

By the Committee on Environment and Natural Resources; and
Senator Hutson

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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 defining terms; authorizing heads of certain entities
16 to establish temporary protection zones in certain
17 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 ss. 327.352 and 327.359, F.S.; revising conditions
24 under which a person commits a misdemeanor the first
25 degree for refusing to submit to certain tests;
26 creating s. 327.371, F.S.; providing circumstances
27 under which a person may operate a human-powered
28 vessel within the boundaries of the marked channel of
29 the Florida Intracoastal Waterway; providing a

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30 penalty; amending s. 327.391, F.S.; conforming cross-
31 references; amending s. 327.395, F.S.; removing
32 authority of the commission to appoint certain
33 entities to administer a boating safety education
34 course or temporary certificate examination and issue
35 certain credentials; exempting certain persons from
36 the requirement to possess certain documents aboard a
37 vessel; amending s. 327.4107, F.S.; revising the
38 conditions under which officers may determine a vessel
39 is at risk of becoming derelict; authorizing certain
40 officers to provide notice that a vessel is at risk of
41 becoming derelict via body camera recordings;
42 authorizing the commission or certain officers to
43 relocate at-risk vessels to a certain distance from
44 mangroves or vegetation; providing that the commission
45 or officers are not liable for damages to such
46 vessels; providing an exception; authorizing the
47 commission to establish a derelict vessel prevention
48 program consisting of certain components; authorizing
49 the commission to adopt rules; providing that such
50 program is subject to appropriation by the
51 Legislature; providing for funding; amending s.
52 327.4108, F.S.; designating Monroe County as an
53 anchoring limitation area subject to certain
54 requirements; requiring the commission to adopt rules;
55 providing applicability; deleting obsolete language;
56 amending s. 327.4109, F.S.; prohibiting the anchoring
57 or mooring of a vessel or floating structure within a
58 certain distance of certain facilities; providing

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59 exceptions; amending s. 327.45, F.S.; authorizing the
60 commission to establish protection zones where certain
61 activities are prohibited in or near springs; amending
62 s. 327.46, F.S.; authorizing a county or municipality
63 to establish a boating-restricted area within and
64 around a public mooring field and within certain
65 portions of the Florida Intracoastal Waterway;
66 providing an exception with respect to a certain
67 vessel-exclusion zone; creating s. 327.463, F.S.;
68 specifying conditions under which a vessel is and is
69 not operating at slow speed, minimum wake; prohibiting
70 a person from operating a vessel faster than slow
71 speed, minimum wake within a certain distance from
72 other specified vessels; exempting a person from being
73 cited for a violation under certain circumstances;
74 providing penalties; providing applicability; amending
75 s. 327.50, F.S.; authorizing the commission to exempt
76 vessel owners and operators from certain safety
77 equipment requirements; amending s. 327.53, F.S.;
78 requiring the owner or operator of a live-aboard
79 vessel or houseboat equipped with a marine sanitation
80 device to maintain a record of the date and location
81 of each pumpout of the device for a certain period;
82 conforming a cross-reference; making technical
83 changes; amending s. 327.54, F.S.; prohibiting a
84 livery from leasing, hiring, or renting a vessel to a
85 person required to complete a commission-approved
86 boating safety education course unless such person
87 presents certain documentation indicating compliance;

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88 amending s. 327.60, F.S.; authorizing a local
89 government to enact and enforce regulations allowing
90 the local law enforcement agency to remove an
91 abandoned or lost vessel affixed to a public mooring;
92 amending s. 327.73, F.S.; providing additional
93 violations that qualify as noncriminal infractions;
94 providing civil penalties; prohibiting conviction of a
95 person cited for a violation relating to possessing
96 proof of boating safety education under certain
97 circumstances; increasing certain civil penalties;
98 providing that certain vessels shall be declared a
99 public nuisance subject to certain statutory
100 provisions; authorizing the commission or certain
101 officers to relocate or remove public nuisance vessels
102 from the waters of this state; providing that the
103 commission or officers are not liable for damages to
104 such vessels; providing an exception; amending s.
105 328.09, F.S.; prohibiting the Department of Highway
106 Safety and Motor Vehicles from issuing a certificate
107 of title to an applicant for a vessel that has been
108 deemed derelict pursuant to certain provisions;
109 authorizing the department, at a later date, to reject
110 an application for a certificate of title for such a
111 vessel; amending s. 376.15, F.S.; revising unlawful
112 acts relating to derelict vessels; defining the term
113 "leave"; prohibiting an owner or operator whose vessel
114 becomes derelict due to specified accidents or events
115 from being charged with a violation under certain
116 circumstances; providing applicability; conforming

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

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146 for a vessel to be considered wrecked, junked, or
147 substantially dismantled; providing construction;
148 revising unlawful acts relating to derelict vessels;
149 defining the term "leave"; prohibiting an owner or
150 operator whose vessel becomes derelict due to
151 specified accidents or events from being charged with
152 a violation under certain circumstances; providing
153 applicability; providing that relocation or removal
154 costs incurred by a governmental subdivision are
155 recoverable against the vessel owner or the party
156 determined to be legally responsible for the vessel
157 being derelict; providing penalties for a person who
158 is issued a registration for a vessel or motor vehicle
159 before such costs are paid; authorizing a governmental
160 subdivision that has received authorization from a law
161 enforcement officer or agency to direct a contractor
162 to perform vessel relocation or removal activities;
163 providing effective dates.

164

165 Be It Enacted by the Legislature of the State of Florida:

166

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

169 316.1932 Tests for alcohol, chemical substances, or
170 controlled substances; implied consent; refusal.—

171 (1)(a)1.a. A ~~Any~~ person who accepts the privilege extended
172 by the laws of this state of operating a motor vehicle within
173 this state is, by ~~so~~ operating such vehicle, deemed to have
174 given his or her consent to submit to an approved chemical test

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

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204 provided by law. The refusal to submit to a chemical or physical
205 breath test upon the request of a law enforcement officer as
206 provided in this section is admissible into evidence in any
207 criminal proceeding.

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

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233 for a period of 1 year for the first refusal, or for a period of
234 18 months if the driving privilege of such person has been
235 previously suspended or if he or she has previously been fined
236 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a
237 test or tests required under this chapter or chapter 327, and
238 shall also be told that if he or she refuses to submit to a
239 lawful test of his or her urine and his or her driving privilege
240 has been previously suspended or if he or she has previously
241 been fined under s. 327.35215 for a prior refusal to submit to a
242 lawful test of his or her breath, urine, or blood as required
243 under this chapter or chapter 327, he or she commits a
244 misdemeanor of the first degree, punishable as provided in s.
245 775.082 or s. 775.083, in addition to any other penalties
246 provided by law. The refusal to submit to a urine test upon the
247 request of a law enforcement officer as provided in this section
248 is admissible into evidence in any criminal proceeding.

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

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262 chapter and chapters 322 and 327. The program shall:

263 a. Establish uniform criteria for the issuance of permits
264 to breath test operators, agency inspectors, instructors, blood
265 analysts, and instruments.

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

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

271 d. Establish uniform requirements for instruction and
272 curricula for the operation and inspection of approved
273 instruments.

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

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

278 g. Have the authority to approve or disapprove breath test
279 instruments and accompanying paraphernalia for use pursuant to
280 the driving and boating under the influence provisions and
281 related provisions located in this chapter and chapters 322 and
282 327.

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

288 i. Issue final orders which include findings of fact and
289 conclusions of law and which constitute final agency action for
290 the purpose of chapter 120.

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

293 k. Make recommendations concerning any matter within the
294 purview of this section, this chapter, chapter 322, or chapter
295 327.

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

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

300 n. Have the authority to approve the type of blood test
301 utilized under the driving and boating under the influence
302 provisions and related provisions located in this chapter and
303 chapters 322 and 327.

304 o. Have the authority to specify techniques and methods for
305 breath alcohol testing and blood testing utilized under the
306 driving and boating under the influence provisions and related
307 provisions located in this chapter and chapters 322 and 327.

308 p. Have the authority to approve repair facilities for the
309 approved breath test instruments, including the authority to set
310 criteria for approval.

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

318 (c) A ~~Any~~ person who accepts the privilege extended by the
319 laws of this state of operating a motor vehicle within this

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

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349 suspended previously or if he or she has previously been fined
350 under s. 327.35215 as a result of a refusal to submit to ~~such a~~
351 test or tests required under this chapter or chapter 327, and
352 ~~that a refusal to submit to a lawful test of his or her blood,~~
353 ~~if his or her driving privilege has been previously suspended~~
354 ~~for a prior refusal to submit to a lawful test of his or her~~
355 ~~breath, urine, or blood, is a misdemeanor.~~ The refusal to submit
356 to a blood test upon the request of a law enforcement officer is
357 admissible in evidence in any criminal proceeding.

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

360 316.1939 Refusal to submit to testing; penalties.—

361 (1) A ~~Any~~ person who has refused to submit to a chemical or
362 physical test of his or her breath, ~~blood,~~ or urine, as
363 described in s. 316.1932, and whose driving privilege was
364 previously suspended or who was previously fined under s.
365 327.35215 for a prior refusal to submit to a lawful test of his
366 or her breath, urine, or blood required under this chapter or
367 chapter 327, and:

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

373 (b) Who was placed under lawful arrest for a violation of
374 s. 316.193 unless such test was requested pursuant to s.
375 316.1932(1)(c);

376 (c) Who was informed that, if he or she refused to submit
377 to such test, his or her privilege to operate a motor vehicle

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378 would be suspended for a period of 1 year or, in the case of a
379 second or subsequent refusal, for a period of 18 months;

380 (d) Who was informed that a refusal to submit to a lawful
381 test of his or her breath or, urine, ~~or blood~~, if his or her
382 driving privilege has been previously suspended or if he or she
383 has previously been fined under s. 327.35215 for a prior refusal
384 to submit to a lawful test of his or her breath, urine, or blood
385 as required under this chapter or chapter 327, is a misdemeanor
386 of the first degree, punishable as provided in s. 775.082 or s.
387 775.083, in addition to any other penalties provided by law; and

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

391
392 commits a misdemeanor of the first degree and is subject to
393 punishment as provided in s. 775.082 or s. 775.083.

394 Section 3. Present subsections (18) through (47) of section
395 327.02, Florida Statutes, are redesignated as subsections (19)
396 through (48), respectively, a new subsection (18) is added to
397 that section, and present subsection (31) of that section is
398 amended, to read:

399 327.02 Definitions.—As used in this chapter and in chapter
400 328, unless the context clearly requires a different meaning,
401 the term:

402 (18) "Human-powered vessel" means a vessel powered only by
403 its occupant or occupants, including, but not limited to, a
404 vessel powered only by the occupants' hands or feet, oars, or
405 paddles.

406 (32) ~~(31)~~ "Navigation rules" means, for vessels on:

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407 (a) Waters outside established navigational lines of
408 demarcation as specified in 33 C.F.R. part 80, the International
409 Navigational Rules Act of 1977, 33 U.S.C. s. 1602, as amended,
410 including the appendix and annexes thereto, through December 31,
411 2020 ~~October 1, 2012~~.

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

416 Section 4. Section 327.04, Florida Statutes, is amended to
417 read:

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

423 Section 5. Section 327.462, Florida Statutes, is created to
424 read:

425 327.462 Temporary protection zones for spaceflight launches
426 and recovery of spaceflight assets.—

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

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

432 (b) "Reentry services" means the conduct of a reentry and
433 activities involved in the preparation of a reentry vehicle,
434 payload, government astronaut, commercial astronaut, or
435 spaceflight participant for such reentry.

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436 (c) "Spaceflight assets" means any item, or any part of an
437 item, owned by a spaceflight entity which is used in launch
438 services or reentry services, including crewed and uncrewed
439 spacecraft, launch vehicles, parachutes and other landing aids,
440 and any spacecraft or ancillary equipment that was attached to
441 the launch vehicle during launch, orbit, or reentry.

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

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

453 (a) Five hundred yards of where launch services, reentry
454 services, or spaceflight asset recovery operations are being
455 conducted; or

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

460 (3) A protection zone established under subsection (2) may
461 remain in effect only as long as necessary to ensure security
462 around the launch and recovery areas and to recover spaceflight
463 assets and any personnel being transported within a spacecraft
464 following the launch or reentry activity. Such protection zone

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465 may not be in place more than 72 hours before or 72 hours after
466 the launch. The head of a law enforcement agency or entity
467 identified in s. 327.70(1), or his or her designee, may also
468 restrict vessels from operating within up to 500 yards of any
469 vessel transporting recovered spaceflight assets following a
470 spaceflight launch or reentry while such vessel is continuously
471 underway transporting such assets to a location for removal from
472 the waters of this state.

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

489 (5) This section applies only to launch services, reentry
490 services, or the recovery of spaceflight assets occurring or
491 originating within spaceport territory, as defined in s.
492 331.304, and to federally licensed or federally authorized
493 launches and reentries occurring or transiting to an end

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494 destination upon waters of this state.

495 (6) A person who violates this section or any directive
496 given by a law enforcement officer relating to the establishment
497 of a protection zone under this section after being advised of
498 the establishment of the protection zone commits a misdemeanor
499 of the second degree, punishable as provided in s. 775.082 or s.
500 775.083.

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

503 327.352 Tests for alcohol, chemical substances, or
504 controlled substances; implied consent; refusal.—

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

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523 under the influence of alcoholic beverages. The administration
524 of a breath test does not preclude the administration of another
525 type of test. The person shall be told that his or her failure
526 to submit to any lawful test of his or her breath under this
527 chapter will result in a civil penalty of \$500, and shall also
528 be told that if he or she refuses to submit to a lawful test of
529 his or her breath and he or she has been previously fined under
530 s. 327.35215 or has previously had his or her driver license
531 suspended under s. 322.2615 for refusal to submit to any lawful
532 test of his or her breath, urine, or blood, he or she commits a
533 misdemeanor of the first degree, punishable as provided in s.
534 775.082 or s. 775.083, in addition to any other penalties
535 provided by law. The refusal to submit to a chemical or physical
536 breath test upon the request of a law enforcement officer as
537 provided in this section is admissible into evidence in any
538 criminal proceeding.

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

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

573 (c) A ~~Any~~ person who accepts the privilege extended by the
574 laws of this state of operating a vessel within this state is,
575 by operating such vessel, deemed to have given his or her
576 consent to submit to an approved blood test for the purpose of
577 determining the alcoholic content of the blood or a blood test
578 for the purpose of determining the presence of chemical
579 substances or controlled substances as provided in this section
580 if there is reasonable cause to believe the person was operating

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

599 Section 7. Section 327.359, Florida Statutes, is amended to
600 read:

601 327.359 Refusal to submit to testing; penalties.-A ~~Any~~
602 person who has refused to submit to a chemical or physical test
603 of his or her breath, ~~blood,~~ or urine, as described in s.
604 327.352, and who has been previously fined under s. 327.35215 or
605 has previously had his or her driver license suspended under s.
606 322.2615 for refusal to submit to a lawful test of his or her
607 breath, urine, or blood, and:

608 (1) Who the arresting law enforcement officer had probable
609 cause to believe was operating or in actual physical control of

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610 a vessel in this state while under the influence of alcoholic
611 beverages, chemical substances, or controlled substances;

612 (2) Who was placed under lawful arrest for a violation of
613 s. 327.35 unless such test was requested pursuant to s.
614 327.352(1)(c);

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

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

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

627
628 commits a misdemeanor of the first degree, punishable ~~and is~~
629 ~~subject to punishment~~ as provided in s. 775.082 or s. 775.083.

630 Section 8. Section 327.371, Florida Statutes, is created to
631 read:

632 327.371 Human-powered vessels regulated.—

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

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

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

642 (b) When crossing the marked channel, provided that the
643 crossing is done in the most direct, continuous, and expeditious
644 manner possible and does not interfere with other vessel traffic
645 in the channel.

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

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

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

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

655 327.391 Airboats regulated.—

656 (1) The exhaust of every internal combustion engine used on
657 any airboat operated on the waters of this state shall be
658 provided with an automotive-style factory muffler, underwater
659 exhaust, or other manufactured device capable of adequately
660 muffling the sound of the exhaust of the engine as described in
661 s. 327.02(31) ~~s. 327.02(30)~~. The use of cutouts or flex pipe as
662 the sole source of muffling is prohibited, except as provided in
663 subsection (4). A ~~Any~~ person who violates this subsection
664 commits a noncriminal infraction, punishable as provided in s.
665 327.73(1).

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

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668 this ~~the~~ state unless he or she has all of the following onboard
669 the airboat:

670 1. A photographic identification card.

671 2. Proof of completion of a boater education course that
672 complies with s. 327.395(2)(a) ~~s. 327.395(1)(a)~~. Except as
673 provided in paragraph (b), no operator is exempt from this
674 requirement, regardless of age or the exemptions provided under
675 s. 327.395.

676 3. Proof of successful completion of a commission-approved
677 airboat operator course that meets the minimum standards
678 established by commission rule.

679 4. Proof of successful course completion in cardiopulmonary
680 resuscitation and first aid.

681 (b) A person issued a captain's license by the United
682 States Coast Guard is not required to complete a boating safety
683 education course that complies with s. 327.395(2)(a) ~~s.~~
684 ~~327.395(1)(a)~~. Proof of the captain's license must be onboard
685 the airboat when carrying one or more passengers for hire on
686 waters of this ~~the~~ state.

687 Section 10. Section 327.395, Florida Statutes, is amended
688 to read:

689 327.395 Boating safety education.—

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

694 (2) While operating a vessel, a person identified under
695 subsection (1) must have in his or her possession aboard the
696 vessel photographic identification and a boating safety

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697 identification card issued by the commission, a state-issued
698 identification card or driver license indicating possession of
699 the boating safety identification card, or photographic
700 identification and a temporary certificate issued or approved by
701 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) (a) (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~~

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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;

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; or

743 3. Possesses an International Certificate of Competence in
744 sailing.

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

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

752 (d) Is a nonresident who has in his or her possession
753 photographic identification and proof that he or she has
754 completed a boating safety education course or equivalency

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755 examination in another state or a United States territory which
756 meets or exceeds the minimum requirements established by the
757 National Association of State Boating Law Administrators.

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

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

763 (2) (a) the requirements of paragraph (1) (a) and has a
764 photographic identification card and a boating safety education
765 certificate available for inspection as proof of having
766 completed a boating safety education course. The boating safety
767 education certificate must provide, at a minimum, the student's
768 first and last name, the student's date of birth, and the date
769 that he or she passed the course examination.

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

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

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

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784 which must be forwarded to the commission. The agent may charge
785 and keep a \$1 service fee.

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

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

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

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

799 327.4107 Vessels at risk of becoming derelict on waters of
800 this state.—

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

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

808 (e) The vessel does not have an effective means of
809 propulsion for safe navigation within 72 hours after the vessel
810 owner or operator receives telephonic notice, in-person notice
811 recorded on an agency-approved body camera, or written notice,
812 which may be provided by facsimile, electronic mail, or other

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813 electronic means, stating such from an officer, and the vessel
814 owner or operator is unable to provide a receipt, proof of
815 purchase, or other documentation of having ordered necessary
816 parts for vessel repair. The commission may adopt rules to
817 implement this paragraph.

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

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

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

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

841 (c) Providing for removal and destruction of an abandoned

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842 vessel for which an owner cannot be identified or the owner of
843 which is deceased and no heir is interested in acquiring the
844 vessel.

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

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

849

850 The commission may adopt rules to implement this subsection.

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

855 Section 12. Section 327.4108, Florida Statutes, is amended
856 to read:

857 327.4108 Anchoring of vessels in anchoring limitation
858 areas.—

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

866 (a) The section of Middle River lying between Northeast
867 21st Court and the Intracoastal Waterway in Broward County.

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

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

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871 1. Rivo Alto Island and Di Lido Island.

872 2. San Marino Island and San Marco Island.

873 3. San Marco Island and Biscayne Island.

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

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

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

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

888 (a) If the vessel suffers a mechanical failure that poses
889 an unreasonable risk of harm to the vessel or the persons
890 onboard unless the vessel anchors. The vessel may anchor for 3
891 business days or until the vessel is repaired, whichever occurs
892 first.

893 (b) If imminent or existing weather conditions in the
894 vicinity of the vessel pose an unreasonable risk of harm to the
895 vessel or the persons onboard unless the vessel anchors. The
896 vessel may anchor until weather conditions no longer pose such
897 risk. During a hurricane or tropical storm, weather conditions
898 are deemed to no longer pose an unreasonable risk of harm when
899 the hurricane or tropical storm warning affecting the area has

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900 expired.

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

906 (4) This section does not apply to:

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

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

910 (c) Vessels actively engaged in commercial fishing.

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

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

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

921 1. Anchors the vessel in violation of this section within
922 12 hours after being issued the citation; or

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

925 (c) A law enforcement officer or agency acting under this
926 subsection to remove or impound a vessel, or to cause such
927 removal or impoundment, shall be held harmless for any damage to
928 the vessel resulting from such removal or impoundment unless the

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929 damage results from gross negligence or willful misconduct.

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

933 1. Be licensed in accordance with United States Coast Guard
934 regulations, as applicable.

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

939 3. Be properly equipped to perform such services.

940 (e) In addition to the civil penalty imposed under s.
941 327.73(1)(z), the operator of a vessel that is removed and
942 impounded pursuant to paragraph (b) must pay all removal and
943 storage fees before the vessel is released. A vessel removed
944 pursuant to paragraph (b) may not be impounded for longer than
945 48 hours.

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

948 ~~(7) This section shall remain in effect notwithstanding the~~
949 ~~Legislature's adoption of the commission's recommendations for~~
950 ~~the regulation of mooring vessels outside of public mooring~~
951 ~~fields pursuant to s. 327.4105.~~

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

954 327.4109 Anchoring or mooring prohibited; exceptions;
955 penalties.—

956 (1)(a) The owner or operator of a vessel or floating
957 structure may not anchor or moor such that the nearest approach

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958 of the anchored or moored vessel or floating structure is:

959 1. Within 150 feet of any public or private marina, boat
960 ramp, boatyard, or other public vessel launching or loading
961 facility;

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

966 3. Within 100 feet outward from the marked boundary of a
967 public mooring field or a lesser distance if approved by the
968 commission upon request of a local government within which the
969 mooring field is located. The commission may adopt rules to
970 implement this subparagraph.

971 (2) Notwithstanding subsection (1), an owner or operator of
972 a vessel may anchor or moor within 150 feet of any public or
973 private marina, boat ramp, boatyard, or other public vessel
974 launching or loading facility; within 300 feet of a superyacht
975 repair facility; or within 100 feet outward from the marked
976 boundary of a public mooring field if:

977 (a) The vessel suffers a mechanical failure that poses an
978 unreasonable risk of harm to the vessel or the persons onboard
979 such vessel. The owner or operator of the vessel may anchor or
980 moor for 5 business days or until the vessel is repaired,
981 whichever occurs first.

982 (b) Imminent or existing weather conditions in the vicinity
983 of the vessel pose an unreasonable risk of harm to the vessel or
984 the persons onboard such vessel. The owner or operator of the
985 vessel may anchor or moor until weather conditions no longer
986 pose such risk. During a hurricane or tropical storm, weather

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987 conditions are deemed to no longer pose an unreasonable risk of
988 harm when the hurricane or tropical storm warning affecting the
989 area has expired.

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

992 327.45 Protection zones for springs.—

993 (2) The commission may establish by rule protection zones
994 that restrict the speed and operation of vessels, or which
995 prohibit the anchoring, mooring, beaching, or grounding of
996 vessels, to protect and prevent harm to first, second, and third
997 magnitude springs and springs groups, including their associated
998 spring runs, as determined by the commission using the most
999 recent Florida Geological Survey springs bulletin. This harm
1000 includes negative impacts to water quality, water quantity,
1001 hydrology, wetlands, and aquatic and wetland-dependent species.

1002 Section 15. Paragraph (b) of subsection (1) of section
1003 327.46, Florida Statutes, is amended to read:

1004 327.46 Boating-restricted areas.—

1005 (1) Boating-restricted areas, including, but not limited
1006 to, restrictions of vessel speeds and vessel traffic, may be
1007 established on the waters of this state for any purpose
1008 necessary to protect the safety of the public if such
1009 restrictions are necessary based on boating accidents,
1010 visibility, hazardous currents or water levels, vessel traffic
1011 congestion, or other navigational hazards or to protect
1012 seagrasses on privately owned submerged lands.

1013 (b) Municipalities and counties may ~~have the authority to~~
1014 establish the following boating-restricted areas by ordinance:

1015 1. An ordinance establishing an idle speed, no wake

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1016 boating-restricted area, if the area is:

1017 a. Within 500 feet of any boat ramp, hoist, marine railway,
1018 or other launching or landing facility available for use by the
1019 general boating public on waterways more than 300 feet in width
1020 or within 300 feet of any boat ramp, hoist, marine railway, or
1021 other launching or landing facility available for use by the
1022 general boating public on waterways not exceeding 300 feet in
1023 width.

1024 b. Within 500 feet of fuel pumps or dispensers at any
1025 marine fueling facility that sells motor fuel to the general
1026 boating public on waterways more than 300 feet in width or
1027 within 300 feet of the fuel pumps or dispensers at any licensed
1028 terminal facility that sells motor fuel to the general boating
1029 public on waterways not exceeding 300 feet in width.

1030 c. Inside or within 300 feet of any lock structure.

1031 2. An ordinance establishing a slow speed, minimum wake
1032 boating-restricted area if the area is:

1033 a. Within 300 feet of any bridge fender system.

1034 b. Within 300 feet of any bridge span presenting a vertical
1035 clearance of less than 25 feet or a horizontal clearance of less
1036 than 100 feet.

1037 c. On a creek, stream, canal, or similar linear waterway if
1038 the waterway is less than 75 feet in width from shoreline to
1039 shoreline.

1040 d. On a lake or pond of less than 10 acres in total surface
1041 area.

1042 e. Within the boundaries of a permitted public mooring
1043 field and a buffer around the mooring field of up to 100 feet.

1044 3. An ordinance establishing a vessel-exclusion zone if the

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1045 area is:

- 1046 a. Designated as a public bathing beach or swim area.
1047 b. Within 300 feet of a dam, spillway, or flood control

1048 structure.

1049 4. Notwithstanding the prohibition in s. 327.60(2)(c),
1050 within the portion of the Florida Intracoastal Waterway within
1051 their jurisdiction, except that the municipality or county may
1052 not establish a vessel-exclusion zone for public bathing beaches
1053 or swim areas within the waterway.

1054 Section 16. Section 327.463, Florida Statutes, is created
1055 to read:

1056 327.463 Special hazards.—

1057 (1) For purposes of this section, a vessel:

1058 (a) Is operating at slow speed, minimum wake only if it is:

1059 1. Fully off plane and completely settled into the water;

1060 and

1061 2. Proceeding without wake or with minimum wake.

1062
1063 A vessel that is required to operate at slow speed, minimum wake
1064 may not proceed at a speed greater than a speed that is
1065 reasonable and prudent to avoid the creation of an excessive
1066 wake or other hazardous condition under the existing
1067 circumstances.

1068 (b) Is not proceeding at slow speed, minimum wake if it is:

1069 1. Operating on plane;

1070 2. In the process of coming off plane and settling into the
1071 water or getting on plane; or

1072 3. Operating at a speed that creates a wake that
1073 unreasonably or unnecessarily endangers other vessels.

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1074 (2) A person may not operate a vessel faster than slow
1075 speed, minimum wake within 300 feet of any emergency vessel,
1076 including, but not limited to, a law enforcement vessel, United
1077 States Coast Guard vessel, or firefighting vessel, when such
1078 emergency vessel's emergency lights are activated.

1079 (3) (a) A person may not operate a vessel faster than slow
1080 speed, minimum wake within 300 feet of any construction vessel
1081 or barge when the vessel or barge is displaying an orange flag
1082 from a pole extending:

1083 1. At least 10 feet above the tallest portion of the vessel
1084 or barge, indicating that the vessel or barge is actively
1085 engaged in construction operations; or

1086 2. At least 5 feet above any superstructure permanently
1087 installed upon the vessel or barge, indicating that the vessel
1088 or barge is actively engaged in construction operations.

1089 (b) A flag displayed on a construction vessel or barge
1090 pursuant to this subsection must:

1091 1. Be at least 2 feet by 3 feet in size.

1092 2. Have a wire or other stiffener or be otherwise
1093 constructed to ensure that the flag remains fully unfurled and
1094 extended in the absence of a wind or breeze.

1095 3. Be displayed so that the visibility of the flag is not
1096 obscured in any direction.

1097 (c) In periods of low visibility, including any time
1098 between 30 minutes after sunset and 30 minutes before sunrise, a
1099 person may not be cited for a violation of this subsection
1100 unless the orange flag is illuminated and visible from a
1101 distance of at least 2 nautical miles. Such illumination does
1102 not relieve the construction vessel or barge from complying with

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1103 all navigation rules.

1104 (4) (a) A person operating a vessel in violation of this
1105 section commits a noncriminal infraction, punishable as provided
1106 in s. 327.73.

1107 (b) The owner of, or party who is responsible for, a
1108 construction vessel or barge who displays an orange flag on the
1109 vessel or barge when it is not actively engaged in construction
1110 operations commits a noncriminal infraction, punishable as
1111 provided in s. 327.73.

1112 (5) The speed and penalty provisions of this section do not
1113 apply to a law enforcement, firefighting, or rescue vessel that
1114 is owned or operated by a governmental entity.

1115 Section 17. Paragraph (a) of subsection (1) of section
1116 327.50, Florida Statutes, is amended to read:

1117 327.50 Vessel safety regulations; equipment and lighting
1118 requirements.—

1119 (1) (a) The owner and operator of every vessel on the waters
1120 of this state shall carry, store, maintain, and use safety
1121 equipment in accordance with current United States Coast Guard
1122 safety equipment requirements as specified in the Code of
1123 Federal Regulations, unless expressly exempted by the commission
1124 ~~department~~.

1125 Section 18. Paragraph (a) of subsection (6) and subsection
1126 (7) of section 327.53, Florida Statutes, are amended, and
1127 subsection (8) is added to that section, to read:

1128 327.53 Marine sanitation.—

1129 (6) (a) A violation of this section is a noncriminal
1130 infraction, punishable as provided in s. 327.73. Each violation
1131 shall be a separate offense. The owner and operator of any

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1132 vessel shall be jointly and severally liable for the civil
1133 penalty imposed pursuant to this section.

1134 (7) A ~~Any~~ vessel or floating structure operated or occupied
1135 on the waters of this ~~the~~ state in violation of this section is
1136 declared a nuisance and a hazard to public safety and health.
1137 The owner or operator of a ~~any~~ vessel or floating structure
1138 cited for violating this section shall, within 30 days following
1139 the issuance of the citation, correct the violation for which
1140 the citation was issued or remove the vessel or floating
1141 structure from the waters of this ~~the~~ state. If the violation is
1142 not corrected within the 30 days and the vessel or floating
1143 structure remains on the waters of this ~~the~~ state in violation
1144 of this section, law enforcement officers charged with the
1145 enforcement of this chapter under s. 327.70 shall apply to the
1146 appropriate court in the county in which the vessel or floating
1147 structure is located, ~~to~~ order or otherwise cause the removal of
1148 such vessel or floating structure from the waters of this ~~the~~
1149 state at the owner's expense. If the owner cannot be found or
1150 otherwise fails to pay the removal costs, the provisions of s.
1151 328.17 shall apply. If the proceeds under s. 328.17 are not
1152 sufficient to pay all removal costs, funds appropriated from the
1153 Marine Resources Conservation Trust Fund pursuant to paragraph
1154 (6) (b) or s. 328.72(15)(c) ~~s. 328.72(16)~~ may be used.

1155 (8) The owner or operator of a live-aboard vessel as
1156 defined in s. 327.02(23)(a) or (c), or a houseboat as defined in
1157 s. 327.02(17), that is equipped with a marine sanitation device
1158 must maintain a record of the date of each pumpout of the marine
1159 sanitation device and the location of the pumpout station or
1160 waste reception facility. Each record must be maintained for 1

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1161 year after the date of the pumpout.

1162 Section 19. Subsection (2) of section 327.54, Florida
1163 Statutes, is amended to read:

1164 327.54 Liveries; safety regulations; penalty.—

1165 (2) A livery may not knowingly lease, hire, or rent a ~~any~~
1166 vessel ~~powered by a motor of 10 horsepower or greater~~ to a ~~any~~
1167 person who is required to comply with s. 327.395~~7~~, unless such
1168 person presents to the livery photographic identification and a
1169 valid boater safety identification card issued by the
1170 commission, a state-issued identification card or driver license
1171 indicating possession of the boating safety identification card,
1172 or photographic identification and a valid temporary certificate
1173 issued or approved by the commission as required under s.
1174 327.395(2) ~~s. 327.395(1)~~, or meets the exemption provided under
1175 s. 327.395(6) (f).

1176 Section 20. Subsection (5) of section 327.60, Florida
1177 Statutes, is amended to read:

1178 327.60 Local regulations; limitations.—

1179 (5) A local government may enact and enforce regulations to
1180 implement the procedures for abandoned or lost property that
1181 allow the local law enforcement agency to remove a vessel
1182 affixed to a public dock or mooring within its jurisdiction that
1183 is abandoned or lost property pursuant to s. 705.103(1). Such
1184 regulation must require the local law enforcement agency to post
1185 a written notice at least 24 hours before removing the vessel.

1186 Section 21. Paragraphs (q), (s), and (aa) of subsection (1)
1187 of section 327.73, Florida Statutes, are amended, and paragraphs
1188 (cc) and (dd) are added to that subsection, to read:

1189 327.73 Noncriminal infractions.—

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1190 (1) Violations of the following provisions of the vessel
1191 laws of this state are noncriminal infractions:

1192 (q) Section 327.53(1), (2), ~~and (3)~~, and (8), relating to
1193 marine sanitation.

1194 (s) Section 327.395, relating to boater safety education.

1195 However, a person cited for violating the requirements of s.
1196 327.395 relating to failure to have required proof of boating
1197 safety education in his or her possession may not be convicted
1198 if, before or at the time of a county court hearing, the person
1199 produces proof of the boating safety education identification
1200 card or temporary certificate for verification by the hearing
1201 officer or the court clerk and the identification card or
1202 temporary certificate was valid at the time the person was
1203 cited.

1204 (aa) Section 327.4107, relating to vessels at risk of
1205 becoming derelict on waters of this state, for which the civil
1206 penalty is:

1207 1. For a first offense, \$100 ~~\$50~~.

1208 2. For a second offense occurring 30 days or more after a
1209 first offense, \$250 ~~\$100~~.

1210 3. For a third or subsequent offense occurring 30 days or
1211 more after a previous offense, \$500 ~~\$250~~.

1212
1213 A vessel that is the subject of three or more violations issued
1214 pursuant to the same paragraph of s. 327.4107(2) within an 18-
1215 month period which result in dispositions other than acquittal
1216 or dismissal shall be declared to be a public nuisance and
1217 subject to ss. 705.103(2) and (4) and 823.11(3). The commission,
1218 an officer of the commission, or a law enforcement agency or

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1219 officer specified in s. 327.70 may relocate, remove, or cause to
1220 be relocated or removed such public nuisance vessels from waters
1221 of this state. The commission, an officer of the commission, or
1222 a law enforcement agency or officer acting pursuant to this
1223 paragraph upon waters of this state shall be held harmless for
1224 all damages to the vessel resulting from such relocation or
1225 removal unless the damage results from gross negligence or
1226 willful misconduct as these terms are defined in s. 823.11.

1227 (cc) Section 327.463(4) (a) and (b), relating to vessels
1228 creating special hazards, for which the penalty is:

1229 1. For a first offense, \$50.

1230 2. For a second offense occurring within 12 months after a
1231 prior offense, \$100.

1232 3. For a third offense occurring within 36 months after a
1233 prior offense, \$250.

1234 (dd) Section 327.371, relating to the regulation of human-
1235 powered vessels.

1236
1237 Any person cited for a violation of any provision of this
1238 subsection shall be deemed to be charged with a noncriminal
1239 infraction, shall be cited for such an infraction, and shall be
1240 cited to appear before the county court. The civil penalty for
1241 any such infraction is \$50, except as otherwise provided in this
1242 section. Any person who fails to appear or otherwise properly
1243 respond to a uniform boating citation shall, in addition to the
1244 charge relating to the violation of the boating laws of this
1245 state, be charged with the offense of failing to respond to such
1246 citation and, upon conviction, be guilty of a misdemeanor of the
1247 second degree, punishable as provided in s. 775.082 or s.

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1248 775.083. A written warning to this effect shall be provided at
1249 the time such uniform boating citation is issued.

1250 Section 22. Subsection (4) of section 328.09, Florida
1251 Statutes, is amended to read:

1252 328.09 Refusal to issue and authority to cancel a
1253 certificate of title or registration.—

1254 (4) The department may not issue a certificate of title to
1255 an ~~any~~ applicant for a ~~any~~ vessel that has been deemed derelict
1256 by a law enforcement officer under s. 376.15 or s. 823.11. A law
1257 enforcement officer must inform the department in writing, which
1258 may be provided by facsimile, electronic mail, or other
1259 electronic means, of the vessel's derelict status and supply the
1260 department with the vessel title number or vessel identification
1261 number. The department may issue a certificate of title once a
1262 law enforcement officer has verified in writing, which may be
1263 provided by facsimile, electronic mail, or other electronic
1264 means, that the vessel is no longer a derelict vessel.

1265 Section 23. Effective July 1, 2023, paragraph (e) of
1266 subsection (3) of section 328.09, Florida Statutes, as amended
1267 by section 12 of chapter 2019-76, Laws of Florida, is amended to
1268 read:

1269 328.09 Refusal to issue and authority to cancel a
1270 certificate of title or registration.—

1271 (3) Except as otherwise provided in subsection (4), the
1272 department may reject an application for a certificate of title
1273 only if:

1274 (e) The application is for a vessel that has been deemed
1275 derelict by a law enforcement officer under s. 376.15 or s.
1276 823.11. In such case, a law enforcement officer must inform the

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1277 department in writing, which may be provided by facsimile, e-
1278 mail, or other electronic means, of the vessel's derelict status
1279 and supply the department with the vessel title number or vessel
1280 identification number. The department may issue a certificate of
1281 title once a law enforcement officer has verified in writing,
1282 which may be provided by facsimile, e-mail, or other electronic
1283 means, that the vessel is no longer a derelict vessel.

1284 Section 24. Section 376.15, Florida Statutes, is amended to
1285 read:

1286 376.15 Derelict vessels; relocation or removal from ~~public~~
1287 waters of this state.-

1288 (1) As used in this section, the term:

1289 (a) "Commission" means the Fish and Wildlife Conservation
1290 Commission.

1291 (b) "Gross negligence" means conduct so reckless or wanting
1292 in care that it constitutes a conscious disregard or
1293 indifference to the safety of the property exposed to such
1294 conduct.

1295 (c) "Willful misconduct" means conduct evidencing
1296 carelessness or negligence of such a degree or recurrence as to
1297 manifest culpability, wrongful intent, or evil design or to show
1298 an intentional and substantial disregard of the interests of the
1299 vessel owner.

1300 (2) (a) It is unlawful for any person, firm, or corporation
1301 to ~~store, leave, or abandon~~ any derelict vessel as defined in s.
1302 823.11 upon the waters of ~~in~~ this state. For purposes of this
1303 paragraph, the term "leave" means to allow a vessel to remain
1304 occupied or unoccupied on the waters of this state for more than
1305 24 hours.

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1306 (b) Notwithstanding paragraph (a), a person who owns or
1307 operates a vessel that becomes derelict upon the waters of this
1308 state solely as a result of a boating accident that is reported
1309 to law enforcement in accordance with s. 327.301 or otherwise
1310 reported to law enforcement; a hurricane; or another sudden
1311 event outside of his or her control may not be charged with a
1312 violation if:

1313 1. The individual documents for law enforcement the
1314 specific event that led to the vessel being derelict upon the
1315 waters of this state; and

1316 2. The vessel has been removed from the waters of this
1317 state or has been repaired or addressed such that it is no
1318 longer derelict upon the waters of this state:

1319 a. For a vessel that has become derelict as a result of a
1320 boating accident or other sudden event outside of his or her
1321 control, within 7 days after such accident or event; or

1322 b. Within 45 days after the hurricane has passed over this
1323 state.

1324 (c) This subsection does not apply to a vessel that was
1325 derelict upon the waters of this state before the stated
1326 accident or event.

1327 (3) (a) The commission, an officer ~~officers~~ of the
1328 commission, or a ~~and any~~ law enforcement agency or officer
1329 specified in s. 327.70 may are ~~authorized and empowered to~~
1330 relocate, remove, store, destroy, or dispose of or cause to be
1331 relocated, ~~or~~ removed, stored, destroyed, or disposed of a ~~any~~
1332 derelict vessel as defined in s. 823.11 from public waters of
1333 this state as defined in s. 327.02. All costs, including costs
1334 owed to a third party, incurred by the commission or other law

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1335 enforcement agency in the relocation, ~~or~~ removal, storage,
1336 destruction, or disposal of any abandoned or derelict vessel are
1337 recoverable against the owner of the vessel or the party
1338 determined to be legally responsible for the vessel being upon
1339 the waters of this state in a derelict condition. The Department
1340 of Legal Affairs shall represent the commission in actions to
1341 recover such costs.

1342 (b) The commission, an officer ~~officers~~ of the commission,
1343 or a ~~and any other~~ law enforcement agency or officer specified
1344 in s. 327.70 acting pursuant to ~~under~~ this section to relocate,
1345 remove, store, destroy, or dispose of or cause to be relocated,
1346 ~~or removed, stored, destroyed, or disposed of~~ a derelict vessel
1347 from public waters of this state as defined in s. 327.02 shall
1348 be held harmless for all damages to the derelict vessel
1349 resulting from such action ~~relocation or removal~~ unless the
1350 damage results from gross negligence or willful misconduct as
1351 these terms are defined in s. 823.11.

1352 (c) A contractor performing relocation or removal
1353 activities at the direction of the commission, an officer
1354 ~~officers~~ of the commission, ~~or~~ a law enforcement agency or
1355 officer, or a governmental subdivision, when the governmental
1356 subdivision has received authorization for the relocation or
1357 removal from a law enforcement officer or agency pursuant to
1358 this section, must be licensed in accordance with applicable
1359 United States Coast Guard regulations where required; obtain and
1360 carry in full force and effect a policy from a licensed
1361 insurance carrier in this state to insure against any accident,
1362 loss, injury, property damage, or other casualty caused by or
1363 resulting from the contractor's actions; and be properly

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1364 equipped to perform the services to be provided.

1365 (d) The commission may establish a program to provide
1366 grants to local governments for the removal, storage,
1367 destruction, and disposal of derelict vessels from the ~~public~~
1368 waters of ~~this~~ the state as defined in s. 327.02. The program
1369 shall be funded from the Marine Resources Conservation Trust
1370 Fund or the Florida Coastal Protection Trust Fund.
1371 Notwithstanding ~~the provisions in~~ s. 216.181(11), funds
1372 available for grants may only be authorized by appropriations
1373 acts of the Legislature. In a given fiscal year, if all funds
1374 appropriated pursuant to this paragraph are not requested by and
1375 granted to local governments for the removal, storage,
1376 destruction, and disposal of derelict vessels by the end of the
1377 third quarter, the Fish and Wildlife Conservation Commission may
1378 use the remainder of the funds to remove, store, destroy, and
1379 dispose of, or to pay private contractors to remove, store,
1380 destroy, and dispose of, derelict vessels.

1381 (e) The commission shall adopt by rule procedures for
1382 submitting a grant application and criteria for allocating
1383 available funds. Such criteria shall include, but not be limited
1384 to, the following:

1385 1. The number of derelict vessels within the jurisdiction
1386 of the applicant.

1387 2. The threat posed by such vessels to public health or
1388 safety, the environment, navigation, or the aesthetic condition
1389 of the general vicinity.

1390 3. The degree of commitment of the local government to
1391 maintain waters free of abandoned and derelict vessels and to
1392 seek legal action against those who abandon vessels in the

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1393 waters of this ~~the~~ state as defined in s. 327.02.

1394 (f) This section constitutes the authority for such removal
1395 but is not intended to be in contravention of any applicable
1396 federal act.

1397 Section 25. Subsections (2) and (4) of section 705.103,
1398 Florida Statutes, are amended to read:

1399 705.103 Procedure for abandoned or lost property.—

1400 (2) (a)1. Whenever a law enforcement officer ascertains
1401 that:

1402 a. An article of lost or abandoned property other than a
1403 derelict vessel or a vessel declared a public nuisance pursuant
1404 to s. 327.73(1)(aa) is present on public property and is of such
1405 nature that it cannot be easily removed, the officer shall cause
1406 a notice to be placed upon such article in substantially the
1407 following form:

1408
1409 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1410 PROPERTY. This property, to wit: ...(setting forth brief
1411 description)... is unlawfully upon public property known as
1412 ...(setting forth brief description of location)... and must be
1413 removed within 5 days; otherwise, it will be removed and
1414 disposed of pursuant to chapter 705, Florida Statutes. The owner
1415 will be liable for the costs of removal, storage, and
1416 publication of notice. Dated this: ...(setting forth the date of
1417 posting of notice)..., signed: ...(setting forth name, title,
1418 address, and telephone number of law enforcement officer)....

1419
1420 b. A derelict vessel or a vessel declared a public nuisance
1421 pursuant to s. 327.73(1)(aa) is present on the waters of this

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1422 state, the officer shall cause a notice to be placed upon such
1423 vessel in substantially the following form:

1424
1425 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1426 VESSEL. This vessel, to wit: ...(setting forth brief
1427 description)... has been determined to be (derelict or a public
1428 nuisance) and is unlawfully upon waters of this state
1429 ...(setting forth brief description of location)... and must be
1430 removed within 21 days; otherwise, it will be removed and
1431 disposed of pursuant to chapter 705, Florida Statutes. The owner
1432 and other interested parties have the right to a hearing to
1433 challenge the determination that this vessel is derelict or
1434 otherwise in violation of the law. Please contact ...(contact
1435 information for person who can arrange for a hearing in
1436 accordance with this section).... The owner or the party
1437 determined to be legally responsible for the vessel being upon
1438 the waters of this state in a derelict condition will be liable
1439 for the costs of removal, destruction, and disposal if this
1440 vessel is not removed by the owner. Dated this: ...(setting
1441 forth the date of posting of notice)..., signed: ...(setting
1442 forth name, title, address, and telephone number of law
1443 enforcement officer)....

1444 2. The notices required under subparagraph 1. may ~~Such~~
1445 ~~notice shall be~~ not be less than 8 inches by 10 inches and shall
1446 be sufficiently weatherproof to withstand normal exposure to the
1447 elements. In addition to posting, the law enforcement officer
1448 shall make a reasonable effort to ascertain the name and address
1449 of the owner. If such is reasonably available to the officer,
1450 she or he shall mail a copy of such notice to the owner on or

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1451 before the date of posting. If the property is a motor vehicle
1452 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,
1453 the law enforcement agency shall contact the Department of
1454 Highway Safety and Motor Vehicles in order to determine the name
1455 and address of the owner and any person who has filed a lien on
1456 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
1457 328.15(1). On receipt of this information, the law enforcement
1458 agency shall mail a copy of the notice by certified mail, return
1459 receipt requested, to the owner and to the lienholder, if any,
1460 except that a law enforcement officer who has issued a citation
1461 for a violation of s. 376.15 or s. 823.11 to the owner of a
1462 derelict vessel is not required to mail a copy of the notice by
1463 certified mail, return receipt requested, to the owner. For a
1464 derelict vessel or a vessel declared a public nuisance pursuant
1465 to s. 327.73(1) (aa), the mailed notice must inform the owner or
1466 responsible party that he or she has a right to a hearing to
1467 dispute the determination that the vessel is derelict or
1468 otherwise in violation of the law. If a request for a hearing is
1469 made, a state agency shall follow the processes set forth in s.
1470 120.569. Local governmental entities shall follow the processes
1471 set forth in s. 120.569, except that a local judge, magistrate,
1472 or code enforcement officer may be designated to conduct such a
1473 hearing. If, at the end of 5 days after posting the notice in
1474 sub-subparagraph 1.a., or at the end of 21 days after posting
1475 the notice in sub-subparagraph 1.b., and mailing such notice, if
1476 required, the owner or any person interested in the lost or
1477 abandoned article or articles described has not removed the
1478 article or articles from public property or shown reasonable
1479 cause for failure to do so, and, in the case of a derelict

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1480 vessel or a vessel declared a public nuisance pursuant to s.
1481 327.73(1)(aa), has not requested a hearing in accordance with
1482 this section, the following shall apply:

1483 a.~~(a)~~ For abandoned property other than a derelict vessel
1484 or a vessel declared a public nuisance pursuant to s.
1485 327.73(1)(aa), the law enforcement agency may retain any or all
1486 of the property for its own use or for use by the state or unit
1487 of local government, trade such property to another unit of
1488 local government or state agency, donate the property to a
1489 charitable organization, sell the property, or notify the
1490 appropriate refuse removal service.

1491 b. For a derelict vessel or a vessel declared a public
1492 nuisance pursuant to s. 327.73(1)(aa), the law enforcement
1493 agency or its designee may:

1494 (I) Remove the vessel from the waters of this state and
1495 destroy and dispose of the vessel or authorize another
1496 governmental entity or its designee to do so; or

1497 (II) Authorize the vessel's use as an artificial reef in
1498 accordance with s. 379.249 if all necessary federal, state, and
1499 local authorizations are received.

1500
1501 A law enforcement agency or its designee may also take action as
1502 described in this sub-subparagraph if, following a hearing
1503 pursuant to this section, the judge, magistrate, administrative
1504 law judge, or hearing officer has determined the vessel to be
1505 derelict as provided in s. 823.11 or otherwise in violation of
1506 the law in accordance with s. 327.73(1)(aa) and a final order
1507 has been entered or the case is otherwise closed.

1508 (b) For lost property, the officer shall take custody and

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1509 the agency shall retain custody of the property for 90 days. The
1510 agency shall publish notice of the intended disposition of the
1511 property, as provided in this section, during the first 45 days
1512 of this time period.

1513 1. If the agency elects to retain the property for use by
1514 the unit of government, donate the property to a charitable
1515 organization, surrender such property to the finder, sell the
1516 property, or trade the property to another unit of local
1517 government or state agency, notice of such election shall be
1518 given by an advertisement published once a week for 2
1519 consecutive weeks in a newspaper of general circulation in the
1520 county where the property was found if the value of the property
1521 is more than \$100. If the value of the property is \$100 or less,
1522 notice shall be given by posting a description of the property
1523 at the law enforcement agency where the property was turned in.
1524 The notice must be posted for not less than 2 consecutive weeks
1525 in a public place designated by the law enforcement agency. The
1526 notice must describe the property in a manner reasonably
1527 adequate to permit the rightful owner of the property to claim
1528 it.

1529 2. If the agency elects to sell the property, it must do so
1530 at public sale by competitive bidding. Notice of the time and
1531 place of the sale shall be given by an advertisement of the sale
1532 published once a week for 2 consecutive weeks in a newspaper of
1533 general circulation in the county where the sale is to be held.
1534 The notice shall include a statement that the sale shall be
1535 subject to any and all liens. The sale must be held at the
1536 nearest suitable place to that where the lost or abandoned
1537 property is held or stored. The advertisement must include a

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1538 description of the goods and the time and place of the sale. The
1539 sale may take place no earlier than 10 days after the final
1540 publication. If there is no newspaper of general circulation in
1541 the county where the sale is to be held, the advertisement shall
1542 be posted at the door of the courthouse and at three other
1543 public places in the county at least 10 days prior to sale.
1544 Notice of the agency's intended disposition shall describe the
1545 property in a manner reasonably adequate to permit the rightful
1546 owner of the property to identify it.

1547 (4) The owner of any abandoned or lost property, or in the
1548 case of a derelict vessel, the owner or other party determined
1549 to be legally responsible for the vessel being upon the waters
1550 of this state in a derelict condition, who, after notice as
1551 provided in this section, does not remove such property within
1552 the specified period shall be liable to the law enforcement
1553 agency, other governmental entity, or the agency's or entity's
1554 designee for all costs of removal, storage, and destruction of
1555 such property, less any salvage value obtained by disposal of
1556 the property. Upon final disposition of the property, the law
1557 enforcement officer or representative of the law enforcement
1558 agency or other governmental entity shall notify the owner, if
1559 known, of the amount owed. In the case of an abandoned vessel or
1560 motor vehicle, any person who neglects or refuses to pay such
1561 amount is not entitled to be issued a certificate of
1562 registration for such vessel or motor vehicle, or any other
1563 vessel or motor vehicle, until such costs have been paid. A
1564 person who has neglected or refused to pay all costs of removal,
1565 storage, disposal, and destruction of a vessel or motor vehicle
1566 as provided in this section, after having been provided written

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1567 notice via certified mail that such costs are owed, and who
1568 applies for and is issued a registration for a vessel or motor
1569 vehicle before such costs have been paid in full commits a
1570 misdemeanor of the first degree, punishable as provided in s.
1571 775.082 or s. 775.083. The law enforcement officer or
1572 representative of the law enforcement agency or other
1573 governmental entity shall supply the Department of Highway
1574 Safety and Motor Vehicles with a list of persons whose vessel
1575 registration privileges and ~~or whose~~ motor vehicle privileges
1576 have been revoked under this subsection. ~~Neither~~ The department
1577 or a ~~nor any other~~ person acting as an agent of the department
1578 may not ~~thereof shall~~ issue a certificate of registration to a
1579 person whose vessel and ~~or~~ motor vehicle registration privileges
1580 have been revoked, as provided by this subsection, until such
1581 costs have been paid.

1582 Section 26. Effective July 1, 2023, subsection (2) of
1583 section 705.103, Florida Statutes, as amended by section 29 of
1584 chapter 2019-76, Laws of Florida, is amended to read:

1585 705.103 Procedure for abandoned or lost property.—

1586 (2) (a)1. Whenever a law enforcement officer ascertains
1587 that:

1588 a. An article of lost or abandoned property other than a
1589 derelict vessel or a vessel declared a public nuisance pursuant
1590 to s. 327.73(1)(aa) is present on public property and is of such
1591 nature that it cannot be easily removed, the officer shall cause
1592 a notice to be placed upon such article in substantially the
1593 following form:

1594
1595 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED

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1596 PROPERTY. This property, to wit: ...(setting forth brief
1597 description)... is unlawfully upon public property known as
1598 ...(setting forth brief description of location)... and must be
1599 removed within 5 days; otherwise, it will be removed and
1600 disposed of pursuant to chapter 705, Florida Statutes. The owner
1601 will be liable for the costs of removal, storage, and
1602 publication of notice. Dated this: ...(setting forth the date of
1603 posting of notice)..., signed: ...(setting forth name, title,
1604 address, and telephone number of law enforcement officer)....

1605

1606 b. A derelict vessel or a vessel declared a public nuisance
1607 pursuant to s. 327.73(1)(aa) is present on the waters of this
1608 state, the officer shall cause a notice to be placed upon such
1609 vessel in substantially the following form:

1610

1611 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1612 VESSEL. This vessel, to wit: ...(setting forth brief description
1613 of location)... has been determined to be (derelict or a public
1614 nuisance) and is unlawfully upon the waters of this state
1615 ...(setting forth brief description of location)... and must be
1616 removed within 21 days; otherwise, it will be removed and
1617 disposed of pursuant to chapter 705, Florida Statutes. The owner
1618 and other interested parties have the right to a hearing to
1619 challenge the determination that this vessel is derelict or
1620 otherwise in violation of the law. Please contact ...(contact
1621 information for person who can arrange for a hearing in
1622 accordance with this section)... The owner or the party
1623 determined to be legally responsible for the vessel being upon
1624 the waters of this state in a derelict condition will be liable

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1625 for the costs of removal, destruction, and disposal if this
1626 vessel is not removed by the owner. Dated this: ...(setting
1627 forth the date of posting of notice)..., signed: ...(setting
1628 forth name, title, address, and telephone number of law
1629 enforcement officer)....

1630

1631 2. The notices required under subparagraph 1. may ~~Such~~
1632 ~~notice shall be not~~ be less than 8 inches by 10 inches and shall
1633 be sufficiently weatherproof to withstand normal exposure to the
1634 elements. In addition to posting, the law enforcement officer
1635 shall make a reasonable effort to ascertain the name and address
1636 of the owner. If such is reasonably available to the officer,
1637 she or he shall mail a copy of such notice to the owner on or
1638 before the date of posting. If the property is a motor vehicle
1639 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,
1640 the law enforcement agency shall contact the Department of
1641 Highway Safety and Motor Vehicles in order to determine the name
1642 and address of the owner and any person who has filed a lien on
1643 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
1644 328.15. On receipt of this information, the law enforcement
1645 agency shall mail a copy of the notice by certified mail, return
1646 receipt requested, to the owner and to the lienholder, if any,
1647 except that a law enforcement officer who has issued a citation
1648 for a violation of s. 376.15 or s. 823.11 to the owner of a
1649 derelict vessel is not required to mail a copy of the notice by
1650 certified mail, return receipt requested, to the owner. For a
1651 derelict vessel or a vessel declared a public nuisance pursuant
1652 to s. 327.73(1)(aa), the mailed notice must inform the owner or
1653 responsible party that he or she has a right to a hearing to

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1654 dispute the determination that the vessel is derelict or
1655 otherwise in violation of the law. If a request for a hearing is
1656 made, a state agency shall follow the processes as set forth in
1657 s. 120.569. Local governmental entities shall follow the
1658 processes set forth in s. 120.569, except that a local judge,
1659 magistrate, or code enforcement officer may be designated to
1660 conduct such hearings. If, at the end of 5 days after posting
1661 the notice in sub-subparagraph 1.a., or at the end of 21 days
1662 after posting the notice in sub-subparagraph 1.b., and mailing
1663 such notice, if required, the owner or any person interested in
1664 the lost or abandoned article or articles described has not
1665 removed the article or articles from public property or shown
1666 reasonable cause for failure to do so, and, in the case of a
1667 derelict vessel or a vessel declared a public nuisance pursuant
1668 to s. 327.73(1)(aa), has not requested a hearing in accordance
1669 with this section, the following shall apply:

1670 a.~~(a)~~ For abandoned property other than a derelict vessel
1671 or a vessel declared a public nuisance pursuant to s.
1672 327.73(1)(aa), the law enforcement agency may retain any or all
1673 of the property for its own use or for use by the state or unit
1674 of local government, trade such property to another unit of
1675 local government or state agency, donate the property to a
1676 charitable organization, sell the property, or notify the
1677 appropriate refuse removal service.

1678 b. For a derelict vessel or a vessel declared a public
1679 nuisance pursuant to s. 327.73(1)(aa), the law enforcement
1680 agency or its designee may:

1681 (I) Remove the vessel from the waters of this state and
1682 destroy and dispose of the vessel or authorize another

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1683 governmental entity or its designee to do so; or

1684 (II) Authorize the vessel's use as an artificial reef in
1685 accordance with s. 379.249 if all necessary federal, state, and
1686 local authorizations are received.

1687
1688 A law enforcement agency or its designee may also take action as
1689 described in this sub-subparagraph if, following a hearing
1690 pursuant to this section, the judge, magistrate, administrative
1691 law judge, or hearing officer has determined the vessel to be
1692 derelict as provided in s. 823.11 or otherwise in violation of
1693 the law in accordance with s. 327.73(1)(aa) and a final order
1694 has been entered or the case is otherwise closed.

1695 (b) For lost property, the officer shall take custody and
1696 the agency shall retain custody of the property for 90 days. The
1697 agency shall publish notice of the intended disposition of the
1698 property, as provided in this section, during the first 45 days
1699 of this time period.

1700 1. If the agency elects to retain the property for use by
1701 the unit of government, donate the property to a charitable
1702 organization, surrender such property to the finder, sell the
1703 property, or trade the property to another unit of local
1704 government or state agency, notice of such election shall be
1705 given by an advertisement published once a week for 2
1706 consecutive weeks in a newspaper of general circulation in the
1707 county where the property was found if the value of the property
1708 is more than \$100. If the value of the property is \$100 or less,
1709 notice shall be given by posting a description of the property
1710 at the law enforcement agency where the property was turned in.
1711 The notice must be posted for not less than 2 consecutive weeks

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1712 in a public place designated by the law enforcement agency. The
1713 notice must describe the property in a manner reasonably
1714 adequate to permit the rightful owner of the property to claim
1715 it.

1716 2. If the agency elects to sell the property, it must do so
1717 at public sale by competitive bidding. Notice of the time and
1718 place of the sale shall be given by an advertisement of the sale
1719 published once a week for 2 consecutive weeks in a newspaper of
1720 general circulation in the county where the sale is to be held.
1721 The notice shall include a statement that the sale shall be
1722 subject to any and all liens. The sale must be held at the
1723 nearest suitable place to that where the lost or abandoned
1724 property is held or stored. The advertisement must include a
1725 description of the goods and the time and place of the sale. The
1726 sale may take place no earlier than 10 days after the final
1727 publication. If there is no newspaper of general circulation in
1728 the county where the sale is to be held, the advertisement shall
1729 be posted at the door of the courthouse and at three other
1730 public places in the county at least 10 days prior to sale.
1731 Notice of the agency's intended disposition shall describe the
1732 property in a manner reasonably adequate to permit the rightful
1733 owner of the property to identify it.

1734 Section 27. Subsections (1), (2), and (3) of section
1735 823.11, Florida Statutes, are amended to read:

1736 823.11 Derelict vessels; relocation or removal; penalty.—

1737 (1) As used in this section and s. 376.15, the term:

1738 (a) "Commission" means the Fish and Wildlife Conservation
1739 Commission.

1740 (b) "Derelict vessel" means a vessel, as defined in s.

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1741 327.02, that is ~~left, stored, or abandoned~~:

1742 1. In a wrecked, junked, or substantially dismantled
1743 condition upon any ~~public~~ waters of this state.

1744 a. A vessel is wrecked if it is sunken or sinking; aground
1745 without the ability to extricate itself absent mechanical
1746 assistance; or remaining after a marine casualty, including, but
1747 not limited to, a boating accident, extreme weather, or a fire.

1748 b. A vessel is junked if it has been substantially stripped
1749 of vessel components, if vessel components have substantially
1750 degraded or been destroyed, or if the vessel has been discarded
1751 by the owner or operator. Attaching an outboard motor to a
1752 vessel that is otherwise junked will not cause the vessel to no
1753 longer be junked if such motor is not an effective means of
1754 propulsion as required by s. 327.4107(2) (e) and associated
1755 rules.

1756 c. A vessel is substantially dismantled if at least two of
1757 the three following vessel systems or components are missing,
1758 compromised, incomplete, inoperable, or broken:

1759 (I) The steering system;

1760 (II) The propulsion system; or

1761 (III) The exterior hull integrity.

1762
1763 Attaching an outboard motor to a vessel that is otherwise
1764 substantially dismantled will not cause the vessel to no longer
1765 be substantially dismantled if such motor is not an effective
1766 means of propulsion as required by s. 327.4107(2) (e) and
1767 associated rules.

1768 2. At a port in this state without the consent of the
1769 agency having jurisdiction thereof.

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1770 3. Docked, grounded, or beached upon the property of
1771 another without the consent of the owner of the property.

1772 (c) "Gross negligence" means conduct so reckless or wanting
1773 in care that it constitutes a conscious disregard or
1774 indifference to the safety of the property exposed to such
1775 conduct.

1776 (d) "Willful misconduct" means conduct evidencing
1777 carelessness or negligence of such a degree or recurrence as to
1778 manifest culpability, wrongful intent, or evil design or to show
1779 an intentional and substantial disregard of the interests of the
1780 vessel owner.

1781 (2) (a) It is unlawful for A person, firm, or corporation
1782 may not to store, leave, or abandon any derelict vessel upon
1783 waters of in this state. For purposes of this paragraph, the
1784 term "leave" means to allow a vessel to remain occupied or
1785 unoccupied on the waters of this state for more than 24 hours.

1786 (b) Notwithstanding paragraph (a), a person who owns or
1787 operates a vessel that becomes derelict upon the waters of this
1788 state solely as a result of a boating accident that is reported
1789 to law enforcement in accordance with s. 327.301 or otherwise
1790 reported to law enforcement; a hurricane; or another sudden
1791 event outside of his or her control may not be charged with a
1792 violation if:

1793 1. The individual documents for law enforcement the
1794 specific event that led to the vessel being derelict upon the
1795 waters of this state; and

1796 2. The vessel has been removed from the waters of this
1797 state or has been repaired or addressed such that it is no
1798 longer derelict upon the waters of this state:

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1799 a. For a vessel that has become derelict as a result of a
 1800 boating accident or other sudden event outside of his or her
 1801 control, within 7 days after such accident or event; or

1802 b. Within 45 days after the hurricane has passed over the
 1803 state.

1804 (c) This subsection does not apply to a vessel that was
 1805 derelict upon the waters of this state before the stated
 1806 accident or event.

1807 (3) The commission, an officer ~~officers~~ of the commission,
 1808 or a ~~and any~~ law enforcement agency or officer specified in s.
 1809 327.70 may ~~are authorized and empowered to~~ relocate, remove,
 1810 store, destroy, or dispose of or cause to be relocated, ~~or~~
 1811 removed, stored, destroyed, or disposed of a derelict vessel
 1812 from ~~public~~ waters of this state as defined in s. 327.02 if the
 1813 derelict vessel obstructs or threatens to obstruct navigation or
 1814 in any way constitutes a danger to the environment, property, or
 1815 persons. The commission, an officer ~~officers~~ of the commission,
 1816 or any other law enforcement agency or officer acting pursuant
 1817 to ~~under~~ this subsection to relocate, remove, store, destroy,
 1818 dispose of or cause to be relocated, ~~or~~ removed, stored,
 1819 destroyed, or disposed of a derelict vessel from ~~public~~ waters
 1820 of this state shall be held harmless for all damages to the
 1821 derelict vessel resulting from such action ~~relocation or removal~~
 1822 unless the damage results from gross negligence or willful
 1823 misconduct.

1824 (a) Removal of derelict vessels under this subsection may
 1825 be funded by grants provided in ss. 206.606 and 376.15. The
 1826 commission shall implement a plan for the procurement of any
 1827 available federal disaster funds and use such funds for the

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1828 removal of derelict vessels.

1829 (b) All costs, including costs owed to a third party,
1830 incurred by the commission, another ~~or other~~ law enforcement
1831 agency, or a governmental subdivision, when the governmental
1832 subdivision has received authorization from a law enforcement
1833 officer or agency, in the relocation, ~~or~~ removal, storage,
1834 destruction, or disposal of a derelict vessel are recoverable
1835 against the vessel owner or the party determined to be legally
1836 responsible for the vessel being upon the waters of this state
1837 in a derelict condition. The Department of Legal Affairs shall
1838 represent the commission in actions to recover such costs. As
1839 provided in s. 705.103(4), a person who neglects or refuses to
1840 pay such costs may not be issued a certificate of registration
1841 for such vessel or for any other vessel or motor vehicle until
1842 such costs have been paid. A person who has neglected or refused
1843 to pay all costs of removal, storage, destruction, or disposal
1844 of a derelict vessel as provided in this section, after having
1845 been provided written notice via certified mail that such costs
1846 are owed, and who applies for and is issued a registration for a
1847 vessel or motor vehicle before such costs have been paid in full
1848 commits a misdemeanor of the first degree, punishable as
1849 provided in s. 775.082 or s. 775.083.

1850 (c) A contractor performing such ~~relocation or removal~~
1851 activities at the direction of the commission, an officer
1852 ~~officers~~ of the commission, ~~or~~ a law enforcement agency or
1853 officer, or a governmental subdivision, when the governmental
1854 subdivision has received authorization for the relocation or
1855 removal from a law enforcement officer or agency, pursuant to
1856 this section must be licensed in accordance with applicable

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1857 United States Coast Guard regulations where required; obtain and
1858 carry in full force and effect a policy from a licensed
1859 insurance carrier in this state to insure against any accident,
1860 loss, injury, property damage, or other casualty caused by or
1861 resulting from the contractor's actions; and be properly
1862 equipped to perform the services to be provided.

1863 Section 28. Except as otherwise expressly provided in this
1864 act, this act shall take effect July 1, 2021.