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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2021	.	
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The Committee on Environment and Natural Resources (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. 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
by the laws of this state of operating a motor vehicle within



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



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

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



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

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



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98 blood testing to be utilized under the driving and boating under
99 the influence provisions and related provisions located in this
100 chapter and chapters 322 and 327. The program shall:

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

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

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

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

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

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

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

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

126 i. Issue final orders which include findings of fact and



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127 conclusions of law and which constitute final agency action for
128 the purpose of chapter 120.

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

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

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

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

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

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

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

149
150 Nothing in this section shall be construed to supersede
151 provisions in this chapter and chapters 322 and 327. The
152 specifications in this section are derived from the power and
153 authority previously and currently possessed by the Department
154 of Law Enforcement and are enumerated to conform with the
155 mandates of chapter 99-379, Laws of Florida.



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



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

196 Section 2. Subsection (1) of section 316.1939, Florida
197 Statutes, is amended to read:

198 316.1939 Refusal to submit to testing; penalties.—

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

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

211 (b) Who was placed under lawful arrest for a violation of
212 s. 316.193 unless such test was requested pursuant to s.
213 316.1932(1)(c);



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

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

226 (e) Who, after having been so informed, refused to submit
227 to any such test when requested to do so by a law enforcement
228 officer or correctional officer

229
230 commits a misdemeanor of the first degree and is subject to
231 punishment as provided in s. 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



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



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

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

327 (5) This section applies only to launch services, reentry
328 services, or the recovery of spaceflight assets occurring or
329 originating within spaceport territory, as defined in s.



330 331.304, and to federally licensed or federally authorized
331 launches and reentries occurring or transiting to an end
332 destination upon waters of this state.

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

339 Section 6. Paragraphs (a) and (c) of subsection (1) of
340 section 327.352, Florida Statutes, are amended to read:

341 327.352 Tests for alcohol, chemical substances, or
342 controlled substances; implied consent; refusal.-

343 (1) (a) 1. The Legislature declares that the operation of a
344 vessel is a privilege that must be exercised in a reasonable
345 manner. In order to protect the public health and safety, it is
346 essential that a lawful and effective means of reducing the
347 incidence of boating while impaired or intoxicated be
348 established. Therefore, a ~~any~~ person who accepts the privilege
349 extended by the laws of this state of operating a vessel within
350 this state is, by ~~so~~ operating such vessel, deemed to have given
351 his or her consent to submit to an approved chemical test or
352 physical test including, but not limited to, an infrared light
353 test of his or her breath for the purpose of determining the
354 alcoholic content of his or her blood or breath if the person is
355 lawfully arrested for any offense allegedly committed while the
356 person was operating a vessel while under the influence of
357 alcoholic beverages. The chemical or physical breath test must
358 be incidental to a lawful arrest and administered at the request



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

377 2. A ~~Any~~ person who accepts the privilege extended by the
378 laws of this state of operating a vessel within this state is,
379 by ~~so~~ operating such vessel, deemed to have given his or her
380 consent to submit to a urine test for the purpose of detecting
381 the presence of chemical substances as set forth in s. 877.111
382 or controlled substances if the person is lawfully arrested for
383 any offense allegedly committed while the person was operating a
384 vessel while under the influence of chemical substances or
385 controlled substances. The urine test must be incidental to a
386 lawful arrest and administered at a detention facility or any
387 other facility, mobile or otherwise, which is equipped to



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

411 (c) A ~~Any~~ person who accepts the privilege extended by the
412 laws of this state of operating a vessel within this state is,
413 by operating such vessel, deemed to have given his or her
414 consent to submit to an approved blood test for the purpose of
415 determining the alcoholic content of the blood or a blood test
416 for the purpose of determining the presence of chemical



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

437 Section 7. Section 327.359, Florida Statutes, is amended to
438 read:

439 327.359 Refusal to submit to testing; penalties.-A ~~Any~~
440 person who has refused to submit to a chemical or physical test
441 of his or her breath, ~~blood,~~ or urine, as described in s.
442 327.352, and who has been previously fined under s. 327.35215 or
443 has previously had his or her driver license suspended under s.
444 322.2615 for refusal to submit to a lawful test of his or her
445 breath, urine, or blood, and:



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

450 (2) Who was placed under lawful arrest for a violation of
451 s. 327.35 unless such test was requested pursuant to s.
452 327.352(1)(c);

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

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

462 (5) Who, after having been so informed, refused to submit
463 to any such test when requested to do so by a law enforcement
464 officer or correctional officer

465
466 commits a misdemeanor of the first degree, punishable and is
467 subject to punishment as provided in s. 775.082 or s. 775.083.

468 Section 8. Section 327.371, Florida Statutes, is created to
469 read:

470 327.371 Human-powered vessels regulated.-

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

474 (a) When the marked channel is the only navigable portion



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475 of the waterway available due to vessel congestion or
476 obstructions on the water. The operator of the human-powered
477 vessel shall proceed with diligence to a location where he or
478 she may safely operate the vessel outside the marked channel of
479 the Florida Intracoastal Waterway.

480 (b) When crossing the marked channel, provided that the
481 crossing is done in the most direct, continuous, and expeditious
482 manner possible and does not interfere with other vessel traffic
483 in the channel.

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

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

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

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

493 327.391 Airboats regulated.—

494 (1) The exhaust of every internal combustion engine used on
495 any airboat operated on the waters of this state shall be
496 provided with an automotive-style factory muffler, underwater
497 exhaust, or other manufactured device capable of adequately
498 muffling the sound of the exhaust of the engine as described in
499 s. 327.02(31) s. ~~327.02(30)~~. The use of cutouts or flex pipe as
500 the sole source of muffling is prohibited, except as provided in
501 subsection (4). A ~~Any~~ person who violates this subsection
502 commits a noncriminal infraction, punishable as provided in s.
503 327.73(1).



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

508 1. A photographic identification card.

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

514 3. Proof of successful completion of a commission-approved
515 airboat operator course that meets the minimum standards
516 established by commission rule.

517 4. Proof of successful course completion in cardiopulmonary
518 resuscitation and first aid.

519 (b) A person issued a captain's license by the United
520 States Coast Guard is not required to complete a boating safety
521 education course that complies with s. 327.395(2) (a) ~~s.~~
522 ~~327.395(1) (a)~~. Proof of the captain's license must be onboard
523 the airboat when carrying one or more passengers for hire on
524 waters of this ~~the~~ state.

525 Section 10. Section 327.395, Florida Statutes, is amended
526 to read:

527 327.395 Boating safety education.—

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

532 (2) While operating a vessel, a person identified under



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533 subsection (1) must have in his or her possession aboard the
534 vessel photographic identification and a boating safety
535 identification card issued by the commission, a state-issued
536 identification card or driver license indicating possession of
537 the boating safety identification card, or photographic
538 identification and a temporary certificate issued or approved by
539 the commission, which shows that he or she has:

540 (a) Completed a commission-approved boating safety
541 education course that meets the minimum requirements established
542 by the National Association of State Boating Law Administrators;
543 or

544 (b) Passed a temporary certificate examination developed or
545 approved by the commission.

546 (3) (a) (2) (a) A person may obtain a boating safety
547 identification card by successfully completing a boating safety
548 education course that meets the requirements of this section and
549 rules adopted by the commission pursuant to this section.

550 (b) A person may obtain a temporary certificate by passing
551 a temporary certificate examination that meets the requirements
552 of this section and rules adopted by the commission pursuant to
553 this section.

554 (4) (3) A Any commission-approved boating safety education
555 course or temporary certificate examination developed or
556 approved by the commission must include a component regarding
557 diving vessels, awareness of divers in the water, divers-down
558 warning devices, and the requirements of s. 327.331.

559 ~~(4) The commission may appoint liveries, marinas, or other~~
560 ~~persons as its agents to administer the course or temporary~~
561 ~~certificate examination and issue identification cards or~~



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562 ~~temporary certificates in digital, electronic, or paper format~~
563 ~~under guidelines established by the commission. An agent must~~
564 ~~charge the \$2 examination fee, which must be forwarded to the~~
565 ~~commission with proof of passage of the examination and may~~
566 ~~charge and keep a \$1 service fee.~~

567 (5) A boating safety identification card issued to a person
568 who has completed a boating safety education course is valid for
569 life. A temporary certificate issued to a person who has passed
570 a temporary certification examination is valid for 90 days after
571 the date of issuance. The commission may issue either the
572 boating safety identification card or the temporary certificate
573 in a digital, electronic, or paper format.

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

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

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

581 3. Possesses an International Certificate of Competence in
582 sailing.

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

584 (c) Is accompanied in the vessel by a person who is exempt
585 from this section or who holds a boating safety identification
586 card in compliance with this section, who is 18 years of age or
587 older, and who is attendant to the operation of the vessel and
588 responsible for the safe operation of the vessel and for any
589 violation that occurs during the operation of the vessel.

590 (d) Is a nonresident who has in his or her possession



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591 photographic identification and proof that he or she has
592 completed a boating safety education course or equivalency
593 examination in another state or a United States territory which
594 meets or exceeds the minimum requirements established by the
595 National Association of State Boating Law Administrators.

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

599 (f) Is operating a vessel within 90 days after completing a
600 boating safety education course in accordance with paragraph

601 (2) (a) the requirements of paragraph (1) (a) and has a
602 photographic identification card and a boating safety education
603 certificate available for inspection as proof of having
604 completed a boating safety education course. The boating safety
605 education certificate must provide, at a minimum, the student's
606 first and last name, the student's date of birth, and the date
607 that he or she passed the course examination.

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

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

612 (8) The commission shall institute and coordinate a
613 statewide program of boating safety instruction and
614 certification to ensure that boating safety courses and
615 examinations are available in each county of this ~~the~~ state. The
616 commission may appoint agents to administer the boating safety
617 education course or temporary certificate examination and may
618 authorize the agents to issue temporary certificates in digital,
619 electronic, or paper format. An agent ~~The agents~~ shall charge



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620 and collect the \$2 fee required in subsection (9) for each
621 temporary certificate requested of the commission by that agent,
622 which must be forwarded to the commission. The agent may charge
623 and keep a \$1 service fee.

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

627 (10) The commission shall design forms and adopt rules
628 pursuant to chapter 120 to implement ~~the provisions of this~~
629 section.

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

632 Section 11. Present subsection (5) of section 327.4107,
633 Florida Statutes, is redesignated as subsection (6), a new
634 subsection (5) and subsection (7) are added to that section, and
635 paragraphs (d) and (e) of subsection (2) of that section are
636 amended, to read:

637 327.4107 Vessels at risk of becoming derelict on waters of
638 this state.-

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

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

646 (e) The vessel does not have an effective means of
647 propulsion for safe navigation within 72 hours after the vessel
648 owner or operator receives telephonic notice, in-person notice



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649 recorded on an agency-approved body camera, or written notice,
650 which may be provided by facsimile, electronic mail, or other
651 electronic means, stating such from an officer, and the vessel
652 owner or operator is unable to provide a receipt, proof of
653 purchase, or other documentation of having ordered necessary
654 parts for vessel repair. The commission may adopt rules to
655 implement this paragraph.

656 (5) The commission, an officer of the commission, or a law
657 enforcement agency or officer specified in s. 327.70 may
658 relocate or cause to be relocated an at-risk vessel found to be
659 in violation of this section to a distance greater than 20 feet
660 from a mangrove or upland vegetation. The commission, an officer
661 of the commission, or a law enforcement agency or officer acting
662 pursuant to this subsection upon waters of this state shall be
663 held harmless for all damages to the at-risk vessel resulting
664 from such relocation unless the damage results from gross
665 negligence or willful misconduct as these terms are defined in
666 s. 823.11.

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

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

674 (b) Creation of a vessel turn-in program allowing the owner
675 of a vessel determined by law enforcement to be at risk of
676 becoming derelict in accordance with this section to turn his or
677 her vessel and vessel title over to the commission to be



678 destroyed without penalty.

679 (c) Providing for removal and destruction of an abandoned
680 vessel for which an owner cannot be identified or the owner of
681 which is deceased and no heir is interested in acquiring the
682 vessel.

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

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

687

688 The commission may adopt rules to implement this subsection.

689 Implementation of the derelict vessel prevention program shall
690 be subject to appropriation by the Legislature and shall be
691 funded by the Marine Resources Conservation Trust Fund or the
692 Florida Coastal Protection Trust Fund.

693 Section 12. Section 327.4108, Florida Statutes, is amended
694 to read:

695 327.4108 Anchoring of vessels in anchoring limitation
696 areas.-

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

704 (a) The section of Middle River lying between Northeast
705 21st Court and the Intracoastal Waterway in Broward County.

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



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

- 709 1. Rivo Alto Island and Di Lido Island.
710 2. San Marino Island and San Marco Island.
711 3. San Marco Island and Biscayne Island.

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

716 (b) This subsection does not apply to an approved and
717 permitted mooring field.

718 ~~(2) To promote the public's use and enjoyment of the~~
719 ~~designated waterway, except as provided in subsections (3) and~~
720 ~~(4), a person may not anchor a vessel at any time during the~~
721 ~~period between one-half hour after sunset and one-half hour~~
722 ~~before sunrise in an anchoring limitation area.~~

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

726 (a) If the vessel suffers a mechanical failure that poses
727 an unreasonable risk of harm to the vessel or the persons
728 onboard unless the vessel anchors. The vessel may anchor for 3
729 business days or until the vessel is repaired, whichever occurs
730 first.

731 (b) If imminent or existing weather conditions in the
732 vicinity of the vessel pose an unreasonable risk of harm to the
733 vessel or the persons onboard unless the vessel anchors. The
734 vessel may anchor until weather conditions no longer pose such
735 risk. During a hurricane or tropical storm, weather conditions



736 are deemed to no longer pose an unreasonable risk of harm when
737 the hurricane or tropical storm warning affecting the area has
738 expired.

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

744 (4) This section does not apply to:

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

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

748 (c) Vessels actively engaged in commercial fishing.

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

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

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

759 1. Anchors the vessel in violation of this section within
760 12 hours after being issued the citation; or

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

763 (c) A law enforcement officer or agency acting under this
764 subsection to remove or impound a vessel, or to cause such



765 removal or impoundment, shall be held harmless for any damage to
766 the vessel resulting from such removal or impoundment unless the
767 damage results from gross negligence or willful misconduct.

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

771 1. Be licensed in accordance with United States Coast Guard
772 regulations, as applicable.

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

777 3. Be properly equipped to perform such services.

778 (e) In addition to the civil penalty imposed under s.
779 327.73(1)(z), the operator of a vessel that is removed and
780 impounded pursuant to paragraph (b) must pay all removal and
781 storage fees before the vessel is released. A vessel removed
782 pursuant to paragraph (b) may not be impounded for longer than
783 48 hours.

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

786 ~~(7) This section shall remain in effect notwithstanding the~~
787 ~~Legislature's adoption of the commission's recommendations for~~
788 ~~the regulation of mooring vessels outside of public mooring~~
789 ~~fields pursuant to s. 327.4105.~~

790 Section 13. Paragraph (a) of subsection (1) and subsection
791 (2) of section 327.4109, Florida Statutes, are amended to read:

792 327.4109 Anchoring or mooring prohibited; exceptions;
793 penalties.-



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

797 1. Within 150 feet of any public or private marina, boat
798 ramp, boatyard, or other public vessel launching or loading
799 facility;

800 2. Within 300 feet of a superyacht repair facility. For
801 purposes of this subparagraph, the term "superyacht repair
802 facility" means a facility that services or repairs a yacht with
803 a water line of 120 feet or more in length; or

804 3. Within 100 feet outward from the marked boundary of a
805 public mooring field or a lesser distance if approved by the
806 commission upon request of a local government within which the
807 mooring field is located. The commission may adopt rules to
808 implement this subparagraph.

809 (2) Notwithstanding subsection (1), an owner or operator of
810 a vessel may anchor or moor within 150 feet of any public or
811 private marina, boat ramp, boatyard, or other public vessel
812 launching or loading facility; within 300 feet of a superyacht
813 repair facility; or within 100 feet outward from the marked
814 boundary of a public mooring field if:

815 (a) The vessel suffers a mechanical failure that poses an
816 unreasonable risk of harm to the vessel or the persons onboard
817 such vessel. The owner or operator of the vessel may anchor or
818 moor for 5 business days or until the vessel is repaired,
819 whichever occurs first.

820 (b) Imminent or existing weather conditions in the vicinity
821 of the vessel pose an unreasonable risk of harm to the vessel or
822 the persons onboard such vessel. The owner or operator of the



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823 vessel may anchor or moor until weather conditions no longer
824 pose such risk. During a hurricane or tropical storm, weather
825 conditions are deemed to no longer pose an unreasonable risk of
826 harm when the hurricane or tropical storm warning affecting the
827 area has expired.

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

830 327.45 Protection zones for springs.—

831 (2) The commission may establish by rule protection zones
832 that restrict the speed and operation of vessels, or which
833 prohibit the anchoring, mooring, beaching, or grounding of
834 vessels, to protect and prevent harm to first, second, and third
835 magnitude springs and springs groups, including their associated
836 spring runs, as determined by the commission using the most
837 recent Florida Geological Survey springs bulletin. This harm
838 includes negative impacts to water quality, water quantity,
839 hydrology, wetlands, and aquatic and wetland-dependent species.

840 Section 15. Paragraph (b) of subsection (1) of section
841 327.46, Florida Statutes, is amended to read:

842 327.46 Boating-restricted areas.—

843 (1) Boating-restricted areas, including, but not limited
844 to, restrictions of vessel speeds and vessel traffic, may be
845 established on the waters of this state for any purpose
846 necessary to protect the safety of the public if such
847 restrictions are necessary based on boating accidents,
848 visibility, hazardous currents or water levels, vessel traffic
849 congestion, or other navigational hazards or to protect
850 seagrasses on privately owned submerged lands.

851 (b) Municipalities and counties may ~~have the authority to~~



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852 establish the following boating-restricted areas by ordinance:

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

855 a. Within 500 feet of any boat ramp, hoist, marine railway,
856 or other launching or landing facility available for use by the
857 general boating public on waterways more than 300 feet in width
858 or within 300 feet of any boat ramp, hoist, marine railway, or
859 other launching or landing facility available for use by the
860 general boating public on waterways not exceeding 300 feet in
861 width.

862 b. Within 500 feet of fuel pumps or dispensers at any
863 marine fueling facility that sells motor fuel to the general
864 boating public on waterways more than 300 feet in width or
865 within 300 feet of the fuel pumps or dispensers at any licensed
866 terminal facility that sells motor fuel to the general boating
867 public on waterways not exceeding 300 feet in width.

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

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

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

872 b. Within 300 feet of any bridge span presenting a vertical
873 clearance of less than 25 feet or a horizontal clearance of less
874 than 100 feet.

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

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

880 e. Within the boundaries of a permitted public mooring



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881 field and a buffer around the mooring field of up to 100 feet.

882 3. An ordinance establishing a vessel-exclusion zone if the
883 area is:

884 a. Designated as a public bathing beach or swim area.

885 b. Within 300 feet of a dam, spillway, or flood control
886 structure.

887 4. Notwithstanding the prohibition in s. 327.60(2)(c),
888 within the portion of the Florida Intracoastal Waterway within
889 their jurisdiction, except that the municipality or county may
890 not establish a vessel-exclusion zone for public bathing beaches
891 or swim areas within the waterway.

892 Section 16. Section 327.463, Florida Statutes, is created
893 to read:

894 327.463 Special hazards.—

895 (1) For purposes of this section, a vessel:

896 (a) Is operating at slow speed, minimum wake only if it is:

897 1. Fully off plane and completely settled into the water;

898 and

899 2. Proceeding without wake or with minimum wake.

900

901 A vessel that is required to operate at slow speed, minimum wake
902 may not proceed at a speed greater than a speed that is
903 reasonable and prudent to avoid the creation of an excessive
904 wake or other hazardous condition under the existing
905 circumstances.

906 (b) Is not proceeding at slow speed, minimum wake if it is:

907 1. Operating on plane;

908 2. In the process of coming off plane and settling into the
909 water or getting on plane; or



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910 3. Operating at a speed that creates a wake that
911 unreasonably or unnecessarily endangers other vessels.

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

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

921 1. At least 10 feet above the tallest portion of the vessel
922 or barge, indicating that the vessel or barge is actively
923 engaged in construction operations; or

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

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

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

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

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

935 (c) In periods of low visibility, including any time
936 between 30 minutes after sunset and 30 minutes before sunrise, a
937 person may not be cited for a violation of this subsection
938 unless the orange flag is illuminated and visible from a



939 distance of at least 2 nautical miles. Such illumination does
940 not relieve the construction vessel or barge from complying with
941 all navigation rules.

942 (4) (a) A person operating a vessel in violation of this
943 section commits a noncriminal infraction, punishable as provided
944 in s. 327.73.

945 (b) The owner of, or party who is responsible for, a
946 construction vessel or barge who displays an orange flag on the
947 vessel or barge when it is not actively engaged in construction
948 operations commits a noncriminal infraction, punishable as
949 provided in s. 327.73.

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

953 Section 17. Paragraph (a) of subsection (1) of section
954 327.50, Florida Statutes, is amended to read:

955 327.50 Vessel safety regulations; equipment and lighting
956 requirements.—

957 (1) (a) The owner and operator of every vessel on the waters
958 of this state shall carry, store, maintain, and use safety
959 equipment in accordance with current United States Coast Guard
960 safety equipment requirements as specified in the Code of
961 Federal Regulations, unless expressly exempted by the commission
962 department.

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

966 327.53 Marine sanitation.—

967 (6) (a) A violation of this section is a noncriminal



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968 infraction, punishable as provided in s. 327.73. Each violation
969 shall be a separate offense. The owner and operator of any
970 vessel shall be jointly and severally liable for the civil
971 penalty imposed pursuant to this section.

972 (7) A ~~Any~~ vessel or floating structure operated or occupied
973 on the waters of this ~~the~~ state in violation of this section is
974 declared a nuisance and a hazard to public safety and health.
975 The owner or operator of a ~~any~~ vessel or floating structure
976 cited for violating this section shall, within 30 days following
977 the issuance of the citation, correct the violation for which
978 the citation was issued or remove the vessel or floating
979 structure from the waters of this ~~the~~ state. If the violation is
980 not corrected within the 30 days and the vessel or floating
981 structure remains on the waters of this ~~the~~ state in violation
982 of this section, law enforcement officers charged with the
983 enforcement of this chapter under s. 327.70 shall apply to the
984 appropriate court in the county in which the vessel or floating
985 structure is located, to order or otherwise cause the removal of
986 such vessel or floating structure from the waters of this ~~the~~
987 state at the owner's expense. If the owner cannot be found or
988 otherwise fails to pay the removal costs, the provisions of s.
989 328.17 shall apply. If the proceeds under s. 328.17 are not
990 sufficient to pay all removal costs, funds appropriated from the
991 Marine Resources Conservation Trust Fund pursuant to paragraph
992 (6) (b) or s. 328.72(15) (c) ~~s. 328.72(16)~~ may be used.

993 (8) The owner or operator of a live-aboard vessel as
994 defined in s. 327.02(23) (a) or (c), or a houseboat as defined in
995 s. 327.02(17), that is equipped with a marine sanitation device
996 must maintain a record of the date of each pumpout of the marine



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997 sanitation device and the location of the pumpout station or
998 waste reception facility. Each record must be maintained for 1
999 year after the date of the pumpout.

1000 Section 19. Subsection (2) of section 327.54, Florida
1001 Statutes, is amended to read:

1002 327.54 Liveries; safety regulations; penalty.—

1003 (2) A livery may not knowingly lease, hire, or rent a any
1004 vessel ~~powered by a motor of 10 horsepower or greater~~ to a any
1005 person who is required to comply with s. 327.395~~7~~, unless such
1006 person presents to the livery photographic identification and a
1007 valid boater safety identification card issued by the
1008 commission, a state-issued identification card or driver license
1009 indicating possession of the boating safety identification card,
1010 or photographic identification and a valid temporary certificate
1011 issued or approved by the commission as required under s.
1012 327.395(2) ~~s. 327.395(1)~~, or meets the exemption provided under
1013 s. 327.395(6) (f).

1014 Section 20. Subsection (5) of section 327.60, Florida
1015 Statutes, is amended to read:

1016 327.60 Local regulations; limitations.—

1017 (5) A local government may enact and enforce regulations to
1018 implement the procedures for abandoned or lost property that
1019 allow the local law enforcement agency to remove a vessel
1020 affixed to a public dock or mooring within its jurisdiction that
1021 is abandoned or lost property pursuant to s. 705.103(1). Such
1022 regulation must require the local law enforcement agency to post
1023 a written notice at least 24 hours before removing the vessel.

1024 Section 21. Paragraphs (q), (s), and (aa) of subsection (1)
1025 of section 327.73, Florida Statutes, are amended, and paragraphs



1026 (cc) and (dd) are added to that subsection, to read:
1027 327.73 Noncriminal infractions.—
1028 (1) Violations of the following provisions of the vessel
1029 laws of this state are noncriminal infractions:
1030 (q) Section 327.53(1), (2), ~~and~~ (3), and (8), relating to
1031 marine sanitation.
1032 (s) Section 327.395, relating to boater safety education.
1033 However, a person cited for violating the requirements of s.
1034 327.395 relating to failure to have required proof of boating
1035 safety education in his or her possession may not be convicted
1036 if, before or at the time of a county court hearing, the person
1037 produces proof of the boating safety education identification
1038 card or temporary certificate for verification by the hearing
1039 officer or the court clerk and the identification card or
1040 temporary certificate was valid at the time the person was
1041 cited.
1042 (aa) Section 327.4107, relating to vessels at risk of
1043 becoming derelict on waters of this state, for which the civil
1044 penalty is:
1045 1. For a first offense, \$100 ~~\$50~~.
1046 2. For a second offense occurring 30 days or more after a
1047 first offense, \$250 ~~\$100~~.
1048 3. For a third or subsequent offense occurring 30 days or
1049 more after a previous offense, \$500 ~~\$250~~.
1050
1051 A vessel that is the subject of three or more violations issued
1052 pursuant to the same paragraph of s. 327.4107(2) within an 18-
1053 month period which result in dispositions other than acquittal
1054 or dismissal shall be declared to be a public nuisance and



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1055 subject to ss. 705.103(2) and (4) and 823.11(3). The commission,
1056 an officer of the commission, or a law enforcement agency or
1057 officer specified in s. 327.70 may relocate, remove, or cause to
1058 be relocated or removed such public nuisance vessels from waters
1059 of this state. The commission, an officer of the commission, or
1060 a law enforcement agency or officer acting pursuant to this
1061 paragraph upon waters of this state shall be held harmless for
1062 all damages to the vessel resulting from such relocation or
1063 removal unless the damage results from gross negligence or
1064 willful misconduct as these terms are defined in s. 823.11.

1065 (cc) Section 327.463(4) (a) and (b), relating to vessels
1066 creating special hazards, for which the penalty is:

1067 1. For a first offense, \$50.

1068 2. For a second offense occurring within 12 months after a
1069 prior offense, \$100.

1070 3. For a third offense occurring within 36 months after a
1071 prior offense, \$250.

1072 (dd) Section 327.371, relating to the regulation of human-
1073 powered vessels.

1074

1075 Any person cited for a violation of any provision of this
1076 subsection shall be deemed to be charged with a noncriminal
1077 infraction, shall be cited for such an infraction, and shall be
1078 cited to appear before the county court. The civil penalty for
1079 any such infraction is \$50, except as otherwise provided in this
1080 section. Any person who fails to appear or otherwise properly
1081 respond to a uniform boating citation shall, in addition to the
1082 charge relating to the violation of the boating laws of this
1083 state, be charged with the offense of failing to respond to such



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1084 citation and, upon conviction, be guilty of a misdemeanor of the
1085 second degree, punishable as provided in s. 775.082 or s.
1086 775.083. A written warning to this effect shall be provided at
1087 the time such uniform boating citation is issued.

1088 Section 22. Subsection (4) of section 328.09, Florida
1089 Statutes, is amended to read:

1090 328.09 Refusal to issue and authority to cancel a
1091 certificate of title or registration.—

1092 (4) The department may not issue a certificate of title to
1093 an any applicant for a any vessel that has been deemed derelict
1094 by a law enforcement officer under s. 376.15 or s. 823.11. A law
1095 enforcement officer must inform the department in writing, which
1096 may be provided by facsimile, electronic mail, or other
1097 electronic means, of the vessel's derelict status and supply the
1098 department with the vessel title number or vessel identification
1099 number. The department may issue a certificate of title once a
1100 law enforcement officer has verified in writing, which may be
1101 provided by facsimile, electronic mail, or other electronic
1102 means, that the vessel is no longer a derelict vessel.

1103 Section 23. Effective July 1, 2023, paragraph (e) of
1104 subsection (3) of section 328.09, Florida Statutes, as amended
1105 by section 12 of chapter 2019-76, Laws of Florida, is amended to
1106 read:

1107 328.09 Refusal to issue and authority to cancel a
1108 certificate of title or registration.—

1109 (3) Except as otherwise provided in subsection (4), the
1110 department may reject an application for a certificate of title
1111 only if:

1112 (e) The application is for a vessel that has been deemed



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1113 derelict by a law enforcement officer under s. 376.15 or s.
1114 823.11. In such case, a law enforcement officer must inform the
1115 department in writing, which may be provided by facsimile, e-
1116 mail, or other electronic means, of the vessel's derelict status
1117 and supply the department with the vessel title number or vessel
1118 identification number. The department may issue a certificate of
1119 title once a law enforcement officer has verified in writing,
1120 which may be provided by facsimile, e-mail, or other electronic
1121 means, that the vessel is no longer a derelict vessel.

1122 Section 24. Section 376.15, Florida Statutes, is amended to
1123 read:

1124 376.15 Derelict vessels; relocation or removal from ~~public~~
1125 waters of this state.-

1126 (1) As used in this section, the term:

1127 (a) "Commission" means the Fish and Wildlife Conservation
1128 Commission.

1129 (b) "Gross negligence" means conduct so reckless or wanting
1130 in care that it constitutes a conscious disregard or
1131 indifference to the safety of the property exposed to such
1132 conduct.

1133 (c) "Willful misconduct" means conduct evidencing
1134 carelessness or negligence of such a degree or recurrence as to
1135 manifest culpability, wrongful intent, or evil design or to show
1136 an intentional and substantial disregard of the interests of the
1137 vessel owner.

1138 (2) (a) It is unlawful for any person, firm, or corporation
1139 to ~~store, leave, or abandon~~ any derelict vessel as defined in s.
1140 823.11 upon the waters of in this state. For purposes of this
1141 paragraph, the term "leave" means to allow a vessel to remain



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1142 occupied or unoccupied on the waters of this state for more than
1143 24 hours.

1144 (b) Notwithstanding paragraph (a), a person who owns or
1145 operates a vessel that becomes derelict upon the waters of this
1146 state solely as a result of a boating accident that is reported
1147 to law enforcement in accordance with s. 327.301 or otherwise
1148 reported to law enforcement; a hurricane; or another sudden
1149 event outside of his or her control may not be charged with a
1150 violation if:

1151 1. The individual documents for law enforcement the
1152 specific event that led to the vessel being derelict upon the
1153 waters of this state; and

1154 2. The vessel has been removed from the waters of this
1155 state or has been repaired or addressed such that it is no
1156 longer derelict upon the waters of this state:

1157 a. For a vessel that has become derelict as a result of a
1158 boating accident or other sudden event outside of his or her
1159 control, within 7 days after such accident or event; or

1160 b. Within 45 days after the hurricane has passed over this
1161 state.

1162 (c) This subsection does not apply to a vessel that was
1163 derelict upon the waters of this state before the stated
1164 accident or event.

1165 (3) (a) The commission, an officer ~~officers~~ of the
1166 commission, or a ~~and any~~ law enforcement agency or officer
1167 specified in s. 327.70 may ~~are authorized and empowered to~~
1168 relocate, remove, store, destroy, or dispose of or cause to be
1169 relocated, ~~or~~ removed, stored, destroyed, or disposed of a ~~any~~
1170 derelict vessel as defined in s. 823.11 from ~~public~~ waters of



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1171 this state as defined in s. 327.02. All costs, including costs
1172 owed to a third party, incurred by the commission or other law
1173 enforcement agency in the relocation, ~~or~~ removal, storage,
1174 destruction, or disposal of any abandoned or derelict vessel are
1175 recoverable against the owner of the vessel or the party
1176 determined to be legally responsible for the vessel being upon
1177 the waters of this state in a derelict condition. The Department
1178 of Legal Affairs shall represent the commission in actions to
1179 recover such costs.

1180 (b) The commission, an officer ~~officers~~ of the commission,
1181 or a ~~and any other~~ law enforcement agency or officer specified
1182 in s. 327.70 acting pursuant to ~~under~~ this section to relocate,
1183 remove, store, destroy, or dispose of or cause to be relocated,
1184 ~~or~~ removed, stored, destroyed, or disposed of a derelict vessel
1185 from public waters of this state as defined in s. 327.02 shall
1186 be held harmless for all damages to the derelict vessel
1187 resulting from such action ~~relocation or removal~~ unless the
1188 damage results from gross negligence or willful misconduct as
1189 these terms are defined in s. 823.11.

1190 (c) A contractor performing relocation or removal
1191 activities at the direction of the commission, an officer
1192 ~~officers~~ of the commission, ~~or~~ a law enforcement agency or
1193 officer, or a governmental subdivision, when the governmental
1194 subdivision has received authorization for the relocation or
1195 removal from a law enforcement officer or agency pursuant to
1196 this section, must be licensed in accordance with applicable
1197 United States Coast Guard regulations where required; obtain and
1198 carry in full force and effect a policy from a licensed
1199 insurance carrier in this state to insure against any accident,



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1200 loss, injury, property damage, or other casualty caused by or
1201 resulting from the contractor's actions; and be properly
1202 equipped to perform the services to be provided.

1203 (d) The commission may establish a program to provide
1204 grants to local governments for the removal, storage,
1205 destruction, and disposal of derelict vessels from the ~~public~~
1206 waters of ~~this~~ the state as defined in s. 327.02. The program
1207 shall be funded from the Marine Resources Conservation Trust
1208 Fund or the Florida Coastal Protection Trust Fund.
1209 Notwithstanding ~~the provisions in~~ s. 216.181(11), funds
1210 available for grants may only be authorized by appropriations
1211 acts of the Legislature. In a given fiscal year, if all funds
1212 appropriated pursuant to this paragraph are not requested by and
1213 granted to local governments for the removal, storage,
1214 destruction, and disposal of derelict vessels by the end of the
1215 third quarter, the Fish and Wildlife Conservation Commission may
1216 use the remainder of the funds to remove, store, destroy, and
1217 dispose of, or to pay private contractors to remove, store,
1218 destroy, and dispose of, derelict vessels.

1219 (e) The commission shall adopt by rule procedures for
1220 submitting a grant application and criteria for allocating
1221 available funds. Such criteria shall include, but not be limited
1222 to, the following:

1223 1. The number of derelict vessels within the jurisdiction
1224 of the applicant.

1225 2. The threat posed by such vessels to public health or
1226 safety, the environment, navigation, or the aesthetic condition
1227 of the general vicinity.

1228 3. The degree of commitment of the local government to



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1229 maintain waters free of abandoned and derelict vessels and to
1230 seek legal action against those who abandon vessels in the
1231 waters of this the state as defined in s. 327.02.

1232 (f) This section constitutes the authority for such removal
1233 but is not intended to be in contravention of any applicable
1234 federal act.

1235 Section 25. Subsections (2) and (4) of section 705.103,
1236 Florida Statutes, are amended to read:

1237 705.103 Procedure for abandoned or lost property.—

1238 (2) (a)1. Whenever a law enforcement officer ascertains
1239 that:

1240 a. An article of lost or abandoned property other than a
1241 derelict vessel or a vessel declared a public nuisance pursuant
1242 to s. 327.73(1)(aa) is present on public property and is of such
1243 nature that it cannot be easily removed, the officer shall cause
1244 a notice to be placed upon such article in substantially the
1245 following form:

1246
1247 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1248 PROPERTY. This property, to wit: ...(setting forth brief
1249 description)... is unlawfully upon public property known as
1250 ...(setting forth brief description of location)... and must be
1251 removed within 5 days; otherwise, it will be removed and
1252 disposed of pursuant to chapter 705, Florida Statutes. The owner
1253 will be liable for the costs of removal, storage, and
1254 publication of notice. Dated this: ...(setting forth the date of
1255 posting of notice)..., signed: ...(setting forth name, title,
1256 address, and telephone number of law enforcement officer)....
1257



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1258 b. A derelict vessel or a vessel declared a public nuisance
1259 pursuant to s. 327.73(1)(aa) is present on the waters of this
1260 state, the officer shall cause a notice to be placed upon such
1261 vessel in substantially the following form:

1262
1263 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1264 VESSEL. This vessel, to wit: ...(setting forth brief
1265 description)... has been determined to be (derelict or a public
1266 nuisance) and is unlawfully upon waters of this state
1267 ...(setting forth brief description of location)... and must be
1268 removed within 21 days; otherwise, it will be removed and
1269 disposed of pursuant to chapter 705, Florida Statutes. The owner
1270 and other interested parties have the right to a hearing to
1271 challenge the determination that this vessel is derelict or
1272 otherwise in violation of the law. Please contact ...(contact
1273 information for person who can arrange for a hearing in
1274 accordance with this section).... The owner or the party
1275 determined to be legally responsible for the vessel being upon
1276 the waters of this state in a derelict condition will be liable
1277 for the costs of removal, destruction, and disposal if this
1278 vessel is not removed by the owner. Dated this: ...(setting
1279 forth the date of posting of notice)...., signed: ...(setting
1280 forth name, title, address, and telephone number of law
1281 enforcement officer)....

1282 2. The notices required under subparagraph 1. may Such
1283 notice shall be not be less than 8 inches by 10 inches and shall
1284 be sufficiently weatherproof to withstand normal exposure to the
1285 elements. In addition to posting, the law enforcement officer
1286 shall make a reasonable effort to ascertain the name and address



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1287 of the owner. If such is reasonably available to the officer,
1288 she or he shall mail a copy of such notice to the owner on or
1289 before the date of posting. If the property is a motor vehicle
1290 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,
1291 the law enforcement agency shall contact the Department of
1292 Highway Safety and Motor Vehicles in order to determine the name
1293 and address of the owner and any person who has filed a lien on
1294 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
1295 328.15(1). On receipt of this information, the law enforcement
1296 agency shall mail a copy of the notice by certified mail, return
1297 receipt requested, to the owner and to the lienholder, if any,
1298 except that a law enforcement officer who has issued a citation
1299 for a violation of s. 376.15 or s. 823.11 to the owner of a
1300 derelict vessel is not required to mail a copy of the notice by
1301 certified mail, return receipt requested, to the owner. For a
1302 derelict vessel or a vessel declared a public nuisance pursuant
1303 to s. 327.73(1)(aa), the mailed notice must inform the owner or
1304 responsible party that he or she has a right to a hearing to
1305 dispute the determination that the vessel is derelict or
1306 otherwise in violation of the law. If a request for a hearing is
1307 made, a state agency shall follow the processes set forth in s.
1308 120.569. Local governmental entities shall follow the processes
1309 set forth in s. 120.569, except that a local judge, magistrate,
1310 or code enforcement officer may be designated to conduct such a
1311 hearing. If, at the end of 5 days after posting the notice in
1312 sub-subparagraph 1.a., or at the end of 21 days after posting
1313 the notice in sub-subparagraph 1.b., and mailing such notice, if
1314 required, the owner or any person interested in the lost or
1315 abandoned article or articles described has not removed the



1316 article or articles from public property or shown reasonable
1317 cause for failure to do so, and, in the case of a derelict
1318 vessel or a vessel declared a public nuisance pursuant to s.
1319 327.73(1)(aa), has not requested a hearing in accordance with
1320 this section, the following shall apply:

1321 a. ~~(a)~~ For abandoned property other than a derelict vessel
1322 or a vessel declared a public nuisance pursuant to s.
1323 327.73(1)(aa), the law enforcement agency may retain any or all
1324 of the property for its own use or for use by the state or unit
1325 of local government, trade such property to another unit of
1326 local government or state agency, donate the property to a
1327 charitable organization, sell the property, or notify the
1328 appropriate refuse removal service.

1329 b. For a derelict vessel or a vessel declared a public
1330 nuisance pursuant to s. 327.73(1)(aa), the law enforcement
1331 agency or its designee may:

1332 (I) Remove the vessel from the waters of this state and
1333 destroy and dispose of the vessel or authorize another
1334 governmental entity or its designee to do so; or

1335 (II) Authorize the vessel's use as an artificial reef in
1336 accordance with s. 379.249 if all necessary federal, state, and
1337 local authorizations are received.

1338
1339 A law enforcement agency or its designee may also take action as
1340 described in this sub-subparagraph if, following a hearing
1341 pursuant to this section, the judge, magistrate, administrative
1342 law judge, or hearing officer has determined the vessel to be
1343 derelict as provided in s. 823.11 or otherwise in violation of
1344 the law in accordance with s. 327.73(1)(aa) and a final order



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1345 has been entered or the case is otherwise closed.

1346 (b) For lost property, the officer shall take custody and
1347 the agency shall retain custody of the property for 90 days. The
1348 agency shall publish notice of the intended disposition of the
1349 property, as provided in this section, during the first 45 days
1350 of this time period.

1351 1. If the agency elects to retain the property for use by
1352 the unit of government, donate the property to a charitable
1353 organization, surrender such property to the finder, sell the
1354 property, or trade the property to another unit of local
1355 government or state agency, notice of such election shall be
1356 given by an advertisement published once a week for 2
1357 consecutive weeks in a newspaper of general circulation in the
1358 county where the property was found if the value of the property
1359 is more than \$100. If the value of the property is \$100 or less,
1360 notice shall be given by posting a description of the property
1361 at the law enforcement agency where the property was turned in.
1362 The notice must be posted for not less than 2 consecutive weeks
1363 in a public place designated by the law enforcement agency. The
1364 notice must describe the property in a manner reasonably
1365 adequate to permit the rightful owner of the property to claim
1366 it.

1367 2. If the agency elects to sell the property, it must do so
1368 at public sale by competitive bidding. Notice of the time and
1369 place of the sale shall be given by an advertisement of the sale
1370 published once a week for 2 consecutive weeks in a newspaper of
1371 general circulation in the county where the sale is to be held.
1372 The notice shall include a statement that the sale shall be
1373 subject to any and all liens. The sale must be held at the



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1374 nearest suitable place to that where the lost or abandoned
1375 property is held or stored. The advertisement must include a
1376 description of the goods and the time and place of the sale. The
1377 sale may take place no earlier than 10 days after the final
1378 publication. If there is no newspaper of general circulation in
1379 the county where the sale is to be held, the advertisement shall
1380 be posted at the door of the courthouse and at three other
1381 public places in the county at least 10 days prior to sale.
1382 Notice of the agency's intended disposition shall describe the
1383 property in a manner reasonably adequate to permit the rightful
1384 owner of the property to identify it.

1385 (4) The owner of any abandoned or lost property, or in the
1386 case of a derelict vessel, the owner or other party determined
1387 to be legally responsible for the vessel being upon the waters
1388 of this state in a derelict condition, who, after notice as
1389 provided in this section, does not remove such property within
1390 the specified period shall be liable to the law enforcement
1391 agency, other governmental entity, or the agency's or entity's
1392 designee for all costs of removal, storage, and destruction of
1393 such property, less any salvage value obtained by disposal of
1394 the property. Upon final disposition of the property, the law
1395 enforcement officer or representative of the law enforcement
1396 agency or other governmental entity shall notify the owner, if
1397 known, of the amount owed. In the case of an abandoned vessel or
1398 motor vehicle, any person who neglects or refuses to pay such
1399 amount is not entitled to be issued a certificate of
1400 registration for such vessel or motor vehicle, or any other
1401 vessel or motor vehicle, until such costs have been paid. A
1402 person who has neglected or refused to pay all costs of removal,



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1403 storage, disposal, and destruction of a vessel or motor vehicle
1404 as provided in this section, after having been provided written
1405 notice via certified mail that such costs are owed, and who
1406 applies for and is issued a registration for a vessel or motor
1407 vehicle before such costs have been paid in full commits a
1408 misdemeanor of the first degree, punishable as provided in s.
1409 775.082 or s. 775.083. The law enforcement officer or
1410 representative of the law enforcement agency or other
1411 governmental entity shall supply the Department of Highway
1412 Safety and Motor Vehicles with a list of persons whose vessel
1413 registration privileges and ~~or whose~~ motor vehicle privileges
1414 have been revoked under this subsection. ~~Neither~~ The department
1415 or a ~~nor any other~~ person acting as an agent of the department
1416 may not ~~thereof shall~~ issue a certificate of registration to a
1417 person whose vessel and ~~or~~ motor vehicle registration privileges
1418 have been revoked, as provided by this subsection, until such
1419 costs have been paid.

1420 Section 26. Effective July 1, 2023, subsection (2) of
1421 section 705.103, Florida Statutes, as amended by section 29 of
1422 chapter 2019-76, Laws of Florida, is amended to read

1423 705.103 Procedure for abandoned or lost property.—

1424 (2) (a)1. Whenever a law enforcement officer ascertains
1425 that:

1426 a. An article of lost or abandoned property other than a
1427 derelict vessel or a vessel declared a public nuisance pursuant
1428 to s. 327.73(1)(aa) is present on public property and is of such
1429 nature that it cannot be easily removed, the officer shall cause
1430 a notice to be placed upon such article in substantially the
1431 following form:



1432
1433 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1434 PROPERTY. This property, to wit: ...(setting forth brief
1435 description)... is unlawfully upon public property known as
1436 ...(setting forth brief description of location)... and must be
1437 removed within 5 days; otherwise, it will be removed and
1438 disposed of pursuant to chapter 705, Florida Statutes. The owner
1439 will be liable for the costs of removal, storage, and
1440 publication of notice. Dated this: ...(setting forth the date of
1441 posting of notice)..., signed: ...(setting forth name, title,
1442 address, and telephone number of law enforcement officer)....
1443

1444 b. A derelict vessel or a vessel declared a public nuisance
1445 pursuant to s. 327.73(1)(aa) is present on the waters of this
1446 state, the officer shall cause a notice to be placed upon such
1447 vessel in substantially the following form:
1448

1449 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1450 VESSEL. This vessel, to wit: ...(setting forth brief description
1451 of location)... has been determined to be (derelict or a public
1452 nuisance) and is unlawfully upon the waters of this state
1453 ...(setting forth brief description of location)... and must be
1454 removed within 21 days; otherwise, it will be removed and
1455 disposed of pursuant to chapter 705, Florida Statutes. The owner
1456 and other interested parties have the right to a hearing to
1457 challenge the determination that this vessel is derelict or
1458 otherwise in violation of the law. Please contact ...(contact
1459 information for person who can arrange for a hearing in
1460 accordance with this section)... The owner or the party



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1461 determined to be legally responsible for the vessel being upon
1462 the waters of this state in a derelict condition will be liable
1463 for the costs of removal, destruction, and disposal if this
1464 vessel is not removed by the owner. Dated this: ... (setting
1465 forth the date of posting of notice) ..., signed: ... (setting
1466 forth name, title, address, and telephone number of law
1467 enforcement officer)....

1468
1469 2. The notices required under subparagraph 1. may ~~Such~~
1470 ~~notice shall be not be~~ less than 8 inches by 10 inches and shall
1471 be sufficiently weatherproof to withstand normal exposure to the
1472 elements. In addition to posting, the law enforcement officer
1473 shall make a reasonable effort to ascertain the name and address
1474 of the owner. If such is reasonably available to the officer,
1475 she or he shall mail a copy of such notice to the owner on or
1476 before the date of posting. If the property is a motor vehicle
1477 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,
1478 the law enforcement agency shall contact the Department of
1479 Highway Safety and Motor Vehicles in order to determine the name
1480 and address of the owner and any person who has filed a lien on
1481 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
1482 328.15. On receipt of this information, the law enforcement
1483 agency shall mail a copy of the notice by certified mail, return
1484 receipt requested, to the owner and to the lienholder, if any,
1485 except that a law enforcement officer who has issued a citation
1486 for a violation of s. 376.15 or s. 823.11 to the owner of a
1487 derelict vessel is not required to mail a copy of the notice by
1488 certified mail, return receipt requested, to the owner. For a
1489 derelict vessel or a vessel declared a public nuisance pursuant



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1490 to s. 327.73(1)(aa), the mailed notice must inform the owner or
1491 responsible party that he or she has a right to a hearing to
1492 dispute the determination that the vessel is derelict or
1493 otherwise in violation of the law. If a request for a hearing is
1494 made, a state agency shall follow the processes as set forth in
1495 s. 120.569. Local governmental entities shall follow the
1496 processes set forth in s. 120.569, except that a local judge,
1497 magistrate, or code enforcement officer may be designated to
1498 conduct such hearings. If, at the end of 5 days after posting
1499 the notice in sub-subparagraph 1.a., or at the end of 21 days
1500 after posting the notice in sub-subparagraph 1.b., and mailing
1501 such notice, if required, the owner or any person interested in
1502 the lost or abandoned article or articles described has not
1503 removed the article or articles from public property or shown
1504 reasonable cause for failure to do so, and, in the case of a
1505 derelict vessel or a vessel declared a public nuisance pursuant
1506 to s. 327.73(1)(aa), has not requested a hearing in accordance
1507 with this section, the following shall apply:

1508 a. ~~(a)~~ For abandoned property other than a derelict vessel
1509 or a vessel declared a public nuisance pursuant to s.
1510 327.73(1)(aa), the law enforcement agency may retain any or all
1511 of the property for its own use or for use by the state or unit
1512 of local government, trade such property to another unit of
1513 local government or state agency, donate the property to a
1514 charitable organization, sell the property, or notify the
1515 appropriate refuse removal service.

1516 b. For a derelict vessel or a vessel declared a public
1517 nuisance pursuant to s. 327.73(1)(aa), the law enforcement
1518 agency or its designee may:



1519 (I) Remove the vessel from the waters of this state and
1520 destroy and dispose of the vessel or authorize another
1521 governmental entity or its designee to do so; or

1522 (II) Authorize the vessel's use as an artificial reef in
1523 accordance with s. 379.249 if all necessary federal, state, and
1524 local authorizations are received.

1525
1526 A law enforcement agency or its designee may also take action as
1527 described in this sub-subparagraph if, following a hearing
1528 pursuant to this section, the judge, magistrate, administrative
1529 law judge, or hearing officer has determined the vessel to be
1530 derelict as provided in s. 823.11 or otherwise in violation of
1531 the law in accordance with s. 327.73(1)(aa) and a final order
1532 has been entered or the case is otherwise closed.

1533 (b) For lost property, the officer shall take custody and
1534 the agency shall retain custody of the property for 90 days. The
1535 agency shall publish notice of the intended disposition of the
1536 property, as provided in this section, during the first 45 days
1537 of this time period.

1538 1. If the agency elects to retain the property for use by
1539 the unit of government, donate the property to a charitable
1540 organization, surrender such property to the finder, sell the
1541 property, or trade the property to another unit of local
1542 government or state agency, notice of such election shall be
1543 given by an advertisement published once a week for 2
1544 consecutive weeks in a newspaper of general circulation in the
1545 county where the property was found if the value of the property
1546 is more than \$100. If the value of the property is \$100 or less,
1547 notice shall be given by posting a description of the property



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1548 at the law enforcement agency where the property was turned in.
1549 The notice must be posted for not less than 2 consecutive weeks
1550 in a public place designated by the law enforcement agency. The
1551 notice must describe the property in a manner reasonably
1552 adequate to permit the rightful owner of the property to claim
1553 it.

1554 2. If the agency elects to sell the property, it must do so
1555 at public sale by competitive bidding. Notice of the time and
1556 place of the sale shall be given by an advertisement of the sale
1557 published once a week for 2 consecutive weeks in a newspaper of
1558 general circulation in the county where the sale is to be held.
1559 The notice shall include a statement that the sale shall be
1560 subject to any and all liens. The sale must be held at the
1561 nearest suitable place to that where the lost or abandoned
1562 property is held or stored. The advertisement must include a
1563 description of the goods and the time and place of the sale. The
1564 sale may take place no earlier than 10 days after the final
1565 publication. If there is no newspaper of general circulation in
1566 the county where the sale is to be held, the advertisement shall
1567 be posted at the door of the courthouse and at three other
1568 public places in the county at least 10 days prior to sale.
1569 Notice of the agency's intended disposition shall describe the
1570 property in a manner reasonably adequate to permit the rightful
1571 owner of the property to identify it.

1572 Section 27. Subsections (1), (2), and (3) of section
1573 823.11, Florida Statutes, are amended to read:

1574 823.11 Derelict vessels; relocation or removal; penalty.—

1575 (1) As used in this section and s. 376.15, the term:

1576 (a) "Commission" means the Fish and Wildlife Conservation



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1577 Commission.

1578 (b) "Derelict vessel" means a vessel, as defined in s.
1579 327.02, that is ~~left, stored, or abandoned~~:

1580 1. In a wrecked, junked, or substantially dismantled
1581 condition upon any ~~public~~ waters of this state.

1582 a. A vessel is wrecked if it is sunken or sinking; aground
1583 without the ability to extricate itself absent mechanical
1584 assistance; or remaining after a marine casualty, including, but
1585 not limited to, a boating accident, extreme weather, or a fire.

1586 b. A vessel is junked if it has been substantially stripped
1587 of vessel components, if vessel components have substantially
1588 degraded or been destroyed, or if the vessel has been discarded
1589 by the owner or operator. Attaching an outboard motor to a
1590 vessel that is otherwise junked will not cause the vessel to no
1591 longer be junked if such motor is not an effective means of
1592 propulsion as required by s. 327.4107(2) (e) and associated
1593 rules.

1594 c. A vessel is substantially dismantled if at least two of
1595 the three following vessel systems or components are missing,
1596 compromised, incomplete, inoperable, or broken:

1597 (I) The steering system;

1598 (II) The propulsion system; or

1599 (III) The exterior hull integrity.

1600

1601 Attaching an outboard motor to a vessel that is otherwise
1602 substantially dismantled will not cause the vessel to no longer
1603 be substantially dismantled if such motor is not an effective
1604 means of propulsion as required by s. 327.4107(2) (e) and
1605 associated rules.



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1606 2. At a port in this state without the consent of the
1607 agency having jurisdiction thereof.

1608 3. Docked, grounded, or beached upon the property of
1609 another without the consent of the owner of the property.

1610 (c) "Gross negligence" means conduct so reckless or wanting
1611 in care that it constitutes a conscious disregard or
1612 indifference to the safety of the property exposed to such
1613 conduct.

1614 (d) "Willful misconduct" means conduct evidencing
1615 carelessness or negligence of such a degree or recurrence as to
1616 manifest culpability, wrongful intent, or evil design or to show
1617 an intentional and substantial disregard of the interests of the
1618 vessel owner.

1619 (2) (a) ~~It is unlawful for~~ A person, firm, or corporation
1620 may not ~~to store, leave, or abandon~~ any derelict vessel upon
1621 waters of ~~in~~ this state. For purposes of this paragraph, the
1622 term "leave" means to allow a vessel to remain occupied or
1623 unoccupied on the waters of this state for more than 24 hours.

1624 (b) Notwithstanding paragraph (a), a person who owns or
1625 operates a vessel that becomes derelict upon the waters of this
1626 state solely as a result of a boating accident that is reported
1627 to law enforcement in accordance with s. 327.301 or otherwise
1628 reported to law enforcement; a hurricane; or another sudden
1629 event outside of his or her control may not be charged with a
1630 violation if:

1631 1. The individual documents for law enforcement the
1632 specific event that led to the vessel being derelict upon the
1633 waters of this state; and

1634 2. The vessel has been removed from the waters of this



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1635 state or has been repaired or addressed such that it is no
1636 longer derelict upon the waters of this state:

1637 a. For a vessel that has become derelict as a result of a
1638 boating accident or other sudden event outside of his or her
1639 control, within 7 days after such accident or event; or

1640 b. Within 45 days after the hurricane has passed over the
1641 state.

1642 (c) This subsection does not apply to a vessel that was
1643 derelict upon the waters of this state before the stated
1644 accident or event.

1645 (3) The commission, an officer ~~officers~~ of the commission,
1646 or a ~~and any~~ law enforcement agency or officer specified in s.
1647 327.70 may ~~are authorized and empowered to~~ relocate, remove,
1648 store, destroy, or dispose of or cause to be relocated, ~~or~~
1649 removed, stored, destroyed, or disposed of a derelict vessel
1650 from ~~public~~ waters of this state as defined in s. 327.02 if the
1651 derelict vessel obstructs or threatens to obstruct navigation or
1652 in any way constitutes a danger to the environment, property, or
1653 persons. The commission, an officer ~~officers~~ of the commission,
1654 or any other law enforcement agency or officer acting pursuant
1655 to ~~under~~ this subsection to relocate, remove, store, destroy,
1656 dispose of or cause to be relocated, ~~or~~ removed, stored,
1657 destroyed, or disposed of a derelict vessel from ~~public~~ waters
1658 of this state shall be held harmless for all damages to the
1659 derelict vessel resulting from such action ~~relocation or removal~~
1660 unless the damage results from gross negligence or willful
1661 misconduct.

1662 (a) Removal of derelict vessels under this subsection may
1663 be funded by grants provided in ss. 206.606 and 376.15. The



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1664 commission shall implement a plan for the procurement of any
1665 available federal disaster funds and use such funds for the
1666 removal of derelict vessels.

1667 (b) All costs, including costs owed to a third party,
1668 incurred by the commission, another ~~or other~~ law enforcement
1669 agency, or a governmental subdivision, when the governmental
1670 subdivision has received authorization from a law enforcement
1671 officer or agency, in the relocation, ~~or~~ removal, storage,
1672 destruction, or disposal of a derelict vessel are recoverable
1673 against the vessel owner or the party determined to be legally
1674 responsible for the vessel being upon the waters of this state
1675 in a derelict condition. The Department of Legal Affairs shall
1676 represent the commission in actions to recover such costs. As
1677 provided in s. 705.103(4), a person who neglects or refuses to
1678 pay such costs may not be issued a certificate of registration
1679 for such vessel or for any other vessel or motor vehicle until
1680 such costs have been paid. A person who has neglected or refused
1681 to pay all costs of removal, storage, destruction, or disposal
1682 of a derelict vessel as provided in this section, after having
1683 been provided written notice via certified mail that such costs
1684 are owed, and who applies for and is issued a registration for a
1685 vessel or motor vehicle before such costs have been paid in full
1686 commits a misdemeanor of the first degree, punishable as
1687 provided in s. 775.082 or s. 775.083.

1688 (c) A contractor performing such ~~relocation or removal~~
1689 activities at the direction of the commission, an officer
1690 ~~officers~~ of the commission, ~~or~~ a law enforcement agency or
1691 officer, or a governmental subdivision, when the governmental
1692 subdivision has received authorization for the relocation or



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1693 removal from a law enforcement officer or agency, pursuant to
1694 this section must be licensed in accordance with applicable
1695 United States Coast Guard regulations where required; obtain and
1696 carry in full force and effect a policy from a licensed
1697 insurance carrier in this state to insure against any accident,
1698 loss, injury, property damage, or other casualty caused by or
1699 resulting from the contractor's actions; and be properly
1700 equipped to perform the services to be provided.

1701 Section 28. Except as otherwise expressly provided in this
1702 act, this act shall take effect July 1, 2021.

1703
1704 ===== T I T L E A M E N D M E N T =====

1705 And the title is amended as follows:

1706 Delete everything before the enacting clause
1707 and insert:

1708 A bill to be entitled
1709 An act relating to operation and safety of motor
1710 vehicles and vessels; amending ss. 316.1932 and
1711 316.1939, F.S.; revising conditions under which a
1712 person's driving privilege is suspended and under
1713 which the person commits a misdemeanor relating to
1714 tests for alcohol, chemical substances, or controlled
1715 substances; specifying such misdemeanor as a
1716 misdemeanor of the first degree; amending s. 327.02,
1717 F.S.; defining the term "human-powered vessel";
1718 revising the definition of the term "navigation
1719 rules"; amending s. 327.04, F.S.; providing additional
1720 rulemaking authority to the Fish and Wildlife
1721 Conservation Commission; creating s. 327.462, F.S.;



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1722 defining terms; authorizing heads of certain entities
1723 to establish temporary protection zones in certain
1724 water bodies for certain purposes; providing
1725 protection zone requirements; requiring reports of
1726 establishment of such protection zones to the
1727 commission and to the appropriate United States Coast
1728 Guard Sector Command; providing report requirements;
1729 providing applicability; providing penalties; amending
1730 ss. 327.352 and 327.359, F.S.; revising conditions
1731 under which a person commits a misdemeanor the first
1732 degree for refusing to submit to certain tests;
1733 creating s. 327.371, F.S.; providing circumstances
1734 under which a person may operate a human-powered
1735 vessel within the boundaries of the marked channel of
1736 the Florida Intracoastal Waterway; providing a
1737 penalty; amending s. 327.391, F.S.; conforming cross-
1738 references; amending s. 327.395, F.S.; removing
1739 authority of the commission to appoint certain
1740 entities to administer a boating safety education
1741 course or temporary certificate examination and issue
1742 certain credentials; exempting certain persons from
1743 the requirement to possess certain documents aboard a
1744 vessel; amending s. 327.4107, F.S.; revising the
1745 conditions under which officers may determine a vessel
1746 is at risk of becoming derelict; authorizing certain
1747 officers to provide notice that a vessel is at risk of
1748 becoming derelict via body camera recordings;
1749 authorizing the commission or certain officers to
1750 relocate at-risk vessels to a certain distance from



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1751 mangroves or vegetation; providing that the commission
1752 or officers are not liable for damages to such
1753 vessels; providing an exception; authorizing the
1754 commission to establish a derelict vessel prevention
1755 program consisting of certain components; authorizing
1756 the commission to adopt rules; providing that such
1757 program is subject to appropriation by the
1758 Legislature; providing for funding; amending s.
1759 327.4108, F.S.; designating Monroe County as an
1760 anchoring limitation area subject to certain
1761 requirements; requiring the commission to adopt rules;
1762 providing applicability; deleting obsolete language;
1763 amending s. 327.4109, F.S.; prohibiting the anchoring
1764 or mooring of a vessel or floating structure within a
1765 certain distance of certain facilities; providing
1766 exceptions; amending s. 327.45, F.S.; authorizing the
1767 commission to establish protection zones where certain
1768 activities are prohibited in or near springs; amending
1769 s. 327.46, F.S.; authorizing a county or municipality
1770 to establish a boating-restricted area within and
1771 around a public mooring field and within certain
1772 portions of the Florida Intracoastal Waterway;
1773 providing an exception with respect to a certain
1774 vessel-exclusion zone; creating s. 327.463, F.S.;
1775 specifying conditions under which a vessel is and is
1776 not operating at slow speed, minimum wake; prohibiting
1777 a person from operating a vessel faster than slow
1778 speed, minimum wake within a certain distance from
1779 other specified vessels; exempting a person from being



1780 cited for a violation under certain circumstances;
1781 providing penalties; providing applicability; amending
1782 s. 327.50, F.S.; authorizing the commission to exempt
1783 vessel owners and operators from certain safety
1784 equipment requirements; amending s. 327.53, F.S.;
1785 requiring the owner or operator of a live-aboard
1786 vessel or houseboat equipped with a marine sanitation
1787 device to maintain a record of the date and location
1788 of each pumpout of the device for a certain period;
1789 conforming a cross-reference; making technical
1790 changes; amending s. 327.54, F.S.; prohibiting a
1791 livery from leasing, hiring, or renting a vessel to a
1792 person required to complete a commission-approved
1793 boating safety education course unless such person
1794 presents certain documentation indicating compliance;
1795 amending s. 327.60, F.S.; authorizing a local
1796 government to enact and enforce regulations allowing
1797 the local law enforcement agency to remove an
1798 abandoned or lost vessel affixed to a public mooring;
1799 amending s. 327.73, F.S.; providing additional
1800 violations that qualify as noncriminal infractions;
1801 providing civil penalties; prohibiting conviction of a
1802 person cited for a violation relating to possessing
1803 proof of boating safety education under certain
1804 circumstances; increasing certain civil penalties;
1805 providing that certain vessels shall be declared a
1806 public nuisance subject to certain statutory
1807 provisions; authorizing the commission or certain
1808 officers to relocate or remove public nuisance vessels



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1809 from the waters of this state; providing that the
1810 commission or officers are not liable for damages to
1811 such vessels; providing an exception; amending s.
1812 328.09, F.S.; prohibiting the Department of Highway
1813 Safety and Motor Vehicles from issuing a certificate
1814 of title to an applicant for a vessel that has been
1815 deemed derelict pursuant to certain provisions;
1816 authorizing the department, at a later date, to reject
1817 an application for a certificate of title for such a
1818 vessel; amending s. 376.15, F.S.; revising unlawful
1819 acts relating to derelict vessels; defining the term
1820 "leave"; prohibiting an owner or operator whose vessel
1821 becomes derelict due to specified accidents or events
1822 from being charged with a violation under certain
1823 circumstances; providing applicability; conforming
1824 provisions to changes made by the act; authorizing a
1825 governmental subdivision that has received
1826 authorization from a law enforcement officer or agency
1827 to direct a contractor to perform vessel storage,
1828 destruction, and disposal activities; authorizing the
1829 commission to provide local government grants for the
1830 storage, destruction, and disposal of derelict
1831 vessels; providing for funding; amending s. 705.103,
1832 F.S.; providing notice procedures for when a law
1833 enforcement officer ascertains that a derelict or
1834 public nuisance vessel is present on the waters of
1835 this state; requiring a mailed notice to the owner or
1836 party responsible for the vessel to inform him or her
1837 of the right to a hearing; providing hearing



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1838 requirements; authorizing a law enforcement agency to
1839 take certain actions if a hearing is not requested or
1840 a vessel is determined to be derelict or otherwise in
1841 violation of law; revising provisions relating to
1842 liability for vessel removal costs and notification of
1843 the amount owed; providing penalties for a person who
1844 is issued a registration for a vessel or motor vehicle
1845 before such costs are paid; requiring persons whose
1846 vessel registration and motor vehicle privileges have
1847 been revoked for failure to pay certain costs to be
1848 reported to the department; prohibiting issuance of a
1849 certificate of registration to such persons until such
1850 costs are paid; amending s. 823.11, F.S.; revising
1851 application of definitions; revising the definition of
1852 the term "derelict vessel"; specifying requirements
1853 for a vessel to be considered wrecked, junked, or
1854 substantially dismantled; providing construction;
1855 revising unlawful acts relating to derelict vessels;
1856 defining the term "leave"; prohibiting an owner or
1857 operator whose vessel becomes derelict due to
1858 specified accidents or events from being charged with
1859 a violation under certain circumstances; providing
1860 applicability; providing that relocation or removal
1861 costs incurred by a governmental subdivision are
1862 recoverable against the vessel owner or the party
1863 determined to be legally responsible for the vessel
1864 being derelict; providing penalties for a person who
1865 is issued a registration for a vessel or motor vehicle
1866 before such costs are paid; authorizing a governmental



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1867 subdivision that has received authorization from a law
1868 enforcement officer or agency to direct a contractor
1869 to perform vessel relocation or removal activities;
1870 providing effective dates.