

By Senator Hutson

7-00598A-21

20211086__

1 A bill to be entitled
2 An act relating to operation and safety of motor
3 vehicles and vessels; amending ss. 316.1932 and
4 316.1939, F.S.; revising conditions under which a
5 person's driving privilege is suspended and under
6 which the person commits a misdemeanor relating to
7 tests for alcohol, chemical substances, or controlled
8 substances; specifying such misdemeanor as a
9 misdemeanor of the first degree; amending s. 327.02,
10 F.S.; defining the term "human-powered vessel";
11 revising the definition of the term "navigation
12 rules"; amending s. 327.04, F.S.; providing additional
13 rulemaking authority to the Fish and Wildlife
14 Conservation Commission; creating s. 327.462, F.S.;
15 providing definitions; authorizing heads of certain
16 entities to establish temporary protection zones in
17 certain water bodies for certain purposes; providing
18 protection zone requirements; requiring reports of
19 establishment of such protection zones to the
20 commission and to the appropriate United States Coast
21 Guard Sector Command; providing report requirements;
22 providing applicability; providing penalties; amending
23 s. 327.352, F.S.; revising conditions under which a
24 person commits a misdemeanor; specifying such
25 misdemeanor as a misdemeanor of the first degree;
26 amending s. 327.359, F.S.; revising conditions under
27 which a person commits a misdemeanor of the first
28 degree; creating s. 327.371, F.S.; providing
29 circumstances under which a person may operate a

7-00598A-21

20211086__

30 human-powered vessel within the boundaries of the
31 marked channel of the Florida Intracoastal Waterway;
32 providing a penalty; amending s. 327.391, F.S.;
33 conforming cross-references; amending s. 327.395,
34 F.S.; prohibiting all persons, beginning on a
35 specified date, from operating a vessel powered by a
36 motor of 10 horsepower or greater unless the person
37 has certain documents in his or her possession aboard
38 the vessel; removing authority of the commission to
39 appoint certain entities to administer a boating
40 safety education course or temporary certificate
41 examination and issue certain credentials; exempting
42 certain persons from the requirement to possess
43 certain documents aboard a vessel; amending s.
44 327.4107, F.S.; authorizing certain officers to
45 provide notice that a vessel is at risk of becoming
46 derelict via body camera recordings; authorizing the
47 commission or certain officers to relocate at-risk
48 vessels to a certain distance from mangroves or
49 vegetation; providing that the commission or officers
50 are not liable for damages to such vessels; providing
51 an exception; authorizing the commission to establish
52 a derelict vessel prevention program consisting of
53 certain components; authorizing the commission to
54 adopt rules; providing that such program is subject to
55 appropriation by the Legislature; providing for
56 funding; amending s. 327.4109, F.S.; prohibiting the
57 anchoring or mooring of a vessel or floating structure
58 within a certain distance of certain facilities;

7-00598A-21

20211086__

59 providing exceptions; amending s. 327.46, F.S.;

60 authorizing a county or municipality to establish a

61 boating-restricted area within and around a public

62 mooring field; creating s. 327.463, F.S.; specifying

63 conditions under which a vessel is and is not

64 operating at slow speed, minimum wake; prohibiting a

65 person from operating a vessel faster than slow speed,

66 minimum wake within a certain distance from other

67 specified vessels; exempting a person from being cited

68 for a violation under certain circumstances; providing

69 penalties; providing applicability; amending s.

70 327.50, F.S.; authorizing the commission to exempt

71 vessel owners and operators from certain safety

72 equipment requirements; creating s. 327.521, F.S.;

73 designating waters of this state as no-discharge zones

74 upon approval by the United States Environmental

75 Protection Agency; prohibiting discharge of sewage

76 from a vessel or floating structure into such waters;

77 providing penalties; declaring a vessel or floating

78 structure that violates such prohibition a nuisance

79 and a hazard to public safety; providing for removal

80 of such vessel or structure from the waters of this

81 state upon a second conviction; providing requirements

82 for removal and sale of such vessel or structure under

83 certain circumstances; defining the term "conviction";

84 amending s. 327.53, F.S.; requiring the owner or

85 operator of a live-aboard vessel or houseboat equipped

86 with a marine sanitation device to maintain a record

87 of the date and location of each pumpout of the device

7-00598A-21

20211086__

88 for a certain period; amending s. 327.54, F.S.;

89 prohibiting a livery from leasing, hiring, or renting

90 a vessel to a person required to complete a

91 commission-approved boating safety education course

92 unless such person presents certain documentation

93 indicating compliance; amending s. 327.60, F.S.;

94 authorizing a local government to enact and enforce

95 regulations allowing the local law enforcement agency

96 to remove an abandoned or lost vessel affixed to a

97 public mooring; amending s. 327.73, F.S.; providing

98 additional violations that qualify as noncriminal

99 infractions; providing civil penalties; prohibiting

100 conviction of a person cited for a violation relating

101 to possessing proof of boating safety education under

102 certain circumstances; increasing certain civil

103 penalties; providing that certain vessels shall be

104 declared a public nuisance subject to certain

105 statutory provisions; authorizing the commission or

106 certain officers to relocate or remove public nuisance

107 vessels from the waters of this state; providing that

108 the commission or officers are not liable for damages

109 to such vessels; providing an exception; amending s.

110 328.09, F.S.; prohibiting the Department of Highway

111 Safety and Motor Vehicles from issuing a certificate

112 of title to an applicant for a vessel that has been

113 deemed derelict pursuant to certain provisions;

114 authorizing the department, at a later date, to reject

115 an application for a certificate of title for such a

116 vessel; amending s. 376.15, F.S.; conforming

7-00598A-21

20211086__

117 provisions to changes made by the act; authorizing a
118 governmental subdivision that has received
119 authorization from a law enforcement officer or agency
120 to direct a contractor to perform vessel relocation or
121 removal activities; providing licensure, insurance,
122 and equipment requirements for such governmental
123 subdivision; authorizing the commission to provide
124 local government grants for destruction and disposal
125 of derelict vessels; providing for funding; amending
126 s. 705.103, F.S.; providing notice procedures for when
127 a law enforcement officer ascertains that a derelict
128 or public nuisance vessel is present on the waters of
129 this state; requiring a mailed notice to the owner or
130 party responsible for the vessel to inform him or her
131 of the right to a hearing; providing hearing
132 requirements; authorizing a law enforcement agency to
133 take certain actions if a hearing is not requested or
134 a vessel is determined to be derelict or otherwise in
135 violation of law; revising provisions relating to
136 liability for vessel removal costs and notification of
137 the amount owed; providing penalties for a person who
138 is issued a registration for a vessel or motor vehicle
139 before such costs are paid; requiring persons whose
140 vessel registration and motor vehicle privileges have
141 been revoked for failure to pay certain costs to be
142 reported to the department; prohibiting issuance of a
143 certificate of registration to such persons until such
144 costs are paid; amending s. 823.11, F.S.; revising
145 application of definitions; revising the definition of

7-00598A-21

20211086__

146 the term "derelict vessel"; specifying requirements
147 for a vessel to be considered wrecked, junked, and
148 substantially dismantled; providing construction;
149 providing that relocation or removal costs incurred by
150 a governmental subdivision are recoverable against the
151 vessel owner; providing penalties for a person who is
152 issued a registration for a vessel or motor vehicle
153 before such costs are paid; authorizing a governmental
154 subdivision that has received authorization from a law
155 enforcement officer or agency to direct a contractor
156 to perform vessel relocation or removal activities;
157 providing licensure, insurance, and equipment
158 requirements for such governmental subdivision;
159 providing effective dates.

160
161 Be It Enacted by the Legislature of the State of Florida:
162

163 Section 1. Paragraphs (a) and (c) of subsection (1) of
164 section 316.1932, Florida Statutes, are amended to read:

165 316.1932 Tests for alcohol, chemical substances, or
166 controlled substances; implied consent; refusal.-

167 (1) (a) 1.a. A ~~Any~~ person who accepts the privilege extended
168 by the laws of this state of operating a motor vehicle within
169 this state is, by ~~so~~ operating such vehicle, deemed to have
170 given his or her consent to submit to an approved chemical test
171 or physical test including, but not limited to, an infrared
172 light test of his or her breath for the purpose of determining
173 the alcoholic content of his or her blood or breath if the
174 person is lawfully arrested for any offense allegedly committed

7-00598A-21

20211086__

175 while the person was driving or was in actual physical control
176 of a motor vehicle while under the influence of alcoholic
177 beverages. The chemical or physical breath test must be
178 incidental to a lawful arrest and administered at the request of
179 a law enforcement officer who has reasonable cause to believe
180 such person was driving or was in actual physical control of the
181 motor vehicle within this state while under the influence of
182 alcoholic beverages. The administration of a breath test does
183 not preclude the administration of another type of test. The
184 person shall be told that his or her failure to submit to any
185 lawful test of his or her breath will result in the suspension
186 of the person's privilege to operate a motor vehicle for a
187 period of 1 year for a first refusal, or for a period of 18
188 months if the driving privilege of such person has been
189 previously suspended or if he or she has previously been fined
190 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a
191 test or tests required under this chapter or chapter 327, and
192 shall also be told that if he or she refuses to submit to a
193 lawful test of his or her breath and his or her driving
194 privilege has been previously suspended or if he or she has
195 previously been fined under s. 327.35215 for a prior refusal to
196 submit to a lawful test of his or her breath, urine, or blood as
197 required under this chapter or chapter 327, he or she commits a
198 misdemeanor of the first degree, punishable as provided in s.
199 775.082 or s. 775.083, in addition to any other penalties
200 provided by law. The refusal to submit to a chemical or physical
201 breath test upon the request of a law enforcement officer as
202 provided in this section is admissible into evidence in any
203 criminal proceeding.

7-00598A-21

20211086__

204 b. A ~~Any~~ person who accepts the privilege extended by the
205 laws of this state of operating a motor vehicle within this
206 state is, by ~~se~~ operating such vehicle, deemed to have given his
207 or her consent to submit to a urine test for the purpose of
208 detecting the presence of chemical substances as set forth in s.
209 877.111 or controlled substances if the person is lawfully
210 arrested for any offense allegedly committed while the person
211 was driving or was in actual physical control of a motor vehicle
212 while under the influence of chemical substances or controlled
213 substances. The urine test must be incidental to a lawful arrest
214 and administered at a detention facility or any other facility,
215 mobile or otherwise, which is equipped to administer such tests
216 at the request of a law enforcement officer who has reasonable
217 cause to believe such person was driving or was in actual
218 physical control of a motor vehicle within this state while
219 under the influence of chemical substances or controlled
220 substances. The urine test shall be administered at a detention
221 facility or any other facility, mobile or otherwise, which is
222 equipped to administer such test in a reasonable manner that
223 will ensure the accuracy of the specimen and maintain the
224 privacy of the individual involved. The administration of a
225 urine test does not preclude the administration of another type
226 of test. The person shall be told that his or her failure to
227 submit to any lawful test of his or her urine will result in the
228 suspension of the person's privilege to operate a motor vehicle
229 for a period of 1 year for the first refusal, or for a period of
230 18 months if the driving privilege of such person has been
231 previously suspended or if he or she has previously been fined
232 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a

7-00598A-21

20211086__

233 test or tests required under this chapter or chapter 327, and
234 shall also be told that if he or she refuses to submit to a
235 lawful test of his or her urine and his or her driving privilege
236 has been previously suspended or if he or she has previously
237 been fined under s. 327.35215 for a prior refusal to submit to a
238 lawful test of his or her breath, urine, or blood as required
239 under this chapter or chapter 327, he or she commits a
240 misdemeanor of the first degree, punishable as provided in s.
241 775.082 or s. 775.083, in addition to any other penalties
242 provided by law. The refusal to submit to a urine test upon the
243 request of a law enforcement officer as provided in this section
244 is admissible into evidence in any criminal proceeding.

245 2. The Alcohol Testing Program within the Department of Law
246 Enforcement is responsible for the regulation of the operation,
247 inspection, and registration of breath test instruments utilized
248 under the driving and boating under the influence provisions and
249 related provisions located in this chapter and chapters 322 and
250 327. The program is responsible for the regulation of the
251 individuals who operate, inspect, and instruct on the breath
252 test instruments utilized in the driving and boating under the
253 influence provisions and related provisions located in this
254 chapter and chapters 322 and 327. The program is further
255 responsible for the regulation of blood analysts who conduct
256 blood testing to be utilized under the driving and boating under
257 the influence provisions and related provisions located in this
258 chapter and chapters 322 and 327. The program shall:

259 a. Establish uniform criteria for the issuance of permits
260 to breath test operators, agency inspectors, instructors, blood
261 analysts, and instruments.

7-00598A-21

20211086__

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

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

267 d. Establish uniform requirements for instruction and
268 curricula for the operation and inspection of approved
269 instruments.

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

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

274 g. Have the authority to approve or disapprove breath test
275 instruments and accompanying paraphernalia for use pursuant to
276 the driving and boating under the influence provisions and
277 related provisions located in this chapter and chapters 322 and
278 327.

279 h. With the approval of the executive director of the
280 Department of Law Enforcement, make and enter into contracts and
281 agreements with other agencies, organizations, associations,
282 corporations, individuals, or federal agencies as are necessary,
283 expedient, or incidental to the performance of duties.

284 i. Issue final orders which include findings of fact and
285 conclusions of law and which constitute final agency action for
286 the purpose of chapter 120.

287 j. Enforce compliance with the provisions of this section
288 through civil or administrative proceedings.

289 k. Make recommendations concerning any matter within the
290 purview of this section, this chapter, chapter 322, or chapter

7-00598A-21

20211086__

291 327.

292 1. Promulgate rules for the administration and
293 implementation of this section, including definitions of terms.

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

296 n. Have the authority to approve the type of blood test
297 utilized under the driving and boating under the influence
298 provisions and related provisions located in this chapter and
299 chapters 322 and 327.

300 o. Have the authority to specify techniques and methods for
301 breath alcohol testing and blood testing utilized under the
302 driving and boating under the influence provisions and related
303 provisions located in this chapter and chapters 322 and 327.

304 p. Have the authority to approve repair facilities for the
305 approved breath test instruments, including the authority to set
306 criteria for approval.

307
308 Nothing in this section shall be construed to supersede
309 provisions in this chapter and chapters 322 and 327. The
310 specifications in this section are derived from the power and
311 authority previously and currently possessed by the Department
312 of Law Enforcement and are enumerated to conform with the
313 mandates of chapter 99-379, Laws of Florida.

314 (c) A ~~Any~~ person who accepts the privilege extended by the
315 laws of this state of operating a motor vehicle within this
316 state is, by operating such vehicle, deemed to have given his or
317 her consent to submit to an approved blood test for the purpose
318 of determining the alcoholic content of the blood or a blood
319 test for the purpose of determining the presence of chemical

7-00598A-21

20211086__

320 substances or controlled substances as provided in this section
321 if there is reasonable cause to believe the person was driving
322 or in actual physical control of a motor vehicle while under the
323 influence of alcoholic beverages or chemical or controlled
324 substances and the person appears for treatment at a hospital,
325 clinic, or other medical facility and the administration of a
326 breath or urine test is impractical or impossible. As used in
327 this paragraph, the term "other medical facility" includes an
328 ambulance or other medical emergency vehicle. The blood test
329 shall be performed in a reasonable manner. A ~~Any~~ person who is
330 incapable of refusal by reason of unconsciousness or other
331 mental or physical condition is deemed not to have withdrawn his
332 or her consent to such test. A blood test may be administered
333 whether or not the person is told that his or her failure to
334 submit to such a blood test will result in the suspension of the
335 person's privilege to operate a motor vehicle upon the public
336 highways of this state and that a refusal to submit to a lawful
337 test of his or her blood, if his or her driving privilege has
338 been previously suspended for refusal to submit to a lawful test
339 of his or her breath, urine, or blood, is a misdemeanor. A ~~Any~~
340 person who is capable of refusal shall be told that his or her
341 failure to submit to such a blood test will result in the
342 suspension of the person's privilege to operate a motor vehicle
343 for a period of 1 year for a first refusal, or for a period of
344 18 months if the driving privilege of the person has been
345 suspended previously or if he or she has previously been fined
346 under s. 327.35215 as a result of a refusal to submit to ~~such a~~
347 test or tests required under this chapter or chapter 327, ~~and~~
348 ~~that a refusal to submit to a lawful test of his or her blood,~~

7-00598A-21

20211086__

349 ~~if his or her driving privilege has been previously suspended~~
350 ~~for a prior refusal to submit to a lawful test of his or her~~
351 ~~breath, urine, or blood, is a misdemeanor.~~ The refusal to submit
352 to a blood test upon the request of a law enforcement officer is
353 admissible in evidence in any criminal proceeding.

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

356 316.1939 Refusal to submit to testing; penalties.—

357 (1) A ~~Any~~ person who has refused to submit to a chemical or
358 physical test of his or her breath, ~~blood,~~ or urine, as
359 described in s. 316.1932, and whose driving privilege was
360 previously suspended or who was previously fined under s.
361 327.35215 for a prior refusal to submit to a lawful test of his
362 or her breath, urine, or blood required under this chapter or
363 chapter 327, and:

364 (a) Who the arresting law enforcement officer had probable
365 cause to believe was driving or in actual physical control of a
366 motor vehicle in this state while under the influence of
367 alcoholic beverages, chemical substances, or controlled
368 substances;

369 (b) Who was placed under lawful arrest for a violation of
370 s. 316.193 unless such test was requested pursuant to s.
371 316.1932(1)(c);

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

376 (d) Who was informed that a refusal to submit to a lawful
377 test of his or her breath or, urine, ~~or blood,~~ if his or her

7-00598A-21

20211086__

378 driving privilege has been previously suspended or if he or she
379 has previously been fined under s. 327.35215 for a prior refusal
380 to submit to a lawful test of his or her breath, urine, or blood
381 as required under this chapter or chapter 327, is a misdemeanor
382 of the first degree, punishable as provided in s. 775.082 or s.
383 775.083, in addition to any other penalties provided by law; and

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

387

388 commits a misdemeanor of the first degree and is subject to
389 punishment as provided in s. 775.082 or s. 775.083.

390 Section 3. Present subsections (18) through (47) of section
391 327.02, Florida Statutes, are redesignated as subsections (19)
392 through (48), respectively, a new subsection (18) is added to
393 that section, and present subsection (31) of that section is
394 amended, to read:

395 327.02 Definitions.—As used in this chapter and in chapter
396 328, unless the context clearly requires a different meaning,
397 the term:

398 (18) "Human-powered vessel" means a vessel powered only by
399 its occupant or occupants, including, but not limited to, a
400 vessel powered only by the occupants' hands or feet, oars, or
401 paddles.

402 (32)~~(31)~~ "Navigation rules" means, for vessels on:

403 (a) Waters outside established navigational lines of
404 demarcation as specified in 33 C.F.R. part 80, the International
405 Navigational Rules Act of 1977, 33 U.S.C. s. 1602, as amended,
406 including the appendix and annexes thereto, through December 31,

7-00598A-21

20211086__

407 ~~2020 October 1, 2012.~~

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

412 Section 4. Section 327.04, Florida Statutes, is amended to
413 read:

414 327.04 Rules.—The commission may ~~has authority to~~ adopt
415 rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~
416 ~~provisions of this chapter,~~ the provisions of chapter 705
417 relating to vessels, and ss. 376.15 and 823.11 conferring powers
418 or duties upon it.

419 Section 5. Section 327.462, Florida Statutes, is created to
420 read:

421 327.462 Temporary protection zones for spaceflight launches
422 and recovery of spaceflight assets.—

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

424 (a) "Launch services" means the conduct of a launch and
425 activities involved in the preparation of a launch vehicle,
426 payload, government astronaut, commercial astronaut, or
427 spaceflight participant for such launch.

428 (b) "Reentry services" means the conduct of a reentry and
429 activities involved in the preparation of a reentry vehicle,
430 payload, government astronaut, commercial astronaut, or
431 spaceflight participant for such reentry.

432 (c) "Spaceflight assets" means any item, or any part of an
433 item, owned by a spaceflight entity which is used in launch
434 services or reentry services, including crewed and uncrewed
435 spacecraft, launch vehicles, parachutes and other landing aids,

7-00598A-21

20211086__

436 and any spacecraft or ancillary equipment that was attached to
437 the launch vehicle during launch, orbit, or reentry.

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

440 (2) The head of a law enforcement agency or entity
441 identified in s. 327.70(1), or his or her designee, may, upon
442 waters of this state within the law enforcement agency's or
443 entity's jurisdiction, when necessary for preparations in
444 advance of a launch service or reentry service, or for the
445 recovery of spaceflight assets before or after a launch service
446 or reentry service, temporarily establish a protection zone
447 requiring vessels to leave, or prohibiting vessels from
448 entering, water bodies within:

449 (a) Five hundred yards of where launch services, reentry
450 services, or spaceflight asset recovery operations are being
451 conducted; or

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

456 (3) A protection zone established under subsection (2) may
457 remain in effect only as long as necessary to ensure security
458 around the launch and recovery areas and to recover spaceflight
459 assets and any personnel being transported within a spacecraft
460 following the launch or reentry activity. Such protection zone
461 may not be in place more than 72 hours before or 72 hours after
462 the launch. The head of a law enforcement agency or entity
463 identified in s. 327.70(1), or his or her designee, may also
464 restrict vessels from operating within up to 500 yards of any

7-00598A-21

20211086__

465 vessel transporting recovered spaceflight assets following a
466 spaceflight launch or reentry while such vessel is continuously
467 underway transporting such assets to a location for removal from
468 the waters of this state.

469 (4) The head of a law enforcement agency or entity
470 establishing a protection zone under this section, or his or her
471 designee, must report the establishment of such protection zone
472 via e-mail to the commission's Division of Law Enforcement,
473 Boating and Waterways Section, and to the appropriate United
474 States Coast Guard Sector Command having responsibility over the
475 water body, at least 72 hours before establishment of the
476 protection zone. Such report must include the reasons for the
477 protection zone, the portion of the water body or water bodies
478 that will be included in the protection zone, and the duration
479 of the protection zone. No later than 72 hours after the end of
480 the protection zone period, the head of the law enforcement
481 agency or entity, or his or her designee, must report via e-mail
482 to the commission's Division of Law Enforcement, Boating and
483 Waterways Section, the details of all citations issued for
484 violating the protection zone.

485 (5) This section applies only to launch services, reentry
486 services, or the recovery of spaceflight assets occurring or
487 originating within spaceport territory, as defined in s.
488 331.304, and to federally licensed or federally authorized
489 launches and reentries occurring or transiting to an end
490 destination upon waters of this state.

491 (6) A person who violates this section or any directive
492 given by a law enforcement officer relating to the establishment
493 of a protection zone under this section after being advised of

7-00598A-21

20211086__

494 the establishment of the protection zone commits a misdemeanor
495 of the second degree, punishable as provided in s. 775.082 or s.
496 775.083.

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

499 327.352 Tests for alcohol, chemical substances, or
500 controlled substances; implied consent; refusal.-

501 (1)(a)1. The Legislature declares that the operation of a
502 vessel is a privilege that must be exercised in a reasonable
503 manner. In order to protect the public health and safety, it is
504 essential that a lawful and effective means of reducing the
505 incidence of boating while impaired or intoxicated be
506 established. Therefore, a ~~any~~ person who accepts the privilege
507 extended by the laws of this state of operating a vessel within
508 this state is, by ~~so~~ operating such vessel, deemed to have given
509 his or her consent to submit to an approved chemical test or
510 physical test including, but not limited to, an infrared light
511 test of his or her breath for the purpose of determining the
512 alcoholic content of his or her blood or breath if the person is
513 lawfully arrested for any offense allegedly committed while the
514 person was operating a vessel while under the influence of
515 alcoholic beverages. The chemical or physical breath test must
516 be incidental to a lawful arrest and administered at the request
517 of a law enforcement officer who has reasonable cause to believe
518 such person was operating the vessel within this state while
519 under the influence of alcoholic beverages. The administration
520 of a breath test does not preclude the administration of another
521 type of test. The person shall be told that his or her failure
522 to submit to any lawful test of his or her breath under this

7-00598A-21

20211086__

523 chapter will result in a civil penalty of \$500, and shall also
524 be told that if he or she refuses to submit to a lawful test of
525 his or her breath and he or she has been previously fined under
526 s. 327.35215 or has previously had his or her driver license
527 suspended under s. 322.2615 for refusal to submit to any lawful
528 test of his or her breath, urine, or blood, he or she commits a
529 misdemeanor of the first degree, punishable as provided in s.
530 775.082 or s. 775.083, in addition to any other penalties
531 provided by law. The refusal to submit to a chemical or physical
532 breath test upon the request of a law enforcement officer as
533 provided in this section is admissible into evidence in any
534 criminal proceeding.

535 2. A ~~Any~~ person who accepts the privilege extended by the
536 laws of this state of operating a vessel within this state is,
537 by ~~se~~ operating such vessel, deemed to have given his or her
538 consent to submit to a urine test for the purpose of detecting
539 the presence of chemical substances as set forth in s. 877.111
540 or controlled substances if the person is lawfully arrested for
541 any offense allegedly committed while the person was operating a
542 vessel while under the influence of chemical substances or
543 controlled substances. The urine test must be incidental to a
544 lawful arrest and administered at a detention facility or any
545 other facility, mobile or otherwise, which is equipped to
546 administer such tests at the request of a law enforcement
547 officer who has reasonable cause to believe such person was
548 operating a vessel within this state while under the influence
549 of chemical substances or controlled substances. The urine test
550 shall be administered at a detention facility or any other
551 facility, mobile or otherwise, which is equipped to administer

7-00598A-21

20211086__

552 such test in a reasonable manner that will ensure the accuracy
553 of the specimen and maintain the privacy of the individual
554 involved. The administration of a urine test does not preclude
555 the administration of another type of test. The person shall be
556 told that his or her failure to submit to any lawful test of his
557 or her urine under this chapter will result in a civil penalty
558 of \$500, and shall also be told that if he or she refuses to
559 submit to a lawful test of his or her urine and he or she has
560 been previously fined under s. 327.35215 or has previously had
561 his or her driver license suspended under s. 322.2615 for
562 refusal to submit to any lawful test of his or her breath,
563 urine, or blood, he or she commits a misdemeanor of the first
564 degree, punishable as provided in s. 775.082 or s. 775.083, in
565 addition to any other penalties provided by law. The refusal to
566 submit to a urine test upon the request of a law enforcement
567 officer as provided in this section is admissible into evidence
568 in any criminal proceeding.

569 (c) A ~~Any~~ person who accepts the privilege extended by the
570 laws of this state of operating a vessel within this state is,
571 by operating such vessel, deemed to have given his or her
572 consent to submit to an approved blood test for the purpose of
573 determining the alcoholic content of the blood or a blood test
574 for the purpose of determining the presence of chemical
575 substances or controlled substances as provided in this section
576 if there is reasonable cause to believe the person was operating
577 a vessel while under the influence of alcoholic beverages or
578 chemical or controlled substances and the person appears for
579 treatment at a hospital, clinic, or other medical facility and
580 the administration of a breath or urine test is impractical or

7-00598A-21

20211086__

581 impossible. As used in this paragraph, the term "other medical
582 facility" includes an ambulance or other medical emergency
583 vehicle. The blood test shall be performed in a reasonable
584 manner. A ~~Any~~ person who is incapable of refusal by reason of
585 unconsciousness or other mental or physical condition is deemed
586 not to have withdrawn his or her consent to such test. A ~~Any~~
587 person who is capable of refusal shall be told that his or her
588 failure to submit to such a blood test will result in a civil
589 penalty of \$500 ~~and that a refusal to submit to a lawful test of~~
590 ~~his or her blood, if he or she has previously been fined for~~
591 ~~refusal to submit to any lawful test of his or her breath,~~
592 ~~urine, or blood, is a misdemeanor.~~ The refusal to submit to a
593 blood test upon the request of a law enforcement officer shall
594 be admissible in evidence in any criminal proceeding.

595 Section 7. Section 327.359, Florida Statutes, is amended to
596 read:

597 327.359 Refusal to submit to testing; penalties.—A ~~Any~~
598 person who has refused to submit to a chemical or physical test
599 of his or her breath, ~~blood,~~ or urine, as described in s.
600 327.352, and who has been previously fined under s. 327.35215 or
601 has previously had his or her driver license suspended under s.
602 322.2615 for refusal to submit to a lawful test of his or her
603 breath, urine, or blood, and:

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

608 (2) Who was placed under lawful arrest for a violation of
609 s. 327.35 unless such test was requested pursuant to s.

7-00598A-21

20211086__

610 327.352 (1) (c);

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

613 (4) Who was informed that a refusal to submit to a lawful
614 test of his or her breath or, ~~urine, or blood,~~ if he or she has
615 been previously fined under s. 327.35215 or has previously had
616 his or her driver license suspended under s. 322.2615 for
617 refusal to submit to a lawful test of his or her breath, urine,
618 or blood, is a misdemeanor of the first degree, punishable as
619 provided in s. 775.082 or s. 775.083; and

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

623
624 commits a misdemeanor of the first degree, punishable and is
625 ~~subject to punishment~~ as provided in s. 775.082 or s. 775.083.

626 Section 8. Section 327.371, Florida Statutes, is created to
627 read:

628 327.371 Human-powered vessels regulated.-

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

632 (a) When the marked channel is the only navigable portion
633 of the waterway available due to vessel congestion or
634 obstructions on the water. The operator of the human-powered
635 vessel shall proceed with diligence to a location where he or
636 she may safely operate the vessel outside the marked channel of
637 the Florida Intracoastal Waterway.

638 (b) When crossing the marked channel, provided that the

7-00598A-21

20211086__

639 crossing is done in the most direct, continuous, and expeditious
640 manner possible and does not interfere with other vessel traffic
641 in the channel.

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

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

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

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

651 327.391 Airboats regulated.—

652 (1) The exhaust of every internal combustion engine used on
653 any airboat operated on the waters of this state shall be
654 provided with an automotive-style factory muffler, underwater
655 exhaust, or other manufactured device capable of adequately
656 muffling the sound of the exhaust of the engine as described in
657 s. 327.02(31) ~~s. 327.02(30)~~. The use of cutouts or flex pipe as
658 the sole source of muffling is prohibited, except as provided in
659 subsection (4). A ~~Any~~ person who violates this subsection
660 commits a noncriminal infraction, punishable as provided in s.
661 327.73(1).

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

- 666 1. A photographic identification card.
667 2. Proof of completion of a boater education course that

7-00598A-21

20211086__

668 complies with s. 327.395(2)(a) ~~s. 327.395(1)(a)~~. Except as
669 provided in paragraph (b), no operator is exempt from this
670 requirement, regardless of age or the exemptions provided under
671 s. 327.395.

672 3. Proof of successful completion of a commission-approved
673 airboat operator course that meets the minimum standards
674 established by commission rule.

675 4. Proof of successful course completion in cardiopulmonary
676 resuscitation and first aid.

677 (b) A person issued a captain's license by the United
678 States Coast Guard is not required to complete a boating safety
679 education course that complies with s. 327.395(2)(a) ~~s.~~
680 ~~327.395(1)(a)~~. Proof of the captain's license must be onboard
681 the airboat when carrying one or more passengers for hire on
682 waters of the state.

683 Section 10. Section 327.395, Florida Statutes, is amended
684 to read:

685 327.395 Boating safety education.—

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

690 (b) Beginning January 1, 2023, a person, regardless of his
691 or her date of birth, may not operate a vessel powered by a
692 motor of 10 horsepower or greater unless such person has in his
693 or her possession aboard the vessel the documents required by
694 subsection (2).

695 (2) While operating a vessel, a person must have in his or
696 her possession aboard the vessel photographic identification and

7-00598A-21

20211086__

697 a boating safety identification card issued by the commission, a
698 state-issued identification card or driver license indicating
699 possession of the boating safety identification card, or
700 photographic identification and a temporary certificate issued
701 or approved by the commission, which shows that he or she has:

702 (a) Completed a commission-approved boating safety
703 education course that meets the minimum requirements established
704 by the National Association of State Boating Law Administrators;
705 or

706 (b) Passed a temporary certificate examination developed or
707 approved by the commission.

708 (3)~~(2)~~ (a) A person may obtain a boating safety
709 identification card by successfully completing a boating safety
710 education course that meets the requirements of this section and
711 rules adopted by the commission pursuant to this section.

712 (b) A person may obtain a temporary certificate by passing
713 a temporary certificate examination that meets the requirements
714 of this section and rules adopted by the commission pursuant to
715 this section.

716 (4)~~(3)~~ A Any commission-approved boating safety education
717 course or temporary certificate examination developed or
718 approved by the commission must include a component regarding
719 diving vessels, awareness of divers in the water, divers-down
720 warning devices, and the requirements of s. 327.331.

721 ~~(4) The commission may appoint liveries, marinas, or other~~
722 ~~persons as its agents to administer the course or temporary~~
723 ~~certificate examination and issue identification cards or~~
724 ~~temporary certificates in digital, electronic, or paper format~~
725 ~~under guidelines established by the commission. An agent must~~

7-00598A-21

20211086__

726 ~~charge the \$2 examination fee, which must be forwarded to the~~
727 ~~commission with proof of passage of the examination and may~~
728 ~~charge and keep a \$1 service fee.~~

729 (5) A boating safety identification card issued to a person
730 who has completed a boating safety education course is valid for
731 life. A temporary certificate issued to a person who has passed
732 a temporary certification examination is valid for 90 days after
733 the date of issuance. The commission may issue either the
734 boating safety identification card or the temporary certificate
735 in a digital, electronic, or paper format.

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

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

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

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

744 (c) Is accompanied in the vessel by a person who is exempt
745 from this section or who holds a boating safety identification
746 card in compliance with this section, who is 18 years of age or
747 older, and who is attendant to the operation of the vessel and
748 responsible for the safe operation of the vessel and for any
749 violation that occurs during the operation of the vessel.

750 (d) Is a nonresident who has in his or her possession
751 photographic identification and proof that he or she has
752 completed a boating safety education course or equivalency
753 examination in another state or a United States territory which
754 meets or exceeds the minimum requirements established by the

7-00598A-21

20211086__

755 National Association of State Boating Law Administrators.

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

759 (f) Is operating a vessel within 90 days after completing a
760 boating safety education course in accordance with paragraph
761 (2) (a) ~~the requirements of paragraph (1) (a)~~ and has a
762 photographic identification card and a boating safety education
763 certificate available for inspection as proof of having
764 completed a boating safety education course. The boating safety
765 education certificate must provide, at a minimum, the student's
766 first and last name, the student's date of birth, and the date
767 that he or she passed the course examination.

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

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

772 (8) The commission shall institute and coordinate a
773 statewide program of boating safety instruction and
774 certification to ensure that boating safety courses and
775 examinations are available in each county of the state. The
776 commission may appoint agents to administer the boating safety
777 education course or temporary certificate examination and may
778 authorize the agents to issue temporary certificates in digital,
779 electronic, or paper format. An agent ~~The agents~~ shall charge
780 and collect the \$2 fee required in subsection (9) for each
781 temporary certificate requested of the commission by that agent,
782 which must be forwarded to the commission. The agent may charge
783 and keep a \$1 service fee.

7-00598A-21

20211086__

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

787 (10) The commission shall design forms and adopt rules
788 pursuant to chapter 120 to implement ~~the provisions of~~ this
789 section.

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

792 Section 11. Present subsection (5) of section 327.4107,
793 Florida Statutes, is redesignated as subsection (6), paragraph
794 (e) of subsection (2) of that section is amended, and a new
795 subsection (5) and subsection (7) are added to that section, to
796 read:

797 327.4107 Vessels at risk of becoming derelict on waters of
798 this state.—

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

803 (e) The vessel does not have an effective means of
804 propulsion for safe navigation within 72 hours after the vessel
805 owner or operator receives telephonic notice, in-person notice
806 recorded on an agency-approved body camera, or written notice,
807 which may be provided by facsimile, electronic mail, or other
808 electronic means, stating such from an officer, and the vessel
809 owner or operator is unable to provide a receipt, proof of
810 purchase, or other documentation of having ordered necessary
811 parts for vessel repair. The commission may adopt rules to
812 implement this paragraph.

7-00598A-21

20211086__

813 (5) The commission, an officer of the commission, or a law
814 enforcement agency or officer specified in s. 327.70 may
815 relocate or cause to be relocated an at-risk vessel found to be
816 in violation of this section to a distance greater than 20 feet
817 from a mangrove or upland vegetation. The commission, an officer
818 of the commission, or a law enforcement agency or officer acting
819 pursuant to this subsection upon waters of this state shall be
820 held harmless for all damages to the at-risk vessel resulting
821 from such relocation unless the damage results from gross
822 negligence or willful misconduct as these terms are defined in
823 s. 823.11.

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

827 (a) Removal, relocation, and destruction of vessels
828 declared a public nuisance, derelict or at risk of becoming
829 derelict, or lost or abandoned in accordance with s. 327.521(2),
830 s. 327.53(7), s. 327.73(1)(aa), s. 705.103(2) and (4), or s.
831 823.11(3).

832 (b) Creation of a vessel turn-in program allowing the owner
833 of a vessel determined by law enforcement to be at risk of
834 becoming derelict in accordance with this section to turn his or
835 her vessel and vessel title over to the commission to be
836 destroyed without penalty.

837 (c) Providing for removal and destruction of an abandoned
838 vessel for which an owner cannot be identified or the owner of
839 which is deceased and no heir is interested in acquiring the
840 vessel.

841 (d) Purchase of anchor line, anchors, and other equipment

7-00598A-21

20211086__

842 necessary for securing vessels at risk of becoming derelict.

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

845
846 The derelict vessel prevention program created pursuant to this
847 subsection may include other preventative efforts and methods as
848 determined appropriate and necessary by the commission. The
849 commission may adopt rules to implement this subsection.

850 Implementation of the derelict vessel prevention program shall
851 be subject to appropriation by the Legislature and shall be
852 funded by the Marine Resources Conservation Trust Fund or the
853 Florida Coastal Protection Trust Fund.

854 Section 12. Paragraph (a) of subsection (1) and subsection
855 (2) of section 327.4109, Florida Statutes, are amended to read:
856 327.4109 Anchoring or mooring prohibited; exceptions;
857 penalties.—

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

861 1. Within 150 feet of any public or private marina, boat
862 ramp, boatyard, or other public vessel launching or loading
863 facility;

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

868 3. Within 100 feet outward from the marked boundary of a
869 public mooring field or a lesser distance if approved by the
870 commission upon request of a local government within which the

7-00598A-21

20211086__

871 mooring field is located. The commission may adopt rules to
872 implement this subparagraph.

873 (2) Notwithstanding subsection (1), an owner or operator of
874 a vessel may anchor or moor within 150 feet of any public or
875 private marina, boat ramp, boatyard, or other public vessel
876 launching or loading facility; within 300 feet of a superyacht
877 repair facility; or within 100 feet outward from the marked
878 boundary of a public mooring field if:

879 (a) The vessel suffers a mechanical failure that poses an
880 unreasonable risk of harm to the vessel or the persons onboard
881 such vessel. The owner or operator of the vessel may anchor or
882 moor for 5 business days or until the vessel is repaired,
883 whichever occurs first.

884 (b) Imminent or existing weather conditions in the vicinity
885 of the vessel pose an unreasonable risk of harm to the vessel or
886 the persons onboard such vessel. The owner or operator of the
887 vessel may anchor or moor until weather conditions no longer
888 pose such risk. During a hurricane or tropical storm, weather
889 conditions are deemed to no longer pose an unreasonable risk of
890 harm when the hurricane or tropical storm warning affecting the
891 area has expired.

892 Section 13. Paragraph (b) of subsection (1) of section
893 327.46, Florida Statutes, is amended to read:

894 327.46 Boating-restricted areas.—

895 (1) Boating-restricted areas, including, but not limited
896 to, restrictions of vessel speeds and vessel traffic, may be
897 established on the waters of this state for any purpose
898 necessary to protect the safety of the public if such
899 restrictions are necessary based on boating accidents,

7-00598A-21

20211086__

900 visibility, hazardous currents or water levels, vessel traffic
901 congestion, or other navigational hazards or to protect
902 seagrasses on privately owned submerged lands.

903 (b) Municipalities and counties may ~~have the authority to~~
904 establish the following boating-restricted areas by ordinance:

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

907 a. Within 500 feet of any boat ramp, hoist, marine railway,
908 or other launching or landing facility available for use by the
909 general boating public on waterways more than 300 feet in width
910 or within 300 feet of any boat ramp, hoist, marine railway, or
911 other launching or landing facility available for use by the
912 general boating public on waterways not exceeding 300 feet in
913 width.

914 b. Within 500 feet of fuel pumps or dispensers at any
915 marine fueling facility that sells motor fuel to the general
916 boating public on waterways more than 300 feet in width or
917 within 300 feet of the fuel pumps or dispensers at any licensed
918 terminal facility that sells motor fuel to the general boating
919 public on waterways not exceeding 300 feet in width.

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

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

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

924 b. Within 300 feet of any bridge span presenting a vertical
925 clearance of less than 25 feet or a horizontal clearance of less
926 than 100 feet.

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

7-00598A-21

20211086__

929 shoreline.

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

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

934 3. An ordinance establishing a vessel-exclusion zone if the
935 area is:

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

937 b. Within 300 feet of a dam, spillway, or flood control
938 structure.

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

944 Section 14. Section 327.463, Florida Statutes, is created
945 to read:

946 327.463 Special hazards.—

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

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

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

950 and

951 2. Proceeding without wake or with minimum wake.

952
953 A vessel that is operating at slow speed, minimum wake may not
954 proceed at a speed greater than a speed that is reasonable and
955 prudent to avoid the creation of an excessive wake or other
956 hazardous condition under the existing circumstances.

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

7-00598A-21

20211086__

958 1. Operating on plane;

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

961 3. Operating at a speed that creates a wake that
962 unreasonably or unnecessarily endangers other vessels.

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

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

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

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

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

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

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

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

986 (c) In periods of low visibility, including any time

7-00598A-21

20211086__

987 between 30 minutes after sunset and 30 minutes before sunrise, a
988 person may not be cited for a violation of this subsection
989 unless the orange flag is illuminated and visible from a
990 distance of at least 2 nautical miles. Such illumination does
991 not relieve the construction vessel or barge from complying with
992 all navigation rules.

993 (4) (a) A person operating a vessel in violation of this
994 section commits a noncriminal infraction, punishable as provided
995 in s. 327.73.

996 (b) The owner of, or party who is responsible for, a
997 construction vessel or barge who displays an orange flag on the
998 vessel or barge when it is not actively engaged in construction
999 operations commits a noncriminal infraction, punishable as
1000 provided in s. 327.73.

1001 (5) The speed and penalty provisions of this section do not
1002 apply to a law enforcement, firefighting, or rescue vessel that
1003 is owned or operated by a governmental entity.

1004 Section 15. Paragraph (a) of subsection (1) of section
1005 327.50, Florida Statutes, is amended to read:

1006 327.50 Vessel safety regulations; equipment and lighting
1007 requirements.—

1008 (1) (a) The owner and operator of every vessel on the waters
1009 of this state shall carry, store, maintain, and use safety
1010 equipment in accordance with current United States Coast Guard
1011 safety equipment requirements as specified in the Code of
1012 Federal Regulations, unless expressly exempted by the commission
1013 department.

1014 Section 16. Section 327.521, Florida Statutes, is created
1015 to read:

7-00598A-21

20211086__

1016 327.521 No-discharge zones.—Effective upon approval by the
1017 United States Environmental Protection Agency of a no-discharge
1018 zone determination for the waters of the United States within
1019 the territorial limits of this state:

1020 (1) All waters of this state are designated no-discharge
1021 zones. A person may not discharge sewage of any type, whether
1022 treated or untreated, from any vessel or floating structure into
1023 waters of this state. A person who violates this subsection
1024 commits a noncriminal infraction, punishable by a civil penalty
1025 of up to \$250. If any discharge prohibited by this subsection is
1026 ongoing or continuous, the person may be assessed a penalty of
1027 up to \$250 for each day the violation continues.

1028 (2) A vessel or floating structure in violation of this
1029 section is declared a nuisance and a hazard to public safety and
1030 health. The owner or operator of a vessel or floating structure
1031 convicted a second time for violating this section shall, within
1032 30 days following the conviction, remove the vessel or floating
1033 structure from the waters of this state. If the vessel or
1034 floating structure remains on the waters of this state in
1035 violation of this subsection, law enforcement officers charged
1036 with the enforcement of this chapter under s. 327.70 shall apply
1037 to the appropriate court in the county in which the vessel or
1038 floating structure is located to order or otherwise cause the
1039 removal of such vessel or floating structure from the waters of
1040 this state at the owner's expense. If the owner cannot be found
1041 or otherwise fails to pay the removal costs, the provisions of
1042 s. 328.17 shall apply. If the proceeds under s. 328.17 are not
1043 sufficient to pay all removal costs, funds appropriated from the
1044 Marine Resources Conservation Trust Fund pursuant to s.

7-00598A-21

20211086__

1045 327.53(6)(b) or s. 328.72(15)(c) may be used.

1046 (3) For purposes of this section, the term "conviction"
1047 means a disposition other than acquittal or dismissal.

1048 Section 17. Paragraph (a) of subsection (6) and subsection
1049 (7) of section 327.53, Florida Statutes, are amended, and
1050 subsection (8) is added to that section, to read:

1051 327.53 Marine sanitation.—

1052 (6) (a) A violation of this section is a noncriminal
1053 infraction, punishable as provided in s. 327.73. Each violation
1054 shall be a separate offense. The owner and operator of any
1055 vessel shall be jointly and severally liable for the civil
1056 penalty imposed pursuant to this section.

1057 (7) A ~~Any~~ vessel or floating structure operated or occupied
1058 on the waters of the state in violation of this section is
1059 declared a nuisance and a hazard to public safety and health.
1060 The owner or operator of a ~~any~~ vessel or floating structure
1061 cited for violating this section shall, within 30 days following
1062 the issuance of the citation, correct the violation for which
1063 the citation was issued or remove the vessel or floating
1064 structure from the waters of the state. If the violation is not
1065 corrected within the 30 days and the vessel or floating
1066 structure remains on the waters of the state in violation of
1067 this section, law enforcement officers charged with the
1068 enforcement of this chapter under s. 327.70 shall apply to the
1069 appropriate court in the county in which the vessel or floating
1070 structure is located, ~~to~~ order or otherwise cause the removal of
1071 such vessel or floating structure from the waters of the state
1072 at the owner's expense. If the owner cannot be found or
1073 otherwise fails to pay the removal costs, the provisions of s.

7-00598A-21

20211086__

1074 328.17 shall apply. If the proceeds under s. 328.17 are not
 1075 sufficient to pay all removal costs, funds appropriated from the
 1076 Marine Resources Conservation Trust Fund pursuant to paragraph
 1077 (6) (b) or s. 328.72(15) (c) ~~s. 328.72(16)~~ may be used.

1078 (8) The owner or operator of a live-aboard vessel as
 1079 defined in s. 327.02(23) (a) or (c), or a houseboat as defined in
 1080 s. 327.02(17), that is equipped with a marine sanitation device
 1081 must maintain a record of the date of each pumpout of the marine
 1082 sanitation device and the location of the pumpout station or
 1083 waste reception facility. Each record must be maintained for 1
 1084 year after the date of the pumpout.

1085 Section 18. Subsection (2) of section 327.54, Florida
 1086 Statutes, is amended to read:

1087 327.54 Liveries; safety regulations; penalty.—

1088 (2) A livery may not knowingly lease, hire, or rent a any
 1089 vessel ~~powered by a motor of 10 horsepower or greater~~ to a any
 1090 person who is required to comply with s. 327.395~~7~~, unless such
 1091 person presents to the livery photographic identification and a
 1092 valid boater safety identification card issued by the
 1093 commission, a state-issued identification card or driver license
 1094 indicating possession of the boating safety identification card,
 1095 or photographic identification and a valid temporary certificate
 1096 issued or approved by the commission as required under s.
 1097 327.395(2) ~~s. 327.395(1)~~7~~~~, or meets the exemption provided under
 1098 s. 327.395(6) (f).

1099 Section 19. Subsection (5) of section 327.60, Florida
 1100 Statutes, is amended to read:

1101 327.60 Local regulations; limitations.—

1102 (5) A local government may enact and enforce regulations to

7-00598A-21

20211086__

1103 implement the procedures for abandoned or lost property that
1104 allow the local law enforcement agency to remove a vessel
1105 affixed to a public dock or mooring within its jurisdiction that
1106 is abandoned or lost property pursuant to s. 705.103(1). Such
1107 regulation must require the local law enforcement agency to post
1108 a written notice at least 24 hours before removing the vessel.

1109 Section 20. Paragraphs (q), (s), and (aa) of subsection (1)
1110 of section 327.73, Florida Statutes, are amended, and paragraphs
1111 (cc), (dd), and (ee) are added to that subsection, to read:

1112 327.73 Noncriminal infractions.—

1113 (1) Violations of the following provisions of the vessel
1114 laws of this state are noncriminal infractions:

1115 (q) Section 327.53(1), (2), ~~and (3)~~, and (8), relating to
1116 marine sanitation.

1117 (s) Section 327.395, relating to boater safety education.
1118 However, a person cited for violating the requirements of s.
1119 327.395 relating to failure to have required proof of boating
1120 safety education in his or her possession may not be convicted
1121 if, before or at the time of a county court hearing, the person
1122 produces proof of the boating safety education identification
1123 card or temporary certificate for verification by the hearing
1124 officer or the court clerk and the identification card or
1125 temporary certificate was valid at the time the person was
1126 cited.

1127 (aa) Section 327.4107, relating to vessels at risk of
1128 becoming derelict on waters of this state, for which the civil
1129 penalty is:

1130 1. For a first offense, \$100 ~~\$50~~.

1131 2. For a second offense occurring 30 days or more after a

7-00598A-21

20211086__

1132 first offense, \$250 ~~\$100~~.

1133 3. For a third or subsequent offense occurring 30 days or
1134 more after a previous offense, \$500 ~~\$250~~.

1135
1136 A vessel that is the subject of three or more violations issued
1137 pursuant to the same paragraph of s. 327.4107(2) within an 18-
1138 month period which result in dispositions other than acquittal
1139 or dismissal shall be declared to be a public nuisance and
1140 subject to ss. 705.103(2) and (4) and 823.11(3). The commission,
1141 an officer of the commission, or a law enforcement agency or
1142 officer specified in s. 327.70 may relocate, remove, or cause to
1143 be relocated or removed such public nuisance vessels from waters
1144 of this state. The commission, an officer of the commission, or
1145 a law enforcement agency or officer acting pursuant to this
1146 paragraph upon waters of this state shall be held harmless for
1147 all damages to the vessel resulting from such relocation or
1148 removal unless the damage results from gross negligence or
1149 willful misconduct as these terms are defined in s. 823.11.

1150 (cc) Section 327.463(4) (a) and (b), relating to vessels
1151 creating special hazards, for which the penalty is:

1152 1. For a first offense, \$50.

1153 2. For a second offense occurring within 12 months after a
1154 prior offense, \$100.

1155 3. For a third offense occurring within 36 months after a
1156 prior offense, \$250.

1157 (dd) Section 327.371, relating to the regulation of human-
1158 powered vessels.

1159 (ee) Section 327.521, relating to no-discharge zones, for
1160 which the penalty is up to \$250 for each offense.

7-00598A-21

20211086__

1161
1162 Any person cited for a violation of any provision of this
1163 subsection shall be deemed to be charged with a noncriminal
1164 infraction, shall be cited for such an infraction, and shall be
1165 cited to appear before the county court. The civil penalty for
1166 any such infraction is \$50, except as otherwise provided in this
1167 section. Any person who fails to appear or otherwise properly
1168 respond to a uniform boating citation shall, in addition to the
1169 charge relating to the violation of the boating laws of this
1170 state, be charged with the offense of failing to respond to such
1171 citation and, upon conviction, be guilty of a misdemeanor of the
1172 second degree, punishable as provided in s. 775.082 or s.
1173 775.083. A written warning to this effect shall be provided at
1174 the time such uniform boating citation is issued.

1175 Section 21. Subsection (4) of section 328.09, Florida
1176 Statutes, is amended to read:

1177 328.09 Refusal to issue and authority to cancel a
1178 certificate of title or registration.—

1179 (4) The department may not issue a certificate of title to
1180 an ~~any~~ applicant for a ~~any~~ vessel that has been deemed derelict
1181 by a law enforcement officer under s. 376.15 or s. 823.11. A law
1182 enforcement officer must inform the department in writing, which
1183 may be provided by facsimile, electronic mail, or other
1184 electronic means, of the vessel's derelict status and supply the
1185 department with the vessel title number or vessel identification
1186 number. The department may issue a certificate of title once a
1187 law enforcement officer has verified in writing, which may be
1188 provided by facsimile, electronic mail, or other electronic
1189 means, that the vessel is no longer a derelict vessel.

7-00598A-21

20211086__

1190 Section 22. Effective July 1, 2023, paragraph (e) of
 1191 subsection (3) of section 328.09, Florida Statutes, as amended
 1192 by section 12 of chapter 2019-76, Laws of Florida, is amended to
 1193 read:

1194 328.09 Refusal to issue and authority to cancel a
 1195 certificate of title or registration.—

1196 (3) Except as otherwise provided in subsection (4), the
 1197 department may reject an application for a certificate of title
 1198 only if:

1199 (e) The application is for a vessel that has been deemed
 1200 derelict by a law enforcement officer under s. 376.15 or s.
 1201 823.11. In such case, a law enforcement officer must inform the
 1202 department in writing, which may be provided by facsimile, e-
 1203 mail, or other electronic means, of the vessel's derelict status
 1204 and supply the department with the vessel title number or vessel
 1205 identification number. The department may issue a certificate of
 1206 title once a law enforcement officer has verified in writing,
 1207 which may be provided by facsimile, e-mail, or other electronic
 1208 means, that the vessel is no longer a derelict vessel.

1209 Section 23. Subsection (3) of section 376.15, Florida
 1210 Statutes, is amended to read:

1211 376.15 Derelict vessels; relocation or removal from public
 1212 waters.—

1213 (3) (a) The commission, an officer ~~officers~~ of the
 1214 commission, or a ~~and any~~ law enforcement agency or officer
 1215 specified in s. 327.70 may ~~are authorized and empowered to~~
 1216 relocate, remove, or cause to be relocated or removed any
 1217 derelict vessel as defined in s. 823.11 from ~~public~~ waters of
 1218 this state as defined in s. 327.02. All costs, including costs

7-00598A-21

20211086__

1219 owed to a third party, incurred by the commission or other law
1220 enforcement agency in the relocation or removal of any abandoned
1221 or derelict vessel are recoverable against the owner of the
1222 vessel. The Department of Legal Affairs shall represent the
1223 commission in actions to recover such costs.

1224 (b) The commission, an officer ~~officers~~ of the commission,
1225 or a ~~and any other~~ law enforcement agency or officer specified
1226 in s. 327.70 acting pursuant to ~~under~~ this section to relocate,
1227 remove, or cause to be relocated or removed a derelict vessel
1228 from public waters of this state as defined in s. 327.02 shall
1229 be held harmless for all damages to the derelict vessel
1230 resulting from such relocation or removal unless the damage
1231 results from gross negligence or willful misconduct as these
1232 terms are defined in s. 823.11.

1233 (c) A contractor performing relocation or removal
1234 activities at the direction of the commission, an officer
1235 ~~officers~~ of the commission, ~~or~~ a law enforcement agency or
1236 officer, or a governmental subdivision, when the governmental
1237 subdivision has received authorization for the relocation or
1238 removal from a law enforcement officer or agency pursuant to
1239 this section must be licensed in accordance with applicable
1240 United States Coast Guard regulations where required; obtain and
1241 carry in full force and effect a policy from a licensed
1242 insurance carrier in this state to insure against any accident,
1243 loss, injury, property damage, or other casualty caused by or
1244 resulting from the contractor's actions; and be properly
1245 equipped to perform the services to be provided.

1246 (d) The commission may establish a program to provide
1247 grants to local governments for the removal, destruction, and

7-00598A-21

20211086__

1248 disposal of derelict vessels from the public waters of this ~~the~~
1249 state as defined in s. 327.02. The program shall be funded from
1250 the Marine Resources Conservation Trust Fund or the Florida
1251 Coastal Protection Trust Fund. Notwithstanding ~~the provisions in~~
1252 s. 216.181(11), funds available for grants may only be
1253 authorized by appropriations acts of the Legislature. In a given
1254 fiscal year, if all funds appropriated pursuant to this
1255 paragraph are not requested by and granted to local governments
1256 for the removal, destruction, and disposal of derelict vessels
1257 by the end of the third quarter, the Fish and Wildlife
1258 Conservation Commission may use the remainder of the funds to
1259 remove, destroy, and dispose of, or to pay private contractors
1260 to remove, destroy, and dispose of, derelict vessels.

1261 (e) The commission shall adopt by rule procedures for
1262 submitting a grant application and criteria for allocating
1263 available funds. Such criteria shall include, but not be limited
1264 to, the following:

1265 1. The number of derelict vessels within the jurisdiction
1266 of the applicant.

1267 2. The threat posed by such vessels to public health or
1268 safety, the environment, navigation, or the aesthetic condition
1269 of the general vicinity.

1270 3. The degree of commitment of the local government to
1271 maintain waters free of abandoned and derelict vessels and to
1272 seek legal action against those who abandon vessels in the
1273 waters of this ~~the~~ state as defined in s. 327.02.

1274 (f) This section constitutes the authority for such removal
1275 but is not intended to be in contravention of any applicable
1276 federal act.

7-00598A-21

20211086__

1277 Section 24. Subsections (2) and (4) of section 705.103,
1278 Florida Statutes, are amended to read:

1279 705.103 Procedure for abandoned or lost property.—

1280 (2) (a)1. Whenever a law enforcement officer ascertains
1281 that:

1282 a. An article of lost or abandoned property other than a
1283 derelict vessel or a vessel declared a public nuisance pursuant
1284 to s. 327.73(1)(aa) is present on public property and is of such
1285 nature that it cannot be easily removed, the officer shall cause
1286 a notice to be placed upon such article in substantially the
1287 following form:

1288 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1289 PROPERTY. This property, to wit: ...(setting forth brief
1290 description)... is unlawfully upon public property known as
1291 ...(setting forth brief description of location)... and must be
1292 removed within 5 days; otherwise, it will be removed and
1293 disposed of pursuant to chapter 705, Florida Statutes. The owner
1294 will be liable for the costs of removal, storage, and
1295 publication of notice. Dated this: ...(setting forth the date of
1296 posting of notice)..., signed: ...(setting forth name, title,
1297 address, and telephone number of law enforcement officer)....

1298 b. A derelict vessel or a vessel declared a public nuisance
1299 pursuant to s. 327.73(1)(aa) is present on the waters of this
1300 state, the officer shall cause a notice to be placed upon such
1301 vessel in substantially the following form:

1302 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1303 VESSEL. This vessel, to wit: ...(setting forth brief
1304 description)... has been determined to be (derelict or a public
1305 nuisance) and is unlawfully upon waters of this state

7-00598A-21

20211086__

1306 (...setting forth brief description of location)... and must be
 1307 removed within 21 days; otherwise, it will be removed and
 1308 disposed of pursuant to chapter 705, Florida Statutes. The owner
 1309 and other interested parties may have the right to a hearing to
 1310 challenge the determination that this vessel is derelict or
 1311 otherwise in violation of the law. Please contact ...(contact
 1312 information for person who can arrange for a hearing in
 1313 accordance with this section).... The owner or the party
 1314 determined to be legally responsible for the vessel being upon
 1315 the waters of this state in a derelict condition will be liable
 1316 for the costs of removal, destruction, and disposal if this
 1317 vessel is not removed by the owner. Dated this: ...(setting
 1318 forth the date of posting of notice)...., signed: ...(setting
 1319 forth name, title, address, and telephone number of law
 1320 enforcement officer)....

1321 2. A ~~Such~~ notice required under subparagraph 1. may ~~shall~~
 1322 ~~be~~ not be less than 8 inches by 10 inches and shall be
 1323 sufficiently weatherproof to withstand normal exposure to the
 1324 elements. In addition to posting, the law enforcement officer
 1325 shall make a reasonable effort to ascertain the name and address
 1326 of the owner. If such is reasonably available to the officer,
 1327 she or he shall mail a copy of such notice to the owner on or
 1328 before the date of posting. If the property is a motor vehicle
 1329 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,
 1330 the law enforcement agency shall contact the Department of
 1331 Highway Safety and Motor Vehicles in order to determine the name
 1332 and address of the owner and any person who has filed a lien on
 1333 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
 1334 328.15(1). On receipt of this information, the law enforcement

7-00598A-21

20211086__

1335 agency shall mail a copy of the notice by certified mail, return
1336 receipt requested, to the owner and to the lienholder, if any,
1337 except that a law enforcement officer who has issued a citation
1338 for a violation of s. 376.15 or s. 823.11 to the owner of a
1339 derelict vessel is not required to mail a copy of the notice by
1340 certified mail, return receipt requested, to the owner. For a
1341 derelict vessel or a vessel declared a public nuisance pursuant
1342 to s. 327.73(1)(aa), the mailed notice shall inform the owner or
1343 responsible party that he or she has a right to a hearing to
1344 dispute the determination that the vessel is derelict or
1345 otherwise in violation of the law. If a request for a hearing is
1346 made, a state agency shall follow the processes set forth in s.
1347 120.569. Local government entities shall follow the processes
1348 set forth in s. 120.569, except that a local judge, magistrate,
1349 or code enforcement officer may be designated to conduct such a
1350 hearing. If, at the end of 5 days after posting the notice in
1351 sub-subparagraph 1.a., or at the end of 21 days after posting
1352 the notice in sub-subparagraph 1.b., and mailing such notice, if
1353 required, the owner or any person interested in the lost or
1354 abandoned article or articles described has not removed the
1355 article or articles from public property or shown reasonable
1356 cause for failure to do so, and, in the case of a derelict
1357 vessel or a vessel declared a public nuisance pursuant to s.
1358 327.73(1)(aa), has not requested a hearing in accordance with
1359 this section, the following shall apply:

1360 a. ~~(a)~~ For abandoned property other than a derelict vessel
1361 or a vessel declared a public nuisance pursuant to s.
1362 327.73(1)(aa), the law enforcement agency may retain any or all
1363 of the property for its own use or for use by the state or unit

7-00598A-21

20211086__

1364 of local government, trade such property to another unit of
1365 local government or state agency, donate the property to a
1366 charitable organization, sell the property, or notify the
1367 appropriate refuse removal service.

1368 b. For a derelict vessel or a vessel declared a public
1369 nuisance pursuant to s. 327.73(1) (aa), the law enforcement
1370 agency or its designee may:

1371 (I) Remove the vessel from the waters of this state and
1372 destroy and dispose of the vessel or authorize another
1373 governmental entity or its designee to do so; or

1374 (II) Authorize the vessel's use as an artificial reef in
1375 accordance with s. 379.249 if all necessary federal, state, and
1376 local authorizations are received.

1377
1378 A law enforcement agency or its designee may also take action as
1379 described in this sub-subparagraph if, following a hearing
1380 pursuant to this section, the judge, magistrate, administrative
1381 law judge, or hearing officer has determined the vessel to be
1382 derelict as provided in s. 823.11 or otherwise in violation of
1383 the law in accordance with s. 327.73(1) (aa) and a final order
1384 has been entered or the case is otherwise closed.

1385 (b) For lost property, the officer shall take custody and
1386 the agency shall retain custody of the property for 90 days. The
1387 agency shall publish notice of the intended disposition of the
1388 property, as provided in this section, during the first 45 days
1389 of this time period.

1390 1. If the agency elects to retain the property for use by
1391 the unit of government, donate the property to a charitable
1392 organization, surrender such property to the finder, sell the

7-00598A-21

20211086__

1393 property, or trade the property to another unit of local
1394 government or state agency, notice of such election shall be
1395 given by an advertisement published once a week for 2
1396 consecutive weeks in a newspaper of general circulation in the
1397 county where the property was found if the value of the property
1398 is more than \$100. If the value of the property is \$100 or less,
1399 notice shall be given by posting a description of the property
1400 at the law enforcement agency where the property was turned in.
1401 The notice must be posted for not less than 2 consecutive weeks
1402 in a public place designated by the law enforcement agency. The
1403 notice must describe the property in a manner reasonably
1404 adequate to permit the rightful owner of the property to claim
1405 it.

1406 2. If the agency elects to sell the property, it must do so
1407 at public sale by competitive bidding. Notice of the time and
1408 place of the sale shall be given by an advertisement of the sale
1409 published once a week for 2 consecutive weeks in a newspaper of
1410 general circulation in the county where the sale is to be held.
1411 The notice shall include a statement that the sale shall be
1412 subject to any and all liens. The sale must be held at the
1413 nearest suitable place to that where the lost or abandoned
1414 property is held or stored. The advertisement must include a
1415 description of the goods and the time and place of the sale. The
1416 sale may take place no earlier than 10 days after the final
1417 publication. If there is no newspaper of general circulation in
1418 the county where the sale is to be held, the advertisement shall
1419 be posted at the door of the courthouse and at three other
1420 public places in the county at least 10 days prior to sale.
1421 Notice of the agency's intended disposition shall describe the

7-00598A-21

20211086__

1422 property in a manner reasonably adequate to permit the rightful
1423 owner of the property to identify it.

1424 (4) The owner of any abandoned or lost property who, after
1425 notice as provided in this section, does not remove such
1426 property within the specified period shall be liable to the law
1427 enforcement agency, other governmental entity, or the agency's
1428 or entity's designee for all costs of removal, storage, and
1429 destruction of such property, less any salvage value obtained by
1430 disposal of the property. Upon final disposition of the
1431 property, the law enforcement officer or representative of the
1432 law enforcement agency or other governmental entity shall notify
1433 the owner, if known, of the amount owed. In the case of an
1434 abandoned vessel or motor vehicle, any person who neglects or
1435 refuses to pay such amount is not entitled to be issued a
1436 certificate of registration for such vessel or motor vehicle, or
1437 any other vessel or motor vehicle, until such costs have been
1438 paid. A person who has neglected or refused to pay all costs of
1439 removal, storage, and destruction of a vessel or motor vehicle
1440 as provided in this section, after having been provided written
1441 notice via certified mail that such costs are owed, and who
1442 applies for and is issued a registration for a vessel or motor
1443 vehicle before such costs have been paid in full commits a
1444 misdemeanor of the first degree, punishable as provided in s.
1445 775.082 or s. 775.083. The law enforcement officer or
1446 representative of the law enforcement agency or other
1447 governmental entity shall supply the Department of Highway
1448 Safety and Motor Vehicles with a list of persons whose vessel
1449 registration privileges and ~~or whose~~ motor vehicle privileges
1450 have been revoked under this subsection. ~~Neither~~ The department

7-00598A-21

20211086__

1451 ~~or a nor any other~~ person acting as an agent of the department
1452 may not ~~thereof shall~~ issue a certificate of registration to a
1453 person whose vessel and ~~or~~ motor vehicle registration privileges
1454 have been revoked, as provided by this subsection, until such
1455 costs have been paid.

1456 Section 25. Subsections (1), (2), and (3) of section
1457 823.11, Florida Statutes, are amended to read:

1458 823.11 Derelict vessels; relocation or removal; penalty.—

1459 (1) As used in this section and s. 376.15, the term:

1460 (a) "Commission" means the Fish and Wildlife Conservation
1461 Commission.

1462 (b) "Derelict vessel" means a vessel, as defined in s.
1463 327.02, that is ~~left, stored, or abandoned~~:

1464 1. In a wrecked, junked, or substantially dismantled
1465 condition upon any public waters of this state.

1466 a. A vessel is wrecked if it is sunken or sinking; aground
1467 without the ability to extricate itself absent mechanical
1468 assistance; or remaining after a marine casualty, including, but
1469 not limited to, a boating accident, extreme weather, or a fire.

1470 b. A vessel is junked if it has been substantially stripped
1471 of vessel components, if vessel components have substantially
1472 degraded or been destroyed, or if the vessel has been discarded
1473 by the owner or operator. Attaching an outboard motor to a
1474 vessel that is otherwise junked will not cause the vessel to no
1475 longer be junked if such motor is not an effective means of
1476 propulsion as required by s. 327.4107(2) (e) and associated
1477 rules.

1478 c. A vessel is substantially dismantled if at least two of
1479 the three following vessel systems or components are missing,

7-00598A-21

20211086__

1480 compromised, incomplete, inoperable, or broken:

1481 (I) The steering system;

1482 (II) The propulsion system; or

1483 (III) The exterior hull integrity.

1484

1485 Attaching an outboard motor to a vessel that is otherwise
 1486 substantially dismantled will not cause the vessel to no longer
 1487 be substantially dismantled if such motor is not an effective
 1488 means of propulsion as required by s. 327.4107(2) (e) and
 1489 associated rules.

1490 2. At a port in this state without the consent of the
 1491 agency having jurisdiction thereof.

1492 3. Docked, grounded, or beached upon the property of
 1493 another without the consent of the owner of the property.

1494 (c) "Gross negligence" means conduct so reckless or wanting
 1495 in care that it constitutes a conscious disregard or
 1496 indifference to the safety of the property exposed to such
 1497 conduct.

1498 (d) "Willful misconduct" means conduct evidencing
 1499 carelessness or negligence of such a degree or recurrence as to
 1500 manifest culpability, wrongful intent, or evil design or to show
 1501 an intentional and substantial disregard of the interests of the
 1502 vessel owner.

1503 (2) ~~It is unlawful for~~ A person, firm, or corporation may
 1504 not ~~to~~ store, leave, or abandon any derelict vessel in this
 1505 state.

1506 (3) The commission, an officer ~~officers~~ of the commission,
 1507 or a ~~and any~~ law enforcement agency or officer specified in s.
 1508 327.70 may ~~are authorized and empowered to~~ relocate, remove, or

7-00598A-21

20211086__

1509 cause to be relocated or removed a derelict vessel from public
1510 waters of this state as defined in s. 327.02 if the derelict
1511 vessel obstructs or threatens to obstruct navigation or in any
1512 way constitutes a danger to the environment, property, or
1513 persons. The commission, an officer ~~officers~~ of the commission,
1514 or any other law enforcement agency or officer acting pursuant
1515 to ~~under~~ this subsection to relocate, remove, or cause to be
1516 relocated or removed a derelict vessel from public waters of
1517 this state shall be held harmless for all damages to the
1518 derelict vessel resulting from such relocation or removal unless
1519 the damage results from gross negligence or willful misconduct.

1520 (a) Removal of derelict vessels under this subsection may
1521 be funded by grants provided in ss. 206.606 and 376.15. The
1522 commission shall implement a plan for the procurement of any
1523 available federal disaster funds and use such funds for the
1524 removal of derelict vessels.

1525 (b) All costs, including costs owed to a third party,
1526 incurred by the commission, another ~~or other~~ law enforcement
1527 agency, or a governmental subdivision, when the governmental
1528 subdivision has received authorization from a law enforcement
1529 officer or agency, in the relocation or removal of a derelict
1530 vessel are recoverable against the vessel owner. The Department
1531 of Legal Affairs shall represent the commission in actions to
1532 recover such costs. As provided in s. 705.103(4), a person who
1533 neglects or refuses to pay such costs may not be issued a
1534 certificate of registration for such vessel or for any other
1535 vessel or motor vehicle until such costs have been paid. A
1536 person who has neglected or refused to pay all costs of removal,
1537 storage, and destruction of a derelict vessel as provided in

7-00598A-21

20211086__

1538 this section, after having been provided written notice via
1539 certified mail that such costs are owed, and who applies for and
1540 is issued a registration for a vessel or motor vehicle before
1541 such costs have been paid in full commits a misdemeanor of the
1542 first degree, punishable as provided in s. 775.082 or s.
1543 775.083.

1544 (c) A contractor performing relocation or removal
1545 activities at the direction of the commission, an officer
1546 ~~officers~~ of the commission, ~~or~~ a law enforcement agency or
1547 officer, or a governmental subdivision, when the governmental
1548 subdivision has received authorization for the relocation or
1549 removal from a law enforcement officer or agency, pursuant to
1550 this section must be licensed in accordance with applicable
1551 United States Coast Guard regulations where required; obtain and
1552 carry in full force and effect a policy from a licensed
1553 insurance carrier in this state to insure against any accident,
1554 loss, injury, property damage, or other casualty caused by or
1555 resulting from the contractor's actions; and be properly
1556 equipped to perform the services to be provided.

1557 Section 26. Except as otherwise expressly provided in this
1558 act, this act shall take effect July 1, 2021.