

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

26 | amending s. 327.359, F.S.; revising conditions under  
27 | which a person commits a misdemeanor of the first  
28 | degree; creating s. 327.371, F.S.; providing  
29 | circumstances under which a person may operate a  
30 | human-powered vessel within the boundaries of the  
31 | marked channel of the Florida Intracoastal Waterway;  
32 | providing a penalty; amending s. 327.391, F.S.;  
33 | conforming cross-references; amending s. 327.395,  
34 | F.S.; prohibiting all persons, beginning on a  
35 | specified date, from operating a vessel powered by a  
36 | motor of 10 horsepower or greater unless the person  
37 | has certain documents in his or her possession aboard  
38 | the vessel; removing authority of the commission to  
39 | appoint certain entities to administer a boating  
40 | safety education course or temporary certificate  
41 | examination and issue certain credentials; exempting  
42 | certain persons from the requirement to possess  
43 | certain documents aboard a vessel; amending s.  
44 | 327.4107, F.S.; authorizing certain officers to  
45 | provide notice that a vessel is at risk of becoming  
46 | derelict via body camera recordings; authorizing the  
47 | commission or certain officers to relocate at-risk  
48 | vessels to a certain distance from mangroves or  
49 | vegetation; providing that the commission or officers  
50 | are not liable for damages to such vessels; providing

51 an exception; authorizing the commission to establish  
52 a derelict vessel prevention program consisting of  
53 certain components; authorizing the commission to  
54 adopt rules; providing that such program is subject to  
55 appropriation by the Legislature; providing for  
56 funding; amending s. 327.4109, F.S.; prohibiting the  
57 anchoring or mooring of a vessel or floating structure  
58 within a certain distance of certain facilities;  
59 providing exceptions; amending s. 327.46, F.S.;  
60 authorizing a county or municipality to establish a  
61 boating-restricted area within and around a public  
62 mooring field; creating s. 327.463, F.S.; specifying  
63 conditions under which a vessel is and is not  
64 operating at slow speed, minimum wake; prohibiting a  
65 person from operating a vessel faster than slow speed,  
66 minimum wake within a certain distance from other  
67 specified vessels; exempting a person from being cited  
68 for a violation under certain circumstances; providing  
69 penalties; providing applicability; amending s.  
70 327.50, F.S.; authorizing the commission to exempt  
71 vessel owners and operators from certain safety  
72 equipment requirements; creating s. 327.521, F.S.;  
73 designating waters of this state as no-discharge zones  
74 upon approval by the United States Environmental  
75 Protection Agency; prohibiting discharge of sewage

76 | from a vessel or floating structure into such waters;  
77 | providing penalties; declaring a vessel or floating  
78 | structure that violates such prohibition a nuisance  
79 | and a hazard to public safety; providing for removal  
80 | of such vessel or structure from the waters of this  
81 | state upon a second conviction; providing requirements  
82 | for removal and sale of such vessel or structure under  
83 | certain circumstances; defining the term "conviction";  
84 | amending s. 327.53, F.S.; requiring the owner or  
85 | operator of a live-aboard vessel or houseboat equipped  
86 | with a marine sanitation device to maintain a record  
87 | of the date and location of each pumpout of the device  
88 | for a certain period; amending s. 327.54, F.S.;  
89 | prohibiting a livery from leasing, hiring, or renting  
90 | a vessel to a person required to complete a  
91 | commission-approved boating safety education course  
92 | unless such person presents certain documentation  
93 | indicating compliance; amending s. 327.60, F.S.;  
94 | authorizing a local government to enact and enforce  
95 | regulations allowing the local law enforcement agency  
96 | to remove an abandoned or lost vessel affixed to a  
97 | public mooring; amending s. 327.73, F.S.; providing  
98 | additional violations that qualify as noncriminal  
99 | infractions; providing civil penalties; prohibiting  
100 | conviction of a person cited for a violation relating

101 to possessing proof of boating safety education under  
102 certain circumstances; increasing certain civil  
103 penalties; providing that certain vessels shall be  
104 declared a public nuisance subject to certain  
105 statutory provisions; authorizing the commission or  
106 certain officers to relocate or remove public nuisance  
107 vessels from the waters of this state; providing that  
108 the commission or officers are not liable for damages  
109 to such vessels; providing an exception; amending s.  
110 328.09, F.S.; prohibiting the Department of Highway  
111 Safety and Motor Vehicles from issuing a certificate  
112 of title to an applicant for a vessel that has been  
113 deemed derelict pursuant to certain provisions;  
114 authorizing the department, at a later date, to reject  
115 an application for a certificate of title for such a  
116 vessel; amending s. 376.15, F.S.; conforming  
117 provisions to changes made by the act; authorizing a  
118 governmental subdivision that has received  
119 authorization from a law enforcement officer or agency  
120 to direct a contractor to perform vessel relocation or  
121 removal activities; providing licensure, insurance,  
122 and equipment requirements for such governmental  
123 subdivision; authorizing the commission to provide  
124 local government grants for destruction and disposal  
125 of derelict vessels; providing for funding; amending

126 s. 705.103, F.S.; providing notice procedures for when  
127 a law enforcement officer ascertains that a derelict  
128 or public nuisance vessel is present on the waters of  
129 this state; requiring a mailed notice to the owner or  
130 party responsible for the vessel to inform him or her  
131 of the right to a hearing; providing hearing  
132 requirements; authorizing a law enforcement agency to  
133 take certain actions if a hearing is not requested or  
134 a vessel is determined to be derelict or otherwise in  
135 violation of law; revising provisions relating to  
136 liability for vessel removal costs and notification of  
137 the amount owed; providing penalties for a person who  
138 is issued a registration for a vessel or motor vehicle  
139 before such costs are paid; requiring persons whose  
140 vessel registration and motor vehicle privileges have  
141 been revoked for failure to pay certain costs to be  
142 reported to the department; prohibiting issuance of a  
143 certificate of registration to such persons until such  
144 costs are paid; amending s. 823.11, F.S.; revising  
145 application of definitions; revising the definition of  
146 the term "derelict vessel"; specifying requirements  
147 for a vessel to be considered wrecked, junked, and  
148 substantially dismantled; providing construction;  
149 providing that relocation or removal costs incurred by  
150 a governmental subdivision are recoverable against the

151 vessel owner; providing penalties for a person who is  
 152 issued a registration for a vessel or motor vehicle  
 153 before such costs are paid; authorizing a governmental  
 154 subdivision that has received authorization from a law  
 155 enforcement officer or agency to direct a contractor  
 156 to perform vessel relocation or removal activities;  
 157 providing licensure, insurance, and equipment  
 158 requirements for such governmental subdivision;  
 159 providing effective dates.

160

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

162

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

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

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

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



201 breath test upon the request of a law enforcement officer as  
202 provided in this section is admissible into evidence in any  
203 criminal proceeding.

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

226 of test. The person shall be told that his or her failure to  
227 submit to any lawful test of his or her urine will result in the  
228 suspension of the person's privilege to operate a motor vehicle  
229 for a period of 1 year for the first refusal, or for a period of  
230 18 months if the driving privilege of such person has been  
231 previously suspended or if he or she has previously been fined  
232 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a  
233 test or tests required under this chapter or chapter 327, and  
234 shall also be told that if he or she refuses to submit to a  
235 lawful test of his or her urine and his or her driving privilege  
236 has been previously suspended or if he or she has previously  
237 been fined under s. 327.35215 for a prior refusal to submit to a  
238 lawful test of his or her breath, urine, or blood as required  
239 under this chapter or chapter 327, he or she commits a  
240 misdemeanor of the first degree, punishable as provided in s.  
241 775.082 or s. 775.083, in addition to any other penalties  
242 provided by law. The refusal to submit to a urine test upon the  
243 request of a law enforcement officer as provided in this section  
244 is admissible into evidence in any criminal proceeding.

245 2. The Alcohol Testing Program within the Department of  
246 Law Enforcement is responsible for the regulation of the  
247 operation, inspection, and registration of breath test  
248 instruments utilized under the driving and boating under the  
249 influence provisions and related provisions located in this  
250 chapter and chapters 322 and 327. The program is responsible for

251 the regulation of the individuals who operate, inspect, and  
252 instruct on the breath test instruments utilized in the driving  
253 and boating under the influence provisions and related  
254 provisions located in this chapter and chapters 322 and 327. The  
255 program is further responsible for the regulation of blood  
256 analysts who conduct blood testing to be utilized under the  
257 driving and boating under the influence provisions and related  
258 provisions located in this chapter and chapters 322 and 327. The  
259 program shall:

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

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

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

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

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

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

275 g. Have the authority to approve or disapprove breath test

276 | instruments and accompanying paraphernalia for use pursuant to  
277 | the driving and boating under the influence provisions and  
278 | related provisions located in this chapter and chapters 322 and  
279 | 327.

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

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

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

290 |       k. Make recommendations concerning any matter within the  
291 | purview of this section, this chapter, chapter 322, or chapter  
292 | 327.

293 |       l. Promulgate rules for the administration and  
294 | implementation of this section, including definitions of terms.

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

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

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

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

308

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

315           (c) A ~~Any~~ person who accepts the privilege extended by the  
316 laws of this state of operating a motor vehicle within this  
317 state is, by operating such vehicle, deemed to have given his or  
318 her consent to submit to an approved blood test for the purpose  
319 of determining the alcoholic content of the blood or a blood  
320 test for the purpose of determining the presence of chemical  
321 substances or controlled substances as provided in this section  
322 if there is reasonable cause to believe the person was driving  
323 or in actual physical control of a motor vehicle while under the  
324 influence of alcoholic beverages or chemical or controlled  
325 substances and the person appears for treatment at a hospital,

HB 639

2021

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

351 ~~for a prior refusal to submit to a lawful test of his or her~~  
352 ~~breath, urine, or blood, is a misdemeanor.~~ The refusal to submit  
353 to a blood test upon the request of a law enforcement officer is  
354 admissible in evidence in any criminal proceeding.

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

357 316.1939 Refusal to submit to testing; penalties.—

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

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

370 (b) Who was placed under lawful arrest for a violation of  
371 s. 316.193 unless such test was requested pursuant to s.  
372 316.1932(1)(c);

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

376 second or subsequent refusal, for a period of 18 months;

377 (d) Who was informed that a refusal to submit to a lawful  
 378 test of his or her breath or~~7~~ urine, ~~or blood~~, if his or her  
 379 driving privilege has been previously suspended or if he or she  
 380 has previously been fined under s. 327.35215 for a prior refusal  
 381 to submit to a lawful test of his or her breath, urine, or blood  
 382 as required under this chapter or chapter 327, is a misdemeanor  
 383 of the first degree, punishable as provided in s. 775.082 or s.  
 384 775.083, in addition to any other penalties provided by law; and

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

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

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

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

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



401 paddles.

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

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

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

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

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

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

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

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

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

426 payload, government astronaut, commercial astronaut, or  
427 spaceflight participant for such launch.

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

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

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

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

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

451 conducted; or

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

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

469 (4) The head of a law enforcement agency or entity  
470 establishing a protection zone under this section, or his or her  
471 designee, must report the establishment of such protection zone  
472 via e-mail to the commission's Division of Law Enforcement,  
473 Boating and Waterways Section, and to the appropriate United  
474 States Coast Guard Sector Command having responsibility over the  
475 water body, at least 72 hours before establishment of the

476 protection zone. Such report must include the reasons for the  
477 protection zone, the portion of the water body or water bodies  
478 that will be included in the protection zone, and the duration  
479 of the protection zone. No later than 72 hours after the end of  
480 the protection zone period, the head of the law enforcement  
481 agency or entity, or his or her designee, must report via e-mail  
482 to the commission's Division of Law Enforcement, Boating and  
483 Waterways Section, the details of all citations issued for  
484 violating the protection zone.

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

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

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

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

501 (1) (a) 1. The Legislature declares that the operation of a  
502 vessel is a privilege that must be exercised in a reasonable  
503 manner. In order to protect the public health and safety, it is  
504 essential that a lawful and effective means of reducing the  
505 incidence of boating while impaired or intoxicated be  
506 established. Therefore, a ~~any~~ person who accepts the privilege  
507 extended by the laws of this state of operating a vessel within  
508 this state is, by ~~so~~ operating such vessel, deemed to have given  
509 his or her consent to submit to an approved chemical test or  
510 physical test including, but not limited to, an infrared light  
511 test of his or her breath for the purpose of determining the  
512 alcoholic content of his or her blood or breath if the person is  
513 lawfully arrested for any offense allegedly committed while the  
514 person was operating a vessel while under the influence of  
515 alcoholic beverages. The chemical or physical breath test must  
516 be incidental to a lawful arrest and administered at the request  
517 of a law enforcement officer who has reasonable cause to believe  
518 such person was operating the vessel within this state while  
519 under the influence of alcoholic beverages. The administration  
520 of a breath test does not preclude the administration of another  
521 type of test. The person shall be told that his or her failure  
522 to submit to any lawful test of his or her breath under this  
523 chapter will result in a civil penalty of \$500, and shall also  
524 be told that if he or she refuses to submit to a lawful test of  
525 his or her breath and he or she has been previously fined under

526 | s. 327.35215 or has previously had his or her driver license  
527 | suspended under s. 322.2615 for refusal to submit to any lawful  
528 | test of his or her breath, urine, or blood, he or she commits a  
529 | misdemeanor of the first degree, punishable as provided in s.  
530 | 775.082 or s. 775.083, in addition to any other penalties  
531 | provided by law. The refusal to submit to a chemical or physical  
532 | breath test upon the request of a law enforcement officer as  
533 | provided in this section is admissible into evidence in any  
534 | criminal proceeding.

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

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

569 (c) A ~~Any~~ person who accepts the privilege extended by the  
570 laws of this state of operating a vessel within this state is,  
571 by operating such vessel, deemed to have given his or her  
572 consent to submit to an approved blood test for the purpose of  
573 determining the alcoholic content of the blood or a blood test  
574 for the purpose of determining the presence of chemical  
575 substances or controlled substances as provided in this section

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

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

597 |       327.359 Refusal to submit to testing; penalties.—A ~~Any~~  
598 | person who has refused to submit to a chemical or physical test  
599 | of his or her breath, ~~blood,~~ or urine, as described in s.  
600 | 327.352, and who has been previously fined under s. 327.35215 or



601 has previously had his or her driver license suspended under s.  
602 322.2615 for refusal to submit to a lawful test of his or her  
603 breath, urine, or blood, and:

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

608 (2) Who was placed under lawful arrest for a violation of  
609 s. 327.35 unless such test was requested pursuant to s.  
610 327.352(1)(c);

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

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

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

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

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

628 327.371 Human-powered vessels regulated.-

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

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

638 (b) When crossing the marked channel, provided that the  
639 crossing is done in the most direct, continuous, and expeditious  
640 manner possible and does not interfere with other vessel traffic  
641 in the channel.

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

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

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

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

651 327.391 Airboats regulated.—

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

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

666 1. A photographic identification card.

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

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

675 4. Proof of successful course completion in

676 cardiopulmonary resuscitation and first aid.

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

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

685 327.395 Boating safety education.—

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

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

695 (2) While operating a vessel, a person must have in his or  
696 her possession aboard the vessel photographic identification and  
697 a boating safety identification card issued by the commission, a  
698 state-issued identification card or driver license indicating  
699 possession of the boating safety identification card, or  
700 photographic identification and a temporary certificate issued

701 or approved by the commission, which shows that he or she has:

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

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

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

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

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

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

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

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

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

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

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

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

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

750 (d) Is a nonresident who has in his or her possession

751 | photographic identification and proof that he or she has  
752 | completed a boating safety education course or equivalency  
753 | examination in another state or a United States territory which  
754 | meets or exceeds the minimum requirements established by the  
755 | National Association of State Boating Law Administrators.

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

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

769 |       (g) Is exempted by rule of the commission.

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

773 |       (8) The commission shall institute and coordinate a  
774 | statewide program of boating safety instruction and  
775 | certification to ensure that boating safety courses and

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

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

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

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

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

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

799 (2) An officer of the commission or of a law enforcement  
 800 agency specified in s. 327.70 may determine that a vessel is at



801 risk of becoming derelict if any of the following conditions  
802 exist:

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

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

824 (7) The commission may establish a derelict vessel  
825 prevention program to address vessels at risk of becoming

826 derelict. Such program may, but is not required to, include:

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

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

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

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

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

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

850 Implementation of the derelict vessel prevention program shall

851 be subject to appropriation by the Legislature and shall be  
 852 funded by the Marine Resources Conservation Trust Fund or the  
 853 Florida Coastal Protection Trust Fund.

854 Section 12. Paragraph (a) of subsection (1) and subsection  
 855 (2) of section 327.4109, Florida Statutes, are amended to read:

856 327.4109 Anchoring or mooring prohibited; exceptions;  
 857 penalties.—

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

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

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

868 3. Within 100 feet outward from the marked boundary of a  
 869 public mooring field or a lesser distance if approved by the  
 870 commission upon request of a local government within which the  
 871 mooring field is located. The commission may adopt rules to  
 872 implement this subparagraph.

873 (2) Notwithstanding subsection (1), an owner or operator  
 874 of a vessel may anchor or moor within 150 feet of any public or  
 875 private marina, boat ramp, boatyard, or other public vessel

876 launching or loading facility; within 300 feet of a superyacht  
877 repair facility; or within 100 feet outward from the marked  
878 boundary of a public mooring field if:

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

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

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

894 327.46 Boating-restricted areas.—

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

901 congestion, or other navigational hazards or to protect  
 902 seagrasses on privately owned submerged lands.

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

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

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

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

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

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

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

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

926 clearance of less than 100 feet.

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

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

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

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

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

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

939 Section 14. Section 327.463, Florida Statutes, is created  
 940 to read:

941 327.463 Special hazards.—

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

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

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

946 and

947 2. Proceeding without wake or with minimum wake.

948  
 949 A vessel that is operating at slow speed, minimum wake may not  
 950 proceed at a speed greater than a speed that is reasonable and

951 prudent to avoid the creation of an excessive wake or other  
952 hazardous condition under the existing circumstances.

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

955 1. Operating on plane;

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

958 3. Operating at a speed that creates a wake that  
959 unreasonably or unnecessarily endangers other vessels.

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

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

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

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

975 (b) A flag displayed on a construction vessel or barge

976 pursuant to this subsection must:

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

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

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

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

990 (4) (a) A person operating a vessel in violation of this  
 991 section commits a noncriminal infraction, punishable as provided  
 992 in s. 327.73.

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

998 (5) The speed and penalty provisions of this section do  
 999 not apply to a law enforcement, firefighting, or rescue vessel  
 1000 that is owned or operated by a governmental entity.



1001 Section 15. Paragraph (a) of subsection (1) of section  
 1002 327.50, Florida Statutes, is amended to read:

1003 327.50 Vessel safety regulations; equipment and lighting  
 1004 requirements.—

1005 (1) (a) The owner and operator of every vessel on the  
 1006 waters of this state shall carry, store, maintain, and use  
 1007 safety equipment in accordance with current United States Coast  
 1008 Guard safety equipment requirements as specified in the Code of  
 1009 Federal Regulations, unless expressly exempted by the commission  
 1010 department.

1011 Section 16. Section 327.521, Florida Statutes, is created  
 1012 to read:

1013 327.521 No-discharge zones.—Effective upon approval by the  
 1014 United States Environmental Protection Agency of a no-discharge  
 1015 zone determination for the waters of the United States within  
 1016 the territorial limits of this state:

1017 (1) All waters of this state are designated no-discharge  
 1018 zones. A person may not discharge sewage of any type, whether  
 1019 treated or untreated, from any vessel or floating structure into  
 1020 waters of this state. A person who violates this subsection  
 1021 commits a noncriminal infraction, punishable by a civil penalty  
 1022 of up to \$250. If any discharge prohibited by this subsection is  
 1023 ongoing or continuous, the person may be assessed a penalty of  
 1024 up to \$250 for each day the violation continues.

1025 (2) A vessel or floating structure in violation of this

1026 section is declared a nuisance and a hazard to public safety and  
 1027 health. The owner or operator of a vessel or floating structure  
 1028 convicted a second time for violating this section shall, within  
 1029 30 days following the conviction, remove the vessel or floating  
 1030 structure from the waters of this state. If the vessel or  
 1031 floating structure remains on the waters of this state in  
 1032 violation of this subsection, law enforcement officers charged  
 1033 with the enforcement of this chapter under s. 327.70 shall apply  
 1034 to the appropriate court in the county in which the vessel or  
 1035 floating structure is located to order or otherwise cause the  
 1036 removal of such vessel or floating structure from the waters of  
 1037 this state at the owner's expense. If the owner cannot be found  
 1038 or otherwise fails to pay the removal costs, the provisions of  
 1039 s. 328.17 shall apply. If the proceeds under s. 328.17 are not  
 1040 sufficient to pay all removal costs, funds appropriated from the  
 1041 Marine Resources Conservation Trust Fund pursuant to s.  
 1042 327.53(6) (b) or s. 328.72(15) (c) may be used.

1043 (3) For purposes of this section, the term "conviction"  
 1044 means a disposition other than acquittal or dismissal.

1045 Section 17. Paragraph (a) of subsection (6) and subsection  
 1046 (7) of section 327.53, Florida Statutes, are amended, and  
 1047 subsection (8) is added to that section, to read:

1048 327.53 Marine sanitation.—

1049 (6) (a) A violation of this section is a noncriminal  
 1050 infraction, punishable as provided in s. 327.73. Each violation

1051 shall be a separate offense. The owner and operator of any  
1052 vessel shall be jointly and severally liable for the civil  
1053 penalty imposed pursuant to this section.

1054 (7) A ~~Any~~ vessel or floating structure operated or  
1055 occupied on the waters of the state in violation of this section  
1056 is declared a nuisance and a hazard to public safety and health.  
1057 The owner or operator of a ~~any~~ vessel or floating structure  
1058 cited for violating this section shall, within 30 days following  
1059 the issuance of the citation, correct the violation for which  
1060 the citation was issued or remove the vessel or floating  
1061 structure from the waters of the state. If the violation is not  
1062 corrected within the 30 days and the vessel or floating  
1063 structure remains on the waters of the state in violation of  
1064 this section, law enforcement officers charged with the  
1065 enforcement of this chapter under s. 327.70 shall apply to the  
1066 appropriate court in the county in which the vessel or floating  
1067 structure is located, to order or otherwise cause the removal of  
1068 such vessel or floating structure from the waters of the state  
1069 at the owner's expense. If the owner cannot be found or  
1070 otherwise fails to pay the removal costs, the provisions of s.  
1071 328.17 shall apply. If the proceeds under s. 328.17 are not  
1072 sufficient to pay all removal costs, funds appropriated from the  
1073 Marine Resources Conservation Trust Fund pursuant to paragraph  
1074 (6) (b) or s. 328.72(15) (c) ~~s. 328.72(16)~~ may be used.

1075 (8) The owner or operator of a live-aboard vessel as

1076 defined in s. 327.02(23)(a) or (c), or a houseboat as defined in  
1077 s. 327.02(17), that is equipped with a marine sanitation device  
1078 must maintain a record of the date of each pumpout of the marine  
1079 sanitation device and the location of the pumpout station or  
1080 waste reception facility. Each record must be maintained for 1  
1081 year after the date of the pumpout.

1082 Section 18. Subsection (2) of section 327.54, Florida  
1083 Statutes, is amended to read:

1084 327.54 Liveries; safety regulations; penalty.—

1085 (2) A livery may not knowingly lease, hire, or rent a ~~any~~  
1086 ~~vessel powered by a motor of 10 horsepower or greater to a~~ any  
1087 person who is required to comply with s. 327.395~~7~~, unless such  
1088 person presents to the livery photographic identification and a  
1089 valid boater safety identification card issued by the  
1090 commission, a state-issued identification card or driver license  
1091 indicating possession of the boating safety identification card,  
1092 or photographic identification and a valid temporary certificate  
1093 issued or approved by the commission as required under s.  
1094 327.395(2) ~~s. 327.395(1)~~~~7~~, or meets the exemption provided under  
1095 s. 327.395(6)(f).

1096 Section 19. Subsection (5) of section 327.60, Florida  
1097 Statutes, is amended to read:

1098 327.60 Local regulations; limitations.—

1099 (5) A local government may enact and enforce regulations  
1100 to implement the procedures for abandoned or lost property that

1101 allow the local law enforcement agency to remove a vessel  
1102 affixed to a public dock or mooring within its jurisdiction that  
1103 is abandoned or lost property pursuant to s. 705.103(1). Such  
1104 regulation must require the local law enforcement agency to post  
1105 a written notice at least 24 hours before removing the vessel.

1106 Section 20. Paragraphs (q), (s), and (aa) of subsection  
1107 (1) of section 327.73, Florida Statutes, are amended, and  
1108 paragraphs (cc) through (ee) are added to that subsection, to  
1109 read:

1110 327.73 Noncriminal infractions.—

1111 (1) Violations of the following provisions of the vessel  
1112 laws of this state are noncriminal infractions:

1113 (q) Section 327.53(1), (2), ~~and~~ (3), and (8), relating to  
1114 marine sanitation.

1115 (s) Section 327.395, relating to boater safety education.  
1116 However, a person cited for violating the requirements of s.  
1117 327.395 relating to failure to have required proof of boating  
1118 safety education in his or her possession may not be convicted  
1119 if, before or at the time of a county court hearing, the person  
1120 produces proof of the boating safety education identification  
1121 card or temporary certificate for verification by the hearing  
1122 officer or the court clerk and the identification card or  
1123 temporary certificate was valid at the time the person was  
1124 cited.

1125 (aa) Section 327.4107, relating to vessels at risk of

1126 | becoming derelict on waters of this state, for which the civil  
 1127 | penalty is:

1128 |       1. For a first offense, \$100 ~~\$50~~.

1129 |       2. For a second offense occurring 30 days or more after a  
 1130 | first offense, \$250 ~~\$100~~.

1131 |       3. For a third or subsequent offense occurring 30 days or  
 1132 | more after a previous offense, \$500 ~~\$250~~.

1133 |  
 1134 | A vessel that is the subject of three or more violations issued  
 1135 | pursuant to the same paragraph of s. 327.4107(2) within an 18-  
 1136 | month period which result in dispositions other than acquittal  
 1137 | or dismissal shall be declared to be a public nuisance and  
 1138 | subject to s. 705.103(2) and (4) and s. 823.11(3). The  
 1139 | commission, an officer of the commission, or a law enforcement  
 1140 | agency or officer specified in s. 327.70 may relocate, remove,  
 1141 | or cause to be relocated or removed such public nuisance vessels  
 1142 | from waters of this state. The commission, an officer of the  
 1143 | commission, or a law enforcement agency or officer acting  
 1144 | pursuant to this paragraph upon waters of this state shall be  
 1145 | held harmless for all damages to the vessel resulting from such  
 1146 | relocation or removal unless the damage results from gross  
 1147 | negligence or willful misconduct as these terms are defined in  
 1148 | s. 823.11.

1149 |       (cc) Section 327.463(4) (a) and (b), relating to vessels  
 1150 | creating special hazards, for which the penalty is:

- 1151           1. For a first offense, \$50.
- 1152           2. For a second offense occurring within 12 months after a
- 1153 prior offense, \$100.
- 1154           3. For a third offense occurring within 36 months after a
- 1155 prior offense, \$250.
- 1156           (dd) Section 327.371, relating to the regulation of human-
- 1157 powered vessels.
- 1158           (ee) Section 327.521, relating to no-discharge zones, for
- 1159 which the penalty is up to \$250 for each offense.

1160

1161 Any person cited for a violation of any provision of this

1162 subsection shall be deemed to be charged with a noncriminal

1163 infraction, shall be cited for such an infraction, and shall be

1164 cited to appear before the county court. The civil penalty for

1165 any such infraction is \$50, except as otherwise provided in this

1166 section. Any person who fails to appear or otherwise properly

1167 respond to a uniform boating citation shall, in addition to the

1168 charge relating to the violation of the boating laws of this

1169 state, be charged with the offense of failing to respond to such

1170 citation and, upon conviction, be guilty of a misdemeanor of the

1171 second degree, punishable as provided in s. 775.082 or s.

1172 775.083. A written warning to this effect shall be provided at

1173 the time such uniform boating citation is issued.

1174           Section 21. Subsection (4) of section 328.09, Florida

1175 Statutes, is amended to read:

1176           328.09 Refusal to issue and authority to cancel a  
 1177 certificate of title or registration.—

1178           (4) The department may not issue a certificate of title to  
 1179 an ~~any~~ applicant for a ~~any~~ vessel that has been deemed derelict  
 1180 by a law enforcement officer under s. 376.15 or s. 823.11. A law  
 1181 enforcement officer must inform the department in writing, which  
 1182 may be provided by facsimile, electronic mail, or other  
 1183 electronic means, of the vessel's derelict status and supply the  
 1184 department with the vessel title number or vessel identification  
 1185 number. The department may issue a certificate of title once a  
 1186 law enforcement officer has verified in writing, which may be  
 1187 provided by facsimile, electronic mail, or other electronic  
 1188 means, that the vessel is no longer a derelict vessel.

1189           Section 22. Effective July 1, 2023, paragraph (e) of  
 1190 subsection (3) of section 328.09, Florida Statutes, as amended  
 1191 by section 12 of chapter 2019-76, Laws of Florida, is amended to  
 1192 read:

1193           328.09 Refusal to issue and authority to cancel a  
 1194 certificate of title or registration.—

1195           (3) Except as otherwise provided in subsection (4), the  
 1196 department may reject an application for a certificate of title  
 1197 only if:

1198           (e) The application is for a vessel that has been deemed  
 1199 derelict by a law enforcement officer under s. 376.15 or s.  
 1200 823.11. In such case, a law enforcement officer must inform the



1201 department in writing, which may be provided by facsimile, e-  
1202 mail, or other electronic means, of the vessel's derelict status  
1203 and supply the department with the vessel title number or vessel  
1204 identification number. The department may issue a certificate of  
1205 title once a law enforcement officer has verified in writing,  
1206 which may be provided by facsimile, e-mail, or other electronic  
1207 means, that the vessel is no longer a derelict vessel.

1208 Section 23. Subsection (3) of section 376.15, Florida  
1209 Statutes, is amended to read:

1210 376.15 Derelict vessels; relocation or removal from public  
1211 waters.—

1212 (3) (a) The commission, an officer ~~officers~~ of the  
1213 commission, or a ~~and any~~ law enforcement agency or officer  
1214 specified in s. 327.70 may ~~are authorized and empowered to~~  
1215 relocate, remove, or cause to be relocated or removed any  
1216 derelict vessel as defined in s. 823.11 from ~~public~~ waters of  
1217 this state as defined in s. 327.02. All costs, including costs  
1218 owed to a third party, incurred by the commission or other law  
1219 enforcement agency in the relocation or removal of any abandoned  
1220 or derelict vessel are recoverable against the owner of the  
1221 vessel. The Department of Legal Affairs shall represent the  
1222 commission in actions to recover such costs.

1223 (b) The commission, an officer ~~officers~~ of the commission,  
1224 or a ~~and any other~~ law enforcement agency or officer specified  
1225 in s. 327.70 acting pursuant to ~~under~~ this section to relocate,

1226 | remove, or cause to be relocated or removed a derelict vessel  
 1227 | from public waters of this state as defined in s. 327.02 shall  
 1228 | be held harmless for all damages to the derelict vessel  
 1229 | resulting from such relocation or removal unless the damage  
 1230 | results from gross negligence or willful misconduct as these  
 1231 | terms are defined in s. 823.11.

1232 | (c) A contractor performing relocation or removal  
 1233 | activities at the direction of the commission, an officer  
 1234 | ~~officers~~ of the commission, ~~or~~ a law enforcement agency or  
 1235 | officer, or a governmental subdivision, when the governmental  
 1236 | subdivision has received authorization for the relocation or  
 1237 | removal from a law enforcement officer or agency pursuant to  
 1238 | this section must be licensed in accordance with applicable  
 1239 | United States Coast Guard regulations where required; obtain and  
 1240 | carry in full force and effect a policy from a licensed  
 1241 | insurance carrier in this state to insure against any accident,  
 1242 | loss, injury, property damage, or other casualty caused by or  
 1243 | resulting from the contractor's actions; and be properly  
 1244 | equipped to perform the services to be provided.

1245 | (d) The commission may establish a program to provide  
 1246 | grants to local governments for the removal, destruction, and  
 1247 | disposal of derelict vessels from the public waters of this ~~the~~  
 1248 | state as defined in s. 327.02. The program shall be funded from  
 1249 | the Marine Resources Conservation Trust Fund or the Florida  
 1250 | Coastal Protection Trust Fund. Notwithstanding ~~the provisions in~~

1251 s. 216.181(11), funds available for grants may only be  
1252 authorized by appropriations acts of the Legislature. In a given  
1253 fiscal year, if all funds appropriated pursuant to this  
1254 paragraph are not requested by and granted to local governments  
1255 for the removal, destruction, and disposal of derelict vessels  
1256 by the end of the third quarter, the Fish and Wildlife  
1257 Conservation Commission may use the remainder of the funds to  
1258 remove, destroy, and dispose of, or to pay private contractors  
1259 to remove, destroy, and dispose of, derelict vessels.

1260 (e) The commission shall adopt by rule procedures for  
1261 submitting a grant application and criteria for allocating  
1262 available funds. Such criteria shall include, but not be limited  
1263 to, the following:

1264 1. The number of derelict vessels within the jurisdiction  
1265 of the applicant.

1266 2. The threat posed by such vessels to public health or  
1267 safety, the environment, navigation, or the aesthetic condition  
1268 of the general vicinity.

1269 3. The degree of commitment of the local government to  
1270 maintain waters free of abandoned and derelict vessels and to  
1271 seek legal action against those who abandon vessels in the  
1272 waters of this ~~the~~ state as defined in s. 327.02.

1273 (f) This section constitutes the authority for such  
1274 removal but is not intended to be in contravention of any  
1275 applicable federal act.

1276 Section 24. Subsections (2) and (4) of section 705.103,  
 1277 Florida Statutes, are amended to read:

1278 705.103 Procedure for abandoned or lost property.—

1279 (2) (a)1. Whenever a law enforcement officer ascertains  
 1280 that:

1281 a. An article of lost or abandoned property other than a  
 1282 derelict vessel or a vessel declared a public nuisance pursuant  
 1283 to s. 327.73(1)(aa) is present on public property and is of such  
 1284 nature that it cannot be easily removed, the officer shall cause  
 1285 a notice to be placed upon such article in substantially the  
 1286 following form:

1287 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 1288 PROPERTY. This property, to wit: ...(setting forth brief  
 1289 description)... is unlawfully upon public property known as  
 1290 ...(setting forth brief description of location)... and must be  
 1291 removed within 5 days; otherwise, it will be removed and  
 1292 disposed of pursuant to chapter 705, Florida Statutes. The owner  
 1293 will be liable for the costs of removal, storage, and  
 1294 publication of notice. Dated this: ...(setting forth the date of  
 1295 posting of notice)..., signed: ...(setting forth name, title,  
 1296 address, and telephone number of law enforcement officer)....

1297 b. A derelict vessel or a vessel declared a public  
 1298 nuisance pursuant to s. 327.73(1)(aa) is present on the waters  
 1299 of this state, the officer shall cause a notice to be placed  
 1300 upon such vessel in substantially the following form:

1301 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 1302 VESSEL. This vessel, to wit: ...(setting forth brief  
 1303 description)... has been determined to be (derelict or a public  
 1304 nuisance) and is unlawfully upon waters of this state  
 1305 ...(setting forth brief description of location)... and must be  
 1306 removed within 21 days; otherwise, it will be removed and  
 1307 disposed of pursuant to chapter 705, Florida Statutes. The owner  
 1308 and other interested parties may have the right to a hearing to  
 1309 challenge the determination that this vessel is derelict or  
 1310 otherwise in violation of the law. Please contact ...(contact  
 1311 information for person who can arrange for a hearing in  
 1312 accordance with this section).... The owner or the party  
 1313 determined to be legally responsible for the vessel being upon  
 1314 the waters of this state in a derelict condition will be liable  
 1315 for the costs of removal, destruction, and disposal if this  
 1316 vessel is not removed by the owner. Dated this: ...(setting  
 1317 forth the date of posting of notice)...., signed: ...(setting  
 1318 forth name, title, address, and telephone number of law  
 1319 enforcement officer)....

1320 2. A ~~Such~~ notice required under subparagraph 1. may shall  
 1321 ~~be~~ not be less than 8 inches by 10 inches and shall be  
 1322 sufficiently weatherproof to withstand normal exposure to the  
 1323 elements. In addition to posting, the law enforcement officer  
 1324 shall make a reasonable effort to ascertain the name and address  
 1325 of the owner. If such is reasonably available to the officer,

1326 she or he shall mail a copy of such notice to the owner on or  
 1327 before the date of posting. If the property is a motor vehicle  
 1328 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,  
 1329 the law enforcement agency shall contact the Department of  
 1330 Highway Safety and Motor Vehicles in order to determine the name  
 1331 and address of the owner and any person who has filed a lien on  
 1332 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.  
 1333 328.15(1). On receipt of this information, the law enforcement  
 1334 agency shall mail a copy of the notice by certified mail, return  
 1335 receipt requested, to the owner and to the lienholder, if any,  
 1336 except that a law enforcement officer who has issued a citation  
 1337 for a violation of s. 376.15 or s. 823.11 to the owner of a  
 1338 derelict vessel is not required to mail a copy of the notice by  
 1339 certified mail, return receipt requested, to the owner. For a  
 1340 derelict vessel or a vessel declared a public nuisance pursuant  
 1341 to s. 327.73(1)(aa), the mailed notice shall inform the owner or  
 1342 responsible party that he or she has a right to a hearing to  
 1343 dispute the determination that the vessel is derelict or  
 1344 otherwise in violation of the law. If a request for a hearing is  
 1345 made, a state agency shall follow the processes set forth in s.  
 1346 120.569. Local government entities shall follow the processes  
 1347 set forth in s. 120.569, except that a local judge, magistrate,  
 1348 or code enforcement officer may be designated to conduct such a  
 1349 hearing. If, at the end of 5 days after posting the notice in  
 1350 sub-subparagraph 1.a., or at the end of 21 days after posting

1351 the notice in sub-subparagraph 1.b., and mailing such notice, if  
1352 required, the owner or any person interested in the lost or  
1353 abandoned article or articles described has not removed the  
1354 article or articles from public property or shown reasonable  
1355 cause for failure to do so, and, in the case of a derelict  
1356 vessel or a vessel declared a public nuisance pursuant to s.  
1357 327.73(1)(aa), has not requested a hearing in accordance with  
1358 this section, the following shall apply:

1359 a.~~(a)~~ For abandoned property other than a derelict vessel  
1360 or a vessel declared a public nuisance pursuant to s.  
1361 327.73(1)(aa), the law enforcement agency may retain any or all  
1362 of the property for its own use or for use by the state or unit  
1363 of local government, trade such property to another unit of  
1364 local government or state agency, donate the property to a  
1365 charitable organization, sell the property, or notify the  
1366 appropriate refuse removal service.

1367 b. For a derelict vessel or a vessel declared a public  
1368 nuisance pursuant to s. 327.73(1)(aa), the law enforcement  
1369 agency or its designee may:

1370 (I) Remove the vessel from the waters of this state and  
1371 destroy and dispose of the vessel or authorize another  
1372 governmental entity or its designee to do so; or

1373 (II) Authorize the vessel's use as an artificial reef in  
1374 accordance with s. 379.249 if all necessary federal, state, and  
1375 local authorizations are received.

1376  
1377 A law enforcement agency or its designee may also take action as  
1378 described in this sub-subparagraph if, following a hearing  
1379 pursuant to this section, the judge, magistrate, administrative  
1380 law judge, or hearing officer has determined the vessel to be  
1381 derelict as provided in s. 823.11 or otherwise in violation of  
1382 the law in accordance with s. 327.73(1)(aa) and a final order  
1383 has been entered or the case is otherwise closed.

1384 (b) For lost property, the officer shall take custody and  
1385 the agency shall retain custody of the property for 90 days. The  
1386 agency shall publish notice of the intended disposition of the  
1387 property, as provided in this section, during the first 45 days  
1388 of this time period.

1389 1. If the agency elects to retain the property for use by  
1390 the unit of government, donate the property to a charitable  
1391 organization, surrender such property to the finder, sell the  
1392 property, or trade the property to another unit of local  
1393 government or state agency, notice of such election shall be  
1394 given by an advertisement published once a week for 2  
1395 consecutive weeks in a newspaper of general circulation in the  
1396 county where the property was found if the value of the property  
1397 is more than \$100. If the value of the property is \$100 or less,  
1398 notice shall be given by posting a description of the property  
1399 at the law enforcement agency where the property was turned in.  
1400 The notice must be posted for not less than 2 consecutive weeks



1401 in a public place designated by the law enforcement agency. The  
1402 notice must describe the property in a manner reasonably  
1403 adequate to permit the rightful owner of the property to claim  
1404 it.

1405         2. If the agency elects to sell the property, it must do  
1406 so at public sale by competitive bidding. Notice of the time and  
1407 place of the sale shall be given by an advertisement of the sale  
1408 published once a week for 2 consecutive weeks in a newspaper of  
1409 general circulation in the county where the sale is to be held.  
1410 The notice shall include a statement that the sale shall be  
1411 subject to any and all liens. The sale must be held at the  
1412 nearest suitable place to that where the lost or abandoned  
1413 property is held or stored. The advertisement must include a  
1414 description of the goods and the time and place of the sale. The  
1415 sale may take place no earlier than 10 days after the final  
1416 publication. If there is no newspaper of general circulation in  
1417 the county where the sale is to be held, the advertisement shall  
1418 be posted at the door of the courthouse and at three other  
1419 public places in the county at least 10 days prior to sale.  
1420 Notice of the agency's intended disposition shall describe the  
1421 property in a manner reasonably adequate to permit the rightful  
1422 owner of the property to identify it.

1423         (4) The owner of any abandoned or lost property who, after  
1424 notice as provided in this section, does not remove such  
1425 property within the specified period shall be liable to the law

1426 enforcement agency, other governmental entity, or the agency's  
 1427 or entity's designee for all costs of removal, storage, and  
 1428 destruction of such property, less any salvage value obtained by  
 1429 disposal of the property. Upon final disposition of the  
 1430 property, the law enforcement officer or representative of the  
 1431 law enforcement agency or other governmental entity shall notify  
 1432 the owner, if known, of the amount owed. In the case of an  
 1433 abandoned vessel or motor vehicle, any person who neglects or  
 1434 refuses to pay such amount is not entitled to be issued a  
 1435 certificate of registration for such vessel or motor vehicle, or  
 1436 any other vessel or motor vehicle, until such costs have been  
 1437 paid. A person who has neglected or refused to pay all costs of  
 1438 removal, storage, and destruction of a vessel or motor vehicle  
 1439 as provided in this section, after having been provided written  
 1440 notice via certified mail that such costs are owed, and who  
 1441 applies for and is issued a registration for a vessel or motor  
 1442 vehicle before such costs have been paid in full commits a  
 1443 misdemeanor of the first degree, punishable as provided in s.  
 1444 775.082 or s. 775.083. The law enforcement officer or  
 1445 representative of the law enforcement agency or other  
 1446 governmental entity shall supply the Department of Highway  
 1447 Safety and Motor Vehicles with a list of persons whose vessel  
 1448 registration privileges and ~~or whose~~ motor vehicle privileges  
 1449 have been revoked under this subsection. ~~Neither~~ The department  
 1450 or a ~~nor any other~~ person acting as an agent of the department

1451 ~~thereof~~ shall not issue a certificate of registration to a  
1452 person whose vessel and ~~or~~ motor vehicle registration privileges  
1453 have been revoked, as provided by this subsection, until such  
1454 costs have been paid.

1455 Section 25. Subsections (1), (2), and (3) of section  
1456 823.11, Florida Statutes, are amended to read:

1457 823.11 Derelict vessels; relocation or removal; penalty.—

1458 (1) As used in this section and s. 376.15, the term:

1459 (a) "Commission" means the Fish and Wildlife Conservation  
1460 Commission.

1461 (b) "Derelict vessel" means a vessel, as defined in s.  
1462 327.02, that is ~~left, stored, or abandoned~~:

1463 1. In a wrecked, junked, or substantially dismantled  
1464 condition upon any public waters of this state.

1465 a. A vessel is wrecked if it is sunken or sinking; aground  
1466 without the ability to extricate itself absent mechanical  
1467 assistance; or remaining after a marine casualty, including, but  
1468 not limited to, a boating accident, extreme weather, or a fire.

1469 b. A vessel is junked if it has been substantially  
1470 stripped of vessel components, if vessel components have  
1471 substantially degraded or been destroyed, or if the vessel has  
1472 been discarded by the owner or operator. Attaching an outboard  
1473 motor to a vessel that is otherwise junked will not cause the  
1474 vessel to no longer be junked if such motor is not an effective  
1475 means of propulsion as required by s. 327.4107(2) (e) and

1476 associated rules.

1477 c. A vessel is substantially dismantled if at least two of  
1478 the three following vessel systems or components are missing,  
1479 compromised, incomplete, inoperable, or broken:

1480 (I) The steering system;

1481 (II) The propulsion system; or

1482 (III) The exterior hull integrity.

1483

1484 Attaching an outboard motor to a vessel that is otherwise  
1485 substantially dismantled will not cause the vessel to no longer  
1486 be substantially dismantled if such motor is not an effective  
1487 means of propulsion as required by s. 327.4107(2)(e) and  
1488 associated rules.

1489 2. At a port in this state without the consent of the  
1490 agency having jurisdiction thereof.

1491 3. Docked, grounded, or beached upon the property of  
1492 another without the consent of the owner of the property.

1493 (c) "Gross negligence" means conduct so reckless or  
1494 wanting in care that it constitutes a conscious disregard or  
1495 indifference to the safety of the property exposed to such  
1496 conduct.

1497 (d) "Willful misconduct" means conduct evidencing  
1498 carelessness or negligence of such a degree or recurrence as to  
1499 manifest culpability, wrongful intent, or evil design or to show  
1500 an intentional and substantial disregard of the interests of the

1501 vessel owner.

1502 (2) ~~It is unlawful for~~ A person, firm, or corporation may  
 1503 not ~~to~~ store, leave, or abandon any derelict vessel in this  
 1504 state.

1505 (3) The commission, an officer ~~officers~~ of the commission,  
 1506 or a ~~and any~~ law enforcement agency or officer specified in s.  
 1507 327.70 may ~~are authorized and empowered to~~ relocate, remove, or  
 1508 cause to be relocated or removed a derelict vessel from public  
 1509 waters of this state as defined in s. 327.02 if the derelict  
 1510 vessel obstructs or threatens to obstruct navigation or in any  
 1511 way constitutes a danger to the environment, property, or  
 1512 persons. The commission, an officer ~~officers~~ of the commission,  
 1513 or any other law enforcement agency or officer acting pursuant  
 1514 to ~~under~~ this subsection to relocate, remove, or cause to be  
 1515 relocated or removed a derelict vessel from public waters of  
 1516 this state shall be held harmless for all damages to the  
 1517 derelict vessel resulting from such relocation or removal unless  
 1518 the damage results from gross negligence or willful misconduct.

1519 (a) Removal of derelict vessels under this subsection may  
 1520 be funded by grants provided in ss. 206.606 and 376.15. The  
 1521 commission shall implement a plan for the procurement of any  
 1522 available federal disaster funds and use such funds for the  
 1523 removal of derelict vessels.

1524 (b) All costs, including costs owed to a third party,  
 1525 incurred by the commission, another ~~or other~~ law enforcement

1526 agency, or a governmental subdivision, when the governmental  
 1527 subdivision has received authorization from a law enforcement  
 1528 officer or agency, in the relocation or removal of a derelict  
 1529 vessel are recoverable against the vessel owner. The Department  
 1530 of Legal Affairs shall represent the commission in actions to  
 1531 recover such costs. As provided in s. 705.103(4), a person who  
 1532 neglects or refuses to pay such costs may not be issued a  
 1533 certificate of registration for such vessel or for any other  
 1534 vessel or motor vehicle until such costs have been paid. A  
 1535 person who has neglected or refused to pay all costs of removal,  
 1536 storage, and destruction of a derelict vessel as provided in  
 1537 this section, after having been provided written notice via  
 1538 certified mail that such costs are owed, and who applies for and  
 1539 is issued a registration for a vessel or motor vehicle before  
 1540 such costs have been paid in full commits a misdemeanor of the  
 1541 first degree, punishable as provided in s. 775.082 or s.  
 1542 775.083.

1543 (c) A contractor performing relocation or removal  
 1544 activities at the direction of the commission, an officer  
 1545 ~~officers~~ of the commission, ~~or~~ a law enforcement agency or  
 1546 officer, or a governmental subdivision, when the governmental  
 1547 subdivision has received authorization for the relocation or  
 1548 removal from a law enforcement officer or agency, pursuant to  
 1549 this section must be licensed in accordance with applicable  
 1550 United States Coast Guard regulations where required; obtain and

1551 | carry in full force and effect a policy from a licensed  
1552 | insurance carrier in this state to insure against any accident,  
1553 | loss, injury, property damage, or other casualty caused by or  
1554 | resulting from the contractor's actions; and be properly  
1555 | equipped to perform the services to be provided.

1556 |       Section 26. Except as otherwise expressly provided in this  
1557 | act, this act shall take effect July 1, 2021.