelict or a public  
1467 nuisance) and is unlawfully upon the waters of this state  
1468 ...(setting forth brief description of location)... and must be  
1469 removed within 21 days; otherwise, it will be removed and  
1470 disposed of pursuant to chapter 705, Florida Statutes. The owner  
1471 and other interested parties have the right to a hearing to  
1472 challenge the determination that this vessel is derelict or  
1473 otherwise in violation of the law. Please contact ...(contact  
1474 information for person who can arrange for a hearing in  
1475 accordance with this section)... The owner or the party  
1476 determined to be legally responsible for the vessel being upon  
1477 the waters of this state in a derelict condition will be liable  
1478 for the costs of removal, destruction, and disposal if this  
1479 vessel is not removed by the owner. Dated this: ...(setting  
1480 forth the date of posting of notice)..., signed: ...(setting  
1481 forth name, title, address, and telephone number of law  
1482 enforcement officer)....

1483  
1484 2. The notices required under subparagraph 1. may ~~Such~~  
1485 ~~notice shall be~~ not be less than 8 inches by 10 inches and shall  
1486 be sufficiently weatherproof to withstand normal exposure to the  
1487 elements. In addition to posting, the law enforcement officer  
1488 shall make a reasonable effort to ascertain the name and address  
1489 of the owner. If such is reasonably available to the officer,



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1490 she or he shall mail a copy of such notice to the owner on or  
1491 before the date of posting. If the property is a motor vehicle  
1492 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,  
1493 the law enforcement agency shall contact the Department of  
1494 Highway Safety and Motor Vehicles in order to determine the name  
1495 and address of the owner and any person who has filed a lien on  
1496 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.  
1497 328.15. On receipt of this information, the law enforcement  
1498 agency shall mail a copy of the notice by certified mail, return  
1499 receipt requested, to the owner and to the lienholder, if any,  
1500 except that a law enforcement officer who has issued a citation  
1501 for a violation of s. 376.15 or s. 823.11 to the owner of a  
1502 derelict vessel is not required to mail a copy of the notice by  
1503 certified mail, return receipt requested, to the owner. For a  
1504 derelict vessel or a vessel declared a public nuisance pursuant  
1505 to s. 327.73(1)(aa), the mailed notice must inform the owner or  
1506 responsible party that he or she has a right to a hearing to  
1507 dispute the determination that the vessel is derelict or  
1508 otherwise in violation of the law. If a request for a hearing is  
1509 made, a state agency shall follow the processes as set forth in  
1510 s. 120.569. Local governmental entities shall follow the  
1511 processes set forth in s. 120.569, except that a local judge,  
1512 magistrate, or code enforcement officer may be designated to  
1513 conduct such a hearing. If, at the end of 5 days after posting  
1514 the notice in sub-subparagraph 1.a., or at the end of 21 days  
1515 after posting the notice in sub-subparagraph 1.b., and mailing  
1516 such notice, if required, the owner or any person interested in  
1517 the lost or abandoned article or articles described has not  
1518 removed the article or articles from public property or shown



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1519 reasonable cause for failure to do so, and, in the case of a  
1520 derelict vessel or a vessel declared a public nuisance pursuant  
1521 to s. 327.73(1)(aa), has not requested a hearing in accordance  
1522 with this section, the following shall apply:

1523 a. ~~(a)~~ For abandoned property other than a derelict vessel  
1524 or a vessel declared a public nuisance pursuant to s.  
1525 327.73(1)(aa), the law enforcement agency may retain any or all  
1526 of the property for its own use or for use by the state or unit  
1527 of local government, trade such property to another unit of  
1528 local government or state agency, donate the property to a  
1529 charitable organization, sell the property, or notify the  
1530 appropriate refuse removal service.

1531 b. For a derelict vessel or a vessel declared a public  
1532 nuisance pursuant to s. 327.73(1)(aa), the law enforcement  
1533 agency or its designee may:

1534 (I) Remove the vessel from the waters of this state and  
1535 destroy and dispose of the vessel or authorize another  
1536 governmental entity or its designee to do so; or

1537 (II) Authorize the vessel's use as an artificial reef in  
1538 accordance with s. 379.249 if all necessary federal, state, and  
1539 local authorizations are received.

1540  
1541 A law enforcement agency or its designee may also take action as  
1542 described in this sub-subparagraph if, following a hearing  
1543 pursuant to this section, the judge, magistrate, administrative  
1544 law judge, or hearing officer has determined the vessel to be  
1545 derelict as provided in s. 823.11 or otherwise in violation of  
1546 the law in accordance with s. 327.73(1)(aa) and a final order  
1547 has been entered or the case is otherwise closed.



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1548 (b) For lost property, the officer shall take custody and  
1549 the agency shall retain custody of the property for 90 days. The  
1550 agency shall publish notice of the intended disposition of the  
1551 property, as provided in this section, during the first 45 days  
1552 of this time period.

1553 1. If the agency elects to retain the property for use by  
1554 the unit of government, donate the property to a charitable  
1555 organization, surrender such property to the finder, sell the  
1556 property, or trade the property to another unit of local  
1557 government or state agency, notice of such election shall be  
1558 given by an advertisement published once a week for 2  
1559 consecutive weeks in a newspaper of general circulation in the  
1560 county where the property was found if the value of the property  
1561 is more than \$100. If the value of the property is \$100 or less,  
1562 notice shall be given by posting a description of the property  
1563 at the law enforcement agency where the property was turned in.  
1564 The notice must be posted for not less than 2 consecutive weeks  
1565 in a public place designated by the law enforcement agency. The  
1566 notice must describe the property in a manner reasonably  
1567 adequate to permit the rightful owner of the property to claim  
1568 it.

1569 2. If the agency elects to sell the property, it must do so  
1570 at public sale by competitive bidding. Notice of the time and  
1571 place of the sale shall be given by an advertisement of the sale  
1572 published once a week for 2 consecutive weeks in a newspaper of  
1573 general circulation in the county where the sale is to be held.  
1574 The notice shall include a statement that the sale shall be  
1575 subject to any and all liens. The sale must be held at the  
1576 nearest suitable place to that where the lost or abandoned



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1577 property is held or stored. The advertisement must include a  
1578 description of the goods and the time and place of the sale. The  
1579 sale may take place no earlier than 10 days after the final  
1580 publication. If there is no newspaper of general circulation in  
1581 the county where the sale is to be held, the advertisement shall  
1582 be posted at the door of the courthouse and at three other  
1583 public places in the county at least 10 days prior to sale.  
1584 Notice of the agency's intended disposition shall describe the  
1585 property in a manner reasonably adequate to permit the rightful  
1586 owner of the property to identify it.

1587 Section 27. Subsections (1), (2), and (3) of section  
1588 823.11, Florida Statutes, are amended to read:

1589 823.11 Derelict vessels; relocation or removal; penalty.—

1590 (1) As used in this section and s. 376.15, the term:

1591 (a) "Commission" means the Fish and Wildlife Conservation  
1592 Commission.

1593 (b) "Derelict vessel" means a vessel, as defined in s.  
1594 327.02, that is ~~left, stored, or abandoned~~:

1595 1. In a wrecked, junked, or substantially dismantled  
1596 condition upon any ~~public~~ waters of this state.

1597 a. A vessel is wrecked if it is sunken or sinking; aground  
1598 without the ability to extricate itself absent mechanical  
1599 assistance; or remaining after a marine casualty, including, but  
1600 not limited to, a boating accident, extreme weather, or a fire.

1601 b. A vessel is junked if it has been substantially stripped  
1602 of vessel components, if vessel components have substantially  
1603 degraded or been destroyed, or if the vessel has been discarded  
1604 by the owner or operator. Attaching an outboard motor to a  
1605 vessel that is otherwise junked will not cause the vessel to no





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1606 longer be junked if such motor is not an effective means of  
1607 propulsion as required by s. 327.4107(2) (e) and associated  
1608 rules.

1609 c. A vessel is substantially dismantled if at least two of  
1610 the three following vessel systems or components are missing,  
1611 compromised, incomplete, inoperable, or broken:

1612 (I) The steering system;

1613 (II) The propulsion system; or

1614 (III) The exterior hull integrity.

1615

1616 Attaching an outboard motor to a vessel that is otherwise  
1617 substantially dismantled will not cause the vessel to no longer  
1618 be substantially dismantled if such motor is not an effective  
1619 means of propulsion as required by s. 327.4107(2) (e) and  
1620 associated rules.

1621 2. At a port in this state without the consent of the  
1622 agency having jurisdiction thereof.

1623 3. Docked, grounded, or beached upon the property of  
1624 another without the consent of the owner of the property.

1625 (c) "Gross negligence" means conduct so reckless or wanting  
1626 in care that it constitutes a conscious disregard or  
1627 indifference to the safety of the property exposed to such  
1628 conduct.

1629 (d) "Willful misconduct" means conduct evidencing  
1630 carelessness or negligence of such a degree or recurrence as to  
1631 manifest culpability, wrongful intent, or evil design or to show  
1632 an intentional and substantial disregard of the interests of the  
1633 vessel owner.

1634 (2) (a) ~~It is unlawful for~~ A person, firm, or corporation



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1635 may not to store, leave, or abandon any derelict vessel upon  
1636 waters of in this state. For purposes of this paragraph, the  
1637 term "leave" means to allow a vessel to remain occupied or  
1638 unoccupied on the waters of this state for more than 24 hours.

1639 (b) Notwithstanding paragraph (a), a person who owns or  
1640 operates a vessel that becomes derelict upon the waters of this  
1641 state solely as a result of a boating accident that is reported  
1642 to law enforcement in accordance with s. 327.301 or otherwise  
1643 reported to law enforcement; a hurricane; or another sudden  
1644 event outside of his or her control may not be charged with a  
1645 violation if:

1646 1. The individual documents for law enforcement the  
1647 specific event that led to the vessel being derelict upon the  
1648 waters of this state; and

1649 2. The vessel has been removed from the waters of this  
1650 state or has been repaired or addressed such that it is no  
1651 longer derelict upon the waters of this state:

1652 a. For a vessel that has become derelict as a result of a  
1653 boating accident or other sudden event outside of his or her  
1654 control, within 7 days after such accident or event; or

1655 b. Within 45 days after the hurricane has passed over the  
1656 state.

1657 (c) This subsection does not apply to a vessel that was  
1658 derelict upon the waters of this state before the stated  
1659 accident or event.

1660 (3) The commission, an officer ~~officers~~ of the commission,  
1661 or a ~~and~~ any law enforcement agency or officer specified in s.  
1662 327.70 ~~may are~~ authorized and empowered to relocate, remove,  
1663 store, destroy, or dispose of or cause to be relocated, ~~or~~



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1664 removed, stored, destroyed, or disposed of a derelict vessel  
1665 from ~~public~~ waters of this state as defined in s. 327.02 if the  
1666 derelict vessel obstructs or threatens to obstruct navigation or  
1667 in any way constitutes a danger to the environment, property, or  
1668 persons. The commission, an officer ~~officers~~ of the commission,  
1669 or any other law enforcement agency or officer acting pursuant  
1670 to ~~under~~ this subsection to relocate, remove, store, destroy,  
1671 dispose of or cause to be relocated, ~~or~~ removed, stored,  
1672 destroyed, or disposed of a derelict vessel from ~~public~~ waters  
1673 of this state shall be held harmless for all damages to the  
1674 derelict vessel resulting from such action ~~relocation or removal~~  
1675 unless the damage results from gross negligence or willful  
1676 misconduct.

1677 (a) Removal of derelict vessels under this subsection may  
1678 be funded by grants provided in ss. 206.606 and 376.15. The  
1679 commission shall implement a plan for the procurement of any  
1680 available federal disaster funds and use such funds for the  
1681 removal of derelict vessels.

1682 (b) All costs, including costs owed to a third party,  
1683 incurred by the commission, another ~~or other~~ law enforcement  
1684 agency, or a governmental subdivision, when the governmental  
1685 subdivision has received authorization from a law enforcement  
1686 officer or agency, in the relocation, ~~or~~ removal, storage,  
1687 destruction, or disposal of a derelict vessel are recoverable  
1688 against the vessel owner or the party determined to be legally  
1689 responsible for the vessel being upon the waters of this state  
1690 in a derelict condition. The Department of Legal Affairs shall  
1691 represent the commission in actions to recover such costs. As  
1692 provided in s. 705.103(4), a person who neglects or refuses to



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1693 pay such costs may not be issued a certificate of registration  
1694 for such vessel or for any other vessel or motor vehicle until  
1695 such costs have been paid. A person who has neglected or refused  
1696 to pay all costs of removal, storage, destruction, or disposal  
1697 of a derelict vessel as provided in this section, after having  
1698 been provided written notice via certified mail that such costs  
1699 are owed, and who applies for and is issued a registration for a  
1700 vessel or motor vehicle before such costs have been paid in full  
1701 commits a misdemeanor of the first degree, punishable as  
1702 provided in s. 775.082 or s. 775.083.

1703 (c) A contractor performing such relocation or removal  
1704 activities at the direction of the commission, an officer  
1705 officers of the commission, or a law enforcement agency or  
1706 officer, or a governmental subdivision, when the governmental  
1707 subdivision has received authorization for the relocation or  
1708 removal from a law enforcement officer or agency, pursuant to  
1709 this section must be licensed in accordance with applicable  
1710 United States Coast Guard regulations where required; obtain and  
1711 carry in full force and effect a policy from a licensed  
1712 insurance carrier in this state to insure against any accident,  
1713 loss, injury, property damage, or other casualty caused by or  
1714 resulting from the contractor's actions; and be properly  
1715 equipped to perform the services to be provided.

1716 Section 28. Except as otherwise expressly provided in this  
1717 act, this act shall take effect July 1, 2021.

1718  
1719 ===== T I T L E A M E N D M E N T =====

1720 And the title is amended as follows:

1721 Delete everything before the enacting clause



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1722 and insert:

1723                   A bill to be entitled  
1724           An act relating to operation and safety of motor  
1725           vehicles and vessels; amending ss. 316.1932 and  
1726           316.1939, F.S.; revising conditions under which a  
1727           person's driving privilege is suspended and under  
1728           which the person commits a misdemeanor relating to  
1729           tests for alcohol, chemical substances, or controlled  
1730           substances; specifying that such misdemeanor is a  
1731           misdemeanor of the first degree; amending s. 327.02,  
1732           F.S.; defining the term "human-powered vessel";  
1733           revising the definition of the term "navigation  
1734           rules"; amending s. 327.04, F.S.; providing additional  
1735           rulemaking authority to the Fish and Wildlife  
1736           Conservation Commission; creating s. 327.462, F.S.;  
1737           defining terms; authorizing heads of certain entities  
1738           to establish temporary protection zones in certain  
1739           water bodies for certain purposes; providing  
1740           protection zone requirements; prohibiting the  
1741           restriction of vessel movement within the Florida  
1742           Intracoastal Waterway except under certain  
1743           circumstances; requiring the heads of certain entities  
1744           to report the establishment of such protection zones  
1745           to the commission and to the appropriate United States  
1746           Coast Guard Sector Command; providing requirements for  
1747           the report; providing applicability; providing  
1748           penalties; amending ss. 327.352 and 327.359, F.S.;  
1749           revising conditions under which a person commits a  
1750           misdemeanor of the first degree for refusing to submit



1751 to certain tests; creating s. 327.371, F.S.; providing  
1752 circumstances under which a person may operate a  
1753 human-powered vessel within the boundaries of the  
1754 marked channel of the Florida Intracoastal Waterway;  
1755 providing a penalty; amending s. 327.391, F.S.;  
1756 conforming cross-references; amending s. 327.395,  
1757 F.S.; revising the types of documentation that a  
1758 person may use to comply with certain boating safety  
1759 requirements; removing the authority of the commission  
1760 to appoint certain entities to administer a boating  
1761 safety education course or temporary certificate  
1762 examination and issue certain credentials; exempting  
1763 certain persons from the requirement to possess  
1764 certain documents aboard a vessel; removing the  
1765 specified service fee amount that certain entities  
1766 that issue boating safety identification cards and  
1767 temporary certificates may charge and keep; amending  
1768 s. 327.4107, F.S.; revising the conditions under which  
1769 officers may determine a vessel is at risk of becoming  
1770 derelict; authorizing certain officers to provide  
1771 notice that a vessel is at risk of becoming derelict  
1772 via body camera recordings; authorizing the commission  
1773 or certain officers to relocate at-risk vessels to a  
1774 certain distance from mangroves or vegetation;  
1775 providing that the commission or officers are not  
1776 liable for damages to such vessels; providing an  
1777 exception; authorizing the commission to establish a  
1778 derelict vessel prevention program consisting of  
1779 certain components; authorizing the commission to



1780 adopt rules; providing that such program is subject to  
1781 appropriation by the Legislature; providing for  
1782 funding; amending s. 327.4108, F.S.; designating  
1783 Monroe County as an anchoring limitation area subject  
1784 to certain requirements; requiring the commission to  
1785 adopt rules; providing applicability; deleting  
1786 obsolete language; amending s. 327.4109, F.S.;

1787 prohibiting the anchoring or mooring of a vessel or  
1788 floating structure within a certain distance of  
1789 certain facilities; providing exceptions; amending s.  
1790 327.45, F.S.; authorizing the commission to establish  
1791 protection zones where certain activities are  
1792 prohibited in or near springs; amending s. 327.46,  
1793 F.S.; authorizing a county or municipality to  
1794 establish a boating-restricted area within and around  
1795 a public mooring field and within certain portions of  
1796 the Florida Intracoastal Waterway; creating s.  
1797 327.463, F.S.; specifying conditions under which a  
1798 vessel is and is not operating at slow speed, minimum  
1799 wake; prohibiting a person from operating a vessel  
1800 faster than slow speed, minimum wake within a certain  
1801 distance from other specified vessels; providing  
1802 requirements for construction vessel or barge flags;  
1803 exempting a person from being cited for a violation  
1804 under certain circumstances; providing penalties;  
1805 providing applicability; amending s. 327.50, F.S.;

1806 authorizing the commission to exempt vessel owners and  
1807 operators from certain safety equipment requirements;  
1808 amending s. 327.53, F.S.; requiring the owner or



1809 operator of a live-aboard vessel or houseboat equipped  
1810 with a marine sanitation device to maintain a record  
1811 of the date and location of each pumpout of the device  
1812 for a certain period; conforming a cross-reference;  
1813 making technical changes; amending s. 327.54, F.S.;  
1814 prohibiting a livery from leasing, hiring, or renting  
1815 a vessel to a person required to complete a  
1816 commission-approved boating safety education course  
1817 unless such person presents certain documentation  
1818 indicating compliance; amending s. 327.60, F.S.;  
1819 authorizing a local government to enact and enforce  
1820 regulations allowing the local law enforcement agency  
1821 to remove an abandoned or lost vessel affixed to a  
1822 public mooring; amending s. 327.73, F.S.; providing  
1823 additional violations that qualify as noncriminal  
1824 infractions; providing civil penalties; prohibiting  
1825 conviction of a person cited for a violation relating  
1826 to possessing proof of boating safety education under  
1827 certain circumstances; increasing certain civil  
1828 penalties; providing that certain vessels shall be  
1829 declared a public nuisance subject to certain  
1830 statutory provisions; authorizing the commission or  
1831 certain officers to relocate or remove public nuisance  
1832 vessels from the waters of this state; providing that  
1833 the commission or officers are not liable for damages  
1834 to such vessels; providing an exception; amending s.  
1835 328.09, F.S.; prohibiting the Department of Highway  
1836 Safety and Motor Vehicles from issuing a certificate  
1837 of title to an applicant for a vessel that has been





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1838 deemed derelict pursuant to certain provisions;  
1839 authorizing the department, at a later date, to reject  
1840 an application for a certificate of title for such a  
1841 vessel; amending s. 376.15, F.S.; revising unlawful  
1842 acts relating to derelict vessels; defining the term  
1843 "leave"; prohibiting an owner or operator whose vessel  
1844 becomes derelict due to specified accidents or events  
1845 from being charged with a violation under certain  
1846 circumstances; providing applicability; conforming  
1847 provisions to changes made by the act; authorizing a  
1848 governmental subdivision that has received  
1849 authorization from a law enforcement officer or agency  
1850 to direct a contractor to perform vessel storage,  
1851 destruction, and disposal activities; authorizing the  
1852 commission to provide local government grants for the  
1853 storage, destruction, and disposal of derelict  
1854 vessels; providing for funding; amending s. 705.103,  
1855 F.S.; providing notice procedures for when a law  
1856 enforcement officer ascertains that a derelict or  
1857 public nuisance vessel is present on the waters of  
1858 this state; requiring a mailed notice to the owner or  
1859 party responsible for the vessel to inform him or her  
1860 of the right to a hearing; providing hearing  
1861 requirements; authorizing a law enforcement agency to  
1862 take certain actions if a hearing is not requested or  
1863 a vessel is determined to be derelict or otherwise in  
1864 violation of law; revising provisions relating to  
1865 liability for vessel removal costs and notification of  
1866 the amount owed; providing penalties for a person who



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1867 is issued a registration for a vessel or motor vehicle  
1868 before such costs are paid; requiring persons whose  
1869 vessel registration and motor vehicle privileges have  
1870 been revoked for failure to pay certain costs to be  
1871 reported to the department; prohibiting issuance of a  
1872 certificate of registration to such persons until such  
1873 costs are paid; amending s. 823.11, F.S.; revising  
1874 application of definitions; revising the definition of  
1875 the term "derelict vessel"; specifying requirements  
1876 for a vessel to be considered wrecked, junked, or  
1877 substantially dismantled; providing construction;  
1878 revising unlawful acts relating to derelict vessels;  
1879 defining the term "leave"; prohibiting an owner or  
1880 operator whose vessel becomes derelict due to  
1881 specified accidents or events from being charged with  
1882 a violation under certain circumstances; providing  
1883 applicability; providing that relocation or removal  
1884 costs incurred by a governmental subdivision are  
1885 recoverable against the vessel owner or the party  
1886 determined to be legally responsible for the vessel  
1887 being derelict; providing penalties for a person who  
1888 is issued a registration for a vessel or motor vehicle  
1889 before such costs are paid; authorizing a governmental  
1890 subdivision that has received authorization from a law  
1891 enforcement officer or agency to direct a contractor  
1892 to perform vessel relocation or removal activities;  
1893 providing effective dates.