

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

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

Representative Sirois offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 327.35215, Florida Statutes, is amended to read:

327.35215 Penalty for failure to submit to test.—

(2) When a person refuses to submit to a blood test, breath test, or urine test pursuant to s. 327.352, a law enforcement officer who is authorized to make arrests for violations of this chapter shall file with the clerk of the court, on a form provided by the commission ~~department~~, a certified statement that probable cause existed to arrest the person for a violation of s. 327.35 and that the person refused

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17 to submit to a test as required by s. 327.352. Along with the
18 statement, the officer must also submit a sworn statement on a
19 form provided by the commission ~~department~~ that the person has
20 been advised of both the penalties for failure to submit to the
21 blood, breath, or urine test and the procedure for requesting a
22 hearing.

23 Section 2. Present paragraph (c) of subsection (1) of
24 section 327.371, Florida Statutes, is redesignated as paragraph
25 (d), and a new paragraph (c) is added to that subsection, to
26 read:

27 327.371 Human-powered vessels regulated.—

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

31 (c) When participating in interscholastic,
32 intercollegiate, intramural, or club athletic teams or sports
33 that are affiliated with an educational institution identified
34 in s. 1000.21, s. 1002.01(2), s. 1003.01(2), s. 1005.02(4), or
35 s. 1005.03(1)(d).

36 Section 3. Paragraph (f) is added to subsection (2) of
37 section 327.4107, Florida Statutes, to read:

38 327.4107 Vessels at risk of becoming derelict on waters of
39 this state.—

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

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42 risk of becoming derelict if any of the following conditions
43 exist:

44 (f) The vessel is tied to an unlawful or unpermitted
45 structure or mooring.

46 Section 4. Paragraph (b) of subsection (1) of section
47 327.46, Florida Statutes, is amended to read:

48 327.46 Boating-restricted areas.—

49 (1) Boating-restricted areas, including, but not limited
50 to, restrictions of vessel speeds and vessel traffic, may be
51 established on the waters of this state for any purpose
52 necessary to protect the safety of the public if such
53 restrictions are necessary based on boating accidents,
54 visibility, hazardous currents or water levels, vessel traffic
55 congestion, or other navigational hazards or to protect
56 seagrasses on privately owned submerged lands.

57 (b) Municipalities and counties may establish the
58 following boating-restricted areas by ordinance, including,
59 notwithstanding the prohibition in s. 327.60(2)(c), within the
60 portion of the Florida Intracoastal Waterway within their
61 jurisdiction:

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

64 a. Within 500 feet of any boat ramp, hoist, marine
65 railway, or other launching or landing facility available for
66 use by the general boating public on waterways more than 300

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67 feet in width or within 300 feet of any boat ramp, hoist, marine
68 railway, or other launching or landing facility available for
69 use by the general boating public on waterways not exceeding 300
70 feet in width.

71 b. Within 500 feet of fuel pumps or dispensers at any
72 marine fueling facility that sells motor fuel to the general
73 boating public on waterways more than 300 feet in width or
74 within 300 feet of the fuel pumps or dispensers at any licensed
75 terminal facility that sells motor fuel to the general boating
76 public on waterways not exceeding 300 feet in width.

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

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

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

81 b. Within 300 feet of any bridge span presenting a
82 vertical clearance of less than 25 feet or a horizontal
83 clearance of less than 100 feet.

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

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

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

91 3. An ordinance establishing a vessel-exclusion zone if

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92 the area is:

93 a. Designated as a public bathing beach or swim area,
94 except that public bathing beach or swim areas may not be
95 established in whole or in part within the marked channel of the
96 Florida Intracoastal Waterway or within 100 feet of any portion
97 of the marked channel.

98 b. Within 300 feet of a dam, spillway, or flood control
99 structure.

100

101 Vessel exclusion zones created pursuant to this subparagraph
102 must be marked with uniform waterway markers permitted by the
103 commission in accordance with this chapter. Such zones may not
104 be marked by ropes.

105 Section 5. Section 376.15, Florida Statutes, is repealed.

106 Section 6. Subsections (22) and (34) of section 379.101,
107 Florida Statutes, are amended to read:

108 379.101 Definitions.—In construing these statutes, where
109 the context does not clearly indicate otherwise, the word,
110 phrase, or term:

111 (22) "Marine fish" means any saltwater species of finfish
112 of the classes Agnatha, Chondrichthyes, and Osteichthyes, and
113 marine invertebrates of ~~in~~ the classes Gastropoda and, Bivalvia,
114 the subphylum ~~and~~ Crustacea, or the phylum Echinodermata;
115 however, the term ~~but~~ does not include nonliving shells or
116 echinoderms.

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117 (34) "Saltwater fish" means:

118 (a) Any saltwater species of finfish of the classes
119 Agnatha, Chondrichthyes, or Osteichthyes and marine
120 invertebrates of the classes Gastropoda and, Bivalvia, the
121 subphylum ~~of~~ Crustacea, or ~~of~~ the phylum Echinodermata; however,
122 the term ~~but~~ does not include nonliving shells or echinoderms;
123 and

124 (b) All classes of pisces, shellfish, sponges, and
125 crustaceans ~~crustacea~~ native to salt water.

126 Section 7. Subsection (3) of section 705.101, Florida
127 Statutes, is amended to read:

128 705.101 Definitions.—As used in this chapter:

129 (3) "Abandoned property" means all tangible personal
130 property that does not have an identifiable owner and that has
131 been disposed on public property in a wrecked, inoperative, or
132 partially dismantled condition or has no apparent intrinsic
133 value to the rightful owner. The term includes derelict vessels
134 as defined in s. 823.11 and vessels declared a public nuisance
135 pursuant to s. 327.73(1)(aa).

136 Section 8. Paragraph (a) of subsection (2) and subsection
137 (4) of section 705.103, Florida Statutes, are amended to read:

138 705.103 Procedure for abandoned or lost property.—

139 (2)(a)1. Whenever a law enforcement officer ascertains
140 that:

141 a. An article of lost or abandoned property other than a

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142 derelict vessel or a vessel declared a public nuisance pursuant
143 to s. 327.73(1) (aa) is present on public property and is of such
144 nature that it cannot be easily removed, the officer shall cause
145 a notice to be placed upon such article in substantially the
146 following form:

147
148 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
149 PROPERTY. This property, to wit: ...(setting forth brief
150 description)... is unlawfully upon public property known as
151 ...(setting forth brief description of location)... and must be
152 removed within 5 days; otherwise, it will be removed and
153 disposed of pursuant to chapter 705, Florida Statutes. The owner
154 will be liable for the costs of removal, storage, and
155 publication of notice. Dated this: ...(setting forth the date of
156 posting of notice)..., signed: ...(setting forth name, title,
157 address, and telephone number of law enforcement officer)....

158
159 b. A derelict vessel or a vessel declared a public
160 nuisance pursuant to s. 327.73(1) (aa) is present on the waters
161 of this state, the officer shall cause a notice to be placed
162 upon such vessel in substantially the following form:

163
164 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
165 VESSEL. This vessel, to wit: ...(setting forth brief
166 description)... has been determined to be ...(derelict or a

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167 public nuisance)... and is unlawfully upon waters of this state
168 ...(setting forth brief description of location)... and must be
169 removed within 21 days; otherwise, it will be removed and
170 disposed of pursuant to chapter 705, Florida Statutes. The owner
171 and other interested parties have the right to a hearing to
172 challenge the determination that this vessel is derelict or
173 otherwise in violation of the law. Please contact ...(contact
174 information for person who can arrange for a hearing in
175 accordance with this section).... The owner or the party
176 determined to be legally responsible for the vessel being upon
177 the waters of this state in a derelict condition or as a public
178 nuisance will be liable for the costs of removal, destruction,
179 and disposal if this vessel is not removed by the owner. Dated
180 this: ...(setting forth the date of posting of notice)....,
181 signed: ...(setting forth name, title, address, and telephone
182 number of law enforcement officer)....

183
184 2. The notices required under subparagraph 1. may not be
185 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently
186 weatherproof to withstand normal exposure to the elements. In
187 addition to posting, the law enforcement officer shall make a
188 reasonable effort to ascertain the name and address of the
189 owner. If such is reasonably available to the officer, she or he
190 shall mail a copy of such notice to the owner on or before the
191 date of posting. If the property is a motor vehicle as defined

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192 in s. 320.01(1) or a vessel as defined in s. 327.02, the law
193 enforcement agency shall contact the Department of Highway
194 Safety and Motor Vehicles in order to determine the name and
195 address of the owner and any person who has filed a lien on the
196 vehicle or vessel as provided in s. 319.27(2) or (3) or s.
197 328.15(1). On receipt of this information, the law enforcement
198 agency shall mail a copy of the notice by certified mail, return
199 receipt requested, to the owner and to the lienholder, if any,
200 except that a law enforcement officer who has issued a citation
201 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a
202 derelict vessel is not required to mail a copy of the notice by
203 certified mail, return receipt requested, to the owner. For a
204 derelict vessel or a vessel declared a public nuisance pursuant
205 to s. 327.73(1)(aa), the mailed notice must inform the owner or
206 responsible party that he or she has a right to a hearing to
207 dispute the determination that the vessel is derelict or
208 otherwise in violation of the law. If a request for a hearing is
209 made, a state agency shall follow the processes set forth in s.
210 120.569. Local governmental entities shall follow the processes
211 set forth in s. 120.569, except that a local judge, magistrate,
212 or code enforcement officer may be designated to conduct such a
213 hearing. If, at the end of 5 days after posting the notice in
214 sub-subparagraph 1.a., or at the end of 21 days after posting
215 the notice in sub-subparagraph 1.b., and mailing such notice, if
216 required, the owner or any person interested in the lost or

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217 abandoned article or articles described has not removed the
218 article or articles from public property or shown reasonable
219 cause for failure to do so, and, in the case of a derelict
220 vessel or a vessel declared a public nuisance pursuant to s.
221 327.73(1) (aa), has not requested a hearing in accordance with
222 this section, the following shall apply:

223 a. For abandoned property other than a derelict vessel or
224 a vessel declared a public nuisance pursuant to s.
225 327.73(1) (aa), the law enforcement agency may retain any or all
226 of the property for its own use or for use by the state or unit
227 of local government, trade such property to another unit of
228 local government or state agency, donate the property to a
229 charitable organization, sell the property, or notify the
230 appropriate refuse removal service.

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

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

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

240

241 A law enforcement agency or its designee may also take action as

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242 described in this sub-subparagraph if, following a hearing
243 pursuant to this section, the judge, magistrate, administrative
244 law judge, or hearing officer has determined the vessel to be
245 derelict as provided in s. 823.11 or otherwise in violation of
246 the law in accordance with s. 327.73(1)(aa) and a final order
247 has been entered or the case is otherwise closed.

248 (4) The owner of any abandoned or lost property, or in the
249 case of a derelict vessel or a vessel declared a public nuisance
250 pursuant to s. 327.73(1)(aa), the owner or other party
251 determined to be legally responsible for the vessel being upon
252 the waters of this state in a derelict condition or as a public
253 nuisance, who, after notice as provided in this section, does
254 not remove such property within the specified period ~~is shall be~~
255 liable to the law enforcement agency, other governmental entity,
256 or the agency's or entity's designee for all costs of removal,
257 storage, ~~and~~ destruction, and disposal of such property, less
258 any salvage value obtained by disposal of the property. Upon
259 final disposition of the property, the law enforcement officer
260 or representative of the law enforcement agency or other
261 governmental entity shall notify the owner or in the case of a
262 derelict vessel or vessel declared a public nuisance pursuant to
263 s. 327.73(1)(aa), the owner or other party determined to be
264 legally responsible, if known, of the amount owed. In the case
265 of an abandoned vessel or motor vehicle, any person who neglects
266 or refuses to pay such amount is not entitled to be issued a

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267 certificate of registration for such vessel or motor vehicle, or
268 any other vessel or motor vehicle, until such costs have been
269 paid. A person who has neglected or refused to pay all costs of
270 removal, storage, disposal, and destruction of a vessel or motor
271 vehicle as provided in this section, after having been provided
272 written notice via certified mail that such costs are owed, and
273 who applies for and is issued a registration for a vessel or
274 motor vehicle before such costs have been paid in full commits a
275 misdemeanor of the first degree, punishable as provided in s.
276 775.082 or s. 775.083. The law enforcement officer or
277 representative of the law enforcement agency or other
278 governmental entity shall supply the Department of Highway
279 Safety and Motor Vehicles with a list of persons whose vessel
280 registration privileges and motor vehicle privileges have been
281 revoked under this subsection. The department or a person acting
282 as an agent of the department may not issue a certificate of
283 registration to a person whose vessel and motor vehicle
284 registration privileges have been revoked, as provided by this
285 subsection, until such costs have been paid.

286 Section 9. Effective July 1, 2023, paragraph (a) of
287 subsection (2) of section 705.103, Florida Statutes, as amended
288 by chapters 2019-76 and 2021-184, Laws of Florida, is amended to
289 read:

290 705.103 Procedure for abandoned or lost property.—

291 (2)(a)1. Whenever a law enforcement officer ascertains

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292 that:

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

299

300 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
301 PROPERTY. This property, to wit: ...(setting forth brief
302 description)... is unlawfully upon public property known as
303 ...(setting forth brief description of location)... and must be
304 removed within 5 days; otherwise, it will be removed and
305 disposed of pursuant to chapter 705, Florida Statutes. The owner
306 will be liable for the costs of removal, storage, and
307 publication of notice. Dated this: ...(setting forth the date of
308 posting of notice)..., signed: ...(setting forth name, title,
309 address, and telephone number of law enforcement officer)....

310

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

315

316 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED

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317 VESSEL. This vessel, to wit: ...(setting forth brief description
318 of location)... has been determined to be ...(derelict or a
319 public nuisance)... and is unlawfully upon the waters of this
320 state ...(setting forth brief description of location)... and
321 must be removed within 21 days; otherwise, it will be removed
322 and disposed of pursuant to chapter 705, Florida Statutes. The
323 owner and other interested parties have the right to a hearing
324 to challenge the determination that this vessel is derelict or
325 otherwise in violation of the law. Please contact ...(contact
326 information for person who can arrange for a hearing in
327 accordance with this section)... The owner or the party
328 determined to be legally responsible for the vessel being upon
329 the waters of this state in a derelict condition or as a public
330 nuisance will be liable for the costs of removal, destruction,
331 and disposal if this vessel is not removed by the owner. Dated
332 this: ...(setting forth the date of posting of notice)...,
333 signed: ...(setting forth name, title, address, and telephone
334 number of law enforcement officer)....

335
336 2. The notices required under subparagraph 1. may not be
337 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently
338 weatherproof to withstand normal exposure to the elements. In
339 addition to posting, the law enforcement officer shall make a
340 reasonable effort to ascertain the name and address of the
341 owner. If such is reasonably available to the officer, she or he

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342 shall mail a copy of such notice to the owner on or before the
343 date of posting. If the property is a motor vehicle as defined
344 in s. 320.01(1) or a vessel as defined in s. 327.02, the law
345 enforcement agency shall contact the Department of Highway
346 Safety and Motor Vehicles in order to determine the name and
347 address of the owner and any person who has filed a lien on the
348 vehicle or vessel as provided in s. 319.27(2) or (3) or s.
349 328.15. On receipt of this information, the law enforcement
350 agency shall mail a copy of the notice by certified mail, return
351 receipt requested, to the owner and to the lienholder, if any,
352 except that a law enforcement officer who has issued a citation
353 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a
354 derelict vessel is not required to mail a copy of the notice by
355 certified mail, return receipt requested, to the owner. For a
356 derelict vessel or a vessel declared a public nuisance pursuant
357 to s. 327.73(1)(aa), the mailed notice must inform the owner or
358 responsible party that he or she has a right to a hearing to
359 dispute the determination that the vessel is derelict or
360 otherwise in violation of the law. If a request for a hearing is
361 made, a state agency shall follow the processes as set forth in
362 s. 120.569. Local governmental entities shall follow the
363 processes set forth in s. 120.569, except that a local judge,
364 magistrate, or code enforcement officer may be designated to
365 conduct such a hearing. If, at the end of 5 days after posting
366 the notice in sub-subparagraph 1.a., or at the end of 21 days

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367 after posting the notice in sub-subparagraph 1.b., and mailing
368 such notice, if required, the owner or any person interested in
369 the lost or abandoned article or articles described has not
370 removed the article or articles from public property or shown
371 reasonable cause for failure to do so, and, in the case of a
372 derelict vessel or a vessel declared a public nuisance pursuant
373 to s. 327.73(1) (aa), has not requested a hearing in accordance
374 with this section, the following shall apply:

375 a. For abandoned property other than a derelict vessel or
376 a vessel declared a public nuisance pursuant to s.
377 327.73(1) (aa), the law enforcement agency may retain any or all
378 of the property for its own use or for use by the state or unit
379 of local government, trade such property to another unit of
380 local government or state agency, donate the property to a
381 charitable organization, sell the property, or notify the
382 appropriate refuse removal service.

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

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

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

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393 A law enforcement agency or its designee may also take action as
394 described in this sub-subparagraph if, following a hearing
395 pursuant to this section, the judge, magistrate, administrative
396 law judge, or hearing officer has determined the vessel to be
397 derelict as provided in s. 823.11 or otherwise in violation of
398 the law in accordance with s. 327.73(1)(aa) and a final order
399 has been entered or the case is otherwise closed.

400 Section 10. Present subsections (4), (5), and (6) of
401 section 823.11, Florida Statutes, are redesignated as
402 subsections (5), (6), and (7), respectively, a new subsection
403 (4) is added to that section, and subsection (1), paragraph (c)
404 of subsection (2), subsection (3), and present subsections (5)
405 and (6) of that section are amended, to read:

406 823.11 Derelict vessels; relocation or removal; penalty.-

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

408 (a) "Commission" means the Fish and Wildlife Conservation
409 Commission.

410 (b) "Derelict vessel" means a vessel, as defined in s.
411 327.02, that is:

412 1. In a wrecked, junked, or substantially dismantled
413 condition upon any waters of this state.

414 a. A vessel is wrecked if it is sunken or sinking; aground
415 without the ability to extricate itself absent mechanical
416 assistance; or remaining after a marine casualty, including, but

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417 not limited to, a boating accident, extreme weather, or a fire.

418 b. A vessel is junked if it has been substantially
419 stripped of vessel components, if vessel components have
420 substantially degraded or been destroyed, or if the vessel has
421 been discarded by the owner or operator. Attaching an outboard
422 motor to a vessel that is otherwise junked will not cause the
423 vessel to no longer be junked if such motor is not an effective
424 means of propulsion as required by s. 327.4107(2)(e) and
425 associated rules.

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

- 429 (I) The steering system;
430 (II) The propulsion system; or
431 (III) The exterior hull integrity.

432

433 Attaching an outboard motor to a vessel that is otherwise
434 substantially dismantled will not cause the vessel to no longer
435 be substantially dismantled if such motor is not an effective
436 means of propulsion as required by s. 327.4107(2)(e) and
437 associated rules.

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

440 3. Docked, grounded, or beached upon the property of
441 another without the consent of the owner of the property.

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442 (c) "Gross negligence" means conduct so reckless or
443 wanting in care that it constitutes a conscious disregard or
444 indifference to the safety of the property exposed to such
445 conduct.

446 (d) "Willful misconduct" means conduct evidencing
447 carelessness or negligence of such a degree or recurrence as to
448 manifest culpability, wrongful intent, or evil design or to show
449 an intentional and substantial disregard of the interests of the
450 vessel owner.

451 (2)

452 (c) The additional time provided in subparagraph (b)2. for
453 an owner or responsible party to remove a derelict vessel from
454 the waters of this state or to repair and remedy the vessel's
455 derelict condition ~~This subsection~~ does not apply to a vessel
456 that was derelict upon the waters of this state before the
457 stated accident or event.

458 (3) The commission, an officer of the commission, or a law
459 enforcement agency or officer specified in s. 327.70 may
460 relocate, remove, and store, ~~destroy, or dispose of~~ or cause to
461 be relocated, removed, and stored, ~~destroyed, or disposed of~~ a
462 derelict vessel from waters of this state as defined in s.
463 327.02 if the derelict vessel obstructs or threatens to obstruct
464 navigation or in any way constitutes a danger to the
465 environment, property, or persons. The commission, an officer of
466 the commission, or any other law enforcement agency or officer

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467 acting pursuant to this subsection to relocate, remove, and
468 store, ~~destroy, dispose of~~ or cause to be relocated, removed,
469 and stored, ~~destroyed, or disposed of~~ a derelict vessel from
470 waters of this state shall be held harmless for all damages to
471 the derelict vessel resulting from such action unless the damage
472 results from gross negligence or willful misconduct.

473 ~~(a) Removal of derelict vessels under this subsection may~~
474 ~~be funded by grants provided in ss. 206.606 and 376.15. The~~
475 ~~commission shall implement a plan for the procurement of any~~
476 ~~available federal disaster funds and use such funds for the~~
477 ~~removal of derelict vessels.~~

478 (a)(b) All costs, including costs owed to a third party,
479 incurred by the commission, another law enforcement agency, or a
480 governmental subdivision, when the governmental subdivision has
481 received authorization from a law enforcement officer or agency,
482 in the relocation, removal, storage, destruction, or disposal of
483 a derelict vessel are recoverable against the vessel owner or
484 the party determined to be legally responsible for the vessel
485 being upon the waters of this state in a derelict condition. The
486 Department of Legal Affairs shall represent the commission in
487 actions to recover such costs. As provided in s. 705.103(4), a
488 person who neglects or refuses to pay such costs may not be
489 issued a certificate of registration for such vessel or for any
490 other vessel or motor vehicle until such costs have been paid. A
491 person who has neglected or refused to pay all costs of removal,

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492 storage, destruction, or disposal of a derelict vessel as
493 provided in this section, after having been provided written
494 notice via certified mail that such costs are owed, and who
495 applies for and is issued a registration for a vessel or motor
496 vehicle before such costs have been paid in full commits a
497 misdemeanor of the first degree, punishable as provided in s.
498 775.082 or s. 775.083.

499 ~~(b)(e)~~ A contractor performing such activities at the
500 direction of the commission, an officer of the commission, a law
501 enforcement agency or officer, or a governmental subdivision,
502 when the governmental subdivision has received authorization for
503 the relocation or removal from a law enforcement officer or
504 agency, pursuant to this section must be licensed in accordance
505 with applicable United States Coast Guard regulations where
506 required; obtain and carry in full force and effect a policy
507 from a licensed insurance carrier in this state to insure
508 against any accident, loss, injury, property damage, or other
509 casualty caused by or resulting from the contractor's actions;
510 and be properly equipped to perform the services to be provided.

511 (4)(a) Removal of derelict vessels under this subsection
512 may be funded by grants provided in s. 206.606.

513 (b) The commission may implement a plan for the
514 procurement of any available federal disaster funds and use such
515 funds for the removal of derelict vessels.

516 (c) The commission may establish a program to provide

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517 grants to local governments for the removal, storage,
518 destruction, and disposal of derelict vessels from the waters of
519 this state. This grant funding may also be used for the removal,
520 storage, destruction, and disposal of vessels declared a public
521 nuisance pursuant to s. 327.73(1) (aa). The program must be
522 funded from the Marine Resources Conservation Trust Fund or the
523 Florida Coastal Protection Trust Fund. Notwithstanding s.
524 216.181(11), funds available for these grants may only be
525 authorized by appropriations acts of the Legislature. In a given
526 fiscal year, if all funds appropriated pursuant to this
527 paragraph are not requested by and granted to local governments
528 for the removal, storage, destruction, and disposal of derelict
529 vessels or vessels declared a public nuisance pursuant to s.
530 327.73(1) (aa) by the end of the third quarter, the Fish and
531 Wildlife Conservation Commission may use the remainder of the
532 funds to remove, store, destroy, and dispose of, or to pay
533 private contractors to remove, store, destroy, and dispose of,
534 derelict vessels or vessels declared a public nuisance pursuant
535 to s. 327.73(1) (aa). The commission shall adopt by rule
536 procedures for local governments to submit a grant application
537 and criteria for allocating available funds. Such criteria must
538 include, at a minimum, the following:

539 1. The number of derelict vessels within the jurisdiction
540 of the applicant.

541 2. The threat posed by such vessels to public health or

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542 safety, the environment, navigation, or the aesthetic condition
543 of the general vicinity.

544 3. The degree of commitment of the local government to
545 maintain waters free of abandoned and derelict vessels and to
546 seek legal action against those who abandon vessels in the
547 waters of this state as defined in s. 327.02.

548 (6)-(5) A person, firm, or corporation violating this
549 section commits a misdemeanor of the first degree and shall be
550 punished as provided by law. A conviction under this section
551 does not bar the assessment and collection of a ~~the~~ civil
552 penalty ~~provided in s. 376.16 for violation of s. 376.15~~. The
553 court having jurisdiction over the criminal offense,
554 notwithstanding any jurisdictional limitations on the amount in
555 controversy, may order the imposition of such civil penalty in
556 addition to any sentence imposed for the first criminal offense.

557 (7)-(6) If an owner or a responsible party of a vessel
558 determined to be derelict through an administrative or criminal
559 proceeding has been charged by an officer of the commission or
560 any law enforcement agency or officer as specified in s. 327.70
561 under subsection (5) for a violation of subsection (2) ~~or a~~
562 ~~violation of s. 376.15(2)~~, a person may not reside or dwell on
563 such vessel until the vessel is removed from the waters of the
564 state permanently or returned to the waters of the state in a
565 condition that is no longer derelict.

566 Section 11. Paragraph (p) of subsection (4) of section

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567 934.50, Florida Statutes, is amended to read:

568 934.50 Searches and seizure using a drone.—

569 (4) EXCEPTIONS.—This section does not prohibit the use of
570 a drone:

571 (p) By an ~~a non-law enforcement~~ employee of the Fish and
572 Wildlife Conservation Commission or of the Florida Forest
573 Service for the purposes of managing and eradicating invasive
574 exotic plants or animals on public lands and suppressing and
575 mitigating wildfire threats.

576 Section 12. Section 327.04, Florida Statutes, is amended
577 to read:

578 327.04 Rules.—The commission may adopt rules pursuant to
579 ss. 120.536(1) and 120.54 to implement this chapter, the
580 provisions of chapter 705 relating to vessels, and s. ss. 376.15
581 ~~and~~ 823.11 conferring powers or duties upon it.

582 Section 13. Paragraphs (a) and (c) of subsection (1) of
583 section 327.352, Florida Statutes, are amended to read:

584 327.352 Tests for alcohol, chemical substances, or
585 controlled substances; implied consent; refusal.—

586 (1)(a)1. The Legislature declares that the operation of a
587 vessel is a privilege that must be exercised in a reasonable
588 manner. In order to protect the public health and safety, it is
589 essential that a lawful and effective means of reducing the
590 incidence of boating while impaired or intoxicated be
591 established. Therefore, a person who accepts the privilege

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592 extended by the laws of this state of operating a vessel within
593 this state is, by operating such vessel, deemed to have given
594 his or her consent to submit to an approved chemical test or
595 physical test including, but not limited to, an infrared light
596 test of his or her breath for the purpose of determining the
597 alcoholic content of his or her blood or breath if the person is
598 lawfully arrested for any offense allegedly committed while the
599 person was operating a vessel while under the influence of
600 alcoholic beverages. The chemical or physical breath test must
601 be incidental to a lawful arrest and administered at the request
602 of a law enforcement officer who has reasonable cause to believe
603 such person was operating the vessel within this state while
604 under the influence of alcoholic beverages. The administration
605 of a breath test does not preclude the administration of another
606 type of test. The person must ~~shall~~ be told that his or her
607 failure to submit to any lawful test of his or her breath under
608 this chapter will result in a civil penalty of \$500, and ~~shall~~
609 ~~also be told~~ that if he or she refuses to submit to a lawful
610 test of his or her breath and he or she has been previously
611 fined under s. 327.35215 or his or her driving privilege has
612 been previously ~~has previously had his or her driver license~~
613 suspended for refusal to submit to any lawful test of his or her
614 breath, urine, or blood, he or she commits a misdemeanor of the
615 first degree, punishable as provided in s. 775.082 or s.
616 775.083, in addition to any other penalties provided by law. The

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617 refusal to submit to a chemical or physical breath test upon the
618 request of a law enforcement officer as provided in this section
619 is admissible into evidence in any criminal proceeding.

620 2. A person who accepts the privilege extended by the laws
621 of this state of operating a vessel within this state is, by
622 operating such vessel, deemed to have given his or her consent
623 to submit to a urine test for the purpose of detecting the
624 presence of chemical substances as set forth in s. 877.111 or
625 controlled substances if the person is lawfully arrested for any
626 offense allegedly committed while the person was operating a
627 vessel while under the influence of chemical substances or
628 controlled substances. The urine test must be incidental to a
629 lawful arrest and administered at a detention facility or any
630 other facility, mobile or otherwise, which is equipped to
631 administer such tests at the request of a law enforcement
632 officer who has reasonable cause to believe such person was
633 operating a vessel within this state while under the influence
634 of chemical substances or controlled substances. The urine test
635 must ~~shall~~ be administered at a detention facility or any other
636 facility, mobile or otherwise, which is equipped to administer
637 such test in a reasonable manner that will ensure the accuracy
638 of the specimen and maintain the privacy of the individual
639 involved. The administration of a urine test does not preclude
640 the administration of another type of test. The person must
641 ~~shall~~ be told that his or her failure to submit to any lawful

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642 test of his or her urine under this chapter will result in a
643 civil penalty of \$500, and ~~shall also be told~~ that if he or she
644 refuses to submit to a lawful test of his or her urine and he or
645 she has been previously fined under s. 327.35215 or his or her
646 driving privilege has been previously ~~has previously had his or~~
647 ~~her driver license~~ suspended for refusal to submit to any lawful
648 test of his or her breath, urine, or blood, he or she commits a
649 misdemeanor of the first degree, punishable as provided in s.
650 775.082 or s. 775.083, in addition to any other penalties
651 provided by law. The refusal to submit to a urine test upon the
652 request of a law enforcement officer as provided in this section
653 is admissible into evidence in any criminal proceeding.

654 (c) A person who accepts the privilege extended by the
655 laws of this state of operating a vessel within this state is,
656 by operating such vessel, deemed to have given his or her
657 consent to submit to an approved blood test for the purpose of
658 determining the alcoholic content of the blood or a blood test
659 for the purpose of determining the presence of chemical
660 substances or controlled substances as provided in this section
661 if there is reasonable cause to believe the person was operating
662 a vessel while under the influence of alcoholic beverages or
663 chemical or controlled substances and the person appears for
664 treatment at a hospital, clinic, or other medical facility and
665 the administration of a breath or urine test is impractical or
666 impossible. As used in this paragraph, the term "other medical

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667 facility" includes an ambulance or other medical emergency
668 vehicle. The blood test shall be performed in a reasonable
669 manner. A person who is incapable of refusal by reason of
670 unconsciousness or other mental or physical condition is deemed
671 not to have withdrawn his or her consent to such test. A person
672 who is capable of refusal must ~~shall~~ be told that his or her
673 failure to submit to such a blood test will result in a civil
674 penalty of \$500. The refusal to submit to a blood test upon the
675 request of a law enforcement officer is ~~shall be~~ admissible in
676 evidence in any criminal proceeding.

677 Section 14. Subsection (4) of section 328.09, Florida
678 Statutes, is amended to read:

679 328.09 Refusal to issue and authority to cancel a
680 certificate of title or registration.—

681 (4) The department may not issue a certificate of title to
682 an applicant for a vessel that has been deemed derelict or a
683 public nuisance by a law enforcement officer under s.
684 327.73(1)(aa) ~~s. 376.15~~ or s. 823.11. A law enforcement officer
685 must inform the department in writing, which may be provided by
686 facsimile, electronic mail, or other electronic means, of the
687 vessel's derelict or public nuisance status and supply the
688 department with the vessel title number or vessel identification
689 number. The department may issue a certificate of title once a
690 law enforcement officer has verified in writing, which may be
691 provided by facsimile, electronic mail, or other electronic

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692 means, that the vessel is no longer a derelict or a public
693 nuisance vessel.

694 Section 15. Section 25 of chapter 2021-184, Laws of
695 Florida, is repealed.

696 Section 16. Paragraph (c) of subsection (15) of section
697 328.72, Florida Statutes, is amended to read:

698 328.72 Classification; registration; fees and charges;
699 surcharge; disposition of fees; fines; marine turtle stickers.-

700 (15) DISTRIBUTION OF FEES.—Except as provided in this
701 subsection, moneys designated for the use of the counties, as
702 specified in subsection (1), shall be distributed by the tax
703 collector to the board of county commissioners for use only as
704 provided in this section. Such moneys to be returned to the
705 counties are for the sole purposes of providing, maintaining, or
706 operating recreational channel marking and other uniform
707 waterway markers, public boat ramps, lifts, and hoists, marine
708 railways, boat piers, docks, mooring buoys, and other public
709 launching facilities; and removing derelict vessels, debris that
710 specifically impedes boat access, not including the dredging of
711 channels, and vessels and floating structures deemed a hazard to
712 public safety and health for failure to comply with s. 327.53.
713 Counties shall demonstrate through an annual detailed accounting
714 report of vessel registration revenues that the registration
715 fees were spent as provided in this subsection. This report
716 shall be provided to the Fish and Wildlife Conservation

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717 Commission no later than November 1 of each year. If, before
718 January 1 of each calendar year, the accounting report meeting
719 the prescribed criteria has still not been provided to the
720 commission, the tax collector of that county may not distribute
721 the moneys designated for the use of counties, as specified in
722 subsection (1), to the board of county commissioners but shall,
723 for the next calendar year, remit such moneys to the state for
724 deposit into the Marine Resources Conservation Trust Fund. The
725 commission shall return those moneys to the county if the county
726 fully complies with this section within that calendar year. If
727 the county does not fully comply with this section within that
728 calendar year, the moneys shall remain within the Marine
729 Resources Trust Fund and may be appropriated for the purposes
730 specified in this subsection.

731 (c) From the vessel registration fees designated for use
732 by the counties in subsection (1), the following amounts shall
733 be remitted to the state for deposit into the Marine Resources
734 Conservation Trust Fund to fund derelict vessel removal grants,
735 as appropriated by the Legislature pursuant to s. 823.11(4)(c)
736 ~~s. 376.15~~:

- 737 1. Class A-2: \$0.25 for each 12-month period registered.
- 738 2. Class 1: \$2.06 for each 12-month period registered.
- 739 3. Class 2: \$9.26 for each 12-month period registered.
- 740 4. Class 3: \$16.45 for each 12-month period registered.
- 741 5. Class 4: \$20.06 for each 12-month period registered.

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742 6. Class 5: \$25.46 for each 12-month period registered.
743 Section 17. Paragraph (h) of subsection (6) of section
744 376.11, Florida Statutes, is amended to read:

745 376.11 Florida Coastal Protection Trust Fund.—

746 (6) Moneys in the Florida Coastal Protection Trust Fund
747 may be used for the following purposes:

748 (h) The funding of a grant program to local governments,
749 pursuant to s. 823.11(4)(c) ~~s. 376.15(3)(d) and (e)~~, for the
750 removal of derelict and public nuisance vessels from the public
751 waters of the state.

752 Section 18. For the purpose of incorporating the amendment
753 made by this act to section 379.101, Florida Statutes, in a
754 reference thereto, subsection (4) of section 125.01, Florida
755 Statutes, is reenacted to read:

756 125.01 Powers and duties.—

757 (4) The legislative and governing body of a county shall
758 not have the power to regulate the taking or possession of
759 saltwater fish, as defined in s. 379.101, with respect to the
760 method of taking, size, number, season, or species. However,
761 this subsection does not prohibit a county from prohibiting, for
762 reasons of protecting the public health, safety, or welfare,
763 saltwater fishing from real property owned by that county, nor
764 does it prohibit the imposition of excise taxes by county
765 ordinance.

766 Section 19. For the purpose of incorporating the amendment

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767 made by this act to section 379.101, Florida Statutes, in a
768 reference thereto, section 379.2412, Florida Statutes, is
769 reenacted to read:

770 379.2412 State preemption of power to regulate.—The power
771 to regulate the taking or possession of saltwater fish, as
772 defined in s. 379.101, is expressly reserved to the state. This
773 section does not prohibit a local government from prohibiting,
774 for reasons of protecting the public health, safety, or welfare,
775 saltwater fishing from real property owned by that local
776 government.

777 Section 20. Except as otherwise expressly provided in this
778 act, this act shall take effect July 1, 2022.

779

780

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

782

Remove everything before the enacting clause and insert:

783

A bill to be entitled

784

An act relating to the Fish and Wildlife Conservation

785

Commission; amending s. 327.35215, F.S.; requiring

786

that certain forms relating to boating under the

787

influence be provided by the Fish and Wildlife

788

Conservation Commission rather than the Department of

789

Highway Safety and Motor Vehicles; amending s.

790

327.371, F.S.; authorizing certain athletic teams or

791

sports affiliated with specified educational

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792 institutions to operate a human-powered vessel within
793 the marked channel of the Florida Intracoastal
794 Waterway; amending s. 327.4107, F.S.; revising the
795 vessel conditions that an officer of the commission or
796 a law enforcement agency may use to determine that a
797 vessel is at risk of becoming derelict; amending s.
798 327.46, F.S.; prohibiting municipalities and counties
799 from designating public bathing beach or swim areas
800 within their jurisdictions which are within the marked
801 channel portion of the Florida Intracoastal Waterway
802 or within a specified distance from any portion of the
803 marked channel; repealing s. 376.15, F.S., relating to
804 derelict vessels and the relocation and removal of
805 such vessels from the waters of this state; amending
806 s. 379.101, F.S.; revising the definitions of the
807 terms "marine fish" and "saltwater fish"; amending s.
808 705.101, F.S.; revising the definition of the term
809 "abandoned property" to include vessels declared to be
810 a public nuisance; amending s. 705.103, F.S.;

811 clarifying the notice requirements and procedures for
812 vessels declared to be public nuisances; amending s.
813 823.11, F.S.; making technical changes; authorizing
814 the commission to establish a program to provide
815 grants to local governments for certain actions
816 regarding derelict vessels and those declared to be a

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817 public nuisance; specifying sources for the funds to
818 be used, subject to an appropriation; authorizing the
819 commission to use funds not awarded as grants for
820 certain purposes; requiring the commission to adopt
821 rules for the grant applications and the criteria for
822 allocating the funds; amending s. 934.50, F.S.;

823 providing that all employees of the commission or the
824 Florida Forest Service may operate drones for
825 specified purposes; amending ss. 327.04, 327.352,
826 328.09, 328.72, and 376.11, F.S.; conforming
827 provisions to changes made by the act; repealing s.
828 25, chapter 2021-184, Laws of Florida, relating to
829 derelict vessels; reenacting ss. 125.01(4) and
830 379.2412, F.S., relating to powers and duties of
831 legislative and governing bodies of counties and state
832 preemption of the regulating of taking or possessing
833 saltwater fish, respectively, to incorporate the
834 amendment made to s. 379.101(34), F.S., in a reference
835 thereto; providing effective dates.