

1                                   A bill to be entitled  
2           An act relating to the Fish and Wildlife Conservation  
3           Commission; amending s. 327.4107, F.S.; revising the  
4           vessel conditions that an officer of the Fish and  
5           Wildlife Conservation Commission or a law enforcement  
6           agency may use to determine that a vessel is at risk  
7           of becoming derelict; amending s. 327.45, F.S.;  
8           requiring specified evidence before the commission may  
9           establish certain vessel restriction rules for  
10          protection zones for springs; amending s. 327.46,  
11          F.S.; prohibiting municipalities and counties from  
12          designating public bathing beach areas or swim areas  
13          within their jurisdictions which are within the marked  
14          channel portion of the Florida Intracoastal Waterway  
15          or within a specified distance from any portion of the  
16          marked channel; repealing s. 376.15, F.S., relating to  
17          derelict vessels and the relocation and removal of  
18          such vessels from the waters of this state; amending  
19          s. 379.101, F.S.; revising the definitions of the  
20          terms "marine fish" and "saltwater fish"; amending s.  
21          705.101, F.S.; revising the definition of the term  
22          "abandoned property" to include vessels declared to be  
23          a public nuisance; amending s. 705.103, F.S.;  
24          clarifying the notice requirements and procedures for  
25          vessels declared to be public nuisances; amending s.

26 823.11, F.S.; making technical changes; authorizing  
27 the commission to establish a program to provide  
28 grants to local governments for certain actions  
29 regarding derelict vessels and those declared to be a  
30 public nuisance; specifying sources for the funds to  
31 be used, subject to an appropriation; authorizing the  
32 commission to use funds not awarded as grants for  
33 certain purposes; requiring the commission to adopt  
34 rules for the grant applications and the criteria for  
35 allocating the funds; amending s. 934.50, F.S.;

36 providing that all employees of the commission or the  
37 Florida Forest Service may operate drones for  
38 specified purposes; amending ss. 327.04, 328.09,  
39 328.72, and 376.11, F.S.; conforming provisions to  
40 changes made by the act; repealing s. 25, chapter  
41 2021-184, Laws of Florida, relating to derelict  
42 vessels; reenacting ss. 125.01(4) and 379.2412, F.S.,  
43 relating to powers and duties of legislative and  
44 governing bodies of counties and state preemption of  
45 the regulating of taking or possessing saltwater fish,  
46 respectively, to incorporate the amendment made to s.  
47 379.101(34), F.S., in a reference thereto; providing  
48 effective dates.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75

Section 1. Paragraph (f) is added to subsection (2) of section 327.4107, Florida Statutes, to read:

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

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

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

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

327.45 Protection zones for springs.—

(2) When substantial, competent evidence shows that demonstrable harm has been caused by vessel activity, the commission may establish by rule protection zones that restrict the speed and operation of vessels, or that prohibit the anchoring, mooring, beaching, or grounding of vessels, to protect and prevent harm to first, second, and third magnitude springs and springs groups, including their associated spring runs, as determined by the commission using the most recent Florida Geological Survey springs bulletin. This harm includes negative impacts to water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent species.

76 Section 3. Paragraph (b) of subsection (1) of section  
 77 327.46, Florida Statutes, is amended to read:

78 327.46 Boating-restricted areas.—

79 (1) Boating-restricted areas, including, but not limited  
 80 to, restrictions of vessel speeds and vessel traffic, may be  
 81 established on the waters of this state for any purpose  
 82 necessary to protect the safety of the public if such  
 83 restrictions are necessary based on boating accidents,  
 84 visibility, hazardous currents or water levels, vessel traffic  
 85 congestion, or other navigational hazards or to protect  
 86 seagrasses on privately owned submerged lands.

87 (b) Municipalities and counties may establish the  
 88 following boating-restricted areas by ordinance, including,  
 89 notwithstanding the prohibition in s. 327.60(2)(c), within the  
 90 portion of the Florida Intracoastal Waterway within their  
 91 jurisdiction:

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

94 a. Within 500 feet of any boat ramp, hoist, marine  
 95 railway, or other launching or landing facility available for  
 96 use by the general boating public on waterways more than 300  
 97 feet in width or within 300 feet of any boat ramp, hoist, marine  
 98 railway, or other launching or landing facility available for  
 99 use by the general boating public on waterways not exceeding 300  
 100 feet in width.

101           b. Within 500 feet of fuel pumps or dispensers at any  
 102 marine fueling facility that sells motor fuel to the general  
 103 boating public on waterways more than 300 feet in width or  
 104 within 300 feet of the fuel pumps or dispensers at any licensed  
 105 terminal facility that sells motor fuel to the general boating  
 106 public on waterways not exceeding 300 feet in width.

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

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

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

111           b. Within 300 feet of any bridge span presenting a  
 112 vertical clearance of less than 25 feet or a horizontal  
 113 clearance of less than 100 feet.

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

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

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

121           3. An ordinance establishing a vessel-exclusion zone if  
 122 the area is:

123           a. Designated as a public bathing beach or swim area,  
 124 except that public bathing beaches or swim areas may not be  
 125 established in whole or in part within the marked channel of the

126 Florida Intracoastal Waterway or within 100 feet of any portion  
 127 of the marked channel.

128 b. Within 300 feet of a dam, spillway, or flood control  
 129 structure.

130  
 131 Vessel exclusion zones created pursuant to this subparagraph  
 132 must be marked with uniform waterway markers permitted by the  
 133 commission in accordance with this chapter. Such zones may not  
 134 be marked by ropes.

135 Section 4. Section 376.15, Florida Statutes, is repealed.

136 Section 5. Subsections (22) and (34) of section 379.101,  
 137 Florida Statutes, are amended to read:

138 379.101 Definitions.—In construing these statutes, where  
 139 the context does not clearly indicate otherwise, the word,  
 140 phrase, or term:

141 (22) "Marine fish" means any saltwater species of finfish  
 142 of the classes Agnatha, Chondrichthyes, and Osteichthyes~~7~~ and  
 143 marine invertebrates of in the classes Gastropoda and~~7~~ Bivalvia,  
 144 the subphylum and Crustacea, or the phylum Echinodermata;  
 145 however, the term but does not include nonliving shells or  
 146 echinoderms.

147 (34) "Saltwater fish" means:

148 (a) Any saltwater species of finfish of the classes  
 149 Agnatha, Chondrichthyes, or Osteichthyes and marine  
 150 invertebrates of the classes Gastropoda and~~7~~ Bivalvia, the

151 subphylum ~~or~~ Crustacea, or ~~of~~ the phylum Echinodermata; however,  
 152 the term ~~but~~ does not include nonliving shells or echinoderms;  
 153 and

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

156 Section 6. Subsection (3) of section 705.101, Florida  
 157 Statutes, is amended to read:

158 705.101 Definitions.—As used in this chapter:

159 (3) "Abandoned property" means all tangible personal  
 160 property that does not have an identifiable owner and that has  
 161 been disposed on public property in a wrecked, inoperative, or  
 162 partially dismantled condition or has no apparent intrinsic  
 163 value to the rightful owner. The term includes derelict vessels  
 164 as defined in s. 823.11 and vessels declared a public nuisance  
 165 pursuant to s. 327.73(1)(aa).

166 Section 7. Paragraph (a) of subsection (2) and subsection  
 167 (4) of section 705.103, Florida Statutes, are amended to read:

168 705.103 Procedure for abandoned or lost property.—

169 (2)(a)1. Whenever a law enforcement officer ascertains  
 170 that:

171 a. An article of lost or abandoned property other than a  
 172 derelict vessel or a vessel declared a public nuisance pursuant  
 173 to s. 327.73(1)(aa) is present on public property and is of such  
 174 nature that it cannot be easily removed, the officer shall cause  
 175 a notice to be placed upon such article in substantially the

176 following form:

177

178 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 179 PROPERTY. This property, to wit: ...(setting forth brief  
 180 description)... is unlawfully upon public property known as  
 181 ...(setting forth brief description of location)... and must be  
 182 removed within 5 days; otherwise, it will be removed and  
 183 disposed of pursuant to chapter 705, Florida Statutes. The owner  
 184 will be liable for the costs of removal, storage, and  
 185 publication of notice. Dated this: ...(setting forth the date of  
 186 posting of notice)..., signed: ...(setting forth name, title,  
 187 address, and telephone number of law enforcement officer)....

188

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

193

194 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 195 VESSEL. This vessel, to wit: ...(setting forth brief  
 196 description)... has been determined to be ...(derelict or a  
 197 public nuisance)... and is unlawfully upon waters of this state  
 198 ...(setting forth brief description of location)... and must be  
 199 removed within 21 days; otherwise, it will be removed and  
 200 disposed of pursuant to chapter 705, Florida Statutes. The owner



201 and other interested parties have the right to a hearing to  
 202 challenge the determination that this vessel is derelict or  
 203 otherwise in violation of the law. Please contact ... (contact  
 204 information for person who can arrange for a hearing in  
 205 accordance with this section).... The owner or the party  
 206 determined to be legally responsible for the vessel being upon  
 207 the waters of this state in a derelict condition or as a public  
 208 nuisance will be liable for the costs of removal, destruction,  
 209 and disposal if this vessel is not removed by the owner. Dated  
 210 this: ... (setting forth the date of posting of notice)....,  
 211 signed: ... (setting forth name, title, address, and telephone  
 212 number of law enforcement officer)....

213  
 214 2. The notices required under subparagraph 1. may not be  
 215 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently  
 216 weatherproof to withstand normal exposure to the elements. In  
 217 addition to posting, the law enforcement officer shall make a  
 218 reasonable effort to ascertain the name and address of the  
 219 owner. If such is reasonably available to the officer, she or he  
 220 shall mail a copy of such notice to the owner on or before the  
 221 date of posting. If the property is a motor vehicle as defined  
 222 in s. 320.01(1) or a vessel as defined in s. 327.02, the law  
 223 enforcement agency shall contact the Department of Highway  
 224 Safety and Motor Vehicles in order to determine the name and  
 225 address of the owner and any person who has filed a lien on the

226 vehicle or vessel as provided in s. 319.27(2) or (3) or s.  
227 328.15(1). On receipt of this information, the law enforcement  
228 agency shall mail a copy of the notice by certified mail, return  
229 receipt requested, to the owner and to the lienholder, if any,  
230 except that a law enforcement officer who has issued a citation  
231 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a  
232 derelict vessel is not required to mail a copy of the notice by  
233 certified mail, return receipt requested, to the owner. For a  
234 derelict vessel or a vessel declared a public nuisance pursuant  
235 to s. 327.73(1)(aa), the mailed notice must inform the owner or  
236 responsible party that he or she has a right to a hearing to  
237 dispute the determination that the vessel is derelict or  
238 otherwise in violation of the law. If a request for a hearing is  
239 made, a state agency shall follow the processes set forth in s.  
240 120.569. Local governmental entities shall follow the processes  
241 set forth in s. 120.569, except that a local judge, magistrate,  
242 or code enforcement officer may be designated to conduct such a  
243 hearing. If, at the end of 5 days after posting the notice in  
244 sub-subparagraph 1.a., or at the end of 21 days after posting  
245 the notice in sub-subparagraph 1.b., and mailing such notice, if  
246 required, the owner or any person interested in the lost or  
247 abandoned article or articles described has not removed the  
248 article or articles from public property or shown reasonable  
249 cause for failure to do so, and, in the case of a derelict  
250 vessel or a vessel declared a public nuisance pursuant to s.

251 327.73(1) (aa), has not requested a hearing in accordance with  
252 this section, the following shall apply:

253 a. For abandoned property other than a derelict vessel or  
254 a vessel declared a public nuisance pursuant to s.  
255 327.73(1) (aa), the law enforcement agency may retain any or all  
256 of the property for its own use or for use by the state or unit  
257 of local government, trade such property to another unit of  
258 local government or state agency, donate the property to a  
259 charitable organization, sell the property, or notify the  
260 appropriate refuse removal service.

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

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

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

270  
271 A law enforcement agency or its designee may also take action as  
272 described in this sub-subparagraph if, following a hearing  
273 pursuant to this section, the judge, magistrate, administrative  
274 law judge, or hearing officer has determined the vessel to be  
275 derelict as provided in s. 823.11 or otherwise in violation of

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

278 (4) The owner of any abandoned or lost property, or in the  
279 case of a derelict vessel or a vessel declared a public nuisance  
280 pursuant to s. 327.73(1)(aa), the owner or other party  
281 determined to be legally responsible for the vessel being upon  
282 the waters of this state in a derelict condition or as a public  
283 nuisance, who, after notice as provided in this section, does  
284 not remove such property within the specified period is ~~shall be~~  
285 liable to the law enforcement agency, other governmental entity,  
286 or the agency's or entity's designee for all costs of removal,  
287 storage, ~~and~~ destruction, and disposal of such property, less  
288 any salvage value obtained by disposal of the property. Upon  
289 final disposition of the property, the law enforcement officer  
290 or representative of the law enforcement agency or other  
291 governmental entity shall notify the owner or in the case of a  
292 derelict vessel or vessel declared a public nuisance pursuant to  
293 s. 327.73(1)(aa), the owner or other party determined to be  
294 legally responsible, if known, of the amount owed. In the case  
295 of an abandoned vessel or motor vehicle, any person who neglects  
296 or refuses to pay such amount is not entitled to be issued a  
297 certificate of registration for such vessel or motor vehicle, or  
298 any other vessel or motor vehicle, until such costs have been  
299 paid. A person who has neglected or refused to pay all costs of  
300 removal, storage, disposal, and destruction of a vessel or motor

301 vehicle as provided in this section, after having been provided  
 302 written notice via certified mail that such costs are owed, and  
 303 who applies for and is issued a registration for a vessel or  
 304 motor vehicle before such costs have been paid in full commits a  
 305 misdemeanor of the first degree, punishable as provided in s.  
 306 775.082 or s. 775.083. The law enforcement officer or  
 307 representative of the law enforcement agency or other  
 308 governmental entity shall supply the Department of Highway  
 309 Safety and Motor Vehicles with a list of persons whose vessel  
 310 registration privileges and motor vehicle privileges have been  
 311 revoked under this subsection. The department or a person acting  
 312 as an agent of the department may not issue a certificate of  
 313 registration to a person whose vessel and motor vehicle  
 314 registration privileges have been revoked, as provided by this  
 315 subsection, until such costs have been paid.

316 Section 8. Effective July 1, 2023, paragraph (a) of  
 317 subsection (2) of section 705.103, Florida Statutes, as amended  
 318 by chapters 2019-76 and 2021-184, Laws of Florida, is amended to  
 319 read:

320 705.103 Procedure for abandoned or lost property.—

321 (2)(a)1. Whenever a law enforcement officer ascertains  
 322 that:

323 a. An article of lost or abandoned property other than a  
 324 derelict vessel or a vessel declared a public nuisance pursuant  
 325 to s. 327.73(1)(aa) is present on public property and is of such

326 nature that it cannot be easily removed, the officer shall cause  
 327 a notice to be placed upon such article in substantially the  
 328 following form:

329  
 330 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 331 PROPERTY. This property, to wit: ...(setting forth brief  
 332 description)... is unlawfully upon public property known as  
 333 ...(setting forth brief description of location)... and must be  
 334 removed within 5 days; otherwise, it will be removed and  
 335 disposed of pursuant to chapter 705, Florida Statutes. The owner  
 336 will be liable for the costs of removal, storage, and  
 337 publication of notice. Dated this: ...(setting forth the date of  
 338 posting of notice)..., signed: ...(setting forth name, title,  
 339 address, and telephone number of law enforcement officer)....

340  
 341 b. A derelict vessel or a vessel declared a public  
 342 nuisance pursuant to s. 327.73(1)(aa) is present on the waters  
 343 of this state, the officer shall cause a notice to be placed  
 344 upon such vessel in substantially the following form:

345  
 346 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 347 VESSEL. This vessel, to wit: ...(setting forth brief description  
 348 of location)... has been determined to be ...(derelict or a  
 349 public nuisance)... and is unlawfully upon the waters of this  
 350 state ...(setting forth brief description of location)... and

351 must be removed within 21 days; otherwise, it will be removed  
352 and disposed of pursuant to chapter 705, Florida Statutes. The  
353 owner and other interested parties have the right to a hearing  
354 to challenge the determination that this vessel is derelict or  
355 otherwise in violation of the law. Please contact ...(contact  
356 information for person who can arrange for a hearing in  
357 accordance with this section)... The owner or the party  
358 determined to be legally responsible for the vessel being upon  
359 the waters of this state in a derelict condition or as a public  
360 nuisance will be liable for the costs of removal, destruction,  
361 and disposal if this vessel is not removed by the owner. Dated  
362 this: ...(setting forth the date of posting of notice)...,  
363 signed: ...(setting forth name, title, address, and telephone  
364 number of law enforcement officer)....

365  
366 2. The notices required under subparagraph 1. may not be  
367 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently  
368 weatherproof to withstand normal exposure to the elements. In  
369 addition to posting, the law enforcement officer shall make a  
370 reasonable effort to ascertain the name and address of the  
371 owner. If such is reasonably available to the officer, she or he  
372 shall mail a copy of such notice to the owner on or before the  
373 date of posting. If the property is a motor vehicle as defined  
374 in s. 320.01(1) or a vessel as defined in s. 327.02, the law  
375 enforcement agency shall contact the Department of Highway

376 Safety and Motor Vehicles in order to determine the name and  
377 address of the owner and any person who has filed a lien on the  
378 vehicle or vessel as provided in s. 319.27(2) or (3) or s.  
379 328.15. On receipt of this information, the law enforcement  
380 agency shall mail a copy of the notice by certified mail, return  
381 receipt requested, to the owner and to the lienholder, if any,  
382 except that a law enforcement officer who has issued a citation  
383 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a  
384 derelict vessel is not required to mail a copy of the notice by  
385 certified mail, return receipt requested, to the owner. For a  
386 derelict vessel or a vessel declared a public nuisance pursuant  
387 to s. 327.73(1)(aa), the mailed notice must inform the owner or  
388 responsible party that he or she has a right to a hearing to  
389 dispute the determination that the vessel is derelict or  
390 otherwise in violation of the law. If a request for a hearing is  
391 made, a state agency shall follow the processes as set forth in  
392 s. 120.569. Local governmental entities shall follow the  
393 processes set forth in s. 120.569, except that a local judge,  
394 magistrate, or code enforcement officer may be designated to  
395 conduct such a hearing. If, at the end of 5 days after posting  
396 the notice in sub-subparagraph 1.a., or at the end of 21 days  
397 after posting the notice in sub-subparagraph 1.b., and mailing  
398 such notice, if required, the owner or any person interested in  
399 the lost or abandoned article or articles described has not  
400 removed the article or articles from public property or shown



401 reasonable cause for failure to do so, and, in the case of a  
 402 derelict vessel or a vessel declared a public nuisance pursuant  
 403 to s. 327.73(1)(aa), has not requested a hearing in accordance  
 404 with this section, the following shall apply:

405       a. For abandoned property other than a derelict vessel or  
 406 a vessel declared a public nuisance pursuant to s.  
 407 327.73(1)(aa), the law enforcement agency may retain any or all  
 408 of the property for its own use or for use by the state or unit  
 409 of local government, trade such property to another unit of  
 410 local government or state agency, donate the property to a  
 411 charitable organization, sell the property, or notify the  
 412 appropriate refuse removal service.

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

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

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

422

423 A law enforcement agency or its designee may also take action as  
 424 described in this sub-subparagraph if, following a hearing  
 425 pursuant to this section, the judge, magistrate, administrative

426 law judge, or hearing officer has determined the vessel to be  
 427 derelict as provided in s. 823.11 or otherwise in violation of  
 428 the law in accordance with s. 327.73(1)(aa) and a final order  
 429 has been entered or the case is otherwise closed.

430 Section 9. Present subsections (4), (5), and (6) of  
 431 section 823.11, Florida Statutes, are redesignated as  
 432 subsections (5), (6), and (7), respectively, a new subsection  
 433 (4) is added to that section, and subsection (1), paragraph (c)  
 434 of subsection (2), subsection (3), and present subsections (5)  
 435 and (6) of that section are amended, to read:

436 823.11 Derelict vessels; relocation or removal; penalty.-

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

438 (a) "Commission" means the Fish and Wildlife Conservation  
 439 Commission.

440 (b) "Derelict vessel" means a vessel, as defined in s.  
 441 327.02, that is:

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

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

448 b. A vessel is junked if it has been substantially  
 449 stripped of vessel components, if vessel components have  
 450 substantially degraded or been destroyed, or if the vessel has

451 | been discarded by the owner or operator. Attaching an outboard  
452 | motor to a vessel that is otherwise junked will not cause the  
453 | vessel to no longer be junked if such motor is not an effective  
454 | means of propulsion as required by s. 327.4107(2)(e) and  
455 | associated rules.

456 |       c. A vessel is substantially dismantled if at least two of  
457 | the three following vessel systems or components are missing,  
458 | compromised, incomplete, inoperable, or broken:

- 459 |       (I) The steering system;  
460 |       (II) The propulsion system; or  
461 |       (III) The exterior hull integrity.

462 |  
463 | Attaching an outboard motor to a vessel that is otherwise  
464 | substantially dismantled will not cause the vessel to no longer  
465 | be substantially dismantled if such motor is not an effective  
466 | means of propulsion as required by s. 327.4107(2)(e) and  
467 | associated rules.

468 |       2. At a port in this state without the consent of the  
469 | agency having jurisdiction thereof.

470 |       3. Docked, grounded, or beached upon the property of  
471 | another without the consent of the owner of the property.

472 |       (c) "Gross negligence" means conduct so reckless or  
473 | wanting in care that it constitutes a conscious disregard or  
474 | indifference to the safety of the property exposed to such  
475 | conduct.

476 (d) "Willful misconduct" means conduct evidencing  
 477 carelessness or negligence of such a degree or recurrence as to  
 478 manifest culpability, wrongful intent, or evil design or to show  
 479 an intentional and substantial disregard of the interests of the  
 480 vessel owner.

481 (2)

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

488 (3) The commission, an officer of the commission, or a law  
 489 enforcement agency or officer specified in s. 327.70 may  
 490 relocate, remove, and store, ~~destroy, or dispose of~~ or cause to  
 491 be relocated, removed, and stored, ~~destroyed, or disposed of~~ a  
 492 derelict vessel from waters of this state as defined in s.  
 493 327.02 if the derelict vessel obstructs or threatens to obstruct  
 494 navigation or in any way constitutes a danger to the  
 495 environment, property, or persons. The commission, an officer of  
 496 the commission, or any other law enforcement agency or officer  
 497 acting pursuant to this subsection to relocate, remove, and  
 498 store, ~~destroy, dispose of~~ or cause to be relocated, removed,  
 499 and stored, ~~destroyed, or disposed of~~ a derelict vessel from  
 500 waters of this state shall be held harmless for all damages to

501 the derelict vessel resulting from such action unless the damage  
502 results from gross negligence or willful misconduct.

503 ~~(a) Removal of derelict vessels under this subsection may~~  
504 ~~be funded by grants provided in ss. 206.606 and 376.15. The~~  
505 ~~commission shall implement a plan for the procurement of any~~  
506 ~~available federal disaster funds and use such funds for the~~  
507 ~~removal of derelict vessels.~~

508 ~~(b)~~ All costs, including costs owed to a third party,  
509 incurred by the commission, another law enforcement agency, or a  
510 governmental subdivision, when the governmental subdivision has  
511 received authorization from a law enforcement officer or agency,  
512 in the relocation, removal, storage, destruction, or disposal of  
513 a derelict vessel are recoverable against the vessel owner or  
514 the party determined to be legally responsible for the vessel  
515 being upon the waters of this state in a derelict condition. The  
516 Department of Legal Affairs shall represent the commission in  
517 actions to recover such costs. As provided in s. 705.103(4), a  
518 person who neglects or refuses to pay such costs may not be  
519 issued a certificate of registration for such vessel or for any  
520 other vessel or motor vehicle until such costs have been paid. A  
521 person who has neglected or refused to pay all costs of removal,  
522 storage, destruction, or disposal of a derelict vessel as  
523 provided in this section, after having been provided written  
524 notice via certified mail that such costs are owed, and who  
525 applies for and is issued a registration for a vessel or motor

526 | vehicle before such costs have been paid in full commits a  
527 | misdemeanor of the first degree, punishable as provided in s.  
528 | 775.082 or s. 775.083.

529 |       ~~(b)(e)~~ A contractor performing such activities at the  
530 | direction of the commission, an officer of the commission, a law  
531 | enforcement agency or officer, or a governmental subdivision,  
532 | when the governmental subdivision has received authorization for  
533 | the relocation or removal from a law enforcement officer or  
534 | agency, pursuant to this section must be licensed in accordance  
535 | with applicable United States Coast Guard regulations where  
536 | required; obtain and carry in full force and effect a policy  
537 | from a licensed insurance carrier in this state to insure  
538 | against any accident, loss, injury, property damage, or other  
539 | casualty caused by or resulting from the contractor's actions;  
540 | and be properly equipped to perform the services to be provided.

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

543 |       (b) The commission may implement a plan for the  
544 | procurement of any available federal disaster funds and use such  
545 | funds for the removal of derelict vessels.

546 |       (c) The commission may establish a program to provide  
547 | grants to local governments for the removal, storage,  
548 | destruction, and disposal of derelict vessels from the waters of  
549 | this state. This grant funding may also be used for the removal,  
550 | storage, destruction, and disposal of vessels declared a public

551 nuisance pursuant to s. 327.73(1) (aa). The program must be  
552 funded from the Marine Resources Conservation Trust Fund or the  
553 Florida Coastal Protection Trust Fund. Notwithstanding s.  
554 216.181(11), funds available for these grants may only be  
555 authorized by appropriations acts of the Legislature. In a given  
556 fiscal year, if all funds appropriated pursuant to this  
557 paragraph are not requested by and granted to local governments  
558 for the removal, storage, destruction, and disposal of derelict  
559 vessels or vessels declared a public nuisance pursuant to s.  
560 327.73(1) (aa) by the end of the third quarter, the Fish and  
561 Wildlife Conservation Commission may use the remainder of the  
562 funds to remove, store, destroy, and dispose of, or to pay  
563 private contractors to remove, store, destroy, and dispose of,  
564 derelict vessels or vessels declared a public nuisance pursuant  
565 to s. 327.73(1) (aa). The commission shall adopt by rule  
566 procedures for local governments to submit a grant application  
567 and criteria for allocating available funds. Such criteria must  
568 include, at a minimum, the following:

- 569 1. The number of derelict vessels within the jurisdiction  
570 of the applicant.
- 571 2. The threat posed by such vessels to public health or  
572 safety, the environment, navigation, or the aesthetic condition  
573 of the general vicinity.
- 574 3. The degree of commitment of the local government to  
575 maintain waters free of abandoned and derelict vessels and to

576 seek legal action against those who abandon vessels in the  
 577 waters of this state as defined in s. 327.02.

578 (6)~~(5)~~ A person, firm, or corporation violating this  
 579 section commits a misdemeanor of the first degree and shall be  
 580 punished as provided by law. A conviction under this section  
 581 does not bar the assessment and collection of a ~~the~~ civil  
 582 penalty ~~provided in s. 376.16 for violation of s. 376.15~~. The  
 583 court having jurisdiction over the criminal offense,  
 584 notwithstanding any jurisdictional limitations on the amount in  
 585 controversy, may order the imposition of such civil penalty in  
 586 addition to any sentence imposed for the first criminal offense.

587 (7)~~(6)~~ If an owner or a responsible party of a vessel  
 588 determined to be derelict through an administrative or criminal  
 589 proceeding has been charged by an officer of the commission or  
 590 any law enforcement agency or officer as specified in s. 327.70  
 591 under subsection (5) for a violation of subsection (2) ~~or a~~  
 592 ~~violation of s. 376.15(2)~~, a person may not reside or dwell on  
 593 such vessel until the vessel is removed from the waters of the  
 594 state permanently or returned to the waters of the state in a  
 595 condition that is no longer derelict.

596 Section 10. Paragraph (p) of subsection (4) of section  
 597 934.50, Florida Statutes, is amended to read:

598 934.50 Searches and seizure using a drone.—

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



601           (p) By an ~~a non-law enforcement~~ employee of the Fish and  
602 Wildlife Conservation Commission or of the Florida Forest  
603 Service for the purposes of managing and eradicating invasive  
604 exotic plants or animals on public lands and suppressing and  
605 mitigating wildfire threats.

606           Section 11. Section 11. Section 327.04, Florida Statutes,  
607 is amended to read:

608           327.04 Rules.—The commission may adopt rules pursuant to  
609 ss. 120.536(1) and 120.54 to implement this chapter, the  
610 provisions of chapter 705 relating to vessels, and s. ~~ss. 376.15~~  
611 ~~and~~ 823.11 conferring powers or duties upon it.

612           Section 12. Subsection (4) of section 328.09, Florida  
613 Statutes, is amended to read:

614           328.09 Refusal to issue and authority to cancel a  
615 certificate of title or registration.—

616           (4) The department may not issue a certificate of title to  
617 an applicant for a vessel that has been deemed derelict by a law  
618 enforcement officer under ~~s. 376.15~~ or s. 823.11. A law  
619 enforcement officer must inform the department in writing, which  
620 may be provided by facsimile, electronic mail, or other  
621 electronic means, of the vessel's derelict status and supply the  
622 department with the vessel title number or vessel identification  
623 number. The department may issue a certificate of title once a  
624 law enforcement officer has verified in writing, which may be  
625 provided by facsimile, electronic mail, or other electronic

626 means, that the vessel is no longer a derelict vessel.

627 Section 13. Section 25 of chapter 2021-184, Laws of  
 628 Florida, is repealed.

629 Section 14. Paragraph (c) of subsection (15) of section  
 630 328.72, Florida Statutes, is amended to read:

631 328.72 Classification; registration; fees and charges;  
 632 surcharge; disposition of fees; fines; marine turtle stickers.-

633 (15) DISTRIBUTION OF FEES.-Except as provided in this  
 634 subsection, moneys designated for the use of the counties, as  
 635 specified in subsection (1), shall be distributed by the tax  
 636 collector to the board of county commissioners for use only as  
 637 provided in this section. Such moneys to be returned to the  
 638 counties are for the sole purposes of providing, maintaining, or  
 639 operating recreational channel marking and other uniform  
 640 waterway markers, public boat ramps, lifts, and hoists, marine  
 641 railways, boat piers, docks, mooring buoys, and other public  
 642 launching facilities; and removing derelict vessels, debris that  
 643 specifically impedes boat access, not including the dredging of  
 644 channels, and vessels and floating structures deemed a hazard to  
 645 public safety and health for failure to comply with s. 327.53.  
 646 Counties shall demonstrate through an annual detailed accounting  
 647 report of vessel registration revenues that the registration  
 648 fees were spent as provided in this subsection. This report  
 649 shall be provided to the Fish and Wildlife Conservation  
 650 Commission no later than November 1 of each year. If, before

651 January 1 of each calendar year, the accounting report meeting  
 652 the prescribed criteria has still not been provided to the  
 653 commission, the tax collector of that county may not distribute  
 654 the moneys designated for the use of counties, as specified in  
 655 subsection (1), to the board of county commissioners but shall,  
 656 for the next calendar year, remit such moneys to the state for  
 657 deposit into the Marine Resources Conservation Trust Fund. The  
 658 commission shall return those moneys to the county if the county  
 659 fully complies with this section within that calendar year. If  
 660 the county does not fully comply with this section within that  
 661 calendar year, the moneys shall remain within the Marine  
 662 Resources Trust Fund and may be appropriated for the purposes  
 663 specified in this subsection.

664 (c) From the vessel registration fees designated for use  
 665 by the counties in subsection (1), the following amounts shall  
 666 be remitted to the state for deposit into the Marine Resources  
 667 Conservation Trust Fund to fund derelict vessel removal grants,  
 668 as appropriated by the Legislature pursuant to s. 823.11(4)(c)  
 669 ~~s. 376.15~~:

- 670 1. Class A-2: \$0.25 for each 12-month period registered.
- 671 2. Class 1: \$2.06 for each 12-month period registered.
- 672 3. Class 2: \$9.26 for each 12-month period registered.
- 673 4. Class 3: \$16.45 for each 12-month period registered.
- 674 5. Class 4: \$20.06 for each 12-month period registered.
- 675 6. Class 5: \$25.46 for each 12-month period registered.

676 Section 15. Paragraph (h) of subsection (6) of section  
 677 376.11, Florida Statutes, is amended to read:

678 376.11 Florida Coastal Protection Trust Fund.—

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

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

684 Section 16. For the purpose of incorporating the amendment  
 685 made by this act to section 379.101, Florida Statutes, in a  
 686 reference thereto, subsection (4) of section 125.01, Florida  
 687 Statutes, is reenacted to read:

688 125.01 Powers and duties.—

689 (4) The legislative and governing body of a county shall  
 690 not have the power to regulate the taking or possession of  
 691 saltwater fish, as defined in s. 379.101, with respect to the  
 692 method of taking, size, number, season, or species. However,  
 693 this subsection does not prohibit a county from prohibiting, for  
 694 reasons of protecting the public health, safety, or welfare,  
 695 saltwater fishing from real property owned by that county, nor  
 696 does it prohibit the imposition of excise taxes by county  
 697 ordinance.

698 Section 17. For the purpose of incorporating the amendment  
 699 made by this act to section 379.101, Florida Statutes, in a  
 700 reference thereto, section 379.2412, Florida Statutes, is

HB 323

2022

701 reenacted to read:

702       379.2412 State preemption of power to regulate.—The power  
703 to regulate the taking or possession of saltwater fish, as  
704 defined in s. 379.101, is expressly reserved to the state. This  
705 section does not prohibit a local government from prohibiting,  
706 for reasons of protecting the public health, safety, or welfare,  
707 saltwater fishing from real property owned by that local  
708 government.

709       Section 18. Except as otherwise expressly provided in this  
710 act, this act shall take effect July 1, 2022.