

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 639 (2021)

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WITHDRAWN _____ (Y/N)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 _____

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Sirois offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 171-1255 and insert:

6 Section 1. Effective October 1, 2021, paragraphs (a) and
7 (c) of subsection (1) of section 316.1932, Florida Statutes, are
8 amended to read:

9 316.1932 Tests for alcohol, chemical substances, or
10 controlled substances; implied consent; refusal.—

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

720653 - h0639-line171.docx

Published On: 4/18/2021 6:08:57 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 639 (2021)

Amendment No.

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

720653 - h0639-line171.docx

Published On: 4/18/2021 6:08:57 PM

Amendment No.

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

720653 - h0639-line171.docx

Published On: 4/18/2021 6:08:57 PM

Amendment No.

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

720653 - h0639-line171.docx

Published On: 4/18/2021 6:08:57 PM

Amendment No.

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.

720653 - h0639-line171.docx

Published On: 4/18/2021 6:08:57 PM

Amendment No.

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. Adopt ~~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.

Amendment No.

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

Amendment No.

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

720653 - h0639-line171.docx

Published On: 4/18/2021 6:08:57 PM

Amendment No.

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. Effective October 1, 2021, subsection (1) of
200 section 316.1939, Florida 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;

Amendment No.

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. Subsections (18) through (47) of section
236 327.02, Florida Statutes, are renumbered as subsections (19)
237 through (48), respectively, present subsection (31) of that
238 section is amended, and a new subsection (18) is added to that

Amendment No.

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

Amendment No.

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
287 waters of this state within the law enforcement agency's or
288 entity's jurisdiction, when necessary for preparations in

Amendment No.

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:

309 (a) May also restrict vessels from operating within up to
310 500 yards of any vessel transporting recovered spaceflight
311 assets following a spaceflight launch or reentry while such
312 vessel is continuously underway transporting such assets to a
313 location for removal from the waters of this state.

Amendment No.

314 (b) May not restrict vessel movement within the Atlantic
315 Intracoastal Waterway, except as necessary during the transport
316 of spaceflight assets to or from port or during exigent
317 circumstances.

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

334 (5) This section applies only to launch services, reentry
335 services, or the recovery of spaceflight assets occurring or
336 originating within spaceport territory, as defined in s.
337 331.304, and to federally licensed or federally authorized

Amendment No.

338 launches and reentries occurring or transiting to an end
339 destination upon waters of this state.

340 (6) A person who violates this section or any directive
341 given by a law enforcement officer relating to the establishment
342 of a protection zone under this section after being advised of
343 the establishment of the protection zone commits a misdemeanor
344 of the second degree, punishable as provided in s. 775.082 or s.
345 775.083.

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

349 327.352 Tests for alcohol, chemical substances, or
350 controlled substances; implied consent; refusal.—

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

Amendment No.

363 lawfully arrested for any offense allegedly committed while the
364 person was operating a vessel while under the influence of
365 alcoholic beverages. The chemical or physical breath test must
366 be incidental to a lawful arrest and administered at the request
367 of a law enforcement officer who has reasonable cause to believe
368 such person was operating the vessel within this state while
369 under the influence of alcoholic beverages. The administration
370 of a breath test does not preclude the administration of another
371 type of test. The person shall be told that his or her failure
372 to submit to any lawful test of his or her breath under this
373 chapter will result in a civil penalty of \$500, and shall also
374 be told that if he or she refuses to submit to a lawful test of
375 his or her breath and he or she has been previously fined under
376 s. 327.35215 or has previously had his or her driver license
377 suspended for refusal to submit to any lawful test of his or her
378 breath, urine, or blood, he or she commits a misdemeanor of the
379 first degree, punishable as provided in s. 775.082 or s.
380 775.083, in addition to any other penalties provided by law. The
381 refusal to submit to a chemical or physical breath test upon the
382 request of a law enforcement officer as provided in this section
383 is admissible into evidence in any criminal proceeding.

384 2. A ~~Any~~ person who accepts the privilege extended by the
385 laws of this state of operating a vessel within this state is,
386 by ~~se~~ operating such vessel, deemed to have given his or her
387 consent to submit to a urine test for the purpose of detecting

720653 - h0639-line171.docx

Published On: 4/18/2021 6:08:57 PM

Amendment No.

388 the presence of chemical substances as set forth in s. 877.111
389 or controlled substances if the person is lawfully arrested for
390 any offense allegedly committed while the person was operating a
391 vessel while under the influence of chemical substances or
392 controlled substances. The urine test must be incidental to a
393 lawful arrest and administered at a detention facility or any
394 other facility, mobile or otherwise, which is equipped to
395 administer such tests at the request of a law enforcement
396 officer who has reasonable cause to believe such person was
397 operating a vessel within this state while under the influence
398 of chemical substances or controlled substances. The urine test
399 shall be administered at a detention facility or any other
400 facility, mobile or otherwise, which is equipped to administer
401 such test in a reasonable manner that will ensure the accuracy
402 of the specimen and maintain the privacy of the individual
403 involved. The administration of a urine test does not preclude
404 the administration of another type of test. The person shall be
405 told that his or her failure to submit to any lawful test of his
406 or her urine under this chapter will result in a civil penalty
407 of \$500, and shall also be told that if he or she refuses to
408 submit to a lawful test of his or her urine and he or she has
409 been previously fined under s. 327.35215 or has previously had
410 his or her driver license suspended for refusal to submit to any
411 lawful test of his or her breath, urine, or blood, he or she
412 commits a misdemeanor of the first degree, punishable as

720653 - h0639-line171.docx

Published On: 4/18/2021 6:08:57 PM

Amendment No.

413 provided in s. 775.082 or s. 775.083, in addition to any other
414 penalties provided by law. The refusal to submit to a urine test
415 upon the request of a law enforcement officer as provided in
416 this section is admissible into evidence in any criminal
417 proceeding.

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

720653 - h0639-line171.docx

Published On: 4/18/2021 6:08:57 PM

Amendment No.

438 | ~~penalty of \$500 and that a refusal to submit to a lawful test of~~
439 | ~~his or her blood, if he or she has previously been fined for~~
440 | ~~refusal to submit to any lawful test of his or her breath,~~
441 | ~~urine, or blood, is a misdemeanor.~~ The refusal to submit to a
442 | blood test upon the request of a law enforcement officer shall
443 | be admissible in evidence in any criminal proceeding.

444 | Section 7. Effective October 1, 2021, subsection (3) of
445 | section 327.35215, Florida Statutes, is amended to read:

446 | 327.35215 Penalty for failure to submit to test.—

447 | (3) A person who has been advised of the penalties
448 | pursuant to subsection (2) may, within 30 days afterwards,
449 | request a hearing before a county court judge. A request for a
450 | hearing tolls the period for payment of the civil penalty, and,
451 | if assessment of the civil penalty is sustained by the hearing
452 | and any subsequent judicial review, the civil penalty must be
453 | paid within 30 days after final disposition. The clerk of the
454 | court shall notify the Department of Highway Safety and Motor
455 | Vehicles of the final disposition of all actions filed under
456 | this section by electronic transmission in a format prescribed
457 | by the department. Upon receiving a final disposition, the
458 | Department of Highway Safety and Motor Vehicles shall enter the
459 | disposition on the driving record.

460 | Section 8. Effective October 1, 2021, section 327.359,
461 | Florida Statutes, is amended to read:

Amendment No.

462 327.359 Refusal to submit to testing; penalties.—~~A~~ ~~Any~~
463 person who has refused to submit to a chemical or physical test
464 of his or her breath, ~~blood,~~ or urine, as described in s.
465 327.352, and who has been previously fined under s. 327.35215 or
466 has previously had his or her driver license suspended for
467 refusal to submit to a lawful test of his or her breath, urine,
468 or blood, and:

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

473 (2) Who was placed under lawful arrest for a violation of
474 s. 327.35 unless such test was requested pursuant to s.
475 327.352(1)(c);

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

478 (4) Who was informed that a refusal to submit to a lawful
479 test of his or her breath or, urine, ~~or blood,~~ if he or she has
480 been previously fined under s. 327.35215 or has previously had
481 his or her driver license suspended for refusal to submit to a
482 lawful test of his or her breath, urine, or blood, is a
483 misdemeanor of the first degree, punishable as provided in s.
484 775.082 or s. 775.083; and

Amendment No.

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

488
489 commits a misdemeanor of the first degree, punishable ~~and is~~
490 ~~subject to punishment~~ as provided in s. 775.082 or s. 775.083.

491 Section 9. Section 327.371, Florida Statutes, is created
492 to read:

493 327.371 Human-powered vessels regulated.-

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

497 (a) When the marked channel is the only navigable portion
498 of the waterway available due to vessel congestion or
499 obstructions on the water. The operator of the human-powered
500 vessel shall proceed with diligence to a location where he or
501 she may safely operate the vessel outside the marked channel of
502 the Florida Intracoastal Waterway.

503 (b) When crossing the marked channel, provided that the
504 crossing is done in the most direct, continuous, and expeditious
505 manner possible and does not interfere with other vessel traffic
506 in the channel.

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

Amendment No.

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

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

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

516 327.391 Airboats regulated.—

517 (1) The exhaust of every internal combustion engine used
518 on any airboat operated on the waters of this state shall be
519 provided with an automotive-style factory muffler, underwater
520 exhaust, or other manufactured device capable of adequately
521 muffling the sound of the exhaust of the engine as described in
522 s. 327.02 ~~s. 327.02(30)~~. The use of cutouts or flex pipe as the
523 sole source of muffling is prohibited, except as provided in
524 subsection (4). A ~~Any~~ person who violates this subsection
525 commits a noncriminal infraction, punishable as provided in s.
526 327.73(1).

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

531 1. A photographic identification card.

Amendment No.

532 2. Proof of completion of a boater education course that
533 complies with s. 327.395(2)(a) ~~s. 327.395(1)(a)~~. Except as
534 provided in paragraph (b), no operator is exempt from this
535 requirement, regardless of age or the exemptions provided under
536 s. 327.395.

537 3. Proof of successful completion of a commission-approved
538 airboat operator course that meets the minimum standards
539 established by commission rule.

540 4. Proof of successful course completion in
541 cardiopulmonary resuscitation and first aid.

542 (b) A person issued a captain's license by the United
543 States Coast Guard is not required to complete a boating safety
544 education course that complies with s. 327.395(2)(a) ~~s.~~
545 ~~327.395(1)(a)~~. Proof of the captain's license must be onboard
546 the airboat when carrying one or more passengers for hire on
547 waters of this ~~the~~ state.

548 Section 11. Section 327.395, Florida Statutes, is amended
549 to read:

550 327.395 Boating safety education.—

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

555 (2) While operating a vessel, a person identified under
556 subsection (1) must have in his or her possession aboard the

Amendment No.

557 vessel photographic identification and a Florida boating safety
558 identification card issued by the commission, a state-issued
559 identification card or driver license indicating possession of
560 the Florida boating safety identification card, or photographic
561 identification and a temporary certificate issued or approved by
562 the commission, an International Certificate of Competency, a
563 boating safety card or certificate from another state or United
564 States territory, or a Canadian Pleasure Craft Operator Card,
565 which shows that he or she has:

566 (a) Completed a commission-approved boating safety
567 education course that meets the minimum requirements established
568 by the National Association of State Boating Law Administrators;
569 ~~or~~

570 (b) Passed a temporary certificate examination developed
571 or approved by the commission;

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

573 (d) Completed a boating safety education course or
574 equivalency examination in another state, a United States
575 territory, or Canada that meets or exceeds the minimum
576 requirements established by the National Association of State
577 Boating Law Administrators.

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

720653 - h0639-line171.docx

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Amendment No.

582 (b) A person may obtain a temporary certificate by passing
583 a temporary certificate examination that meets the requirements
584 of this section and rules adopted by the commission pursuant to
585 this section.

586 ~~(4)(3)~~ A Any commission-approved boating safety education
587 course or temporary certificate examination developed or
588 approved by the commission must include a component regarding
589 diving vessels, awareness of divers in the water, divers-down
590 warning devices, and the requirements of s. 327.331.

591 ~~(4) The commission may appoint liveries, marinas, or other~~
592 ~~persons as its agents to administer the course or temporary~~
593 ~~certificate examination and issue identification cards or~~
594 ~~temporary certificates in digital, electronic, or paper format~~
595 ~~under guidelines established by the commission. An agent must~~
596 ~~charge the \$2 examination fee, which must be forwarded to the~~
597 ~~commission with proof of passage of the examination and may~~
598 ~~charge and keep a \$1 service fee.~~

599 (5) A boating safety identification card issued to a
600 person who has completed a boating safety education course is
601 valid for life. A temporary certificate issued to a person who
602 has passed a temporary certification examination is valid for 90
603 days after the date of issuance. The commission may issue either
604 the boating safety identification card or the temporary
605 certificate in a digital, electronic, or paper format.

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

Amendment No.

- 607 (a)1. Is licensed by the United States Coast Guard to
608 serve as master of a vessel; or
609 2. Has been previously licensed by the United States Coast
610 Guard to serve as master of a vessel, provides proof of such
611 licensure to the commission, and requests that a boating safety
612 identification card be issued in his or her name.
- 613 (b) Operates a vessel only on a private lake or pond.
- 614 (c) Is accompanied in the vessel by a person who is exempt
615 from this section or who holds a boating safety identification
616 card in compliance with this section, who is 18 years of age or
617 older, and who is attendant to the operation of the vessel and
618 responsible for the safe operation of the vessel and for any
619 violation that occurs during the operation of the vessel.
- 620 (d) Is a nonresident who has in his or her possession
621 photographic identification and proof that he or she has
622 completed a boating safety education course or equivalency
623 examination in another state or a United States territory that
624 ~~which~~ meets or exceeds the minimum requirements established by
625 the National Association of State Boating Law Administrators.
- 626 (e) Is operating a vessel within 90 days after the
627 purchase of that vessel and has available for inspection aboard
628 that vessel a bill of sale meeting the requirements of s.
629 328.46(1).
- 630 (f) Is operating a vessel within 90 days after completing
631 a boating safety education course in accordance with paragraph

Amendment No.

632 (2) (a) ~~the requirements of paragraph (1) (a)~~ and has a
633 photographic identification card and a boating safety education
634 certificate available for inspection as proof of having
635 completed a boating safety education course. The boating safety
636 education certificate must provide, at a minimum, the student's
637 first and last name, the student's date of birth, and the date
638 that he or she passed the course examination.

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

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

643 (8) The commission shall institute and coordinate a
644 statewide program of boating safety instruction and
645 certification to ensure that boating safety courses and
646 examinations are available in each county of this ~~the~~ state. The
647 commission may appoint agents to administer the boating safety
648 education course or temporary certificate examination and may
649 authorize the agents to issue temporary certificates in digital,
650 electronic, or paper format. An agent ~~The agents~~ shall charge
651 and collect the \$2 fee required in subsection (9) for each
652 temporary certificate requested of the commission by that agent,
653 which must be forwarded to the commission. The agent may charge
654 and keep a \$1 service fee.

Amendment No.

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

658 (10) The commission shall design forms and adopt rules
659 pursuant to chapter 120 to implement ~~the provisions of~~ this
660 section.

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

663 Section 12. Subsection (5) of section 327.4107, Florida
664 Statutes, is renumbered as subsection (6), paragraphs (d) and
665 (e) of subsection (2) of that section are amended, and new
666 subsections (5) and (7) are added to that section, to read:

667 327.4107 Vessels at risk of becoming derelict on waters of
668 this state.—

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

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

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

Amendment No.

680 recorded on an agency-approved body camera, or written notice,
681 which may be provided by facsimile, electronic mail, or other
682 electronic means, stating such from an officer, and the vessel
683 owner or operator is unable to provide a receipt, proof of
684 purchase, or other documentation of having ordered necessary
685 parts for vessel repair. The commission may adopt rules to
686 implement this paragraph.

687 (5) The commission, an officer of the commission, or a law
688 enforcement agency or officer specified in s. 327.70 may
689 relocate or cause to be relocated an at-risk vessel found to be
690 in violation of this section to a distance greater than 20 feet
691 from a mangrove or upland vegetation. The commission, an officer
692 of the commission, or a law enforcement agency or officer acting
693 pursuant to this subsection upon waters of this state shall be
694 held harmless for all damages to the at-risk vessel resulting
695 from such relocation unless the damage results from gross
696 negligence or willful misconduct as these terms are defined in
697 s. 823.11.

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

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

Amendment No.

705 (b) Creation of a vessel turn-in program allowing the
706 owner of a vessel determined by law enforcement to be at risk of
707 becoming derelict in accordance with this section to turn his or
708 her vessel and vessel title over to the commission to be
709 destroyed without penalty.

710 (c) Providing for removal and destruction of an abandoned
711 vessel for which an owner cannot be identified or the owner of
712 which is deceased and no heir is interested in acquiring the
713 vessel.

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

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

718
719 The derelict vessel prevention program created pursuant to this
720 subsection may include other preventative efforts and methods as
721 determined appropriate and necessary by the commission. The
722 commission may adopt rules to implement this subsection.

723 Implementation of the derelict vessel prevention program shall
724 be subject to appropriation by the Legislature and shall be
725 funded by the Marine Resources Conservation Trust Fund or the
726 Florida Coastal Protection Trust Fund.

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

Amendment No.

729 327.4109 Anchoring or mooring prohibited; exceptions;
730 penalties.—

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

734 1. Within 150 feet of any public or private marina, boat
735 ramp, boatyard, or other public vessel launching or loading
736 facility;

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

741 3. Within 100 feet outward from the marked boundary of a
742 public mooring field or a lesser distance if approved by the
743 commission upon request of a local government within which the
744 mooring field is located. The commission may adopt rules to
745 implement this subparagraph.

746 (2) Notwithstanding subsection (1), an owner or operator
747 of a vessel may anchor or moor within 150 feet of any public or
748 private marina, boat ramp, boatyard, or other public vessel
749 launching or loading facility; within 500 ~~300~~ feet of a
750 superyacht repair facility; or within 100 feet outward from the
751 marked boundary of a public mooring field if:

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

720653 - h0639-line171.docx

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Amendment No.

754 such vessel. The owner or operator of the vessel may anchor or
755 moor for 5 business days or until the vessel is repaired,
756 whichever occurs first.

757 (b) Imminent or existing weather conditions in the
758 vicinity of the vessel pose an unreasonable risk of harm to the
759 vessel or the persons onboard such vessel. The owner or operator
760 of the vessel may anchor or moor until weather conditions no
761 longer pose such risk. During a hurricane or tropical storm,
762 weather conditions are deemed to no longer pose an unreasonable
763 risk of harm when the hurricane or tropical storm warning
764 affecting the area has expired.

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

767 327.45 Protection zones for springs.-

768 (2) The commission may establish by rule protection zones
769 that restrict the speed and operation of vessels or prohibit the
770 anchoring, mooring, beaching, or grounding of vessels to protect
771 and prevent harm to first, second, and third magnitude springs
772 and spring groups, including their associated spring runs, as
773 determined by the commission using the most recent Florida
774 Geological Survey springs bulletin. This harm includes negative
775 impacts to water quality, water quantity, hydrology, wetlands,
776 and aquatic and wetland-dependent species.

777 Section 15. Paragraph (b) of subsection (1) of section
778 327.46, Florida Statutes, is amended to read:

720653 - h0639-line171.docx

Published On: 4/18/2021 6:08:57 PM

Amendment No.

779 327.46 Boating-restricted areas.—

780 (1) Boating-restricted areas, including, but not limited
781 to, restrictions of vessel speeds and vessel traffic, may be
782 established on the waters of this state for any purpose
783 necessary to protect the safety of the public if such
784 restrictions are necessary based on boating accidents,
785 visibility, hazardous currents or water levels, vessel traffic
786 congestion, or other navigational hazards or to protect
787 seagrasses on privately owned submerged lands.

788 (b) Municipalities and counties may ~~have the authority to~~
789 establish within their jurisdiction, including those portions of
790 the Florida Intracoastal Waterway, notwithstanding the
791 prohibition in s. 327.60(2)(c), the following boating-restricted
792 areas by ordinance:

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

795 a. Within 500 feet of any boat ramp, hoist, marine
796 railway, or other launching or landing facility available for
797 use by the general boating public on waterways more than 300
798 feet in width or within 300 feet of any boat ramp, hoist, marine
799 railway, or other launching or landing facility available for
800 use by the general boating public on waterways not exceeding 300
801 feet in width.

802 b. Within 500 feet of fuel pumps or dispensers at any
803 marine fueling facility that sells motor fuel to the general

Amendment No.

804 boating public on waterways more than 300 feet in width or
805 within 300 feet of the fuel pumps or dispensers at any licensed
806 terminal facility that sells motor fuel to the general boating
807 public on waterways not exceeding 300 feet in width.

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

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

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

812 b. Within 300 feet of any bridge span presenting a
813 vertical clearance of less than 25 feet or a horizontal
814 clearance of less than 100 feet.

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

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

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

822 3. An ordinance establishing a vessel-exclusion zone if
823 the area is:

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

825 b. Within 300 feet of a dam, spillway, or flood control
826 structure.

827 Section 16. Section 327.463, Florida Statutes, is created
828 to read:

Amendment No.

829 327.463 Special hazards.—

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

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

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

834 and

835 2. Proceeding without wake or with minimum wake.

836

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

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

843 1. Operating on plane;

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

846 3. Operating at a speed that creates a wake that
847 unreasonably or unnecessarily endangers other vessels.

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

Amendment No.

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

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

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

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

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

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

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

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

Amendment No.

878 (4) (a) A person operating a vessel in violation of this
879 section commits a noncriminal infraction, punishable as provided
880 in s. 327.73.

881 (b) The owner of, or party who is responsible for, a
882 construction vessel or barge who displays an orange flag on the
883 vessel or barge when it is not actively engaged in construction
884 operations commits a noncriminal infraction, punishable as
885 provided in s. 327.73.

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

889 Section 17. Paragraph (a) of subsection (1) of section
890 327.50, Florida Statutes, is amended to read:

891 327.50 Vessel safety regulations; equipment and lighting
892 requirements.—

893 (1) (a) The owner and operator of every vessel on the
894 waters of this state shall carry, store, maintain, and use
895 safety equipment in accordance with current United States Coast
896 Guard safety equipment requirements as specified in the Code of
897 Federal Regulations, unless expressly exempted by the commission
898 department.

899 Section 18. Section 327.521, Florida Statutes, is created
900 to read:

901 327.521 No-discharge zones.—

902 (1) (a) Effective immediately upon approval by the United

Amendment No.

903 States Environmental Protection Agency of a no-discharge zone
904 determination for the waters of the United States within the
905 boundaries of aquatic preserves identified in s. 258.39 and
906 waters of the United States within shellfish harvesting areas
907 identified by rule of the Department of Agriculture and Consumer
908 Services, all waters of this state within such areas are
909 designated no-discharge zones.

910 (b) Effective December 31, 2022, all waters of this state
911 are designated no-discharge zones, contingent upon approval of
912 the United States Environmental Protection Agency of a no-
913 discharge zone determination for all waters of the United States
914 within the territorial limits of this state.

915 (c) Effective July 1, 2021, the commission shall
916 immediately begin the process of seeking approval of the United
917 States Environmental Protection Agency for a no-discharge zone
918 determination as described under this subsection.

919 (2) A person may not discharge sewage of any type, treated
920 or untreated, from a vessel or floating structure into waters of
921 this state within a no-discharge zone. A vessel or floating
922 structure in violation of this section is declared a nuisance
923 and a hazard to public safety and health.

924 (3) A person who violates this section commits a
925 noncriminal infraction, punishable by a civil penalty of up to
926 \$250. If any discharge prohibited by this section is ongoing or
927 continuous, the person may be assessed a penalty of up to \$250

Amendment No.

928 for each day the violation continues.

929 (4) (a) The owner or operator of a vessel or floating
930 structure convicted a second time for violating this section
931 shall, within 30 days after the conviction, remove the vessel or
932 floating structure from the waters of this state. For purposes
933 of this section, the term "conviction" means a disposition other
934 than acquittal or dismissal.

935 (b) If the vessel or floating structure remains on the
936 waters of this state in violation of this subsection, law
937 enforcement officers charged with the enforcement of this
938 chapter under s. 327.70 shall apply to the appropriate court in
939 the county in which the vessel or floating structure is located
940 to order or otherwise cause the removal of such vessel or
941 floating structure from the waters of this state at the owner's
942 expense.

943 (c) If the owner cannot be found or otherwise fails to pay
944 the removal costs, the provisions of s. 328.17 shall apply. If
945 the proceeds under s. 328.17 are not sufficient to pay all
946 removal costs, funds appropriated from the Marine Resources
947 Conservation Trust Fund pursuant to s. 327.53(6)(b) or s.
948 328.72(15)(c) may be used.

949 (5) The commission shall maintain a list of marine sewage
950 pump-out facilities throughout the state and make the list
951 available on its website, and provide the list with information
952 about the Department of Environmental Protection's Clean Marina

Amendment No.

953 Program to all counties for distribution to public and private
954 marinas.

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

958 327.53 Marine sanitation.—

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

964 (7) A ~~Any~~ vessel or floating structure operated or
965 occupied on the waters of this ~~the~~ state in violation of this
966 section is declared a nuisance and a hazard to public safety and
967 health. The owner or operator of a ~~any~~ vessel or floating
968 structure cited for violating this section shall, within 30 days
969 following the issuance of the citation, correct the violation
970 for which the citation was issued or remove the vessel or
971 floating structure from the waters of this ~~the~~ state. If the
972 violation is not corrected within the 30 days and the vessel or
973 floating structure remains on the waters of this ~~the~~ state in
974 violation of this section, law enforcement officers charged with
975 the enforcement of this chapter under s. 327.70 shall apply to
976 the appropriate court in the county in which the vessel or
977 floating structure is located, ~~to order or otherwise cause the~~

720653 - h0639-line171.docx

Published On: 4/18/2021 6:08:57 PM

Amendment No.

978 removal of such vessel or floating structure from the waters of
979 this ~~the~~ state at the owner's expense. If the owner cannot be
980 found or otherwise fails to pay the removal costs, the
981 provisions of s. 328.17 shall apply. If the proceeds under s.
982 328.17 are not sufficient to pay all removal costs, funds
983 appropriated from the Marine Resources Conservation Trust Fund
984 pursuant to paragraph (6) (b) or s. 328.72(15)(c) ~~s. 328.72(16)~~
985 may be used.

986 (8) The owner or operator of a live-aboard vessel or a
987 houseboat as defined in s. 327.02 that is equipped with a marine
988 sanitation device certified by the United States Coast Guard
989 must maintain a record of the date of each pumpout of the device
990 and the location of the pumpout station or waste reception
991 facility. Each record must be maintained for 1 year after the
992 date of the pumpout. This subsection does not apply to marine
993 compost toilets that process and manage human waste using
994 currently accepted marine compost toilet technologies that
995 comply with United States Coast Guard requirements.

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

998 327.54 Liveries; safety regulations; penalty.-

999 (2) A livery may not knowingly lease, hire, or rent a ~~any~~
1000 vessel ~~powered by a motor of 10 horsepower or greater to~~ a ~~any~~
1001 person who is required to comply with s. 327.395~~7~~, unless such
1002 person presents to the livery the documentation ~~photographic~~

Amendment No.

1003 ~~identification and a valid boater safety identification card as~~
1004 ~~required under s. 327.395(2) for operation of a vessel ~~s.~~~~
1005 ~~327.395(1), or meets the exemption provided under s.~~
1006 ~~327.395(6) (f).~~

1007 Section 21. Subsection (5) of section 327.60, Florida
1008 Statutes, is amended to read:

1009 327.60 Local regulations; limitations.—

1010 (5) A local government may enact and enforce regulations
1011 to implement the procedures for abandoned or lost property that
1012 allow the local law enforcement agency to remove a vessel
1013 affixed to a public dock or mooring within its jurisdiction that
1014 is abandoned or lost property pursuant to s. 705.103(1). Such
1015 regulation must require the local law enforcement agency to post
1016 a written notice at least 24 hours before removing the vessel.

1017 Section 22. Paragraphs (q), (s), and (aa) of subsection
1018 (1) of section 327.73, Florida Statutes, are amended, and
1019 paragraphs (cc), (dd), and (ee) are added to that subsection, to
1020 read:

1021 327.73 Noncriminal infractions.—

1022 (1) Violations of the following provisions of the vessel
1023 laws of this state are noncriminal infractions:

1024 (q) Section 327.53(1), (2), ~~and~~ (3), and (8), relating to
1025 marine sanitation.

1026 (s) Section 327.395, relating to boater safety education.
1027 However, a person cited for violating the requirements of s.

Amendment No.

1028 327.395 relating to failure to have required proof of boating
1029 safety education in his or her possession may not be convicted
1030 if, before or at the time of a county court hearing, the person
1031 produces proof of the boating safety education identification
1032 card or temporary certificate for verification by the hearing
1033 officer or the court clerk and the identification card or
1034 temporary certificate was valid at the time the person was
1035 cited.

1036 (aa) Section 327.4107, relating to vessels at risk of
1037 becoming derelict on waters of this state, for which the civil
1038 penalty is:

1039 1. For a first offense, \$100 ~~\$50~~.

1040 2. For a second offense occurring 30 days or more after a
1041 first offense, \$250 ~~\$100~~.

1042 3. For a third or subsequent offense occurring 30 days or
1043 more after a previous offense, \$500 ~~\$250~~.

1044
1045 A vessel that is the subject of three or more violations issued
1046 pursuant to the same paragraph of s. 327.4107(2) within an 18-
1047 month period which result in dispositions other than acquittal
1048 or dismissal shall be declared to be a public nuisance and
1049 subject to ss. 705.103(2) and (4) and 823.11(3). The commission,
1050 an officer of the commission, or a law enforcement agency or
1051 officer specified in s. 327.70 may relocate, remove, or cause to
1052 be relocated or removed such public nuisance vessels from waters

Amendment No.

1053 of this state. The commission, an officer of the commission, or
1054 a law enforcement agency or officer acting pursuant to this
1055 paragraph upon waters of this state shall be held harmless for
1056 all damages to the vessel resulting from such relocation or
1057 removal unless the damage results from gross negligence or
1058 willful misconduct as these terms are defined in s. 823.11.

1059 (cc) Section 327.463(4)(a) and (b), relating to vessels
1060 creating special hazards, for which the penalty is:

1061 1. For a first offense, \$50.

1062 2. For a second offense occurring within 12 months after a
1063 prior offense, \$100.

1064 3. For a third offense occurring within 36 months after a
1065 prior offense, \$250.

1066 (dd) Section 327.371, relating to the regulation of human-
1067 powered vessels.

1068 (ee) Section 327.521, relating to no-discharge zones, for
1069 which the penalty is up to \$250 for each offense.

1071 -----

1072 **T I T L E A M E N D M E N T**

1073 Remove lines 26-87 and insert:

1074 degree; creating s. 327.35215, F.S.; authorizing the
1075 electronic transmission of certain final dispositions;
1076 requiring the Department of Highway Safety and Motor
1077 Vehicles to enter such dispositions on driving

Amendment No.

1078 records; creating s. 327.371, F.S.; providing
1079 circumstances under which a person may operate a
1080 human-powered vessel within the boundaries of the
1081 marked channel of the Florida Intracoastal Waterway;
1082 providing a penalty; amending s. 327.391, F.S.;
1083 conforming cross-references; amending s. 327.395,
1084 F.S.; revising the types of documentation that a
1085 person may use to comply with certain boating safety
1086 requirements; removing authority of the commission to
1087 appoint certain entities to administer a boating
1088 safety education course or temporary certificate
1089 examination and issue certain credentials; exempting
1090 certain persons from the requirement to possess
1091 certain documents aboard a vessel; amending s.
1092 327.4107, F.S.; removing provisions authorizing
1093 certain vessels to be determined at risk of becoming
1094 derelict; authorizing certain officers to provide
1095 notice that a vessel is at risk of becoming derelict
1096 via body camera recordings; authorizing the commission
1097 or certain officers to relocate at-risk vessels to a
1098 certain distance from mangroves or vegetation;
1099 providing that the commission or officers are not
1100 liable for damages to such vessels; providing an
1101 exception; authorizing the commission to establish a
1102 derelict vessel prevention program consisting of

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 639 (2021)

Amendment No.

1103 certain components; authorizing the commission to
1104 adopt rules; providing that such program is subject to
1105 appropriation by the Legislature; providing for
1106 funding; amending s. 327.4109, F.S.; prohibiting the
1107 anchoring or mooring of a vessel or floating structure
1108 within a certain distance of certain facilities;
1109 providing exceptions; amending s. 327.45, F.S.;
1110 including specified spring groups and runs in spring
1111 protection zones; authorizing the commission to
1112 establish by rule spring protection zones that
1113 prohibit the anchoring, mooring, beaching, or
1114 grounding of vessels; amending s. 327.46, F.S.;
1115 authorizing a county or municipality to establish a
1116 boating-restricted area within and around a public
1117 mooring field and within certain portions of the
1118 Florida Intracoastal Waterway; prohibiting a county or
1119 municipality from establishing a vessel-exclusion zone
1120 for a public bathing beach or swim area within the
1121 Florida Intracoastal Waterway; creating s. 327.463,
1122 F.S.; specifying conditions under which a vessel is
1123 and is not operating at slow speed, minimum wake;
1124 prohibiting a person from operating a vessel faster
1125 than slow speed, minimum wake within a certain
1126 distance from other specified vessels; exempting a
1127 person from being cited for a violation under certain

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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Amendment No.

1128 | circumstances; providing penalties; providing
1129 | applicability; amending s. 327.50, F.S.; authorizing
1130 | the commission to exempt vessel owners and operators
1131 | from certain safety equipment requirements; creating
1132 | s. 327.521, F.S.; providing that, upon approval by the
1133 | United States Environmental Protection Agency,
1134 | specified waters are designated as no-discharge zones;
1135 | prohibiting the discharge of sewage within no-
1136 | discharge zones; declaring vessels and floating
1137 | structures that discharge sewage within no-discharge
1138 | zones as nuisances and hazards to public safety;
1139 | providing penalties; providing a definition; providing
1140 | for the removal of certain vessels and floating
1141 | structures; directing the commission to maintain and
1142 | make available on its website a list of marine sewage
1143 | pump-out facilities and provide the list with
1144 | specified information to all counties for certain
1145 | distribution; amending s. 327.53, F.S.; requiring the
1146 | owner or operator of a live-aboard vessel or houseboat
1147 | equipped with certain sanitation devices to maintain a
1148 | record of the date and location of each pumpout of the
1149 | device for a certain period; providing applicability;
1150 | amending s. 327.54, F.S.;

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