

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Environment, Agriculture & Flooding Subcommittee

Representative Sirois offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

(1) (a) 1.a. A ~~Any~~ person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by ~~se~~ operating such vehicle, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining

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

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

48 | b. A ~~Any~~ person who accepts the privilege extended by the
49 | laws of this state of operating a motor vehicle within this
50 | state is, by ~~se~~ operating such vehicle, deemed to have given his
51 | or her consent to submit to a urine test for the purpose of
52 | detecting the presence of chemical substances as set forth in s.
53 | 877.111 or controlled substances if the person is lawfully
54 | arrested for any offense allegedly committed while the person
55 | was driving or was in actual physical control of a motor vehicle
56 | while under the influence of chemical substances or controlled
57 | substances. The urine test must be incidental to a lawful arrest
58 | and administered at a detention facility or any other facility,
59 | mobile or otherwise, which is equipped to administer such tests
60 | at the request of a law enforcement officer who has reasonable
61 | cause to believe such person was driving or was in actual
62 | physical control of a motor vehicle within this state while
63 | under the influence of chemical substances or controlled
64 | substances. The urine test shall be administered at a detention
65 | facility or any other facility, mobile or otherwise, which is
66 | equipped to administer such test in a reasonable manner that

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67 will ensure the accuracy of the specimen and maintain the
68 privacy of the individual involved. The administration of a
69 urine test does not preclude the administration of another type
70 of test. The person shall be told that his or her failure to
71 submit to any lawful test of his or her urine will result in the
72 suspension of the person's privilege to operate a motor vehicle
73 for a period of 1 year for the first refusal, or for a period of
74 18 months if the driving privilege of such person has been
75 previously suspended or if he or she has previously been fined
76 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a
77 test or tests required under this chapter or chapter 327, and
78 shall also be told that if he or she refuses to submit to a
79 lawful test of his or her urine and his or her driving privilege
80 has been previously suspended or if he or she has previously
81 been fined under s. 327.35215 for a prior refusal to submit to a
82 lawful test of his or her breath, urine, or blood as required
83 under this chapter or chapter 327, he or she commits a
84 misdemeanor of the first degree, punishable as provided in s.
85 775.082 or s. 775.083, in addition to any other penalties
86 provided by law. The refusal to submit to a urine test upon the
87 request of a law enforcement officer as provided in this section
88 is admissible into evidence in any criminal proceeding.

89 2. The Alcohol Testing Program within the Department of
90 Law Enforcement is responsible for the regulation of the
91 operation, inspection, and registration of breath test

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92 instruments utilized under the driving and boating under the
93 influence provisions and related provisions located in this
94 chapter and chapters 322 and 327. The program is responsible for
95 the regulation of the individuals who operate, inspect, and
96 instruct on the breath test instruments utilized in the driving
97 and boating under the influence provisions and related
98 provisions located in this chapter and chapters 322 and 327. The
99 program is further responsible for the regulation of blood
100 analysts who conduct blood testing to be utilized under the
101 driving and boating under the influence provisions and related
102 provisions located in this chapter and chapters 322 and 327. The
103 program shall:

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

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

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

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

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

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

119 g. Have the authority to approve or disapprove breath test
120 instruments and accompanying paraphernalia for use pursuant to
121 the driving and boating under the influence provisions and
122 related provisions located in this chapter and chapters 322 and
123 327.

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

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

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

134 k. Make recommendations concerning any matter within the
135 purview of this section, this chapter, chapter 322, or chapter
136 327.

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

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

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

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

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

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

159 (c) A ~~Any~~ person who accepts the privilege extended by the
160 laws of this state of operating a motor vehicle within this
161 state is, by operating such vehicle, deemed to have given his or
162 her consent to submit to an approved blood test for the purpose
163 of determining the alcoholic content of the blood or a blood
164 test for the purpose of determining the presence of chemical
165 substances or controlled substances as provided in this section

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166 if there is reasonable cause to believe the person was driving
167 or in actual physical control of a motor vehicle while under the
168 influence of alcoholic beverages or chemical or controlled
169 substances and the person appears for treatment at a hospital,
170 clinic, or other medical facility and the administration of a
171 breath or urine test is impractical or impossible. As used in
172 this paragraph, the term "other medical facility" includes an
173 ambulance or other medical emergency vehicle. The blood test
174 shall be performed in a reasonable manner. A ~~Any~~ person who is
175 incapable of refusal by reason of unconsciousness or other
176 mental or physical condition is deemed not to have withdrawn his
177 or her consent to such test. A blood test may be administered
178 whether or not the person is told that his or her failure to
179 submit to such a blood test will result in the suspension of the
180 person's privilege to operate a motor vehicle upon the public
181 highways of this state and that a refusal to submit to a lawful
182 test of his or her blood, if his or her driving privilege has
183 been previously suspended for refusal to submit to a lawful test
184 of his or her breath, urine, or blood, is a misdemeanor. A ~~Any~~
185 person who is capable of refusal shall be told that his or her
186 failure to submit to such a blood test will result in the
187 suspension of the person's privilege to operate a motor vehicle
188 for a period of 1 year for a first refusal, or for a period of
189 18 months if the driving privilege of the person has been
190 suspended previously or if he or she has previously been fined

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191 under s. 327.35215 as a result of a refusal to submit to ~~such a~~
192 test or tests required under this chapter or chapter 327, and
193 ~~that a refusal to submit to a lawful test of his or her blood,~~
194 ~~if his or her driving privilege has been previously suspended~~
195 ~~for a prior refusal to submit to a lawful test of his or her~~
196 ~~breath, urine, or blood, is a misdemeanor.~~ The refusal to submit
197 to a blood test upon the request of a law enforcement officer is
198 admissible in evidence in any criminal proceeding.

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

201 316.1939 Refusal to submit to testing; penalties.—

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

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

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214 (b) Who was placed under lawful arrest for a violation of
215 s. 316.193 unless such test was requested pursuant to s.
216 316.1932(1)(c);

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

221 (d) Who was informed that a refusal to submit to a lawful
222 test of his or her breath or urine, ~~or blood~~, if his or her
223 driving privilege has been previously suspended or if he or she
224 has previously been fined under s. 327.35215 for a prior refusal
225 to submit to a lawful test of his or her breath, urine, or blood
226 as required under this chapter or chapter 327, is a misdemeanor
227 of the first degree, punishable as provided in s. 775.082 or s.
228 775.083, in addition to any other penalties provided by law; and

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

232
233 commits a misdemeanor of the first degree and is subject to
234 punishment as provided in s. 775.082 or s. 775.083.

235 Section 3. Present subsections (18) through (47) of
236 section 327.02, Florida Statutes, are redesignated as
237 subsections (19) through (48), respectively, a new subsection

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238 (18) is added to that section, and present subsection (31) of
239 that section is amended, to read:

240 327.02 Definitions.—As used in this chapter and in chapter
241 328, unless the context clearly requires a different meaning,
242 the term:

243 (18) "Human-powered vessel" means a vessel powered only by
244 its occupant or occupants, including, but not limited to, a
245 vessel powered only by the occupants' hands or feet, oars, or
246 paddles.

247 (32)~~(31)~~ "Navigation rules" means, for vessels on:

248 (a) Waters outside established navigational lines of
249 demarcation as specified in 33 C.F.R. part 80, the International
250 Navigational Rules Act of 1977, 33 U.S.C. s. 1602, as amended,
251 including the appendix and annexes thereto, through December 31,
252 2020 ~~October 1, 2012.~~

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

257 Section 4. Section 327.04, Florida Statutes, is amended to
258 read:

259 327.04 Rules.—The commission may ~~has authority to~~ adopt
260 rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~
261 ~~provisions of this chapter,~~ the provisions of chapter 705

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262 relating to vessels, and ss. 376.15 and 823.11 conferring powers
263 or duties upon it.

264 Section 5. Section 327.462, Florida Statutes, is created
265 to read:

266 327.462 Temporary protection zones for spaceflight
267 launches and recovery of spaceflight assets.—

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

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

273 (b) "Reentry services" means the conduct of a reentry and
274 activities involved in the preparation of a reentry vehicle,
275 payload, government astronaut, commercial astronaut, or
276 spaceflight participant for such reentry.

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

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

285 (2) The head of a law enforcement agency or entity
286 identified in s. 327.70(1), or his or her designee, may, upon

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287 waters of this state within the law enforcement agency's or
288 entity's jurisdiction, when necessary for preparations in
289 advance of a launch service or reentry service or for the
290 recovery of spaceflight assets before or after a launch service
291 or reentry service, temporarily establish a protection zone
292 requiring vessels to leave, or prohibiting vessels from
293 entering, water bodies within:

294 (a) Five hundred yards of where launch services, reentry
295 services, or spaceflight asset recovery operations are being
296 conducted; or

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

301 (3) A protection zone established under subsection (2) may
302 remain in effect only as long as necessary to ensure security
303 around the launch and recovery areas and to recover spaceflight
304 assets and any personnel being transported within a spacecraft
305 following the launch or reentry activity. Such protection zone
306 may not be in place more than 72 hours before or 72 hours after
307 the launch. The head of a law enforcement agency or entity
308 identified in s. 327.70(1), or his or her designee, may also
309 restrict vessels from operating within up to 500 yards of any
310 vessel transporting recovered spaceflight assets following a
311 spaceflight launch or reentry while such vessel is continuously

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312 underway transporting such assets to a location for removal from
313 the waters of this state.

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

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

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

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

344 327.352 Tests for alcohol, chemical substances, or
345 controlled substances; implied consent; refusal.-

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

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

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

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

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411 submit to a urine test upon the request of a law enforcement
412 officer as provided in this section is admissible into evidence
413 in any criminal proceeding.

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

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436 ~~refusal to submit to any lawful test of his or her breath,~~
437 ~~urine, or blood, is a misdemeanor.~~ The refusal to submit to a
438 blood test upon the request of a law enforcement officer shall
439 be admissible in evidence in any criminal proceeding.

440 Section 7. Section 327.359, Florida Statutes, is amended
441 to read:

442 327.359 Refusal to submit to testing; penalties.—A Any
443 person who has refused to submit to a chemical or physical test
444 of his or her breath, ~~blood,~~ or urine, as described in s.
445 327.352, and who has been previously fined under s. 327.35215 or
446 has previously had his or her driver license suspended under s.
447 322.2615 for refusal to submit to a lawful test of his or her
448 breath, urine, or blood, and:

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

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

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

458 (4) Who was informed that a refusal to submit to a lawful
459 test of his or her breath or, ~~urine, or blood,~~ if he or she has
460 been previously fined under s. 327.35215 or has previously had

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461 his or her driver license suspended under s. 322.2615 for
462 refusal to submit to a lawful test of his or her breath, urine,
463 or blood, is a misdemeanor of the first degree, punishable as
464 provided in s. 775.082 or s. 775.083; and

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

468
469 commits a misdemeanor of the first degree, punishable ~~and is~~
470 ~~subject to punishment~~ as provided in s. 775.082 or s. 775.083.

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

473 327.371 Human-powered vessels regulated.-

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

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

483 (b) When crossing the marked channel, provided that the
484 crossing is done in the most direct, continuous, and expeditious

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485 manner possible and does not interfere with other vessel traffic
486 in the channel.

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

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

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

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

496 327.391 Airboats regulated.—

497 (1) The exhaust of every internal combustion engine used
498 on any airboat operated on the waters of this state shall be
499 provided with an automotive-style factory muffler, underwater
500 exhaust, or other manufactured device capable of adequately
501 muffling the sound of the exhaust of the engine as described in
502 s. 327.02(31) ~~s. 327.02(30)~~. The use of cutouts or flex pipe as
503 the sole source of muffling is prohibited, except as provided in
504 subsection (4). A ~~Any~~ person who violates this subsection
505 commits a noncriminal infraction, punishable as provided in s.
506 327.73(1).

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

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509 | this ~~the~~ state unless he or she has all of the following onboard
510 | the airboat:

511 | 1. A photographic identification card.

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

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

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

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

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

530 | 327.395 Boating safety education.—

531 | (1) (a) A person born on or after January 1, 1988, may not
532 | operate a vessel powered by a motor of 10 horsepower or greater

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533 unless such person has in his or her possession aboard the
534 vessel the documents required by subsection (2).

535 (b) Beginning January 1, 2023, a person, regardless of his
536 or her date of birth, may not operate a vessel powered by a
537 motor of 10 horsepower or greater unless such person has in his
538 or her possession aboard the vessel the documents required by
539 subsection (2).

540 (2) While operating a vessel, a person must have in his or
541 her possession aboard the vessel photographic identification and
542 a boating safety identification card issued by the commission, a
543 state-issued identification card or driver license indicating
544 possession of the boating safety identification card, or
545 photographic identification and a temporary certificate issued
546 or approved by the commission, which shows that he or she has:

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

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

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

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557 (b) A person may obtain a temporary certificate by passing
558 a temporary certificate examination that meets the requirements
559 of this section and rules adopted by the commission pursuant to
560 this section.

561 ~~(4)(3)~~ A Any commission-approved boating safety education
562 course or temporary certificate examination developed or
563 approved by the commission must include a component regarding
564 diving vessels, awareness of divers in the water, divers-down
565 warning devices, and the requirements of s. 327.331.

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

574 (5) A boating safety identification card issued to a
575 person who has completed a boating safety education course is
576 valid for life. A temporary certificate issued to a person who
577 has passed a temporary certification examination is valid for 90
578 days after the date of issuance. The commission may issue either
579 the boating safety identification card or the temporary
580 certificate in a digital, electronic, or paper format.

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

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- 582 (a) 1. Is licensed by the United States Coast Guard to
583 serve as master of a vessel; or
584 2. Has been previously licensed by the United States Coast
585 Guard to serve as master of a vessel, provides proof of such
586 licensure to the commission, and requests that a boating safety
587 identification card be issued in his or her name.
- 588 (b) Operates a vessel only on a private lake or pond.
- 589 (c) Is accompanied in the vessel by a person who is exempt
590 from this section or who holds a boating safety identification
591 card in compliance with this section, who is 18 years of age or
592 older, and who is attendant to the operation of the vessel and
593 responsible for the safe operation of the vessel and for any
594 violation that occurs during the operation of the vessel.
- 595 (d) Is a nonresident who has in his or her possession
596 photographic identification and proof that he or she has
597 completed a boating safety education course or equivalency
598 examination in another state or a United States territory which
599 meets or exceeds the minimum requirements established by the
600 National Association of State Boating Law Administrators.
- 601 (e) Is operating a vessel within 90 days after the
602 purchase of that vessel and has available for inspection aboard
603 that vessel a bill of sale meeting the requirements of s.
604 328.46(1).
- 605 (f) Is operating a vessel within 90 days after completing
606 a boating safety education course in accordance with paragraph

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607 (2) (a) ~~the requirements of paragraph (1) (a)~~ and has a
608 photographic identification card and a boating safety education
609 certificate available for inspection as proof of having
610 completed a boating safety education course. The boating safety
611 education certificate must provide, at a minimum, the student's
612 first and last name, the student's date of birth, and the date
613 that he or she passed the course examination.

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

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

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

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

633 (10) The commission shall design forms and adopt rules
634 pursuant to chapter 120 to implement ~~the provisions of~~ this
635 section.

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

638 Section 11. Present subsection (5) of section 327.4107,
639 Florida Statutes, is redesignated as subsection (6), a new
640 subsection (5) and subsection (7) are added to that section, and
641 paragraph (e) of subsection (2) of that section is amended, to
642 read:

643 327.4107 Vessels at risk of becoming derelict on waters of
644 this state.—

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

649 (e) The vessel does not have an effective means of
650 propulsion for safe navigation within 72 hours after the vessel
651 owner or operator receives telephonic notice, in-person notice
652 recorded on an agency-approved body camera, or written notice,
653 which may be provided by facsimile, electronic mail, or other
654 electronic means, stating such from an officer, and the vessel

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655 owner or operator is unable to provide a receipt, proof of
656 purchase, or other documentation of having ordered necessary
657 parts for vessel repair. The commission may adopt rules to
658 implement this paragraph.

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

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

673 (a) Removal, relocation, and destruction of vessels
674 declared a public nuisance, derelict or at risk of becoming
675 derelict, or lost or abandoned in accordance with s. 327.521(2),
676 s. 327.53(7), s. 327.73(1)(aa), s. 705.103(2) and (4), or s.
677 823.11(3).

678 (b) Creation of a vessel turn-in program allowing the
679 owner of a vessel determined by law enforcement to be at risk of

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680 becoming derelict in accordance with this section to turn his or
681 her vessel and vessel title over to the commission to be
682 destroyed without penalty.

683 (c) Providing for removal and destruction of an abandoned
684 vessel for which an owner cannot be identified or the owner of
685 which is deceased and no heir is interested in acquiring the
686 vessel.

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

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

691
692 The derelict vessel prevention program created pursuant to this
693 subsection may include other preventative efforts and methods as
694 determined appropriate and necessary by the commission. The
695 commission may adopt rules to implement this subsection.

696 Implementation of the derelict vessel prevention program shall
697 be subject to appropriation by the Legislature and shall be
698 funded by the Marine Resources Conservation Trust Fund or the
699 Florida Coastal Protection Trust Fund.

700 Section 12. Section 327.4108, Florida Statutes, is amended
701 to read:

702 327.4108 Anchoring of vessels in anchoring limitation
703 areas.-

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

711 (a) The section of Middle River lying between Northeast
712 21st Court and the Intracoastal Waterway in Broward County.

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

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

716 1. Rivo Alto Island and Di Lido Island.

717 2. San Marino Island and San Marco Island.

718 3. San Marco Island and Biscayne Island.

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

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

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

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

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

733 (a) If the vessel suffers a mechanical failure that poses
734 an unreasonable risk of harm to the vessel or the persons
735 onboard unless the vessel anchors. The vessel may anchor for 3
736 business days or until the vessel is repaired, whichever occurs
737 first.

738 (b) If imminent or existing weather conditions in the
739 vicinity of the vessel pose an unreasonable risk of harm to the
740 vessel or the persons onboard unless the vessel anchors. The
741 vessel may anchor until weather conditions no longer pose such
742 risk. During a hurricane or tropical storm, weather conditions
743 are deemed to no longer pose an unreasonable risk of harm when
744 the hurricane or tropical storm warning affecting the area has
745 expired.

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

751 (4) This section does not apply to:

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

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

756 (c) Vessels actively engaged in commercial fishing.

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

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

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

767 1. Anchors the vessel in violation of this section within
768 12 hours after being issued the citation; or

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

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

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

779 1. Be licensed in accordance with United States Coast
780 Guard regulations, as applicable.

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

785 3. Be properly equipped to perform such services.

786 (e) In addition to the civil penalty imposed under s.
787 327.73(1)(z), the operator of a vessel that is removed and
788 impounded pursuant to paragraph (b) must pay all removal and
789 storage fees before the vessel is released. A vessel removed
790 pursuant to paragraph (b) may not be impounded for longer than
791 48 hours.

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

794 ~~(7) This section shall remain in effect notwithstanding~~
795 ~~the Legislature's adoption of the commission's recommendations~~
796 ~~for the regulation of mooring vessels outside of public mooring~~
797 ~~fields pursuant to s. 327.4105.~~

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

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800 327.4109 Anchoring or mooring prohibited; exceptions;
801 penalties.—

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

805 1. Within 150 feet of any public or private marina, boat
806 ramp, boatyard, or other public vessel launching or loading
807 facility;

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

812 3. Within 100 feet outward from the marked boundary of a
813 public mooring field or a lesser distance if approved by the
814 commission upon request of a local government within which the
815 mooring field is located. The commission may adopt rules to
816 implement this subparagraph.

817 (2) Notwithstanding subsection (1), an owner or operator
818 of a vessel may anchor or moor within 150 feet of any public or
819 private marina, boat ramp, boatyard, or other public vessel
820 launching or loading facility; within 300 feet of a superyacht
821 repair facility; or within 100 feet outward from the marked
822 boundary of a public mooring field if:

823 (a) The vessel suffers a mechanical failure that poses an
824 unreasonable risk of harm to the vessel or the persons onboard

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825 such vessel. The owner or operator of the vessel may anchor or
826 moor for 5 business days or until the vessel is repaired,
827 whichever occurs first.

828 (b) Imminent or existing weather conditions in the
829 vicinity of the vessel pose an unreasonable risk of harm to the
830 vessel or the persons onboard such vessel. The owner or operator
831 of the vessel may anchor or moor until weather conditions no
832 longer pose such risk. During a hurricane or tropical storm,
833 weather conditions are deemed to no longer pose an unreasonable
834 risk of harm when the hurricane or tropical storm warning
835 affecting the area has expired.

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

838 327.45 Protection zones for springs.-

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

848 Section 15. Paragraph (b) of subsection (1) of section
849 327.46, Florida Statutes, is amended to read:

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850 327.46 Boating-restricted areas.—

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

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

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

863 a. Within 500 feet of any boat ramp, hoist, marine
864 railway, or other launching or landing facility available for
865 use by the general boating public on waterways more than 300
866 feet in width or within 300 feet of any boat ramp, hoist, marine
867 railway, or other launching or landing facility available for
868 use by the general boating public on waterways not exceeding 300
869 feet in width.

870 b. Within 500 feet of fuel pumps or dispensers at any
871 marine fueling facility that sells motor fuel to the general
872 boating public on waterways more than 300 feet in width or
873 within 300 feet of the fuel pumps or dispensers at any licensed

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874 terminal facility that sells motor fuel to the general boating
875 public on waterways not exceeding 300 feet in width.

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

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

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

880 b. Within 300 feet of any bridge span presenting a
881 vertical clearance of less than 25 feet or a horizontal
882 clearance of less than 100 feet.

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

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

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

890 3. An ordinance establishing a vessel-exclusion zone if
891 the area is:

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

893 b. Within 300 feet of a dam, spillway, or flood control
894 structure.

895 4. Notwithstanding the prohibition in s. 327.60(2)(c),
896 within the portion of the Florida Intracoastal Waterway within
897 their jurisdiction, except that the municipality or county may

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898 not establish a vessel-exclusion zone for public bathing beaches
899 or swim areas within the waterway.

900 Section 16. Section 327.463, Florida Statutes, is created
901 to read:

902 327.463 Special hazards.—

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

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

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

907 and

908 2. Proceeding without wake or with minimum wake.

909

910 A vessel that is operating at slow speed, minimum wake may not
911 proceed at a speed greater than a speed that is reasonable and
912 prudent to avoid the creation of an excessive wake or other
913 hazardous condition under the existing circumstances.

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

916 1. Operating on plane;

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

919 3. Operating at a speed that creates a wake that
920 unreasonably or unnecessarily endangers other vessels.

921 (2) A person may not operate a vessel faster than slow
922 speed, minimum wake within 300 feet of any emergency vessel,

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923 including, but not limited to, a law enforcement vessel, United
924 States Coast Guard vessel, or firefighting vessel, when such
925 emergency vessel's emergency lights are activated.

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

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

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

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

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

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

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

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

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

951 (4) (a) A person operating a vessel in violation of this
952 section commits a noncriminal infraction, punishable as provided
953 in s. 327.73.

954 (b) The owner of, or party who is responsible for, a
955 construction vessel or barge who displays an orange flag on the
956 vessel or barge when it is not actively engaged in construction
957 operations commits a noncriminal infraction, punishable as
958 provided in s. 327.73.

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

962 Section 17. Paragraph (a) of subsection (1) of section
963 327.50, Florida Statutes, is amended to read:

964 327.50 Vessel safety regulations; equipment and lighting
965 requirements.—

966 (1) (a) The owner and operator of every vessel on the
967 waters of this state shall carry, store, maintain, and use
968 safety equipment in accordance with current United States Coast
969 Guard safety equipment requirements as specified in the Code of
970 Federal Regulations, unless expressly exempted by the commission
971 department.

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972 Section 18. Section 327.521, Florida Statutes, is created
973 to read:

974 327.521 No-discharge zones.—Effective upon approval by the
975 United States Environmental Protection Agency of a no-discharge
976 zone determination for the waters of the United States within
977 the territorial limits of this state:

978 (1) All waters of this state are designated no-discharge
979 zones. A person may not discharge sewage of any type, whether
980 treated or untreated, from any vessel or floating structure into
981 waters of this state. A person who violates this subsection
982 commits a noncriminal infraction, punishable by a civil penalty
983 of up to \$250. If any discharge prohibited by this subsection is
984 ongoing or continuous, the person may be assessed a penalty of
985 up to \$250 for each day the violation continues.

986 (2) A vessel or floating structure in violation of this
987 section is declared a nuisance and a hazard to public safety and
988 health. The owner or operator of a vessel or floating structure
989 convicted a second time for violating this section shall, within
990 30 days following the conviction, remove the vessel or floating
991 structure from the waters of this state. If the vessel or
992 floating structure remains on the waters of this state in
993 violation of this subsection, law enforcement officers charged
994 with the enforcement of this chapter under s. 327.70 shall apply
995 to the appropriate court in the county in which the vessel or
996 floating structure is located to order or otherwise cause the

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997 removal of such vessel or floating structure from the waters of
998 this state at the owner's expense. If the owner cannot be found
999 or otherwise fails to pay the removal costs, the provisions of
1000 s. 328.17 shall apply. If the proceeds under s. 328.17 are not
1001 sufficient to pay all removal costs, funds appropriated from the
1002 Marine Resources Conservation Trust Fund pursuant to s.
1003 327.53(6) (b) or s. 328.72(15) (c) may be used.

1004 (3) For purposes of this section, the term "conviction"
1005 means a disposition other than acquittal or dismissal.

1006 Section 19. Paragraph (a) of subsection (6) and subsection
1007 (7) of section 327.53, Florida Statutes, are amended, and
1008 subsection (8) is added to that section, to read:

1009 327.53 Marine sanitation.—

1010 (6) (a) A violation of this section is a noncriminal
1011 infraction, punishable as provided in s. 327.73. Each violation
1012 shall be a separate offense. The owner and operator of any
1013 vessel shall be jointly and severally liable for the civil
1014 penalty imposed pursuant to this section.

1015 (7) A ~~Any~~ vessel or floating structure operated or
1016 occupied on the waters of this ~~the~~ state in violation of this
1017 section is declared a nuisance and a hazard to public safety and
1018 health. The owner or operator of a ~~any~~ vessel or floating
1019 structure cited for violating this section shall, within 30 days
1020 following the issuance of the citation, correct the violation
1021 for which the citation was issued or remove the vessel or

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1022 floating structure from the waters of this ~~the~~ state. If the
1023 violation is not corrected within the 30 days and the vessel or
1024 floating structure remains on the waters of this ~~the~~ state in
1025 violation of this section, law enforcement officers charged with
1026 the enforcement of this chapter under s. 327.70 shall apply to
1027 the appropriate court in the county in which the vessel or
1028 floating structure is located, ~~to~~ order or otherwise cause the
1029 removal of such vessel or floating structure from the waters of
1030 this ~~the~~ state at the owner's expense. If the owner cannot be
1031 found or otherwise fails to pay the removal costs, the
1032 provisions of s. 328.17 shall apply. If the proceeds under s.
1033 328.17 are not sufficient to pay all removal costs, funds
1034 appropriated from the Marine Resources Conservation Trust Fund
1035 pursuant to paragraph (6) (b) or s. 328.72(15) (c) ~~s. 328.72(16)~~
1036 may be used.

1037 (8) The owner or operator of a live-aboard vessel as
1038 defined in s. 327.02(23) (a) or (c), or a houseboat as defined in
1039 s. 327.02(17), that is equipped with a marine sanitation device
1040 or that processes and manages human waste using currently
1041 accepted composted marine toilet technologies that meet United
1042 States Coast Guard standards as marine sanitation device-type
1043 toilets must maintain a record of the date of each pumpout of
1044 the marine sanitation device or toilet and the location of the
1045 pumpout station or waste reception facility. Each record must be
1046 maintained for 1 year after the date of the pumpout.

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1047 Section 20. Subsection (2) of section 327.54, Florida
1048 Statutes, is amended to read:

1049 327.54 Liveries; safety regulations; penalty.—

1050 (2) A livery may not knowingly lease, hire, or rent a ~~any~~
1051 vessel ~~powered by a motor of 10 horsepower or greater to a~~ any
1052 person who is required to comply with s. 327.395~~7~~, unless such
1053 person presents to the livery photographic identification and a
1054 valid boater safety identification card issued by the
1055 commission, a state-issued identification card or driver license
1056 indicating possession of the boating safety identification card,
1057 or photographic identification and a valid temporary certificate
1058 issued or approved by the commission as required under s.
1059 327.395(2) ~~s. 327.395(1)~~7, or meets the exemption provided under
1060 s. 327.395(6) (f).

1061 Section 21. Subsection (5) of section 327.60, Florida
1062 Statutes, is amended to read:

1063 327.60 Local regulations; limitations.—

1064 (5) A local government may enact and enforce regulations
1065 to implement the procedures for abandoned or lost property that
1066 allow the local law enforcement agency to remove a vessel
1067 affixed to a public dock or mooring within its jurisdiction that
1068 is abandoned or lost property pursuant to s. 705.103(1). Such
1069 regulation must require the local law enforcement agency to post
1070 a written notice at least 24 hours before removing the vessel.

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1071 Section 22. Paragraphs (q), (s), and (aa) of subsection
1072 (1) of section 327.73, Florida Statutes, are amended, and
1073 paragraphs (cc), (dd), and (ee) are added to that subsection, to
1074 read:

1075 327.73 Noncriminal infractions.—

1076 (1) Violations of the following provisions of the vessel
1077 laws of this state are noncriminal infractions:

1078 (q) Section 327.53(1), (2), ~~and~~ (3), and (8), relating to
1079 marine sanitation.

1080 (s) Section 327.395, relating to boater safety education.
1081 However, a person cited for violating the requirements of s.
1082 327.395 relating to failure to have required proof of boating
1083 safety education in his or her possession may not be convicted
1084 if, before or at the time of a county court hearing, the person
1085 produces proof of the boating safety education identification
1086 card or temporary certificate for verification by the hearing
1087 officer or the court clerk and the identification card or
1088 temporary certificate was valid at the time the person was
1089 cited.

1090 (aa) Section 327.4107, relating to vessels at risk of
1091 becoming derelict on waters of this state, for which the civil
1092 penalty is:

1093 1. For a first offense, \$100 ~~\$50~~.

1094 2. For a second offense occurring 30 days or more after a
1095 first offense, \$250 ~~\$100~~.

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1096 3. For a third or subsequent offense occurring 30 days or
1097 more after a previous offense, \$500 ~~\$250~~.

1098
1099 A vessel that is the subject of three or more violations issued
1100 pursuant to the same paragraph of s. 327.4107(2) within an 18-
1101 month period which result in dispositions other than acquittal
1102 or dismissal shall be declared to be a public nuisance and
1103 subject to ss. 705.103(2) and (4) and 823.11(3). The commission,
1104 an officer of the commission, or a law enforcement agency or
1105 officer specified in s. 327.70 may relocate, remove, or cause to
1106 be relocated or removed such public nuisance vessels from waters
1107 of this state. The commission, an officer of the commission, or
1108 a law enforcement agency or officer acting pursuant to this
1109 paragraph upon waters of this state shall be held harmless for
1110 all damages to the vessel resulting from such relocation or
1111 removal unless the damage results from gross negligence or
1112 willful misconduct as these terms are defined in s. 823.11.

1113 (cc) Section 327.463(4) (a) and (b), relating to vessels
1114 creating special hazards, for which the penalty is:

1115 1. For a first offense, \$50.

1116 2. For a second offense occurring within 12 months after a
1117 prior offense, \$100.

1118 3. For a third offense occurring within 36 months after a
1119 prior offense, \$250.

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1120 (dd) Section 327.371, relating to the regulation of human-
1121 powered vessels.

1122 (ee) Section 327.521, relating to no-discharge zones, for
1123 which the penalty is up to \$250 for each offense.

1124
1125 Any person cited for a violation of any provision of this
1126 subsection shall be deemed to be charged with a noncriminal
1127 infraction, shall be cited for such an infraction, and shall be
1128 cited to appear before the county court. The civil penalty for
1129 any such infraction is \$50, except as otherwise provided in this
1130 section. Any person who fails to appear or otherwise properly
1131 respond to a uniform boating citation shall, in addition to the
1132 charge relating to the violation of the boating laws of this
1133 state, be charged with the offense of failing to respond to such
1134 citation and, upon conviction, be guilty of a misdemeanor of the
1135 second degree, punishable as provided in s. 775.082 or s.
1136 775.083. A written warning to this effect shall be provided at
1137 the time such uniform boating citation is issued.

1138 Section 23. Subsection (4) of section 328.09, Florida
1139 Statutes, is amended to read:

1140 328.09 Refusal to issue and authority to cancel a
1141 certificate of title or registration.—

1142 (4) The department may not issue a certificate of title to
1143 an ~~any~~ applicant for a ~~any~~ vessel that has been deemed derelict
1144 by a law enforcement officer under s. 376.15 or s. 823.11. A law

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1145 enforcement officer must inform the department in writing, which
1146 may be provided by facsimile, electronic mail, or other
1147 electronic means, of the vessel's derelict status and supply the
1148 department with the vessel title number or vessel identification
1149 number. The department may issue a certificate of title once a
1150 law enforcement officer has verified in writing, which may be
1151 provided by facsimile, electronic mail, or other electronic
1152 means, that the vessel is no longer a derelict vessel.

1153 Section 24. Effective July 1, 2023, paragraph (e) of
1154 subsection (3) of section 328.09, Florida Statutes, as amended
1155 by section 12 of chapter 2019-76, Laws of Florida, is amended to
1156 read:

1157 328.09 Refusal to issue and authority to cancel a
1158 certificate of title or registration.—

1159 (3) Except as otherwise provided in subsection (4), the
1160 department may reject an application for a certificate of title
1161 only if:

1162 (e) The application is for a vessel that has been deemed
1163 derelict by a law enforcement officer under s. 376.15 or s.
1164 823.11. In such case, a law enforcement officer must inform the
1165 department in writing, which may be provided by facsimile, e-
1166 mail, or other electronic means, of the vessel's derelict status
1167 and supply the department with the vessel title number or vessel
1168 identification number. The department may issue a certificate of
1169 title once a law enforcement officer has verified in writing,

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1170 which may be provided by facsimile, e-mail, or other electronic
1171 means, that the vessel is no longer a derelict vessel.

1172 Section 25. Section 376.15, Florida Statutes, is amended
1173 to read:

1174 376.15 Derelict vessels; relocation or removal from ~~public~~
1175 waters of this state.-

1176 (1) As used in this section, the term:

1177 (a) "Commission" means the Fish and Wildlife Conservation
1178 Commission.

1179 (b) "Gross negligence" means conduct so reckless or
1180 wanting in care that it constitutes a conscious disregard or
1181 indifference to the safety of the property exposed to such
1182 conduct.

1183 (c) "Willful misconduct" means conduct evidencing
1184 carelessness or negligence of such a degree or recurrence as to
1185 manifest culpability, wrongful intent, or evil design or to show
1186 an intentional and substantial disregard of the interests of the
1187 vessel owner.

1188 (2) (a) It is unlawful for any person, firm, or corporation
1189 to ~~store, leave, or abandon~~ any derelict vessel as defined in s.
1190 823.11 upon the waters of ~~in~~ this state. For purposes of this
1191 paragraph, the term "leave" means to allow a vessel to remain
1192 occupied or unoccupied on the waters of this state for more than
1193 24 hours.

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1194 (b) Notwithstanding paragraph (a), a person who owns or
1195 operates a vessel that becomes derelict upon the waters of this
1196 state solely as a result of a boating accident that is reported
1197 to law enforcement in accordance with s. 327.301 or otherwise
1198 reported to law enforcement; a hurricane; or another sudden
1199 event outside of his or her control may not be charged with a
1200 violation if:

1201 1. The individual documents for law enforcement the
1202 specific event that led to the vessel being derelict upon the
1203 waters of this state; and

1204 2. The vessel has been removed from the waters of this
1205 state or has been repaired or addressed such that it is no
1206 longer derelict upon the waters of this state:

1207 a. For a vessel that has become derelict as a result of a
1208 boating accident or other sudden event outside of his or her
1209 control, within 7 days after such accident or event; or

1210 b. Within 45 days after the hurricane has passed over this
1211 state.

1212 (c) This subsection does not apply to a vessel that was
1213 derelict upon the waters of this state before the stated
1214 accident or event.

1215 (3) (a) The commission, an officer ~~officers~~ of the
1216 commission, or a ~~and any~~ law enforcement agency or officer
1217 specified in s. 327.70 ~~may are authorized and empowered to~~
1218 relocate, remove, store, destroy, or dispose of or cause to be

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1219 relocated, ~~or removed,~~ stored, destroyed, or disposed of a ~~any~~
1220 derelict vessel as defined in s. 823.11 from ~~public~~ waters of
1221 this state as defined in s. 327.02. All costs, including costs
1222 owed to a third party, incurred by the commission or other law
1223 enforcement agency in the relocation, ~~or removal,~~ storage,
1224 destruction, or disposal of any abandoned or derelict vessel are
1225 recoverable against the owner of the vessel or the party
1226 determined to be legally responsible for the vessel being upon
1227 the waters of this state in a derelict condition. The Department
1228 of Legal Affairs shall represent the commission in actions to
1229 recover such costs.

1230 (b) The commission, an officer ~~officers~~ of the commission,
1231 or a ~~and any other~~ law enforcement agency or officer specified
1232 in s. 327.70 acting pursuant to ~~under~~ this section to relocate,
1233 remove, store, destroy, or dispose of or cause to be relocated,
1234 ~~or removed,~~ stored, destroyed, or disposed of a derelict vessel
1235 from ~~public~~ waters of this state as defined in s. 327.02 shall
1236 be held harmless for all damages to the derelict vessel
1237 resulting from such action ~~relocation or removal~~ unless the
1238 damage results from gross negligence or willful misconduct as
1239 these terms are defined in s. 823.11.

1240 (c) A contractor performing relocation or removal
1241 activities at the direction of the commission, an officer
1242 ~~officers~~ of the commission, ~~or~~ a law enforcement agency or
1243 officer, or a governmental subdivision, when the governmental

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1244 subdivision has received authorization for the relocation or
1245 removal from a law enforcement officer or agency pursuant to
1246 this section, must be licensed in accordance with applicable
1247 United States Coast Guard regulations where required; obtain and
1248 carry in full force and effect a policy from a licensed
1249 insurance carrier in this state to insure against any accident,
1250 loss, injury, property damage, or other casualty caused by or
1251 resulting from the contractor's actions; and be properly
1252 equipped to perform the services to be provided.

1253 (d) The commission may establish a program to provide
1254 grants to local governments for the removal, storage,
1255 destruction, and disposal of derelict vessels from the ~~public~~
1256 waters of this ~~the~~ state as defined in s. 327.02. The program
1257 shall be funded from the Marine Resources Conservation Trust
1258 Fund or the Florida Coastal Protection Trust Fund.
1259 Notwithstanding ~~the provisions in~~ s. 216.181(11), funds
1260 available for grants may only be authorized by appropriations
1261 acts of the Legislature. In a given fiscal year, if all funds
1262 appropriated pursuant to this paragraph are not requested by and
1263 granted to local governments for the removal, storage,
1264 destruction, and disposal of derelict vessels by the end of the
1265 third quarter, the Fish and Wildlife Conservation Commission may
1266 use the remainder of the funds to remove, store, destroy, and
1267 dispose of, or to pay private contractors to remove, store,
1268 destroy, and dispose of, derelict vessels.

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1269 (e) The commission shall adopt by rule procedures for
1270 submitting a grant application and criteria for allocating
1271 available funds. Such criteria shall include, but not be limited
1272 to, the following:

1273 1. The number of derelict vessels within the jurisdiction
1274 of the applicant.

1275 2. The threat posed by such vessels to public health or
1276 safety, the environment, navigation, or the aesthetic condition
1277 of the general vicinity.

1278 3. The degree of commitment of the local government to
1279 maintain waters free of abandoned and derelict vessels and to
1280 seek legal action against those who abandon vessels in the
1281 waters of this the state as defined in s. 327.02.

1282 (f) This section constitutes the authority for such
1283 removal but is not intended to be in contravention of any
1284 applicable federal act.

1285 Section 26. Subsections (2) and (4) of section 705.103,
1286 Florida Statutes, are amended to read:

1287 705.103 Procedure for abandoned or lost property.—

1288 (2) (a)1. Whenever a law enforcement officer ascertains
1289 that:

1290 a. An article of lost or abandoned property other than a
1291 derelict vessel or a vessel declared a public nuisance pursuant
1292 to s. 327.73(1)(aa) is present on public property and is of such
1293 nature that it cannot be easily removed, the officer shall cause

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1294 a notice to be placed upon such article in substantially the
1295 following form:

1296

1297 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1298 PROPERTY. This property, to wit: ...(setting forth brief
1299 description)... is unlawfully upon public property known as
1300 ...(setting forth brief description of location)... and must be
1301 removed within 5 days; otherwise, it will be removed and
1302 disposed of pursuant to chapter 705, Florida Statutes. The owner
1303 will be liable for the costs of removal, storage, and
1304 publication of notice. Dated this: ...(setting forth the date of
1305 posting of notice)..., signed: ...(setting forth name, title,
1306 address, and telephone number of law enforcement officer)....

1307

1308 b. A derelict vessel or a vessel declared a public
1309 nuisance pursuant to s. 327.73(1)(aa) is present on the waters
1310 of this state, the officer shall cause a notice to be placed
1311 upon such vessel in substantially the following form:

1312

1313 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1314 VESSEL. This vessel, to wit: ...(setting forth brief
1315 description)... has been determined to be (derelict or a public
1316 nuisance) and is unlawfully upon waters of this state
1317 ...(setting forth brief description of location)... and must be
1318 removed within 21 days; otherwise, it will be removed and

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1319 disposed of pursuant to chapter 705, Florida Statutes. The owner
1320 and other interested parties have the right to a hearing to
1321 challenge the determination that this vessel is derelict or
1322 otherwise in violation of the law. Please contact ...(contact
1323 information for person who can arrange for a hearing in
1324 accordance with this section).... The owner or the party
1325 determined to be legally responsible for the vessel being upon
1326 the waters of this state in a derelict condition will be liable
1327 for the costs of removal, destruction, and disposal if this
1328 vessel is not removed by the owner. Dated this: ...(setting
1329 forth the date of posting of notice)...., signed: ...(setting
1330 forth name, title, address, and telephone number of law
1331 enforcement officer)....

1332 2. The notices required under subparagraph 1. may ~~Such~~
1333 ~~notice shall be~~ not be less than 8 inches by 10 inches and shall
1334 be sufficiently weatherproof to withstand normal exposure to the
1335 elements. In addition to posting, the law enforcement officer
1336 shall make a reasonable effort to ascertain the name and address
1337 of the owner. If such is reasonably available to the officer,
1338 she or he shall mail a copy of such notice to the owner on or
1339 before the date of posting. If the property is a motor vehicle
1340 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,
1341 the law enforcement agency shall contact the Department of
1342 Highway Safety and Motor Vehicles in order to determine the name
1343 and address of the owner and any person who has filed a lien on

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1344 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
1345 328.15(1). On receipt of this information, the law enforcement
1346 agency shall mail a copy of the notice by certified mail, return
1347 receipt requested, to the owner and to the lienholder, if any,
1348 except that a law enforcement officer who has issued a citation
1349 for a violation of s. 376.15 or s. 823.11 to the owner of a
1350 derelict vessel is not required to mail a copy of the notice by
1351 certified mail, return receipt requested, to the owner. For a
1352 derelict vessel or a vessel declared a public nuisance pursuant
1353 to s. 327.73(1)(aa), the mailed notice must inform the owner or
1354 responsible party that he or she has a right to a hearing to
1355 dispute the determination that the vessel is derelict or
1356 otherwise in violation of the law. If a request for a hearing is
1357 made, a state agency shall follow the processes set forth in s.
1358 120.569. Local governmental entities shall follow the processes
1359 set forth in s. 120.569, except that a local judge, magistrate,
1360 or code enforcement officer may be designated to conduct such a
1361 hearing. If, at the end of 5 days after posting the notice in
1362 sub-subparagraph 1.a., or at the end of 21 days after posting
1363 the notice in sub-subparagraph 1.b., and mailing such notice, if
1364 required, the owner or any person interested in the lost or
1365 abandoned article or articles described has not removed the
1366 article or articles from public property or shown reasonable
1367 cause for failure to do so, and, in the case of a derelict
1368 vessel or a vessel declared a public nuisance pursuant to s.

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1369 327.73(1) (aa), has not requested a hearing in accordance with
1370 this section, the following shall apply:

1371 a.~~(a)~~ For abandoned property other than a derelict vessel
1372 or a vessel declared a public nuisance pursuant to s.
1373 327.73(1) (aa), the law enforcement agency may retain any or all
1374 of the property for its own use or for use by the state or unit
1375 of local government, trade such property to another unit of
1376 local government or state agency, donate the property to a
1377 charitable organization, sell the property, or notify the
1378 appropriate refuse removal service.

1379 b. For a derelict vessel or a vessel declared a public
1380 nuisance pursuant to s. 327.73(1) (aa), the law enforcement
1381 agency or its designee may:

1382 (I) Remove the vessel from the waters of this state and
1383 destroy and dispose of the vessel or authorize another
1384 governmental entity or its designee to do so; or

1385 (II) Authorize the vessel's use as an artificial reef in
1386 accordance with s. 379.249 if all necessary federal, state, and
1387 local authorizations are received.

1388
1389 A law enforcement agency or its designee may also take action as
1390 described in this sub-subparagraph if, following a hearing
1391 pursuant to this section, the judge, magistrate, administrative
1392 law judge, or hearing officer has determined the vessel to be
1393 derelict as provided in s. 823.11 or otherwise in violation of

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1394 the law in accordance with s. 327.73(1)(aa) and a final order
1395 has been entered or the case is otherwise closed.

1396 (b) For lost property, the officer shall take custody and
1397 the agency shall retain custody of the property for 90 days. The
1398 agency shall publish notice of the intended disposition of the
1399 property, as provided in this section, during the first 45 days
1400 of this time period.

1401 1. If the agency elects to retain the property for use by
1402 the unit of government, donate the property to a charitable
1403 organization, surrender such property to the finder, sell the
1404 property, or trade the property to another unit of local
1405 government or state agency, notice of such election shall be
1406 given by an advertisement published once a week for 2
1407 consecutive weeks in a newspaper of general circulation in the
1408 county where the property was found if the value of the property
1409 is more than \$100. If the value of the property is \$100 or less,
1410 notice shall be given by posting a description of the property
1411 at the law enforcement agency where the property was turned in.
1412 The notice must be posted for not less than 2 consecutive weeks
1413 in a public place designated by the law enforcement agency. The
1414 notice must describe the property in a manner reasonably
1415 adequate to permit the rightful owner of the property to claim
1416 it.

1417 2. If the agency elects to sell the property, it must do
1418 so at public sale by competitive bidding. Notice of the time and

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1419 place of the sale shall be given by an advertisement of the sale
1420 published once a week for 2 consecutive weeks in a newspaper of
1421 general circulation in the county where the sale is to be held.
1422 The notice shall include a statement that the sale shall be
1423 subject to any and all liens. The sale must be held at the
1424 nearest suitable place to that where the lost or abandoned
1425 property is held or stored. The advertisement must include a
1426 description of the goods and the time and place of the sale. The
1427 sale may take place no earlier than 10 days after the final
1428 publication. If there is no newspaper of general circulation in
1429 the county where the sale is to be held, the advertisement shall
1430 be posted at the door of the courthouse and at three other
1431 public places in the county at least 10 days prior to sale.
1432 Notice of the agency's intended disposition shall describe the
1433 property in a manner reasonably adequate to permit the rightful
1434 owner of the property to identify it.

1435 (4) The owner of any abandoned or lost property, or in the
1436 case of a derelict vessel, the owner or other party determined
1437 to be legally responsible for the vessel being upon the waters
1438 of this state in a derelict condition, who, after notice as
1439 provided in this section, does not remove such property within
1440 the specified period shall be liable to the law enforcement
1441 agency, other governmental entity, or the agency's or entity's
1442 designee for all costs of removal, storage, and destruction of
1443 such property, less any salvage value obtained by disposal of

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1444 the property. Upon final disposition of the property, the law
1445 enforcement officer or representative of the law enforcement
1446 agency or other governmental entity shall notify the owner, if
1447 known, of the amount owed. In the case of an abandoned vessel or
1448 motor vehicle, any person who neglects or refuses to pay such
1449 amount is not entitled to be issued a certificate of
1450 registration for such vessel or motor vehicle, or any other
1451 vessel or motor vehicle, until such costs have been paid. A
1452 person who has neglected or refused to pay all costs of removal,
1453 storage, disposal, and destruction of a vessel or motor vehicle
1454 as provided in this section, after having been provided written
1455 notice via certified mail that such costs are owed, and who
1456 applies for and is issued a registration for a vessel or motor
1457 vehicle before such costs have been paid in full commits a
1458 misdemeanor of the first degree, punishable as provided in s.
1459 775.082 or s. 775.083. The law enforcement officer or
1460 representative of the law enforcement agency or other
1461 governmental entity shall supply the Department of Highway
1462 Safety and Motor Vehicles with a list of persons whose vessel
1463 registration privileges and ~~or whose~~ motor vehicle privileges
1464 have been revoked under this subsection. ~~Neither~~ The department
1465 or a ~~nor any other~~ person acting as an agent of the department
1466 may not ~~thereof shall~~ issue a certificate of registration to a
1467 person whose vessel and ~~or~~ motor vehicle registration privileges

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1468 have been revoked, as provided by this subsection, until such
1469 costs have been paid.

1470 Section 27. Effective July 1, 2023, subsection (2) of
1471 section 705.103, Florida Statutes, as amended by section 29 of
1472 chapter 2019-76, Laws of Florida, is amended to read

1473 705.103 Procedure for abandoned or lost property.—

1474 (2) (a)1. Whenever a law enforcement officer ascertains
1475 that:

1476 a. An article of lost or abandoned property other than a
1477 derelict vessel or a vessel declared a public nuisance pursuant
1478 to s. 327.73(1)(aa) is present on public property and is of such
1479 nature that it cannot be easily removed, the officer shall cause
1480 a notice to be placed upon such article in substantially the
1481 following form:

1482

1483 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1484 PROPERTY. This property, to wit: ...(setting forth brief
1485 description)... is unlawfully upon public property known as
1486 ...(setting forth brief description of location)... and must be
1487 removed within 5 days; otherwise, it will be removed and
1488 disposed of pursuant to chapter 705, Florida Statutes. The owner
1489 will be liable for the costs of removal, storage, and
1490 publication of notice. Dated this: ...(setting forth the date of
1491 posting of notice)..., signed: ...(setting forth name, title,
1492 address, and telephone number of law enforcement officer)....

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1493
1494 b. A derelict vessel or a vessel declared a public
1495 nuisance pursuant to s. 327.73(1)(aa) is present on the waters
1496 of this state, the officer shall cause a notice to be placed
1497 upon such vessel in substantially the following form:
1498
1499 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1500 VESSEL. This vessel, to wit: ...(setting forth brief description
1501 of location)... has been determined to be (derelict or a public
1502 nuisance) and is unlawfully upon the waters of this state
1503 ...(setting forth brief description of location)... and must be
1504 removed within 21 days; otherwise, it will be removed and
1505 disposed of pursuant to chapter 705, Florida Statutes. The owner
1506 and other interested parties have the right to a hearing to
1507 challenge the determination that this vessel is derelict or
1508 otherwise in violation of the law. Please contact ...(contact
1509 information for person who can arrange for a hearing in
1510 accordance with this section)... The owner or the party
1511 determined to be legally responsible for the vessel being upon
1512 the waters of this state in a derelict condition will be liable
1513 for the costs of removal, destruction, and disposal if this
1514 vessel is not removed by the owner. Dated this: ...(setting
1515 forth the date of posting of notice)..., signed: ...(setting
1516 forth name, title, address, and telephone number of law
1517 enforcement officer)....

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1518
1519 2. The notices required under subparagraph 1. may ~~Such~~
1520 ~~notice shall be~~ not be less than 8 inches by 10 inches and shall
1521 be sufficiently weatherproof to withstand normal exposure to the
1522 elements. In addition to posting, the law enforcement officer
1523 shall make a reasonable effort to ascertain the name and address
1524 of the owner. If such is reasonably available to the officer,
1525 she or he shall mail a copy of such notice to the owner on or
1526 before the date of posting. If the property is a motor vehicle
1527 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,
1528 the law enforcement agency shall contact the Department of
1529 Highway Safety and Motor Vehicles in order to determine the name
1530 and address of the owner and any person who has filed a lien on
1531 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
1532 328.15. On receipt of this information, the law enforcement
1533 agency shall mail a copy of the notice by certified mail, return
1534 receipt requested, to the owner and to the lienholder, if any,
1535 except that a law enforcement officer who has issued a citation
1536 for a violation of s. 376.15 or s. 823.11 to the owner of a
1537 derelict vessel is not required to mail a copy of the notice by
1538 certified mail, return receipt requested, to the owner. For a
1539 derelict vessel or a vessel declared a public nuisance pursuant
1540 to s. 327.73(1)(aa), the mailed notice must inform the owner or
1541 responsible party that he or she has a right to a hearing to
1542 dispute the determination that the vessel is derelict or

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1543 otherwise in violation of the law. If a request for a hearing is
1544 made, a state agency shall follow the processes as set forth in
1545 s. 120.569. Local governmental entities shall follow the
1546 processes set forth in s. 120.569, except that a local judge,
1547 magistrate, or code enforcement officer may be designated to
1548 conduct such hearings. If, at the end of 5 days after posting
1549 the notice in sub-subparagraph 1.a., or at the end of 21 days
1550 after posting the notice in sub-subparagraph 1.b., and mailing
1551 such notice, if required, the owner or any person interested in
1552 the lost or abandoned article or articles described has not
1553 removed the article or articles from public property or shown
1554 reasonable cause for failure to do so, and, in the case of a
1555 derelict vessel or a vessel declared a public nuisance pursuant
1556 to s. 327.73(1) (aa), has not requested a hearing in accordance
1557 with this section, the following shall apply:

1558 a.~~(a)~~ For abandoned property other than a derelict vessel
1559 or a vessel declared a public nuisance pursuant to s.
1560 327.73(1) (aa), the law enforcement agency may retain any or all
1561 of the property for its own use or for use by the state or unit
1562 of local government, trade such property to another unit of
1563 local government or state agency, donate the property to a
1564 charitable organization, sell the property, or notify the
1565 appropriate refuse removal service.

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1566 b. For a derelict vessel or a vessel declared a public
1567 nuisance pursuant to s. 327.73(1)(aa), the law enforcement
1568 agency or its designee may:

1569 (I) Remove the vessel from the waters of this state and
1570 destroy and dispose of the vessel or authorize another
1571 governmental entity or its designee to do so; or

1572 (II) Authorize the vessel's use as an artificial reef in
1573 accordance with s. 379.249 if all necessary federal, state, and
1574 local authorizations are received.

1575
1576 A law enforcement agency or its designee may also take action as
1577 described in this sub-subparagraph if, following a hearing
1578 pursuant to this section, the judge, magistrate, administrative
1579 law judge, or hearing officer has determined the vessel to be
1580 derelict as provided in s. 823.11 or otherwise in violation of
1581 the law in accordance with s. 327.73(1)(aa) and a final order
1582 has been entered or the case is otherwise closed.

1583 (b) For lost property, the officer shall take custody and
1584 the agency shall retain custody of the property for 90 days. The
1585 agency shall publish notice of the intended disposition of the
1586 property, as provided in this section, during the first 45 days
1587 of this time period.

1588 1. If the agency elects to retain the property for use by
1589 the unit of government, donate the property to a charitable
1590 organization, surrender such property to the finder, sell the

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1591 property, or trade the property to another unit of local
1592 government or state agency, notice of such election shall be
1593 given by an advertisement published once a week for 2
1594 consecutive weeks in a newspaper of general circulation in the
1595 county where the property was found if the value of the property
1596 is more than \$100. If the value of the property is \$100 or less,
1597 notice shall be given by posting a description of the property
1598 at the law enforcement agency where the property was turned in.
1599 The notice must be posted for not less than 2 consecutive weeks
1600 in a public place designated by the law enforcement agency. The
1601 notice must describe the property in a manner reasonably
1602 adequate to permit the rightful owner of the property to claim
1603 it.

1604 2. If the agency elects to sell the property, it must do
1605 so at public sale by competitive bidding. Notice of the time and
1606 place of the sale shall be given by an advertisement of the sale
1607 published once a week for 2 consecutive weeks in a newspaper of
1608 general circulation in the county where the sale is to be held.
1609 The notice shall include a statement that the sale shall be
1610 subject to any and all liens. The sale must be held at the
1611 nearest suitable place to that where the lost or abandoned
1612 property is held or stored. The advertisement must include a
1613 description of the goods and the time and place of the sale. The
1614 sale may take place no earlier than 10 days after the final
1615 publication. If there is no newspaper of general circulation in

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1616 the county where the sale is to be held, the advertisement shall
1617 be posted at the door of the courthouse and at three other
1618 public places in the county at least 10 days prior to sale.
1619 Notice of the agency's intended disposition shall describe the
1620 property in a manner reasonably adequate to permit the rightful
1621 owner of the property to identify it.

1622 Section 28. Subsections (1), (2), and (3) of section
1623 823.11, Florida Statutes, are amended to read:

1624 823.11 Derelict vessels; relocation or removal; penalty.-

1625 (1) As used in this section and s. 376.15, the term:

1626 (a) "Commission" means the Fish and Wildlife Conservation
1627 Commission.

1628 (b) "Derelict vessel" means a vessel, as defined in s.
1629 327.02, that is ~~left, stored, or abandoned~~:

1630 1. In a wrecked, junked, or substantially dismantled
1631 condition upon any ~~public~~ waters of this state.

1632 a. A vessel is wrecked if it is sunken or sinking; aground
1633 without the ability to extricate itself absent mechanical
1634 assistance; or remaining after a marine casualty, including, but
1635 not limited to, a boating accident, extreme weather, or a fire.

1636 b. A vessel is junked if it has been substantially
1637 stripped of vessel components, if vessel components have
1638 substantially degraded or been destroyed, or if the vessel has
1639 been discarded by the owner or operator. Attaching an outboard
1640 motor to a vessel that is otherwise junked will not cause the

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1641 vessel to no longer be junked if such motor is not an effective
1642 means of propulsion as required by s. 327.4107(2)(e) and
1643 associated rules.

1644 c. A vessel is substantially dismantled if at least two of
1645 the three following vessel systems or components are missing,
1646 compromised, incomplete, inoperable, or broken:

1647 (I) The steering system;

1648 (II) The propulsion system; or

1649 (III) The exterior hull integrity.

1650

1651 Attaching an outboard motor to a vessel that is otherwise
1652 substantially dismantled will not cause the vessel to no longer
1653 be substantially dismantled if such motor is not an effective
1654 means of propulsion as required by s. 327.4107(2)(e) and
1655 associated rules.

1656 2. At a port in this state without the consent of the
1657 agency having jurisdiction thereof.

1658 3. Docked, grounded, or beached upon the property of
1659 another without the consent of the owner of the property.

1660 (c) "Gross negligence" means conduct so reckless or
1661 wanting in care that it constitutes a conscious disregard or
1662 indifference to the safety of the property exposed to such
1663 conduct.

1664 (d) "Willful misconduct" means conduct evidencing
1665 carelessness or negligence of such a degree or recurrence as to

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1666 manifest culpability, wrongful intent, or evil design or to show
1667 an intentional and substantial disregard of the interests of the
1668 vessel owner.

1669 (2) (a) ~~It is unlawful for~~ A person, firm, or corporation
1670 may not to store, leave, or abandon any derelict vessel upon
1671 waters of in this state. For purposes of this paragraph, the
1672 term "leave" means to allow a vessel to remain occupied or
1673 unoccupied on the waters of this state for more than 24 hours.

1674 (b) Notwithstanding paragraph (a), a person who owns or
1675 operates a vessel that becomes derelict upon the waters of this
1676 state solely as a result of a boating accident that is reported
1677 to law enforcement in accordance with s. 327.301 or otherwise
1678 reported to law enforcement; a hurricane; or another sudden
1679 event outside of his or her control may not be charged with a
1680 violation if:

1681 1. The individual documents for law enforcement the
1682 specific event that led to the vessel being derelict upon the
1683 waters of this state; and

1684 2. The vessel has been removed from the waters of this
1685 state or has been repaired or addressed such that it is no
1686 longer derelict upon the waters of this state:

1687 a. For a vessel that has become derelict as a result of a
1688 boating accident or other sudden event outside of his or her
1689 control, within 7 days after such accident or event; or

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1690 b. Within 45 days after the hurricane has passed over the
1691 state.

1692 (c) This subsection does not apply to a vessel that was
1693 derelict upon the waters of this state before the stated
1694 accident or event.

1695 (3) The commission, an officer ~~officers~~ of the commission,
1696 or a ~~and any~~ law enforcement agency or officer specified in s.
1697 327.70 may ~~are authorized and empowered to~~ relocate, remove,
1698 store, destroy, or dispose of or cause to be relocated, ~~or~~
1699 removed, stored, destroyed, or disposed of a derelict vessel
1700 from ~~public~~ waters of this state as defined in s. 327.02 if the
1701 derelict vessel obstructs or threatens to obstruct navigation or
1702 in any way constitutes a danger to the environment, property, or
1703 persons. The commission, an officer ~~officers~~ of the commission,
1704 or any other law enforcement agency or officer acting pursuant
1705 to ~~under~~ this subsection to relocate, remove, store, destroy,
1706 dispose of or cause to be relocated, ~~or~~ removed, stored,
1707 destroyed, or disposed of a derelict vessel from ~~public~~ waters
1708 of this state shall be held harmless for all damages to the
1709 derelict vessel resulting from such action ~~relocation or removal~~
1710 unless the damage results from gross negligence or willful
1711 misconduct.

1712 (a) Removal of derelict vessels under this subsection may
1713 be funded by grants provided in ss. 206.606 and 376.15. The
1714 commission shall implement a plan for the procurement of any

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1715 available federal disaster funds and use such funds for the
1716 removal of derelict vessels.

1717 (b) All costs, including costs owed to a third party,
1718 incurred by the commission, another ~~or other~~ law enforcement
1719 agency, or a governmental subdivision, when the governmental
1720 subdivision has received authorization from a law enforcement
1721 officer or agency, in the relocation, ~~or~~ removal, storage,
1722 destruction, or disposal of a derelict vessel are recoverable
1723 against the vessel owner or the party determined to be legally
1724 responsible for the vessel being upon the waters of this state
1725 in a derelict condition. The Department of Legal Affairs shall
1726 represent the commission in actions to recover such costs. As
1727 provided in s. 705.103(4), a person who neglects or refuses to
1728 pay such costs may not be issued a certificate of registration
1729 for such vessel or for any other vessel or motor vehicle until
1730 such costs have been paid. A person who has neglected or refused
1731 to pay all costs of removal, storage, destruction, or disposal
1732 of a derelict vessel as provided in this section, after having
1733 been provided written notice via certified mail that such costs
1734 are owed, and who applies for and is issued a registration for a
1735 vessel or motor vehicle before such costs have been paid in full
1736 commits a misdemeanor of the first degree, punishable as
1737 provided in s. 775.082 or s. 775.083.

1738 (c) A contractor performing such relocation or removal
1739 activities at the direction of the commission, an officer

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1740 ~~officers~~ of the commission, ~~or~~ a law enforcement agency or
1741 officer, or a governmental subdivision, when the governmental
1742 subdivision has received authorization for the relocation or
1743 removal from a law enforcement officer or agency, pursuant to
1744 this section must be licensed in accordance with applicable
1745 United States Coast Guard regulations where required; obtain and
1746 carry in full force and effect a policy from a licensed
1747 insurance carrier in this state to insure against any accident,
1748 loss, injury, property damage, or other casualty caused by or
1749 resulting from the contractor's actions; and be properly
1750 equipped to perform the services to be provided.

1751 Section 29. Except as otherwise expressly provided in this
1752 act, this act shall take effect July 1, 2021.

1753 -----
1754 -----

1755 **T I T L E A M E N D M E N T**

1756 Remove everything before the enacting clause and insert:
1757 An act relating to operation and safety of motor vehicles
1758 and vessels; amending ss. 316.1932 and 316.1939, F.S.;
1759 revising conditions under which a person's driving
1760 privilege is suspended and under which the person commits a
1761 misdemeanor relating to tests for alcohol, chemical
1762 substances, or controlled substances; specifying such
1763 misdemeanor as a misdemeanor of the first degree; amending
1764 s. 327.02, F.S.; defining the term "human-powered vessel";

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1765 | revising the definition of the term "navigation rules";
1766 | amending s. 327.04, F.S.; providing additional rulemaking
1767 | authority to the Fish and Wildlife Conservation Commission;
1768 | creating s. 327.462, F.S.; defining terms; authorizing
1769 | heads of certain entities to establish temporary protection
1770 | zones in certain water bodies for certain purposes;
1771 | providing protection zone requirements; requiring reports
1772 | of establishment of such protection zones to the commission
1773 | and to the appropriate United States Coast Guard Sector
1774 | Command; providing report requirements; providing
1775 | applicability; providing penalties; amending ss. 327.352
1776 | and 327.359, F.S.; revising conditions under which a person
1777 | commits a misdemeanor the first degree; creating s.
1778 | 327.371, F.S.; providing circumstances under which a person
1779 | may operate a human-powered vessel within the boundaries of
1780 | the marked channel of the Florida Intracoastal Waterway;
1781 | providing a penalty; amending s. 327.391, F.S.; conforming
1782 | cross-references; amending s. 327.395, F.S.; prohibiting
1783 | all persons, beginning on a specified date, from operating
1784 | a vessel powered by a motor of 10 horsepower or greater
1785 | unless the person has certain documents in his or her
1786 | possession aboard the vessel; removing authority of the
1787 | commission to appoint certain entities to administer a
1788 | boating safety education course or temporary certificate
1789 | examination and issue certain credentials; exempting

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1790 certain persons from the requirement to possess certain
1791 documents aboard a vessel; amending s. 327.4107, F.S.;
1792 authorizing certain officers to provide notice that a
1793 vessel is at risk of becoming derelict via body camera
1794 recordings; authorizing the commission or certain officers
1795 to relocate at-risk vessels to a certain distance from
1796 mangroves or vegetation; providing that the commission or
1797 officers are not liable for damages to such vessels;
1798 providing an exception; authorizing the commission to
1799 establish a derelict vessel prevention program consisting
1800 of certain components; authorizing the commission to adopt
1801 rules; providing that such program is subject to
1802 appropriation by the Legislature; providing for funding;
1803 amending s. 327.4108, F.S.; designating Monroe County as an
1804 anchoring limitation area subject to certain requirements;
1805 requiring the commission to adopt rules; providing
1806 applicability; deleting obsolete language; amending s.
1807 327.4109, F.S.; prohibiting the anchoring or mooring of a
1808 vessel or floating structure within a certain distance of
1809 certain facilities; providing exceptions; amending s.
1810 327.45, F.S.; authorizing the commission to establish
1811 protection zones which prohibit certain activities in
1812 springs; amending s. 327.46, F.S.; authorizing a county or
1813 municipality to establish a boating-restricted area within
1814 and around a public mooring field; creating s. 327.463,

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1815 F.S.; specifying conditions under which a vessel is and is
1816 not operating at slow speed, minimum wake; prohibiting a
1817 person from operating a vessel faster than slow speed,
1818 minimum wake within a certain distance from other specified
1819 vessels; exempting a person from being cited for a
1820 violation under certain circumstances; providing penalties;
1821 providing applicability; amending s. 327.50, F.S.;
1822 authorizing the commission to exempt vessel owners and
1823 operators from certain safety equipment requirements;
1824 creating s. 327.521, F.S.; designating waters of this state
1825 as no-discharge zones upon approval by the United States
1826 Environmental Protection Agency; prohibiting discharge of
1827 sewage from a vessel or floating structure into such
1828 waters; providing penalties; declaring a vessel or floating
1829 structure that violates such prohibition a nuisance and a
1830 hazard to public safety; providing for removal of such
1831 vessel or structure from the waters of this state upon a
1832 second conviction; providing requirements for removal and
1833 sale of such vessel or structure under certain
1834 circumstances; defining the term "conviction"; amending s.
1835 327.53, F.S.; requiring the owner or operator of a live-
1836 aboard vessel or houseboat equipped with certain devices to
1837 maintain a record of the date and location of each pumpout
1838 of the device for a certain period; amending s. 327.54,
1839 F.S.; prohibiting a livery from leasing, hiring, or renting

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1840 a vessel to a person required to complete a commission-
1841 approved boating safety education course unless such person
1842 presents certain documentation indicating compliance;
1843 amending s. 327.60, F.S.; authorizing a local government to
1844 enact and enforce regulations allowing the local law
1845 enforcement agency to remove an abandoned or lost vessel
1846 affixed to a public mooring; amending s. 327.73, F.S.;
1847 providing additional violations that qualify as noncriminal
1848 infractions; providing civil penalties; prohibiting
1849 conviction of a person cited for a violation relating to
1850 possessing proof of boating safety education under certain
1851 circumstances; increasing certain civil penalties;
1852 providing that certain vessels shall be declared a public
1853 nuisance subject to certain statutory provisions;
1854 authorizing the commission or certain officers to relocate
1855 or remove public nuisance vessels from the waters of this
1856 state; providing that the commission or officers are not
1857 liable for damages to such vessels; providing an exception;
1858 amending s. 328.09, F.S.; prohibiting the Department of
1859 Highway Safety and Motor Vehicles from issuing a
1860 certificate of title to an applicant for a vessel that has
1861 been deemed derelict pursuant to certain provisions;
1862 authorizing the department, at a later date, to reject an
1863 application for a certificate of title for such a vessel;
1864 amending s. 376.15, F.S.; revising unlawful acts relating

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1865 to derelict vessels; defining the term "leave"; prohibiting
1866 an owner or operator whose vessel becomes derelict due to
1867 specified accidents or events from being charged with a
1868 violation under certain circumstances; providing
1869 applicability; conforming provisions to changes made by the
1870 act; authorizing a governmental subdivision that has
1871 received authorization from a law enforcement officer or
1872 agency to direct a contractor to perform vessel storage,
1873 destruction, and disposal activities; authorizing the
1874 commission to provide local government grants for the
1875 storage, destruction, and disposal of derelict vessels;
1876 providing for funding; amending s. 705.103, F.S.; providing
1877 notice procedures for when a law enforcement officer
1878 ascertains that a derelict or public nuisance vessel is
1879 present on the waters of this state; requiring a mailed
1880 notice to the owner or party responsible for the vessel to
1881 inform him or her of the right to a hearing; providing
1882 hearing requirements; authorizing a law enforcement agency
1883 to take certain actions if a hearing is not requested or a
1884 vessel is determined to be derelict or otherwise in
1885 violation of law; revising provisions relating to liability
1886 for vessel removal costs and notification of the amount
1887 owed; providing penalties for a person who is issued a
1888 registration for a vessel or motor vehicle before such
1889 costs are paid; requiring persons whose vessel registration

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1890 and motor vehicle privileges have been revoked for failure
1891 to pay certain costs to be reported to the department;
1892 prohibiting issuance of a certificate of registration to
1893 such persons until such costs are paid; amending s. 823.11,
1894 F.S.; revising application of definitions; revising the
1895 definition of the term "derelict vessel"; specifying
1896 requirements for a vessel to be considered wrecked, junked,
1897 or substantially dismantled; providing construction;
1898 revising unlawful acts relating to derelict vessels;
1899 defining the term "leave"; prohibiting an owner or operator
1900 whose vessel becomes derelict due to specified accidents or
1901 events from being charged with a violation under certain
1902 circumstances; providing applicability; providing that
1903 relocation or removal costs incurred by a governmental
1904 subdivision are recoverable against the vessel owner or the
1905 party determined to be legally responsible for the vessel
1906 being derelict; providing penalties for a person who is
1907 issued a registration for a vessel or motor vehicle before
1908 such costs are paid; authorizing a governmental subdivision
1909 that has received authorization from a law enforcement
1910 officer or agency to direct a contractor to perform vessel
1911 relocation or removal activities; providing effective
1912 dates.