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1
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 that such misdemeanor is 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; prohibiting the
19 restriction of vessel movement within the Florida
20 Intracoastal Waterway except under certain
21 circumstances; requiring the heads of certain entities
22 to report the establishment of such protection zones
23 to the commission and to the appropriate United States
24 Coast Guard Sector Command; providing requirements for
25 the report; providing applicability; providing
26 criminal penalties; amending s. 327.352, F.S.;
27 revising conditions under which a person commits a
28 misdemeanor of the first degree for refusing to submit
29 to certain tests; amending s. 327.35215, F.S.;

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30 requiring the clerk of the court to notify the
31 Department of Highway Safety and Motor Vehicles of
32 certain final dispositions by electronic transmission;
33 requiring the department to enter such disposition on
34 a person's driving record; amending s. 327.359, F.S.;
35 revising conditions under which a person commits a
36 misdemeanor of the first degree for refusing to submit
37 to certain tests; creating s. 327.371, F.S.; providing
38 circumstances under which a person may operate a
39 human-powered vessel within the boundaries of the
40 marked channel of the Florida Intracoastal Waterway;
41 providing a penalty; amending s. 327.391, F.S.;
42 conforming cross-references; amending s. 327.395,
43 F.S.; revising the types of documentation that a
44 person may use to comply with certain boating safety
45 requirements; removing the authority of the commission
46 to appoint certain entities to administer a boating
47 safety education course or temporary certificate
48 examination and issue certain credentials; exempting
49 certain persons from the requirement to possess
50 certain documents aboard a vessel; removing the
51 specified service fee amount that certain entities
52 that issue boating safety identification cards and
53 temporary certificates may charge and keep; amending
54 s. 327.4107, F.S.; revising the conditions under which
55 officers may determine a vessel is at risk of becoming
56 derelict; authorizing certain officers to provide
57 notice that a vessel is at risk of becoming derelict
58 via body camera recordings; authorizing the commission

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59 or certain officers to relocate at-risk vessels to a
60 certain distance from mangroves or vegetation;
61 providing that the commission or officers are not
62 liable for damages to such vessels; providing an
63 exception; authorizing the commission to establish a
64 derelict vessel prevention program consisting of
65 certain components; authorizing the commission to
66 adopt rules; providing that such program is subject to
67 appropriation by the Legislature; providing for
68 funding; amending s. 327.4108, F.S.; designating
69 Monroe County as an anchoring limitation area subject
70 to certain requirements; requiring the commission to
71 adopt rules; providing construction; requiring the
72 commission to designate a specified area as a priority
73 for the removal of derelict vessels until certain
74 conditions are met; deleting obsolete language;
75 amending s. 327.4109, F.S.; prohibiting the anchoring
76 or mooring of a vessel or floating structure within a
77 certain distance of certain facilities; providing
78 exceptions; amending s. 327.45, F.S.; authorizing the
79 commission to establish protection zones where certain
80 activities are prohibited in or near springs; amending
81 s. 327.46, F.S.; authorizing a county or municipality
82 to establish a boating-restricted area within and
83 around a public mooring field and within certain
84 portions of the Florida Intracoastal Waterway;
85 creating s. 327.463, F.S.; specifying conditions under
86 which a vessel is and is not operating at slow speed,
87 minimum wake; prohibiting a person from operating a

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88 vessel faster than slow speed, minimum wake within a
89 certain distance from other specified vessels;
90 providing requirements for construction vessel or
91 barge flags; exempting a person from being cited for a
92 violation under certain circumstances; providing civil
93 penalties; providing applicability; amending s.
94 327.50, F.S.; authorizing the commission to exempt
95 vessel owners and operators from certain safety
96 equipment requirements; creating s. 327.521, F.S.;

97 designating waters of this state within aquatic
98 preserves as no-discharge zones upon approval by the
99 United States Environmental Protection Agency;
100 prohibiting discharge of sewage from a vessel or
101 floating structure into such waters; providing civil
102 penalties; providing increased penalties for each day
103 the violation continues; requiring the owner or
104 operator to remove such vessel or structure within a
105 specified timeframe from the waters of this state upon
106 a second conviction; defining the term "conviction";
107 providing requirements for removal and sale of such
108 vessel or structure under certain circumstances;
109 requiring the commission to maintain and make
110 available to the public a list of marine sewage
111 pumpout facilities; amending s. 327.53, F.S.;

112 requiring the owner or operator of a live-aboard
113 vessel or houseboat equipped with a marine sanitation
114 device to maintain a record of the date and location
115 of each pumpout of the device for a certain period;
116 providing an exception; conforming a cross-reference;

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117 making technical changes; amending s. 327.54, F.S.;

118 prohibiting a livery from leasing, hiring, or renting

119 a vessel to a person required to complete a

120 commission-approved boating safety education course

121 unless such person presents certain documentation

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

123 authorizing a local government to enact and enforce

124 regulations allowing the local law enforcement agency

125 to remove an abandoned or lost vessel affixed to a

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

127 additional violations that qualify as noncriminal

128 infractions; providing civil penalties; prohibiting

129 conviction of a person cited for a violation relating

130 to possessing proof of boating safety education under

131 certain circumstances; increasing certain civil

132 penalties; providing that certain vessels shall be

133 declared a public nuisance subject to certain

134 statutory provisions; authorizing the commission or

135 certain officers to relocate or remove public nuisance

136 vessels from the waters of this state; providing that

137 the commission or officers are not liable for damages

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

139 328.09, F.S.; prohibiting the Department of Highway

140 Safety and Motor Vehicles from issuing a certificate

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

142 deemed derelict pursuant to certain provisions;

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

144 an application for a certificate of title for such a

145 vessel; amending s. 376.15, F.S.; revising unlawful

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146 acts relating to derelict vessels; defining the term
147 "leave"; prohibiting an owner or operator whose vessel
148 becomes derelict due to specified accidents or events
149 from being charged with a violation under certain
150 circumstances; providing applicability; conforming
151 provisions to changes made by the act; authorizing a
152 governmental subdivision that has received
153 authorization from a law enforcement officer or agency
154 to direct a contractor to perform vessel storage,
155 destruction, and disposal activities; authorizing the
156 commission to provide local government grants for the
157 storage, destruction, and disposal of derelict
158 vessels; providing for funding; amending s. 705.103,
159 F.S.; providing notice procedures for when a law
160 enforcement officer ascertains that a derelict or
161 public nuisance vessel is present on the waters of
162 this state; requiring a mailed notice to the owner or
163 party responsible for the vessel to inform him or her
164 of the right to a hearing; providing hearing
165 requirements; authorizing a law enforcement agency to
166 take certain actions if a hearing is not requested or
167 a vessel is determined to be derelict or otherwise in
168 violation of law; revising provisions relating to
169 liability for vessel removal costs and notification of
170 the amount owed; providing criminal penalties for a
171 person who is issued a registration for a vessel or
172 motor vehicle before such costs are paid; requiring
173 persons whose vessel registration and motor vehicle
174 privileges have been revoked for failure to pay

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175 certain costs to be reported to the department;
176 prohibiting issuance of a certificate of registration
177 to such persons until such costs are paid; amending s.
178 823.11, F.S.; revising application of definitions;
179 revising the definition of the term "derelict vessel";
180 specifying requirements for a vessel to be considered
181 wrecked, junked, or substantially dismantled;
182 providing construction; revising unlawful acts
183 relating to derelict vessels; defining the term
184 "leave"; prohibiting an owner or operator whose vessel
185 becomes derelict due to specified accidents or events
186 from being charged with a violation under certain
187 circumstances; providing applicability; providing that
188 relocation or removal costs incurred by a governmental
189 subdivision are recoverable against the vessel owner
190 or the party determined to be legally responsible for
191 the vessel being derelict; providing criminal
192 penalties for a person who is issued a registration
193 for a vessel or motor vehicle before such costs are
194 paid; authorizing a governmental subdivision that has
195 received authorization from a law enforcement officer
196 or agency to direct a contractor to perform vessel
197 relocation or removal activities; providing effective
198 dates.

199
200 Be It Enacted by the Legislature of the State of Florida:

201
202 Section 1. Effective October 1, 2021, paragraphs (a) and
203 (c) of subsection (1) of section 316.1932, Florida Statutes, are

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204 amended to read:

205 316.1932 Tests for alcohol, chemical substances, or
206 controlled substances; implied consent; refusal.-

207 (1) (a) 1.a. A ~~Any~~ person who accepts the privilege extended
208 by the laws of this state of operating a motor vehicle within
209 this state is, by ~~se~~ operating such vehicle, deemed to have
210 given his or her consent to submit to an approved chemical test
211 or physical test including, but not limited to, an infrared
212 light test of his or her breath for the purpose of determining
213 the alcoholic content of his or her blood or breath if the
214 person is lawfully arrested for any offense allegedly committed
215 while the person was driving or was in actual physical control
216 of a motor vehicle while under the influence of alcoholic
217 beverages. The chemical or physical breath test must be
218 incidental to a lawful arrest and administered at the request of
219 a law enforcement officer who has reasonable cause to believe
220 such person was driving or was in actual physical control of the
221 motor vehicle within this state while under the influence of
222 alcoholic beverages. The administration of a breath test does
223 not preclude the administration of another type of test. The
224 person shall be told that his or her failure to submit to any
225 lawful test of his or her breath will result in the suspension
226 of the person's privilege to operate a motor vehicle for a
227 period of 1 year for a first refusal, or for a period of 18
228 months if the driving privilege of such person has been
229 previously suspended or if he or she has previously been fined
230 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a
231 test or tests required under this chapter or chapter 327, and
232 shall also be told that if he or she refuses to submit to a

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

244 b. A ~~Any~~ person who accepts the privilege extended by the
245 laws of this state of operating a motor vehicle within this
246 state is, by ~~so~~ operating such vehicle, deemed to have given his
247 or her consent to submit to a urine test for the purpose of
248 detecting the presence of chemical substances as set forth in s.
249 877.111 or controlled substances if the person is lawfully
250 arrested for any offense allegedly committed while the person
251 was driving or was in actual physical control of a motor vehicle
252 while under the influence of chemical substances or controlled
253 substances. The urine test must be incidental to a lawful arrest
254 and administered at a detention facility or any other facility,
255 mobile or otherwise, which is equipped to administer such tests
256 at the request of a law enforcement officer who has reasonable
257 cause to believe such person was driving or was in actual
258 physical control of a motor vehicle within this state while
259 under the influence of chemical substances or controlled
260 substances. The urine test shall be administered at a detention
261 facility or any other facility, mobile or otherwise, which is

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262 equipped to administer such test in a reasonable manner that
263 will ensure the accuracy of the specimen and maintain the
264 privacy of the individual involved. The administration of a
265 urine test does not preclude the administration of another type
266 of test. The person shall be told that his or her failure to
267 submit to any lawful test of his or her urine will result in the
268 suspension of the person's privilege to operate a motor vehicle
269 for a period of 1 year for the first refusal, or for a period of
270 18 months if the driving privilege of such person has been
271 previously suspended or if he or she has previously been fined
272 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a
273 test or tests required under this chapter or chapter 327, and
274 shall also be told that if he or she refuses to submit to a
275 lawful test of his or her urine and his or her driving privilege
276 has been previously suspended or if he or she has previously
277 been fined under s. 327.35215 for a prior refusal to submit to a
278 lawful test of his or her breath, urine, or blood as required
279 under this chapter or chapter 327, he or she commits a
280 misdemeanor of the first degree, punishable as provided in s.
281 775.082 or s. 775.083, in addition to any other penalties
282 provided by law. The refusal to submit to a urine test upon the
283 request of a law enforcement officer as provided in this section
284 is admissible into evidence in any criminal proceeding.

285 2. The Alcohol Testing Program within the Department of Law
286 Enforcement is responsible for the regulation of the operation,
287 inspection, and registration of breath test instruments utilized
288 under the driving and boating under the influence provisions and
289 related provisions located in this chapter and chapters 322 and
290 327. The program is responsible for the regulation of the

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291 individuals who operate, inspect, and instruct on the breath
292 test instruments utilized in the driving and boating under the
293 influence provisions and related provisions located in this
294 chapter and chapters 322 and 327. The program is further
295 responsible for the regulation of blood analysts who conduct
296 blood testing to be utilized under the driving and boating under
297 the influence provisions and related provisions located in this
298 chapter and chapters 322 and 327. The program shall:

299 a. Establish uniform criteria for the issuance of permits
300 to breath test operators, agency inspectors, instructors, blood
301 analysts, and instruments.

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

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

307 d. Establish uniform requirements for instruction and
308 curricula for the operation and inspection of approved
309 instruments.

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

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

314 g. Have the authority to approve or disapprove breath test
315 instruments and accompanying paraphernalia for use pursuant to
316 the driving and boating under the influence provisions and
317 related provisions located in this chapter and chapters 322 and
318 327.

319 h. With the approval of the executive director of the

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320 Department of Law Enforcement, make and enter into contracts and
321 agreements with other agencies, organizations, associations,
322 corporations, individuals, or federal agencies as are necessary,
323 expedient, or incidental to the performance of duties.

324 i. Issue final orders which include findings of fact and
325 conclusions of law and which constitute final agency action for
326 the purpose of chapter 120.

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

329 k. Make recommendations concerning any matter within the
330 purview of this section, this chapter, chapter 322, or chapter
331 327.

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

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

336 n. Have the authority to approve the type of blood test
337 utilized under the driving and boating under the influence
338 provisions and related provisions located in this chapter and
339 chapters 322 and 327.

340 o. Have the authority to specify techniques and methods for
341 breath alcohol testing and blood testing utilized under the
342 driving and boating under the influence provisions and related
343 provisions located in this chapter and chapters 322 and 327.

344 p. Have the authority to approve repair facilities for the
345 approved breath test instruments, including the authority to set
346 criteria for approval.

347

348 Nothing in this section shall be construed to supersede

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349 provisions in this chapter and chapters 322 and 327. The
350 specifications in this section are derived from the power and
351 authority previously and currently possessed by the Department
352 of Law Enforcement and are enumerated to conform with the
353 mandates of chapter 99-379, Laws of Florida.

354 (c) A ~~Any~~ person who accepts the privilege extended by the
355 laws of this state of operating a motor vehicle within this
356 state is, by operating such vehicle, deemed to have given his or
357 her consent to submit to an approved blood test for the purpose
358 of determining the alcoholic content of the blood or a blood
359 test for the purpose of determining the presence of chemical
360 substances or controlled substances as provided in this section
361 if there is reasonable cause to believe the person was driving
362 or in actual physical control of a motor vehicle while under the
363 influence of alcoholic beverages or chemical or controlled
364 substances and the person appears for treatment at a hospital,
365 clinic, or other medical facility and the administration of a
366 breath or urine test is impractical or impossible. As used in
367 this paragraph, the term "other medical facility" includes an
368 ambulance or other medical emergency vehicle. The blood test
369 shall be performed in a reasonable manner. A ~~Any~~ person who is
370 incapable of refusal by reason of unconsciousness or other
371 mental or physical condition is deemed not to have withdrawn his
372 or her consent to such test. A blood test may be administered
373 whether or not the person is told that his or her failure to
374 submit to such a blood test will result in the suspension of the
375 person's privilege to operate a motor vehicle upon the public
376 highways of this state and that a refusal to submit to a lawful
377 test of his or her blood, if his or her driving privilege has

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378 been previously suspended for refusal to submit to a lawful test
379 of his or her breath, urine, or blood, is a misdemeanor. A ~~Any~~
380 person who is capable of refusal shall be told that his or her
381 failure to submit to such a blood test will result in the
382 suspension of the person's privilege to operate a motor vehicle
383 for a period of 1 year for a first refusal, or for a period of
384 18 months if the driving privilege of the person has been
385 suspended previously or if he or she has previously been fined
386 under s. 327.35215 as a result of a refusal to submit to ~~such a~~
387 ~~test or tests~~ required under this chapter or chapter 327, ~~and~~
388 ~~that a refusal to submit to a lawful test of his or her blood,~~
389 ~~if his or her driving privilege has been previously suspended~~
390 ~~for a prior refusal to submit to a lawful test of his or her~~
391 ~~breath, urine, or blood, is a misdemeanor.~~ The refusal to submit
392 to a blood test upon the request of a law enforcement officer is
393 admissible in evidence in any criminal proceeding.

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

396 316.1939 Refusal to submit to testing; penalties.—

397 (1) A ~~Any~~ person who has refused to submit to a chemical or
398 physical test of his or her breath, ~~blood,~~ or urine, as
399 described in s. 316.1932, and whose driving privilege was
400 previously suspended or who was previously fined under s.
401 327.35215 for a prior refusal to submit to a lawful test of his
402 or her breath, urine, or blood required under this chapter or
403 chapter 327, and:

404 (a) Who the arresting law enforcement officer had probable
405 cause to believe was driving or in actual physical control of a
406 motor vehicle in this state while under the influence of

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407 alcoholic beverages, chemical substances, or controlled
408 substances;

409 (b) Who was placed under lawful arrest for a violation of
410 s. 316.193 unless such test was requested pursuant to s.
411 316.1932(1)(c);

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

416 (d) Who was informed that a refusal to submit to a lawful
417 test of his or her breath or, urine, ~~or blood~~, if his or her
418 driving privilege has been previously suspended or if he or she
419 has previously been fined under s. 327.35215 for a prior refusal
420 to submit to a lawful test of his or her breath, urine, or blood
421 as required under this chapter or chapter 327, is a misdemeanor
422 of the first degree, punishable as provided in s. 775.082 or s.
423 775.083, in addition to any other penalties provided by law; and

424 (e) Who, after having been so informed, refused to submit
425 to any such test when requested to do so by a law enforcement
426 officer or correctional officer commits a misdemeanor of the
427 first degree and is subject to punishment as provided in s.
428 775.082 or s. 775.083.

429 Section 3. Present subsections (18) through (47) of section
430 327.02, Florida Statutes, are redesignated as subsections (19)
431 through (48), respectively, a new subsection (18) is added to
432 that section, and present subsection (31) of that section is
433 amended, to read:

434 327.02 Definitions.—As used in this chapter and in chapter
435 328, unless the context clearly requires a different meaning,

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436 the term:

437 (18) "Human-powered vessel" means a vessel powered only by
438 its occupant or occupants, including, but not limited to, a
439 vessel powered only by the occupants' hands or feet, oars, or
440 paddles.

441 (32)~~(31)~~ "Navigation rules" means, for vessels on:

442 (a) Waters outside established navigational lines of
443 demarcation as specified in 33 C.F.R. part 80, the International
444 Navigational Rules Act of 1977, 33 U.S.C. s. 1602, as amended,
445 including the appendix and annexes thereto, through December 31,
446 2020 ~~October 1, 2012.~~

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

451 Section 4. Section 327.04, Florida Statutes, is amended to
452 read:

453 327.04 Rules.—The commission may ~~has authority to~~ adopt
454 rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~
455 ~~provisions of this chapter,~~ the provisions of chapter 705
456 relating to vessels, and ss. 376.15 and 823.11 conferring powers
457 or duties upon it.

458 Section 5. Section 327.462, Florida Statutes, is created to
459 read:

460 327.462 Temporary protection zones for spaceflight launches
461 and recovery of spaceflight assets.—

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

463 (a) "Launch services" means the conduct of a launch and
464 activities involved in the preparation of a launch vehicle,

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465 payload, government astronaut, commercial astronaut, or
466 spaceflight participant for such launch.

467 (b) "Reentry services" means the conduct of a reentry and
468 activities involved in the preparation of a reentry vehicle,
469 payload, government astronaut, commercial astronaut, or
470 spaceflight participant for such reentry.

471 (c) "Spaceflight assets" means any item, or any part of an
472 item, owned by a spaceflight entity which is used in launch
473 services or reentry services, including crewed and uncrewed
474 spacecraft, launch vehicles, parachutes and other landing aids,
475 and any spacecraft or ancillary equipment that was attached to
476 the launch vehicle during launch, orbit, or reentry.

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

479 (2) The head of a law enforcement agency or entity
480 identified in s. 327.70(1), or his or her designee, may, upon
481 waters of this state within the law enforcement agency's or
482 entity's jurisdiction, when necessary for preparations in
483 advance of a launch service or reentry service or for the
484 recovery of spaceflight assets before or after a launch service
485 or reentry service, temporarily establish a protection zone
486 requiring vessels to leave, or prohibiting vessels from
487 entering, water bodies within:

488 (a) Five hundred yards of where launch services, reentry
489 services, or spaceflight asset recovery operations are being
490 conducted; or

491 (b) A distance greater than provided in paragraph (a) if
492 the head of such law enforcement agency or entity, or his or her
493 designee, determines such greater distance is in the best

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494 interest of public safety.

495 (3) A protection zone established under subsection (2) may
496 remain in effect only as long as necessary to ensure security
497 around the launch and recovery areas and to recover spaceflight
498 assets and any personnel being transported within a spacecraft
499 following the launch or reentry activity. Such protection zone
500 may not be in place more than 72 hours before or 72 hours after
501 the launch. The head of a law enforcement agency or entity
502 identified in s. 327.70, or his or her designee:

503 (a) May also restrict vessels from operating within up to
504 500 yards of any vessel transporting recovered spaceflight
505 assets following a spaceflight launch or reentry while such
506 vessel is continuously underway transporting such assets to a
507 location for removal from the waters of this state; and

508 (b) May not restrict vessel movement within the Florida
509 Intracoastal Waterway, except as necessary during the transport
510 of spaceflight assets to or from port or during exigent
511 circumstances.

512 (4) The head of a law enforcement agency or entity
513 establishing a protection zone under this section, or his or her
514 designee, must report the establishment of such protection zone
515 via e-mail to the commission's Division of Law Enforcement,
516 Boating and Waterways Section, and to the appropriate United
517 States Coast Guard Sector Command having responsibility over the
518 water body, at least 72 hours before establishment of the
519 protection zone. Such report must include the reasons for the
520 protection zone, the portion of the water body or water bodies
521 which will be included in the protection zone, and the duration
522 of the protection zone. No later than 72 hours after the end of

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523 the protection zone period, the head of the law enforcement
524 agency or entity, or his or her designee, must report via e-mail
525 to the commission's Division of Law Enforcement, Boating and
526 Waterways Section, the details of all citations issued for
527 violating the protection zone.

528 (5) This section applies only to launch services, reentry
529 services, or the recovery of spaceflight assets occurring or
530 originating within spaceport territory, as defined in s.
531 331.304, and to federally licensed or federally authorized
532 launches and reentries occurring or transiting to an end
533 destination upon waters of this state.

534 (6) A person who violates this section or any directive
535 given by a law enforcement officer relating to the establishment
536 of a protection zone under this section after being advised of
537 the establishment of the protection zone commits a misdemeanor
538 of the second degree, punishable as provided in s. 775.082 or s.
539 775.083.

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

543 327.352 Tests for alcohol, chemical substances, or
544 controlled substances; implied consent; refusal.—

545 (1) (a) 1. The Legislature declares that the operation of a
546 vessel is a privilege that must be exercised in a reasonable
547 manner. In order to protect the public health and safety, it is
548 essential that a lawful and effective means of reducing the
549 incidence of boating while impaired or intoxicated be
550 established. Therefore, a ~~any~~ person who accepts the privilege
551 extended by the laws of this state of operating a vessel within

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552 this state is, by ~~se~~ operating such vessel, deemed to have given
553 his or her consent to submit to an approved chemical test or
554 physical test including, but not limited to, an infrared light
555 test of his or her breath for the purpose of determining the
556 alcoholic content of his or her blood or breath if the person is
557 lawfully arrested for any offense allegedly committed while the
558 person was operating a vessel while under the influence of
559 alcoholic beverages. The chemical or physical breath test must
560 be incidental to a lawful arrest and administered at the request
561 of a law enforcement officer who has reasonable cause to believe
562 such person was operating the vessel within this state while
563 under the influence of alcoholic beverages. The administration
564 of a breath test does not preclude the administration of another
565 type of test. The person shall be told that his or her failure
566 to submit to any lawful test of his or her breath under this
567 chapter will result in a civil penalty of \$500, and shall also
568 be told that if he or she refuses to submit to a lawful test of
569 his or her breath and he or she has been previously fined under
570 s. 327.35215 or has previously had his or her driver license
571 suspended for refusal to submit to any lawful test of his or her
572 breath, urine, or blood, he or she commits a misdemeanor of the
573 first degree, punishable as provided in s. 775.082 or s.
574 775.083, in addition to any other penalties provided by law. The
575 refusal to submit to a chemical or physical breath test upon the
576 request of a law enforcement officer as provided in this section
577 is admissible into evidence in any criminal proceeding.

578 2. A ~~Any~~ person who accepts the privilege extended by the
579 laws of this state of operating a vessel within this state is,
580 by ~~se~~ operating such vessel, deemed to have given his or her

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581 consent to submit to a urine test for the purpose of detecting
582 the presence of chemical substances as set forth in s. 877.111
583 or controlled substances if the person is lawfully arrested for
584 any offense allegedly committed while the person was operating a
585 vessel while under the influence of chemical substances or
586 controlled substances. The urine test must be incidental to a
587 lawful arrest and administered at a detention facility or any
588 other facility, mobile or otherwise, which is equipped to
589 administer such tests at the request of a law enforcement
590 officer who has reasonable cause to believe such person was
591 operating a vessel within this state while under the influence
592 of chemical substances or controlled substances. The urine test
593 shall be administered at a detention facility or any other
594 facility, mobile or otherwise, which is equipped to administer
595 such test in a reasonable manner that will ensure the accuracy
596 of the specimen and maintain the privacy of the individual
597 involved. The administration of a urine test does not preclude
598 the administration of another type of test. The person shall be
599 told that his or her failure to submit to any lawful test of his
600 or her urine under this chapter will result in a civil penalty
601 of \$500, and shall also be told that if he or she refuses to
602 submit to a lawful test of his or her urine and he or she has
603 been previously fined under s. 327.35215 or has previously had
604 his or her driver license suspended for refusal to submit to any
605 lawful test of his or her breath, urine, or blood, he or she
606 commits a misdemeanor of the first degree, punishable as
607 provided in s. 775.082 or s. 775.083, in addition to any other
608 penalties provided by law. The refusal to submit to a urine test
609 upon the request of a law enforcement officer as provided in

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610 this section is admissible into evidence in any criminal
611 proceeding.

612 (c) A ~~Any~~ person who accepts the privilege extended by the
613 laws of this state of operating a vessel within this state is,
614 by operating such vessel, deemed to have given his or her
615 consent to submit to an approved blood test for the purpose of
616 determining the alcoholic content of the blood or a blood test
617 for the purpose of determining the presence of chemical
618 substances or controlled substances as provided in this section
619 if there is reasonable cause to believe the person was operating
620 a vessel while under the influence of alcoholic beverages or
621 chemical or controlled substances and the person appears for
622 treatment at a hospital, clinic, or other medical facility and
623 the administration of a breath or urine test is impractical or
624 impossible. As used in this paragraph, the term "other medical
625 facility" includes an ambulance or other medical emergency
626 vehicle. The blood test shall be performed in a reasonable
627 manner. A ~~Any~~ person who is incapable of refusal by reason of
628 unconsciousness or other mental or physical condition is deemed
629 not to have withdrawn his or her consent to such test. A ~~Any~~
630 person who is capable of refusal shall be told that his or her
631 failure to submit to such a blood test will result in a civil
632 penalty of \$500 ~~and that a refusal to submit to a lawful test of~~
633 ~~his or her blood, if he or she has previously been fined for~~
634 ~~refusal to submit to any lawful test of his or her breath,~~
635 ~~urine, or blood, is a misdemeanor.~~ The refusal to submit to a
636 blood test upon the request of a law enforcement officer shall
637 be admissible in evidence in any criminal proceeding.

638 Section 7. Subsection (3) of section 327.35215, Florida

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639 Statutes, is amended to read:

640 327.35215 Penalty for failure to submit to test.—

641 (3) A person who has been advised of the penalties pursuant
642 to subsection (2) may, within 30 days afterwards, request a
643 hearing before a county court judge. A request for a hearing
644 tolls the period for payment of the civil penalty, and, if
645 assessment of the civil penalty is sustained by the hearing and
646 any subsequent judicial review, the civil penalty must be paid
647 within 30 days after final disposition. The clerk of the court
648 shall notify the Department of Highway Safety and Motor Vehicles
649 of the final disposition of all actions filed under this section
650 by electronic transmission in a format prescribed by the
651 department. When the department receives the final disposition,
652 the department shall enter the disposition on the person's
653 driving record.

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

656 327.359 Refusal to submit to testing; penalties.—~~A Any~~
657 person who has refused to submit to a chemical or physical test
658 of his or her breath, ~~blood,~~ or urine, as described in s.
659 327.352, and who has been previously fined under s. 327.35215 or
660 has previously had his or her driver license suspended for
661 refusal to submit to a lawful test of his or her breath, urine,
662 or blood, and:

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

667 (2) Who was placed under lawful arrest for a violation of

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668 s. 327.35 unless such test was requested pursuant to s.
669 327.352(1)(c);

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

672 (4) Who was informed that a refusal to submit to a lawful
673 test of his or her breath ~~or~~ urine, ~~or blood~~, if he or she has
674 been previously fined under s. 327.35215 or has previously had
675 his or her driver license suspended for refusal to submit to a
676 lawful test of his or her breath, urine, or blood, is a
677 misdemeanor of the first degree, punishable as provided in s.
678 775.082 or s. 775.083; and

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

684 Section 9. Section 327.371, Florida Statutes, is created to
685 read:

686 327.371 Human-powered vessels regulated.—

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

690 (a) When the marked channel is the only navigable portion
691 of the waterway available due to vessel congestion or
692 obstructions on the water. The operator of the human-powered
693 vessel shall proceed with diligence to a location where he or
694 she may safely operate the vessel outside the marked channel of
695 the Florida Intracoastal Waterway.

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

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697 crossing is done in the most direct, continuous, and expeditious
698 manner possible and does not interfere with other vessel traffic
699 in the channel.

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

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

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

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

709 327.391 Airboats regulated.—

710 (1) The exhaust of every internal combustion engine used on
711 any airboat operated on the waters of this state shall be
712 provided with an automotive-style factory muffler, underwater
713 exhaust, or other manufactured device capable of adequately
714 muffling the sound of the exhaust of the engine as described in
715 s. 327.02(31) ~~s. 327.02(30)~~. The use of cutouts or flex pipe as
716 the sole source of muffling is prohibited, except as provided in
717 subsection (4). A ~~Any~~ person who violates this subsection
718 commits a noncriminal infraction, punishable as provided in s.
719 327.73(1).

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

724 1. A photographic identification card.

725 2. Proof of completion of a boater education course that

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

730 3. Proof of successful completion of a commission-approved
731 airboat operator course that meets the minimum standards
732 established by commission rule.

733 4. Proof of successful course completion in cardiopulmonary
734 resuscitation and first aid.

735 (b) A person issued a captain's license by the United
736 States Coast Guard is not required to complete a boating safety
737 education course that complies with s. 327.395(2)(a) ~~s.~~
738 ~~327.395(1)(a)~~. Proof of the captain's license must be onboard
739 the airboat when carrying one or more passengers for hire on
740 waters of this ~~the~~ state.

741 Section 11. Section 327.395, Florida Statutes, is amended
742 to read:

743 327.395 Boating safety education.—

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

748 (2) While operating a vessel, a person identified under
749 subsection (1) must have in his or her possession aboard the
750 vessel photographic identification and a Florida boating safety
751 identification card issued by the commission;; a state-issued
752 identification card or driver license indicating possession of
753 the Florida boating safety identification card;; or photographic
754 identification and a temporary certificate issued or approved by

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755 the commission, an International Certificate of Competency, a
756 boating safety card or certificate from another state or United
757 States territory, or a Canadian Pleasure Craft Operator Card,
758 which shows that he or she has:

759 (a) Completed a commission-approved boating safety
760 education course that meets the minimum requirements established
761 by the National Association of State Boating Law Administrators;
762 ~~or~~

763 (b) Passed a temporary certificate examination developed or
764 approved by the commission;

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

766 (d) Completed a boating safety education course or
767 equivalency examination in another state, a United States
768 territory, or Canada which meets or exceeds the minimum
769 requirements established by the National Association of State
770 Boating Law Administrators.

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

775 (b) A person may obtain a temporary certificate by passing
776 a temporary certificate examination that meets the requirements
777 of this section and rules adopted by the commission pursuant to
778 this section.

779 (4) ~~(3)~~ ~~A~~ Any commission-approved boating safety education
780 course or temporary certificate examination developed or
781 approved by the commission must include a component regarding
782 diving vessels, awareness of divers in the water, divers-down
783 warning devices, and the requirements of s. 327.331.

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784 ~~(4) The commission may appoint liveries, marinas, or other~~
785 ~~persons as its agents to administer the course or temporary~~
786 ~~certificate examination and issue identification cards or~~
787 ~~temporary certificates in digital, electronic, or paper format~~
788 ~~under guidelines established by the commission. An agent must~~
789 ~~charge the \$2 examination fee, which must be forwarded to the~~
790 ~~commission with proof of passage of the examination and may~~
791 ~~charge and keep a \$1 service fee.~~

792 (5) A Florida boating safety identification card issued to
793 a person who has completed a boating safety education course is
794 valid for life. A temporary certificate issued to a person who
795 has passed a temporary certification examination is valid for 90
796 days after the date of issuance. The commission may issue either
797 the boating safety identification card or the temporary
798 certificate in a digital, electronic, or paper format.

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

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

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

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

807 (c) Is accompanied in the vessel by a person who is exempt
808 from this section or who holds a boating safety identification
809 card in compliance with this section, who is 18 years of age or
810 older, and who is attendant to the operation of the vessel and
811 responsible for the safe operation of the vessel and for any
812 violation that occurs during the operation of the vessel.

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

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

822 (f) Is operating a vessel within 90 days after completing a
823 boating safety education course in accordance with paragraph
824 (2) (a) ~~the requirements of paragraph (1) (a)~~ and has a
825 photographic identification card and a boating safety education
826 certificate available for inspection as proof of having
827 completed a boating safety education course. The boating safety
828 education certificate must provide, at a minimum, the student's
829 first and last name, the student's date of birth, and the date
830 that he or she passed the course examination.

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

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

835 (8) The commission shall institute and coordinate a
836 statewide program of boating safety instruction and
837 certification to ensure that boating safety courses and
838 examinations are available in each county of this ~~the~~ state. The
839 commission may appoint agents to administer the boating safety
840 education course or temporary certificate examination and may
841 authorize the agents to issue temporary certificates in digital,

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842 electronic, or paper format. An agent ~~The agents~~ shall charge
843 and collect the \$2 fee required in subsection (9) for each
844 temporary certificate requested of the commission by that agent,
845 which must be forwarded to the commission. The agent may charge
846 and keep a ~~\$1~~ service fee.

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

850 (10) The commission shall design forms and adopt rules
851 pursuant to chapter 120 to implement ~~the provisions of~~ this
852 section.

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

855 Section 12. Present subsection (5) of section 327.4107,
856 Florida Statutes, is redesignated as subsection (6), a new
857 subsection (5) and subsection (7) are added to that section, and
858 paragraphs (d) and (e) of subsection (2) of that section are
859 amended, to read:

860 327.4107 Vessels at risk of becoming derelict on waters of
861 this state.—

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

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

869 (e) The vessel does not have an effective means of
870 propulsion for safe navigation within 72 hours after the vessel

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871 owner or operator receives telephonic notice, in-person notice
872 recorded on an agency-approved body camera, or written notice,
873 which may be provided by facsimile, electronic mail, or other
874 electronic means, stating such from an officer, and the vessel
875 owner or operator is unable to provide a receipt, proof of
876 purchase, or other documentation of having ordered necessary
877 parts for vessel repair. The commission may adopt rules to
878 implement this paragraph.

879 (5) The commission, an officer of the commission, or a law
880 enforcement agency or officer specified in s. 327.70 may
881 relocate or cause to be relocated an at-risk vessel found to be
882 in violation of this section to a distance greater than 20 feet
883 from a mangrove or upland vegetation. The commission, an officer
884 of the commission, or a law enforcement agency or officer acting
885 pursuant to this subsection upon waters of this state shall be
886 held harmless for all damages to the at-risk vessel resulting
887 from such relocation unless the damage results from gross
888 negligence or willful misconduct as these terms are defined in
889 s. 823.11.

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

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

897 (b) Creation of a vessel turn-in program allowing the owner
898 of a vessel determined by law enforcement to be at risk of
899 becoming derelict in accordance with this section to turn his or

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900 her vessel and vessel title over to the commission to be
901 destroyed without penalty.

902 (c) Providing for removal and destruction of an abandoned
903 vessel for which an owner cannot be identified or the owner of
904 which is deceased and no heir is interested in acquiring the
905 vessel.

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

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

910
911 The commission may adopt rules to implement this subsection.
912 Implementation of the derelict vessel prevention program shall
913 be subject to appropriation by the Legislature and shall be
914 funded by the Marine Resources Conservation Trust Fund or the
915 Florida Coastal Protection Trust Fund.

916 Section 13. Section 327.4108, Florida Statutes, is amended
917 to read:

918 327.4108 Anchoring of vessels in anchoring limitation
919 areas.—

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

927 (a) The section of Middle River lying between Northeast
928 21st Court and the Intracoastal Waterway in Broward County.

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

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

932 1. Rivo Alto Island and Di Lido Island.

933 2. San Marino Island and San Marco Island.

934 3. San Marco Island and Biscayne Island.

935 (2) (a) Monroe County is designated as an anchoring
936 limitation area within which a vessel on waters of the state may
937 only be anchored in the same location for a maximum of 90 days.
938 The commission shall adopt rules to implement this subsection.

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

941 (c) Notwithstanding the commission rules adopted pursuant
942 to this section, this section is not effective for Monroe County
943 until the county approves, permits, and opens new moorings for
944 public use, including at least 250 moorings within 1 mile of the
945 Key West Bight City Dock and at least 50 moorings within the Key
946 West Garrison Bight Mooring Field. Until such time, the
947 commission shall designate the area within 1 mile of the Key
948 West Bight City Dock as a priority for the investigation and
949 removal of derelict vessels.

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

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

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958 (a) If the vessel suffers a mechanical failure that poses
959 an unreasonable risk of harm to the vessel or the persons
960 onboard unless the vessel anchors. The vessel may anchor for 3
961 business days or until the vessel is repaired, whichever occurs
962 first.

963 (b) If imminent or existing weather conditions in the
964 vicinity of the vessel pose an unreasonable risk of harm to the
965 vessel or the persons onboard unless the vessel anchors. The
966 vessel may anchor until weather conditions no longer pose such
967 risk. During a hurricane or tropical storm, weather conditions
968 are deemed to no longer pose an unreasonable risk of harm when
969 the hurricane or tropical storm warning affecting the area has
970 expired.

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

976 (4) This section does not apply to:

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

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

980 (c) Vessels actively engaged in commercial fishing.

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

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

986 (b) A law enforcement officer or agency may remove a vessel

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987 from an anchoring limitation area and impound the vessel for up
988 to 48 hours, or cause such removal and impoundment, if the
989 vessel operator, after being issued a citation for a violation
990 of this section:

991 1. Anchors the vessel in violation of this section within
992 12 hours after being issued the citation; or

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

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

1000 (d) A contractor performing removal or impoundment services
1001 at the direction of a law enforcement officer or agency pursuant
1002 to this subsection must:

1003 1. Be licensed in accordance with United States Coast Guard
1004 regulations, as applicable.

1005 2. Obtain and carry a current policy issued by a licensed
1006 insurance carrier in this state to insure against any accident,
1007 loss, injury, property damage, or other casualty caused by or
1008 resulting from the contractor's actions.

1009 3. Be properly equipped to perform such services.

1010 (e) In addition to the civil penalty imposed under s.
1011 327.73(1)(z), the operator of a vessel that is removed and
1012 impounded pursuant to paragraph (b) must pay all removal and
1013 storage fees before the vessel is released. A vessel removed
1014 pursuant to paragraph (b) may not be impounded for longer than
1015 48 hours.

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1016 (6) A violation of this section is punishable as provided
1017 in s. 327.73(1)(z).

1018 ~~(7) This section shall remain in effect notwithstanding the~~
1019 ~~Legislature's adoption of the commission's recommendations for~~
1020 ~~the regulation of mooring vessels outside of public mooring~~
1021 ~~fields pursuant to s. 327.4105.~~

1022 Section 14. Paragraph (a) of subsection (1) and subsection
1023 (2) of section 327.4109, Florida Statutes, are amended to read:
1024 327.4109 Anchoring or mooring prohibited; exceptions;
1025 penalties.—

1026 (1)(a) The owner or operator of a vessel or floating
1027 structure may not anchor or moor such that the nearest approach
1028 of the anchored or moored vessel or floating structure is:

1029 1. Within 150 feet of any public or private marina, boat
1030 ramp, boatyard, or other public vessel launching or loading
1031 facility;

1032 2. Within 500 ~~300~~ feet of a superyacht repair facility. For
1033 purposes of this subparagraph, the term "superyacht repair
1034 facility" means a facility that services or repairs a yacht with
1035 a water line of 120 feet or more in length; or

1036 3. Within 100 feet outward from the marked boundary of a
1037 public mooring field or a lesser distance if approved by the
1038 commission upon request of a local government within which the
1039 mooring field is located. The commission may adopt rules to
1040 implement this subparagraph.

1041 (2) Notwithstanding subsection (1), an owner or operator of
1042 a vessel may anchor or moor within 150 feet of any public or
1043 private marina, boat ramp, boatyard, or other public vessel
1044 launching or loading facility; within 500 ~~300~~ feet of a

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1045 superyacht repair facility; or within 100 feet outward from the
1046 marked boundary of a public mooring field if:

1047 (a) The vessel suffers a mechanical failure that poses an
1048 unreasonable risk of harm to the vessel or the persons onboard
1049 such vessel. The owner or operator of the vessel may anchor or
1050 moor for 5 business days or until the vessel is repaired,
1051 whichever occurs first.

1052 (b) Imminent or existing weather conditions in the vicinity
1053 of the vessel pose an unreasonable risk of harm to the vessel or
1054 the persons onboard such vessel. The owner or operator of the
1055 vessel may anchor or moor until weather conditions no longer
1056 pose such risk. During a hurricane or tropical storm, weather
1057 conditions are deemed to no longer pose an unreasonable risk of
1058 harm when the hurricane or tropical storm warning affecting the
1059 area has expired.

1060 Section 15. Subsection (2) of section 327.45, Florida
1061 Statutes, is amended to read:

1062 327.45 Protection zones for springs.-

1063 (2) The commission may establish by rule protection zones
1064 that restrict the speed and operation of vessels, or that
1065 prohibit the anchoring, mooring, beaching, or grounding of
1066 vessels, to protect and prevent harm to first, second, and third
1067 magnitude springs and springs groups, including their associated
1068 spring runs, as determined by the commission using the most
1069 recent Florida Geological Survey springs bulletin. This harm
1070 includes negative impacts to water quality, water quantity,
1071 hydrology, wetlands, and aquatic and wetland-dependent species.

1072 Section 16. Paragraph (b) of subsection (1) of section
1073 327.46, Florida Statutes, is amended to read:

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1074 327.46 Boating-restricted areas.—

1075 (1) Boating-restricted areas, including, but not limited
1076 to, restrictions of vessel speeds and vessel traffic, may be
1077 established on the waters of this state for any purpose
1078 necessary to protect the safety of the public if such
1079 restrictions are necessary based on boating accidents,
1080 visibility, hazardous currents or water levels, vessel traffic
1081 congestion, or other navigational hazards or to protect
1082 seagrasses on privately owned submerged lands.

1083 (b) Municipalities and counties ~~may have the authority to~~
1084 establish the following boating-restricted areas by ordinance,
1085 including, notwithstanding the prohibition in s. 327.60(2)(c),
1086 within the portion of the Florida Intracoastal Waterway within
1087 their jurisdiction:

1088 1. An ordinance establishing an idle speed, no wake
1089 boating-restricted area, if the area is:

1090 a. Within 500 feet of any boat ramp, hoist, marine railway,
1091 or other launching or landing facility available for use by the
1092 general boating public on waterways more than 300 feet in width
1093 or within 300 feet of any boat ramp, hoist, marine railway, or
1094 other launching or landing facility available for use by the
1095 general boating public on waterways not exceeding 300 feet in
1096 width.

1097 b. Within 500 feet of fuel pumps or dispensers at any
1098 marine fueling facility that sells motor fuel to the general
1099 boating public on waterways more than 300 feet in width or
1100 within 300 feet of the fuel pumps or dispensers at any licensed
1101 terminal facility that sells motor fuel to the general boating
1102 public on waterways not exceeding 300 feet in width.

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- 1103 c. Inside or within 300 feet of any lock structure.
- 1104 2. An ordinance establishing a slow speed, minimum wake
1105 boating-restricted area if the area is:
- 1106 a. Within 300 feet of any bridge fender system.
- 1107 b. Within 300 feet of any bridge span presenting a vertical
1108 clearance of less than 25 feet or a horizontal clearance of less
1109 than 100 feet.
- 1110 c. On a creek, stream, canal, or similar linear waterway if
1111 the waterway is less than 75 feet in width from shoreline to
1112 shoreline.
- 1113 d. On a lake or pond of less than 10 acres in total surface
1114 area.
- 1115 e. Within the boundaries of a permitted public mooring
1116 field and a buffer around the mooring field of up to 100 feet.
- 1117 3. An ordinance establishing a vessel-exclusion zone if the
1118 area is:
- 1119 a. Designated as a public bathing beach or swim area.
- 1120 b. Within 300 feet of a dam, spillway, or flood control
1121 structure.
- 1122
- 1123 Vessel exclusion zones created pursuant to this subparagraph
1124 must be marked with uniform waterway markers permitted by the
1125 commission in accordance with this chapter. Such zones may not
1126 be marked by ropes.
- 1127 Section 17. Section 327.463, Florida Statutes, is created
1128 to read:
- 1129 327.463 Special hazards.—
- 1130 (1) For purposes of this section, a vessel:
- 1131 (a) Is operating at slow speed, minimum wake only if it is:

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- 1132 1. Fully off plane and completely settled into the water;
1133 and
1134 2. Proceeding without wake or with minimum wake.

1135
1136 A vessel that is required to operate at slow speed, minimum wake
1137 may not proceed at a speed greater than a speed that is
1138 reasonable and prudent to avoid the creation of an excessive
1139 wake or other hazardous condition under the existing
1140 circumstances.

1141 (b) Is not proceeding at slow speed, minimum wake if it is:

- 1142 1. Operating on plane;
1143 2. In the process of coming off plane and settling into the
1144 water or getting on plane; or
1145 3. Operating at a speed that creates a wake that
1146 unreasonably or unnecessarily endangers other vessels.

1147 (2) A person may not operate a vessel faster than slow
1148 speed, minimum wake within 300 feet of any emergency vessel,
1149 including, but not limited to, a law enforcement vessel, United
1150 States Coast Guard vessel, or firefighting vessel, when such
1151 emergency vessel's emergency lights are activated.

1152 (3) (a) A person may not operate a vessel faster than slow
1153 speed, minimum wake within 300 feet of any construction vessel
1154 or barge when the vessel or barge is displaying an orange flag
1155 from a pole extending:

1156 1. At least 10 feet above the tallest portion of the vessel
1157 or barge, indicating that the vessel or barge is actively
1158 engaged in construction operations; or

1159 2. At least 5 feet above any superstructure permanently
1160 installed upon the vessel or barge, indicating that the vessel

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1161 or barge is actively engaged in construction operations.

1162 (b) A flag displayed on a construction vessel or barge
1163 pursuant to this subsection must:

1164 1. Be at least 2 feet by 3 feet in size.

1165 2. Have a wire or other stiffener or be otherwise
1166 constructed to ensure that the flag remains fully unfurled and
1167 extended in the absence of a wind or breeze.

1168 3. Be displayed so that the visibility of the flag is not
1169 obscured in any direction.

1170 (c) In periods of low visibility, including any time
1171 between 30 minutes after sunset and 30 minutes before sunrise, a
1172 person may not be cited for a violation of this subsection
1173 unless the orange flag is illuminated and visible from a
1174 distance of at least 2 nautical miles. Such illumination does
1175 not relieve the construction vessel or barge from complying with
1176 all navigation rules.

1177 (4) (a) A person operating a vessel in violation of this
1178 section commits a noncriminal infraction, punishable as provided
1179 in s. 327.73.

1180 (b) The owner of, or party who is responsible for, a
1181 construction vessel or barge who displays an orange flag on the
1182 vessel or barge when it is not actively engaged in construction
1183 operations commits a noncriminal infraction, punishable as
1184 provided in s. 327.73.

1185 (5) The speed and penalty provisions of this section do not
1186 apply to a law enforcement, firefighting, or rescue vessel that
1187 is owned or operated by a governmental entity.

1188 Section 18. Paragraph (a) of subsection (1) of section
1189 327.50, Florida Statutes, is amended to read:

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1190 327.50 Vessel safety regulations; equipment and lighting
1191 requirements.—

1192 (1) (a) The owner and operator of every vessel on the waters
1193 of this state shall carry, store, maintain, and use safety
1194 equipment in accordance with current United States Coast Guard
1195 safety equipment requirements as specified in the Code of
1196 Federal Regulations, unless expressly exempted by the commission
1197 department.

1198 Section 19. Section 327.521, Florida Statutes, is created
1199 to read:

1200 327.521 No-discharge zones.—

1201 (1) Effective immediately upon approval by the United
1202 States Environmental Protection Agency of a no-discharge zone
1203 determination for the waters of the United States within the
1204 boundaries of aquatic preserves identified in s. 258.39, all
1205 waters of this state within such areas are designated no-
1206 discharge zones within which a person may not discharge sewage
1207 of any type, whether treated or untreated, from any vessel or
1208 floating structure.

1209 (2) A person who violates this section commits a
1210 noncriminal infraction, punishable by a civil penalty of up to
1211 \$250. If any discharge prohibited by this section is ongoing or
1212 continuous, the person may be assessed a penalty of up to \$250
1213 for each day the violation continues.

1214 (3) (a) The owner or operator of a vessel or floating
1215 structure convicted a second time for violating this section
1216 shall, within 30 days after the conviction, remove the vessel or
1217 floating structure from the waters of this state. For purposes
1218 of this paragraph, the term "conviction" means a disposition

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1219 other than acquittal or dismissal.

1220 (b) If the vessel or floating structure remains on the
1221 waters of this state in violation of this subsection, law
1222 enforcement officers charged with the enforcement of this
1223 chapter under s. 327.70 shall apply to the appropriate court in
1224 the county in which the vessel or floating structure is located
1225 to order or otherwise cause the removal of such vessel or
1226 floating structure from the waters of this state at the owner's
1227 expense.

1228 (c) If the owner cannot be found or otherwise fails to pay
1229 the removal costs, s. 328.17 shall apply. If the proceeds under
1230 s. 328.17 are not sufficient to pay all removal costs, funds
1231 appropriated from the Marine Resources Conservation Trust Fund
1232 pursuant to s. 327.53(6)(b) or s. 328.72(15)(c) may be used.

1233 (4) The commission shall maintain a list of marine sewage
1234 pumpout facilities throughout this state, make the list
1235 available on its website, and provide the list with information
1236 about the Department of Environmental Protection's Clean Marina
1237 Program to all counties for distribution to public and private
1238 marinas.

1239 Section 20. Paragraph (a) of subsection (6) and subsection
1240 (7) of section 327.53, Florida Statutes, are amended, and
1241 subsection (8) is added to that section, to read:

1242 327.53 Marine sanitation.—

1243 (6) (a) A violation of this section is a noncriminal
1244 infraction, punishable as provided in s. 327.73. Each violation
1245 shall be a separate offense. The owner and operator of any
1246 vessel shall be jointly and severally liable for the civil
1247 penalty imposed pursuant to this section.

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1248 (7) A ~~Any~~ vessel or floating structure operated or occupied
1249 on the waters of this ~~the~~ state in violation of this section is
1250 declared a nuisance and a hazard to public safety and health.
1251 The owner or operator of a ~~any~~ vessel or floating structure
1252 cited for violating this section shall, within 30 days following
1253 the issuance of the citation, correct the violation for which
1254 the citation was issued or remove the vessel or floating
1255 structure from the waters of this ~~the~~ state. If the violation is
1256 not corrected within the 30 days and the vessel or floating
1257 structure remains on the waters of this ~~the~~ state in violation
1258 of this section, law enforcement officers charged with the
1259 enforcement of this chapter under s. 327.70 shall apply to the
1260 appropriate court in the county in which the vessel or floating
1261 structure is located, ~~to order or otherwise cause the removal of~~
1262 such vessel or floating structure from the waters of this ~~the~~
1263 state at the owner's expense. If the owner cannot be found or
1264 otherwise fails to pay the removal costs, the provisions of s.
1265 328.17 shall apply. If the proceeds under s. 328.17 are not
1266 sufficient to pay all removal costs, funds appropriated from the
1267 Marine Resources Conservation Trust Fund pursuant to paragraph
1268 (6) (b) or s. 328.72(15) (c) ~~s. 328.72(16)~~ may be used.

1269 (8) The owner or operator of a live-aboard vessel as
1270 defined in s. 327.02(23), or a houseboat as defined in s.
1271 327.02(17), that is equipped with a marine sanitation device
1272 must maintain a record of the date of each pumpout of the marine
1273 sanitation device and the location of the pumpout station or
1274 waste reception facility. Each record must be maintained for 1
1275 year after the date of the pumpout. This subsection does not
1276 apply to marine compost toilets that process and manage human

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1277 waste using marine compost toilet technologies that comply with
1278 United States Coast Guard requirements.

1279 Section 21. Subsection (2) of section 327.54, Florida
1280 Statutes, is amended to read:

1281 327.54 Liveries; safety regulations; penalty.—

1282 (2) A livery may not knowingly lease, hire, or rent a any
1283 vessel powered by a motor of 10 horsepower or greater to a any
1284 person who is required to comply with s. 327.395, unless such
1285 person presents to the livery the documentation required by s.
1286 327.395(2) for the operation of a vessel ~~photographic~~
1287 ~~identification and a valid boater safety identification card as~~
1288 ~~required under s. 327.395(1),~~ or meets the exemption provided
1289 under s. 327.395(6) (f).

1290 Section 22. Subsection (5) of section 327.60, Florida
1291 Statutes, is amended to read:

1292 327.60 Local regulations; limitations.—

1293 (5) A local government may enact and enforce regulations to
1294 implement the procedures for abandoned or lost property that
1295 allow the local law enforcement agency to remove a vessel
1296 affixed to a public dock or mooring within its jurisdiction that
1297 is abandoned or lost property pursuant to s. 705.103(1). Such
1298 regulation must require the local law enforcement agency to post
1299 a written notice at least 24 hours before removing the vessel.

1300 Section 23. Paragraphs (q), (s), and (aa) of subsection (1)
1301 of section 327.73, Florida Statutes, are amended, and paragraphs
1302 (cc) and (dd) are added to that subsection, to read:

1303 327.73 Noncriminal infractions.—

1304 (1) Violations of the following provisions of the vessel
1305 laws of this state are noncriminal infractions:

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1306 (q) Section 327.53(1), (2), ~~and (3)~~, and (8), relating to
1307 marine sanitation.

1308 (s) Section 327.395, relating to boater safety education.
1309 However, a person cited for violating the requirements of s.
1310 327.395 relating to failure to have required proof of boating
1311 safety education in his or her possession may not be convicted
1312 if, before or at the time of a county court hearing, the person
1313 produces proof of the boating safety education identification
1314 card or temporary certificate for verification by the hearing
1315 officer or the court clerk and the identification card or
1316 temporary certificate was valid at the time the person was
1317 cited.

1318 (aa) Section 327.4107, relating to vessels at risk of
1319 becoming derelict on waters of this state, for which the civil
1320 penalty is:

- 1321 1. For a first offense, \$100 ~~\$50~~.
- 1322 2. For a second offense occurring 30 days or more after a
1323 first offense, \$250 ~~\$100~~.
- 1324 3. For a third or subsequent offense occurring 30 days or
1325 more after a previous offense, \$500 ~~\$250~~.

1326
1327 A vessel that is the subject of three or more violations issued
1328 pursuant to the same paragraph of s. 327.4107(2) within an 18-
1329 month period which result in dispositions other than acquittal
1330 or dismissal shall be declared to be a public nuisance and
1331 subject to ss. 705.103(2) and (4) and 823.11(3). The commission,
1332 an officer of the commission, or a law enforcement agency or
1333 officer specified in s. 327.70 may relocate, remove, or cause to
1334 be relocated or removed such public nuisance vessels from waters

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1335 of this state. The commission, an officer of the commission, or
1336 a law enforcement agency or officer acting pursuant to this
1337 paragraph upon waters of this state shall be held harmless for
1338 all damages to the vessel resulting from such relocation or
1339 removal unless the damage results from gross negligence or
1340 willful misconduct as these terms are defined in s. 823.11.

1341 (cc) Section 327.463(4) (a) and (b), relating to vessels
1342 creating special hazards, for which the penalty is:

1343 1. For a first offense, \$50.

1344 2. For a second offense occurring within 12 months after a
1345 prior offense, \$100.

1346 3. For a third offense occurring within 36 months after a
1347 prior offense, \$250.

1348 (dd) Section 327.371, relating to the regulation of human-
1349 powered vessels.

1350
1351 Any person cited for a violation of any provision of this
1352 subsection shall be deemed to be charged with a noncriminal
1353 infraction, shall be cited for such an infraction, and shall be
1354 cited to appear before the county court. The civil penalty for
1355 any such infraction is \$50, except as otherwise provided in this
1356 section. Any person who fails to appear or otherwise properly
1357 respond to a uniform boating citation shall, in addition to the
1358 charge relating to the violation of the boating laws of this
1359 state, be charged with the offense of failing to respond to such
1360 citation and, upon conviction, be guilty of a misdemeanor of the
1361 second degree, punishable as provided in s. 775.082 or s.
1362 775.083. A written warning to this effect shall be provided at
1363 the time such uniform boating citation is issued.

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1364 Section 24. Subsection (4) of section 328.09, Florida
1365 Statutes, is amended to read:

1366 328.09 Refusal to issue and authority to cancel a
1367 certificate of title or registration.—

1368 (4) The department may not issue a certificate of title to
1369 an ~~any~~ applicant for a ~~any~~ vessel that has been deemed derelict
1370 by a law enforcement officer under s. 376.15 or s. 823.11. A law
1371 enforcement officer must inform the department in writing, which
1372 may be provided by facsimile, electronic mail, or other
1373 electronic means, of the vessel's derelict status and supply the
1374 department with the vessel title number or vessel identification
1375 number. The department may issue a certificate of title once a
1376 law enforcement officer has verified in writing, which may be
1377 provided by facsimile, electronic mail, or other electronic
1378 means, that the vessel is no longer a derelict vessel.

1379 Section 25. Effective July 1, 2023, paragraph (e) of
1380 subsection (3) of section 328.09, Florida Statutes, as amended
1381 by section 12 of chapter 2019-76, Laws of Florida, is amended to
1382 read:

1383 328.09 Refusal to issue and authority to cancel a
1384 certificate of title or registration.—

1385 (3) Except as otherwise provided in subsection (4), the
1386 department may reject an application for a certificate of title
1387 only if:

1388 (e) The application is for a vessel that has been deemed
1389 derelict by a law enforcement officer under s. 376.15 or s.
1390 823.11. In such case, a law enforcement officer must inform the
1391 department in writing, which may be provided by facsimile, e-
1392 mail, or other electronic means, of the vessel's derelict status

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1393 and supply the department with the vessel title number or vessel
1394 identification number. The department may issue a certificate of
1395 title once a law enforcement officer has verified in writing,
1396 which may be provided by facsimile, e-mail, or other electronic
1397 means, that the vessel is no longer a derelict vessel.

1398 Section 26. Section 376.15, Florida Statutes, is amended to
1399 read:

1400 376.15 Derelict vessels; relocation or removal from ~~public~~
1401 waters of this state.—

1402 (1) As used in this section, the term:

1403 (a) "Commission" means the Fish and Wildlife Conservation
1404 Commission.

1405 (b) "Gross negligence" means conduct so reckless or wanting
1406 in care that it constitutes a conscious disregard or
1407 indifference to the safety of the property exposed to such
1408 conduct.

1409 (c) "Willful misconduct" means conduct evidencing
1410 carelessness or negligence of such a degree or recurrence as to
1411 manifest culpability, wrongful intent, or evil design or to show
1412 an intentional and substantial disregard of the interests of the
1413 vessel owner.

1414 (2) (a) It is unlawful for any person, firm, or corporation
1415 to ~~store, leave, or abandon~~ any derelict vessel as defined in s.
1416 823.11 upon the waters of ~~in~~ this state. For purposes of this
1417 paragraph, the term "leave" means to allow a vessel to remain
1418 occupied or unoccupied on the waters of this state for more than
1419 24 hours.

1420 (b) Notwithstanding paragraph (a), a person who owns or
1421 operates a vessel that becomes derelict upon the waters of this

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1422 state solely as a result of a boating accident that is reported
1423 to law enforcement in accordance with s. 327.301 or otherwise
1424 reported to law enforcement; a hurricane; or another sudden
1425 event outside of his or her control may not be charged with a
1426 violation if:

1427 1. The individual documents for law enforcement the
1428 specific event that led to the vessel being derelict upon the
1429 waters of this state; and

1430 2. The vessel has been removed from the waters of this
1431 state or has been repaired or addressed such that it is no
1432 longer derelict upon the waters of this state:

1433 a. For a vessel that has become derelict as a result of a
1434 boating accident or other sudden event outside of his or her
1435 control, within 7 days after such accident or event; or

1436 b. Within 45 days after the hurricane has passed over this
1437 state.

1438 (c) This subsection does not apply to a vessel that was
1439 derelict upon the waters of this state before the stated
1440 accident or event.

1441 (3) (a) The commission, an officer ~~officers~~ of the
1442 commission, or a ~~and any~~ law enforcement agency or officer
1443 specified in s. 327.70 may ~~are authorized and empowered to~~
1444 relocate, remove, store, destroy, or dispose of or cause to be
1445 relocated, ~~or~~ removed, stored, destroyed, or disposed of a ~~any~~
1446 derelict vessel as defined in s. 823.11 from public waters of
1447 this state as defined in s. 327.02. All costs, including costs
1448 owed to a third party, incurred by the commission or other law
1449 enforcement agency in the relocation, ~~or~~ removal, storage,
1450 destruction, or disposal of any abandoned or derelict vessel are

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1451 recoverable against the owner of the vessel or the party
1452 determined to be legally responsible for the vessel being upon
1453 the waters of this state in a derelict condition. The Department
1454 of Legal Affairs shall represent the commission in actions to
1455 recover such costs.

1456 (b) The commission, an officer ~~officers~~ of the commission,
1457 or a ~~and any other~~ law enforcement agency or officer specified
1458 in s. 327.70 acting pursuant to ~~under~~ this section to relocate,
1459 remove, store, destroy, or dispose of or cause to be relocated,
1460 ~~or removed,~~ stored, destroyed, or disposed of a derelict vessel
1461 from ~~public~~ public waters of this state as defined in s. 327.02 shall
1462 be held harmless for all damages to the derelict vessel
1463 resulting from such action ~~relocation or removal~~ unless the
1464 damage results from gross negligence or willful misconduct as
1465 these terms are defined in s. 823.11.

1466 (c) A contractor performing relocation or removal
1467 activities at the direction of the commission, an officer
1468 ~~officers~~ of the commission, ~~or~~ a law enforcement agency or
1469 officer, or a governmental subdivision, when the governmental
1470 subdivision has received authorization for the relocation or
1471 removal from a law enforcement officer or agency pursuant to
1472 this section, must be licensed in accordance with applicable
1473 United States Coast Guard regulations where required; obtain and
1474 carry in full force and effect a policy from a licensed
1475 insurance carrier in this state to insure against any accident,
1476 loss, injury, property damage, or other casualty caused by or
1477 resulting from the contractor's actions; and be properly
1478 equipped to perform the services to be provided.

1479 (d) The commission may establish a program to provide

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1480 grants to local governments for the removal, storage,
1481 destruction, and disposal of derelict vessels from the ~~public~~
1482 waters of ~~this the~~ state as defined in s. 327.02. The program
1483 shall be funded from the Marine Resources Conservation Trust
1484 Fund or the Florida Coastal Protection Trust Fund.
1485 Notwithstanding ~~the provisions in~~ s. 216.181(11), funds
1486 available for grants may only be authorized by appropriations
1487 acts of the Legislature. In a given fiscal year, if all funds
1488 appropriated pursuant to this paragraph are not requested by and
1489 granted to local governments for the removal, storage,
1490 destruction, and disposal of derelict vessels by the end of the
1491 third quarter, the Fish and Wildlife Conservation Commission may
1492 use the remainder of the funds to remove, store, destroy, and
1493 dispose of, or to pay private contractors to remove, store,
1494 destroy, and dispose of, derelict vessels.

1495 (e) The commission shall adopt by rule procedures for
1496 submitting a grant application and criteria for allocating
1497 available funds. Such criteria shall include, but not be limited
1498 to, the following:

1499 1. The number of derelict vessels within the jurisdiction
1500 of the applicant.

1501 2. The threat posed by such vessels to public health or
1502 safety, the environment, navigation, or the aesthetic condition
1503 of the general vicinity.

1504 3. The degree of commitment of the local government to
1505 maintain waters free of abandoned and derelict vessels and to
1506 seek legal action against those who abandon vessels in the
1507 waters of ~~this the~~ state as defined in s. 327.02.

1508 (f) This section constitutes the authority for such removal

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1509 but is not intended to be in contravention of any applicable
1510 federal act.

1511 Section 27. Subsections (2) and (4) of section 705.103,
1512 Florida Statutes, are amended to read:

1513 705.103 Procedure for abandoned or lost property.—

1514 (2) (a)1. Whenever a law enforcement officer ascertains
1515 that:

1516 a. An article of lost or abandoned property other than a
1517 derelict vessel or a vessel declared a public nuisance pursuant
1518 to s. 327.73(1) (aa) is present on public property and is of such
1519 nature that it cannot be easily removed, the officer shall cause
1520 a notice to be placed upon such article in substantially the
1521 following form:

1522
1523 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1524 PROPERTY. This property, to wit: ...(setting forth brief
1525 description)... is unlawfully upon public property known as
1526 ...(setting forth brief description of location)... and must be
1527 removed within 5 days; otherwise, it will be removed and
1528 disposed of pursuant to chapter 705, Florida Statutes. The owner
1529 will be liable for the costs of removal, storage, and
1530 publication of notice. Dated this: ...(setting forth the date of
1531 posting of notice)..., signed: ...(setting forth name, title,
1532 address, and telephone number of law enforcement officer)....

1533
1534 b. A derelict vessel or a vessel declared a public nuisance
1535 pursuant to s. 327.73(1) (aa) is present on the waters of this
1536 state, the officer shall cause a notice to be placed upon such
1537 vessel in substantially the following form:

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1538
1539 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1540 VESSEL. This vessel, to wit: ... (setting forth brief
1541 description) ... has been determined to be (derelict or a public
1542 nuisance) and is unlawfully upon waters of this state
1543 ... (setting forth brief description of location) ... and must be
1544 removed within 21 days; otherwise, it will be removed and
1545 disposed of pursuant to chapter 705, Florida Statutes. The owner
1546 and other interested parties have the right to a hearing to
1547 challenge the determination that this vessel is derelict or
1548 otherwise in violation of the law. Please contact ... (contact
1549 information for person who can arrange for a hearing in
1550 accordance with this section) The owner or the party
1551 determined to be legally responsible for the vessel being upon
1552 the waters of this state in a derelict condition will be liable
1553 for the costs of removal, destruction, and disposal if this
1554 vessel is not removed by the owner. Dated this: ... (setting
1555 forth the date of posting of notice) ..., signed: ... (setting
1556 forth name, title, address, and telephone number of law
1557 enforcement officer)

1558 2. The notices required under subparagraph 1. may Such
1559 notice shall be not be less than 8 inches by 10 inches and shall
1560 be sufficiently weatherproof to withstand normal exposure to the
1561 elements. In addition to posting, the law enforcement officer
1562 shall make a reasonable effort to ascertain the name and address
1563 of the owner. If such is reasonably available to the officer,
1564 she or he shall mail a copy of such notice to the owner on or
1565 before the date of posting. If the property is a motor vehicle
1566 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,

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1567 the law enforcement agency shall contact the Department of
1568 Highway Safety and Motor Vehicles in order to determine the name
1569 and address of the owner and any person who has filed a lien on
1570 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
1571 328.15(1). On receipt of this information, the law enforcement
1572 agency shall mail a copy of the notice by certified mail, return
1573 receipt requested, to the owner and to the lienholder, if any,
1574 except that a law enforcement officer who has issued a citation
1575 for a violation of s. 376.15 or s. 823.11 to the owner of a
1576 derelict vessel is not required to mail a copy of the notice by
1577 certified mail, return receipt requested, to the owner. For a
1578 derelict vessel or a vessel declared a public nuisance pursuant
1579 to s. 327.73(1)(aa), the mailed notice must inform the owner or
1580 responsible party that he or she has a right to a hearing to
1581 dispute the determination that the vessel is derelict or
1582 otherwise in violation of the law. If a request for a hearing is
1583 made, a state agency shall follow the processes set forth in s.
1584 120.569. Local governmental entities shall follow the processes
1585 set forth in s. 120.569, except that a local judge, magistrate,
1586 or code enforcement officer may be designated to conduct such a
1587 hearing. If, at the end of 5 days after posting the notice in
1588 sub-subparagraph 1.a., or at the end of 21 days after posting
1589 the notice in sub-subparagraph 1.b., and mailing such notice, if
1590 required, the owner or any person interested in the lost or
1591 abandoned article or articles described has not removed the
1592 article or articles from public property or shown reasonable
1593 cause for failure to do so, and, in the case of a derelict
1594 vessel or a vessel declared a public nuisance pursuant to s.
1595 327.73(1)(aa), has not requested a hearing in accordance with

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1596 this section, the following shall apply:

1597 a.~~(a)~~ For abandoned property other than a derelict vessel
1598 or a vessel declared a public nuisance pursuant to s.
1599 327.73(1)(aa), the law enforcement agency may retain any or all
1600 of the property for its own use or for use by the state or unit
1601 of local government, trade such property to another unit of
1602 local government or state agency, donate the property to a
1603 charitable organization, sell the property, or notify the
1604 appropriate refuse removal service.

1605 b. For a derelict vessel or a vessel declared a public
1606 nuisance pursuant to s. 327.73(1)(aa), the law enforcement
1607 agency or its designee may:

1608 (I) Remove the vessel from the waters of this state and
1609 destroy and dispose of the vessel or authorize another
1610 governmental entity or its designee to do so; or

1611 (II) Authorize the vessel's use as an artificial reef in
1612 accordance with s. 379.249 if all necessary federal, state, and
1613 local authorizations are received.

1614
1615 A law enforcement agency or its designee may also take action as
1616 described in this sub-subparagraph if, following a hearing
1617 pursuant to this section, the judge, magistrate, administrative
1618 law judge, or hearing officer has determined the vessel to be
1619 derelict as provided in s. 823.11 or otherwise in violation of
1620 the law in accordance with s. 327.73(1)(aa) and a final order
1621 has been entered or the case is otherwise closed.

1622 (b) For lost property, the officer shall take custody and
1623 the agency shall retain custody of the property for 90 days. The
1624 agency shall publish notice of the intended disposition of the

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1625 property, as provided in this section, during the first 45 days
1626 of this time period.

1627 1. If the agency elects to retain the property for use by
1628 the unit of government, donate the property to a charitable
1629 organization, surrender such property to the finder, sell the
1630 property, or trade the property to another unit of local
1631 government or state agency, notice of such election shall be
1632 given by an advertisement published once a week for 2
1633 consecutive weeks in a newspaper of general circulation in the
1634 county where the property was found if the value of the property
1635 is more than \$100. If the value of the property is \$100 or less,
1636 notice shall be given by posting a description of the property
1637 at the law enforcement agency where the property was turned in.
1638 The notice must be posted for not less than 2 consecutive weeks
1639 in a public place designated by the law enforcement agency. The
1640 notice must describe the property in a manner reasonably
1641 adequate to permit the rightful owner of the property to claim
1642 it.

1643 2. If the agency elects to sell the property, it must do so
1644 at public sale by competitive bidding. Notice of the time and
1645 place of the sale shall be given by an advertisement of the sale
1646 published once a week for 2 consecutive weeks in a newspaper of
1647 general circulation in the county where the sale is to be held.
1648 The notice shall include a statement that the sale shall be
1649 subject to any and all liens. The sale must be held at the
1650 nearest suitable place to that where the lost or abandoned
1651 property is held or stored. The advertisement must include a
1652 description of the goods and the time and place of the sale. The
1653 sale may take place no earlier than 10 days after the final

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1654 publication. If there is no newspaper of general circulation in
1655 the county where the sale is to be held, the advertisement shall
1656 be posted at the door of the courthouse and at three other
1657 public places in the county at least 10 days prior to sale.
1658 Notice of the agency's intended disposition shall describe the
1659 property in a manner reasonably adequate to permit the rightful
1660 owner of the property to identify it.

1661 (4) The owner of any abandoned or lost property, or in the
1662 case of a derelict vessel, the owner or other party determined
1663 to be legally responsible for the vessel being upon the waters
1664 of this state in a derelict condition, who, after notice as
1665 provided in this section, does not remove such property within
1666 the specified period shall be liable to the law enforcement
1667 agency, other governmental entity, or the agency's or entity's
1668 designee for all costs of removal, storage, and destruction of
1669 such property, less any salvage value obtained by disposal of
1670 the property. Upon final disposition of the property, the law
1671 enforcement officer or representative of the law enforcement
1672 agency or other governmental entity shall notify the owner, if
1673 known, of the amount owed. In the case of an abandoned vessel or
1674 motor vehicle, any person who neglects or refuses to pay such
1675 amount is not entitled to be issued a certificate of
1676 registration for such vessel or motor vehicle, or any other
1677 vessel or motor vehicle, until such costs have been paid. A
1678 person who has neglected or refused to pay all costs of removal,
1679 storage, disposal, and destruction of a vessel or motor vehicle
1680 as provided in this section, after having been provided written
1681 notice via certified mail that such costs are owed, and who
1682 applies for and is issued a registration for a vessel or motor

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1683 vehicle before such costs have been paid in full commits a
1684 misdemeanor of the first degree, punishable as provided in s.
1685 775.082 or s. 775.083. The law enforcement officer or
1686 representative of the law enforcement agency or other
1687 governmental entity shall supply the Department of Highway
1688 Safety and Motor Vehicles with a list of persons whose vessel
1689 registration privileges and ~~or whose~~ motor vehicle privileges
1690 have been revoked under this subsection. ~~Neither~~ The department
1691 or a ~~nor any other~~ person acting as an agent of the department
1692 may not ~~thereof shall~~ issue a certificate of registration to a
1693 person whose vessel and ~~or~~ motor vehicle registration privileges
1694 have been revoked, as provided by this subsection, until such
1695 costs have been paid.

1696 Section 28. Effective July 1, 2023, subsection (2) of
1697 section 705.103, Florida Statutes, as amended by section 29 of
1698 chapter 2019-76, Laws of Florida, is amended to read:

1699 705.103 Procedure for abandoned or lost property.—

1700 (2) (a)1. Whenever a law enforcement officer ascertains
1701 that:

1702 a. An article of lost or abandoned property other than a
1703 derelict vessel or a vessel declared a public nuisance pursuant
1704 to s. 327.73(1)(aa) is present on public property and is of such
1705 nature that it cannot be easily removed, the officer shall cause
1706 a notice to be placed upon such article in substantially the
1707 following form:

1708
1709 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1710 PROPERTY. This property, to wit: ...(setting forth brief
1711 description)... is unlawfully upon public property known as

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1712 ... (setting forth brief description of location)... and must be
1713 removed within 5 days; otherwise, it will be removed and
1714 disposed of pursuant to chapter 705, Florida Statutes. The owner
1715 will be liable for the costs of removal, storage, and
1716 publication of notice. Dated this: ... (setting forth the date of
1717 posting of notice)..., signed: ... (setting forth name, title,
1718 address, and telephone number of law enforcement officer)....
1719

1720 b. A derelict vessel or a vessel declared a public nuisance
1721 pursuant to s. 327.73(1)(aa) is present on the waters of this
1722 state, the officer shall cause a notice to be placed upon such
1723 vessel in substantially the following form:
1724

1725 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1726 VESSEL. This vessel, to wit: ... (setting forth brief description
1727 of location)... has been determined to be (derelict or a public
1728 nuisance) and is unlawfully upon the waters of this state
1729 ... (setting forth brief description of location)... and must be
1730 removed within 21 days; otherwise, it will be removed and
1731 disposed of pursuant to chapter 705, Florida Statutes. The owner
1732 and other interested parties have the right to a hearing to
1733 challenge the determination that this vessel is derelict or
1734 otherwise in violation of the law. Please contact ... (contact
1735 information for person who can arrange for a hearing in
1736 accordance with this section)... The owner or the party
1737 determined to be legally responsible for the vessel being upon
1738 the waters of this state in a derelict condition will be liable
1739 for the costs of removal, destruction, and disposal if this
1740 vessel is not removed by the owner. Dated this: ... (setting

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1741 forth the date of posting of notice)..., signed: ...(setting
1742 forth name, title, address, and telephone number of law
1743 enforcement officer)....
1744

1745 2. The notices required under subparagraph 1. may ~~Such~~
1746 ~~notice shall be~~ not be less than 8 inches by 10 inches and shall
1747 be sufficiently weatherproof to withstand normal exposure to the
1748 elements. In addition to posting, the law enforcement officer
1749 shall make a reasonable effort to ascertain the name and address
1750 of the owner. If such is reasonably available to the officer,
1751 she or he shall mail a copy of such notice to the owner on or
1752 before the date of posting. If the property is a motor vehicle
1753 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,
1754 the law enforcement agency shall contact the Department of
1755 Highway Safety and Motor Vehicles in order to determine the name
1756 and address of the owner and any person who has filed a lien on
1757 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
1758 328.15. On receipt of this information, the law enforcement
1759 agency shall mail a copy of the notice by certified mail, return
1760 receipt requested, to the owner and to the lienholder, if any,
1761 except that a law enforcement officer who has issued a citation
1762 for a violation of s. 376.15 or s. 823.11 to the owner of a
1763 derelict vessel is not required to mail a copy of the notice by
1764 certified mail, return receipt requested, to the owner. For a
1765 derelict vessel or a vessel declared a public nuisance pursuant
1766 to s. 327.73(1)(aa), the mailed notice must inform the owner or
1767 responsible party that he or she has a right to a hearing to
1768 dispute the determination that the vessel is derelict or
1769 otherwise in violation of the law. If a request for a hearing is

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1770 made, a state agency shall follow the processes as set forth in
1771 s. 120.569. Local governmental entities shall follow the
1772 processes set forth in s. 120.569, except that a local judge,
1773 magistrate, or code enforcement officer may be designated to
1774 conduct such a hearing. If, at the end of 5 days after posting
1775 the notice in sub-subparagraph 1.a., or at the end of 21 days
1776 after posting the notice in sub-subparagraph 1.b., and mailing
1777 such notice, if required, the owner or any person interested in
1778 the lost or abandoned article or articles described has not
1779 removed the article or articles from public property or shown
1780 reasonable cause for failure to do so, and, in the case of a
1781 derelict vessel or a vessel declared a public nuisance pursuant
1782 to s. 327.73(1)(aa), has not requested a hearing in accordance
1783 with this section, the following shall apply:

1784 a.~~(a)~~ For abandoned property other than a derelict vessel
1785 or a vessel declared a public nuisance pursuant to s.
1786 327.73(1)(aa), the law enforcement agency may retain any or all
1787 of the property for its own use or for use by the state or unit
1788 of local government, trade such property to another unit of
1789 local government or state agency, donate the property to a
1790 charitable organization, sell the property, or notify the
1791 appropriate refuse removal service.

1792 b. For a derelict vessel or a vessel declared a public
1793 nuisance pursuant to s. 327.73(1)(aa), the law enforcement
1794 agency or its designee may:

1795 (I) Remove the vessel from the waters of this state and
1796 destroy and dispose of the vessel or authorize another
1797 governmental entity or its designee to do so; or

1798 (II) Authorize the vessel's use as an artificial reef in

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1799 accordance with s. 379.249 if all necessary federal, state, and
1800 local authorizations are received.

1801
1802 A law enforcement agency or its designee may also take action as
1803 described in this sub-subparagraph if, following a hearing
1804 pursuant to this section, the judge, magistrate, administrative
1805 law judge, or hearing officer has determined the vessel to be
1806 derelict as provided in s. 823.11 or otherwise in violation of
1807 the law in accordance with s. 327.73(1)(aa) and a final order
1808 has been entered or the case is otherwise closed.

1809 (b) For lost property, the officer shall take custody and
1810 the agency shall retain custody of the property for 90 days. The
1811 agency shall publish notice of the intended disposition of the
1812 property, as provided in this section, during the first 45 days
1813 of this time period.

1814 1. If the agency elects to retain the property for use by
1815 the unit of government, donate the property to a charitable
1816 organization, surrender such property to the finder, sell the
1817 property, or trade the property to another unit of local
1818 government or state agency, notice of such election shall be
1819 given by an advertisement published once a week for 2
1820 consecutive weeks in a newspaper of general circulation in the
1821 county where the property was found if the value of the property
1822 is more than \$100. If the value of the property is \$100 or less,
1823 notice shall be given by posting a description of the property
1824 at the law enforcement agency where the property was turned in.
1825 The notice must be posted for not less than 2 consecutive weeks
1826 in a public place designated by the law enforcement agency. The
1827 notice must describe the property in a manner reasonably

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1828 adequate to permit the rightful owner of the property to claim
1829 it.

1830 2. If the agency elects to sell the property, it must do so
1831 at public sale by competitive bidding. Notice of the time and
1832 place of the sale shall be given by an advertisement of the sale
1833 published once a week for 2 consecutive weeks in a newspaper of
1834 general circulation in the county where the sale is to be held.
1835 The notice shall include a statement that the sale shall be
1836 subject to any and all liens. The sale must be held at the
1837 nearest suitable place to that where the lost or abandoned
1838 property is held or stored. The advertisement must include a
1839 description of the goods and the time and place of the sale. The
1840 sale may take place no earlier than 10 days after the final
1841 publication. If there is no newspaper of general circulation in
1842 the county where the sale is to be held, the advertisement shall
1843 be posted at the door of the courthouse and at three other
1844 public places in the county at least 10 days prior to sale.
1845 Notice of the agency's intended disposition shall describe the
1846 property in a manner reasonably adequate to permit the rightful
1847 owner of the property to identify it.

1848 Section 29. Subsections (1), (2), and (3) of section
1849 823.11, Florida Statutes, are amended to read:

1850 823.11 Derelict vessels; relocation or removal; penalty.—

1851 (1) As used in this section and s. 376.15, the term:

1852 (a) "Commission" means the Fish and Wildlife Conservation
1853 Commission.

1854 (b) "Derelict vessel" means a vessel, as defined in s.
1855 327.02, that is ~~left, stored, or abandoned~~:

1856 1. In a wrecked, junked, or substantially dismantled

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1857 condition upon any ~~public~~ waters of this state.

1858 a. A vessel is wrecked if it is sunken or sinking; aground
1859 without the ability to extricate itself absent mechanical
1860 assistance; or remaining after a marine casualty, including, but
1861 not limited to, a boating accident, extreme weather, or a fire.

1862 b. A vessel is junked if it has been substantially stripped
1863 of vessel components, if vessel components have substantially
1864 degraded or been destroyed, or if the vessel has been discarded
1865 by the owner or operator. Attaching an outboard motor to a
1866 vessel that is otherwise junked will not cause the vessel to no
1867 longer be junked if such motor is not an effective means of
1868 propulsion as required by s. 327.4107(2)(e) and associated
1869 rules.

1870 c. A vessel is substantially dismantled if at least two of
1871 the three following vessel systems or components are missing,
1872 compromised, incomplete, inoperable, or broken:

- 1873 (I) The steering system;
1874 (II) The propulsion system; or
1875 (III) The exterior hull integrity.

1876
1877 Attaching an outboard motor to a vessel that is otherwise
1878 substantially dismantled will not cause the vessel to no longer
1879 be substantially dismantled if such motor is not an effective
1880 means of propulsion as required by s. 327.4107(2)(e) and
1881 associated rules.

1882 2. At a port in this state without the consent of the
1883 agency having jurisdiction thereof.

1884 3. Docked, grounded, or beached upon the property of
1885 another without the consent of the owner of the property.

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1886 (c) "Gross negligence" means conduct so reckless or wanting
1887 in care that it constitutes a conscious disregard or
1888 indifference to the safety of the property exposed to such
1889 conduct.

1890 (d) "Willful misconduct" means conduct evidencing
1891 carelessness or negligence of such a degree or recurrence as to
1892 manifest culpability, wrongful intent, or evil design or to show
1893 an intentional and substantial disregard of the interests of the
1894 vessel owner.

1895 (2) (a) ~~It is unlawful for~~ A person, firm, or corporation
1896 may not ~~to store, leave, or abandon~~ any derelict vessel upon
1897 waters of ~~in~~ this state. For purposes of this paragraph, the
1898 term "leave" means to allow a vessel to remain occupied or
1899 unoccupied on the waters of this state for more than 24 hours.

1900 (b) Notwithstanding paragraph (a), a person who owns or
1901 operates a vessel that becomes derelict upon the waters of this
1902 state solely as a result of a boating accident that is reported
1903 to law enforcement in accordance with s. 327.301 or otherwise
1904 reported to law enforcement; a hurricane; or another sudden
1905 event outside of his or her control may not be charged with a
1906 violation if:

1907 1. The individual documents for law enforcement the
1908 specific event that led to the vessel being derelict upon the
1909 waters of this state; and

1910 2. The vessel has been removed from the waters of this
1911 state or has been repaired or addressed such that it is no
1912 longer derelict upon the waters of this state:

1913 a. For a vessel that has become derelict as a result of a
1914 boating accident or other sudden event outside of his or her

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1915 control, within 7 days after such accident or event; or

1916 b. Within 45 days after the hurricane has passed over the
1917 state.

1918 (c) This subsection does not apply to a vessel that was
1919 derelict upon the waters of this state before the stated
1920 accident or event.

1921 (3) The commission, an officer ~~officers~~ of the commission,
1922 or a ~~and any~~ law enforcement agency or officer specified in s.
1923 327.70 may ~~are authorized and empowered to~~ relocate, remove,
1924 store, destroy, or dispose of or cause to be relocated, ~~or~~
1925 removed, stored, destroyed, or disposed of a derelict vessel
1926 from ~~public~~ waters of this state as defined in s. 327.02 if the
1927 derelict vessel obstructs or threatens to obstruct navigation or
1928 in any way constitutes a danger to the environment, property, or
1929 persons. The commission, an officer ~~officers~~ of the commission,
1930 or any other law enforcement agency or officer acting pursuant
1931 to ~~under~~ this subsection to relocate, remove, store, destroy,
1932 dispose of or cause to be relocated, ~~or~~ removed, stored,
1933 destroyed, or disposed of a derelict vessel from ~~public~~ waters
1934 of this state shall be held harmless for all damages to the
1935 derelict vessel resulting from such action ~~relocation or removal~~
1936 unless the damage results from gross negligence or willful
1937 misconduct.

1938 (a) Removal of derelict vessels under this subsection may
1939 be funded by grants provided in ss. 206.606 and 376.15. The
1940 commission shall implement a plan for the procurement of any
1941 available federal disaster funds and use such funds for the
1942 removal of derelict vessels.

1943 (b) All costs, including costs owed to a third party,

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1944 incurred by the commission, another ~~or other~~ law enforcement
1945 agency, or a governmental subdivision, when the governmental
1946 subdivision has received authorization from a law enforcement
1947 officer or agency, in the relocation, ~~or~~ removal, storage,
1948 destruction, or disposal of a derelict vessel are recoverable
1949 against the vessel owner or the party determined to be legally
1950 responsible for the vessel being upon the waters of this state
1951 in a derelict condition. The Department of Legal Affairs shall
1952 represent the commission in actions to recover such costs. As
1953 provided in s. 705.103(4), a person who neglects or refuses to
1954 pay such costs may not be issued a certificate of registration
1955 for such vessel or for any other vessel or motor vehicle until
1956 such costs have been paid. A person who has neglected or refused
1957 to pay all costs of removal, storage, destruction, or disposal
1958 of a derelict vessel as provided in this section, after having
1959 been provided written notice via certified mail that such costs
1960 are owed, and who applies for and is issued a registration for a
1961 vessel or motor vehicle before such costs have been paid in full
1962 commits a misdemeanor of the first degree, punishable as
1963 provided in s. 775.082 or s. 775.083.

1964 (c) A contractor performing such ~~relocation or removal~~
1965 activities at the direction of the commission, an officer
1966 ~~officers~~ of the commission, ~~or~~ a law enforcement agency or
1967 officer, or a governmental subdivision, when the governmental
1968 subdivision has received authorization for the relocation or
1969 removal from a law enforcement officer or agency, pursuant to
1970 this section must be licensed in accordance with applicable
1971 United States Coast Guard regulations where required; obtain and
1972 carry in full force and effect a policy from a licensed

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1973 insurance carrier in this state to insure against any accident,
1974 loss, injury, property damage, or other casualty caused by or
1975 resulting from the contractor's actions; and be properly
1976 equipped to perform the services to be provided.

1977 Section 30. Except as otherwise expressly provided in this
1978 act, this act shall take effect July 1, 2021.