

26 705.101, F.S.; revising the definition of the term
27 "abandoned property" to include vessels declared to be
28 a public nuisance; amending s. 705.103, F.S.;
29 clarifying the notice requirements and procedures for
30 vessels declared to be public nuisances; amending s.
31 823.11, F.S.; making technical changes; authorizing
32 the commission to establish a program to provide
33 grants to local governments for certain actions
34 regarding derelict vessels and those declared to be a
35 public nuisance; specifying sources for the funds to
36 be used, subject to an appropriation; authorizing the
37 commission to use funds not awarded as grants for
38 certain purposes; requiring the commission to adopt
39 rules for the grant applications and the criteria for
40 allocating the funds; amending s. 934.50, F.S.;
41 providing that all employees of the commission or the
42 Florida Forest Service may operate drones for
43 specified purposes; amending ss. 327.04, 327.352,
44 328.09, 328.72, and 376.11, F.S.; conforming
45 provisions to changes made by the act; repealing s.
46 25, chapter 2021-184, Laws of Florida, relating to
47 derelict vessels; reenacting ss. 125.01(4) and
48 379.2412, F.S., relating to powers and duties of
49 legislative and governing bodies of counties and state
50 preemption of the regulating of taking or possessing

51 saltwater fish, respectively, to incorporate the
 52 amendment made to s. 379.101(34), F.S., in a reference
 53 thereto; providing effective dates.

54
 55 Be It Enacted by the Legislature of the State of Florida:

56
 57 Section 1. Subsection (2) of section 327.35215, Florida
 58 Statutes, is amended to read:

59 327.35215 Penalty for failure to submit to test.—

60 (2) When a person refuses to submit to a blood test,
 61 breath test, or urine test pursuant to s. 327.352, a law
 62 enforcement officer who is authorized to make arrests for
 63 violations of this chapter shall file with the clerk of the
 64 court, on a form provided by the commission ~~department~~, a
 65 certified statement that probable cause existed to arrest the
 66 person for a violation of s. 327.35 and that the person refused
 67 to submit to a test as required by s. 327.352. Along with the
 68 statement, the officer must also submit a sworn statement on a
 69 form provided by the commission ~~department~~ that the person has
 70 been advised of both the penalties for failure to submit to the
 71 blood, breath, or urine test and the procedure for requesting a
 72 hearing.

73 Section 2. Present paragraph (c) of subsection (1) of
 74 section 327.371, Florida Statutes, is redesignated as paragraph
 75 (d), and a new paragraph (c) is added to that subsection, to

76 read:

77 327.371 Human-powered vessels regulated.—

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

81 (c) When participating in interscholastic,
82 intercollegiate, intramural, or club athletic teams or sports
83 that are affiliated with an educational institution identified
84 in s. 1000.21, s. 1002.01(2), s. 1003.01(2), s. 1005.02(4), or
85 s. 1005.03(1)(d).

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

88 327.4107 Vessels at risk of becoming derelict on waters of
89 this state.—

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

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

96 Section 4. Paragraph (b) of subsection (1) of section
97 327.46, Florida Statutes, is amended to read:

98 327.46 Boating-restricted areas.—

99 (1) Boating-restricted areas, including, but not limited
100 to, restrictions of vessel speeds and vessel traffic, may be

101 established on the waters of this state for any purpose
 102 necessary to protect the safety of the public if such
 103 restrictions are necessary based on boating accidents,
 104 visibility, hazardous currents or water levels, vessel traffic
 105 congestion, or other navigational hazards or to protect
 106 seagrasses on privately owned submerged lands.

107 (b) Municipalities and counties may establish the
 108 following boating-restricted areas by ordinance, including,
 109 notwithstanding the prohibition in s. 327.60(2)(c), within the
 110 portion of the Florida Intracoastal Waterway within their
 111 jurisdiction:

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

114 a. Within 500 feet of any boat ramp, hoist, marine
 115 railway, or other launching or landing facility available for
 116 use by the general boating public on waterways more than 300
 117 feet in width or within 300 feet of any boat ramp, hoist, marine
 118 railway, or other launching or landing facility available for
 119 use by the general boating public on waterways not exceeding 300
 120 feet in width.

121 b. Within 500 feet of fuel pumps or dispensers at any
 122 marine fueling facility that sells motor fuel to the general
 123 boating public on waterways more than 300 feet in width or
 124 within 300 feet of the fuel pumps or dispensers at any licensed
 125 terminal facility that sells motor fuel to the general boating

126 public on waterways not exceeding 300 feet in width.

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

128 2. An ordinance establishing a slow speed, minimum wake

129 boating-restricted area if the area is:

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

131 b. Within 300 feet of any bridge span presenting a

132 vertical clearance of less than 25 feet or a horizontal

133 clearance of less than 100 feet.

134 c. On a creek, stream, canal, or similar linear waterway

135 if the waterway is less than 75 feet in width from shoreline to

136 shoreline.

137 d. On a lake or pond of less than 10 acres in total

138 surface area.

139 e. Within the boundaries of a permitted public mooring

140 field and a buffer around the mooring field of up to 100 feet.

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

142 the area is:

143 a. Designated as a public bathing beach or swim area,
 144 except that public bathing beach or swim areas may not be
 145 established in whole or in part within the marked channel of the
 146 Florida Intracoastal Waterway or within 100 feet of any portion
 147 of the marked channel.

148 b. Within 300 feet of a dam, spillway, or flood control

149 structure.

150

151 Vessel exclusion zones created pursuant to this subparagraph
 152 must be marked with uniform waterway markers permitted by the
 153 commission in accordance with this chapter. Such zones may not
 154 be marked by ropes.

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

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

158 379.101 Definitions.—In construing these statutes, where
 159 the context does not clearly indicate otherwise, the word,
 160 phrase, or term:

161 (22) "Marine fish" means any saltwater species of finfish
 162 of the classes Agnatha, Chondrichthyes, and Osteichthyes, ~~and~~
 163 marine invertebrates of ~~in~~ the classes Gastropoda and, ~~and~~ Bivalvia,
 164 the subphylum ~~and~~ Crustacea, or the phylum Echinodermata;
 165 however, the term ~~but~~ does not include nonliving shells or
 166 echinoderms.

167 (34) "Saltwater fish" means:

168 (a) Any saltwater species of finfish of the classes
 169 Agnatha, Chondrichthyes, or Osteichthyes and marine
 170 invertebrates of the classes Gastropoda and, ~~and~~ Bivalvia, the
 171 subphylum ~~or~~ Crustacea, or ~~of~~ the phylum Echinodermata; however,
 172 the term ~~but~~ does not include nonliving shells or echinoderms;
 173 and

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

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

178 705.101 Definitions.—As used in this chapter:

179 (3) "Abandoned property" means all tangible personal
 180 property that does not have an identifiable owner and that has
 181 been disposed on public property in a wrecked, inoperative, or
 182 partially dismantled condition or has no apparent intrinsic
 183 value to the rightful owner. The term includes derelict vessels
 184 as defined in s. 823.11 and vessels declared a public nuisance
 185 pursuant to s. 327.73(1)(aa).

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

188 705.103 Procedure for abandoned or lost property.—

189 (2)(a)1. Whenever a law enforcement officer ascertains
 190 that:

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

197
 198 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 199 PROPERTY. This property, to wit: ...(setting forth brief
 200 description)... is unlawfully upon public property known as

201 ... (setting forth brief description of location) ... and must be
 202 removed within 5 days; otherwise, it will be removed and
 203 disposed of pursuant to chapter 705, Florida Statutes. The owner
 204 will be liable for the costs of removal, storage, and
 205 publication of notice. Dated this: ... (setting forth the date of
 206 posting of notice) ..., signed: ... (setting forth name, title,
 207 address, and telephone number of law enforcement officer)
 208

209 b. A derelict vessel or a vessel declared a public
 210 nuisance pursuant to s. 327.73(1)(aa) is present on the waters
 211 of this state, the officer shall cause a notice to be placed
 212 upon such vessel in substantially the following form:
 213

214 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 215 VESSEL. This vessel, to wit: ... (setting forth brief
 216 description) ... has been determined to be ... (derelict or a
 217 public nuisance) ... and is unlawfully upon waters of this state
 218 ... (setting forth brief description of location) ... and must be
 219 removed within 21 days; otherwise, it will be removed and
 220 disposed of pursuant to chapter 705, Florida Statutes. The owner
 221 and other interested parties have the right to a hearing to
 222 challenge the determination that this vessel is derelict or
 223 otherwise in violation of the law. Please contact ... (contact
 224 information for person who can arrange for a hearing in
 225 accordance with this section) The owner or the party

226 | determined to be legally responsible for the vessel being upon
 227 | the waters of this state in a derelict condition or as a public
 228 | nuisance will be liable for the costs of removal, destruction,
 229 | and disposal if this vessel is not removed by the owner. Dated
 230 | this: ...(setting forth the date of posting of notice)...,
 231 | signed: ...(setting forth name, title, address, and telephone
 232 | number of law enforcement officer)....

233 |
 234 | 2. The notices required under subparagraph 1. may not be
 235 | less than 8 inches by 10 inches and must ~~shall~~ be sufficiently
 236 | weatherproof to withstand normal exposure to the elements. In
 237 | addition to posting, the law enforcement officer shall make a
 238 | reasonable effort to ascertain the name and address of the
 239 | owner. If such is reasonably available to the officer, she or he
 240 | shall mail a copy of such notice to the owner on or before the
 241 | date of posting. If the property is a motor vehicle as defined
 242 | in s. 320.01(1) or a vessel as defined in s. 327.02, the law
 243 | enforcement agency shall contact the Department of Highway
 244 | Safety and Motor Vehicles in order to determine the name and
 245 | address of the owner and any person who has filed a lien on the
 246 | vehicle or vessel as provided in s. 319.27(2) or (3) or s.
 247 | 328.15(1). On receipt of this information, the law enforcement
 248 | agency shall mail a copy of the notice by certified mail, return
 249 | receipt requested, to the owner and to the lienholder, if any,
 250 | except that a law enforcement officer who has issued a citation

251 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a
252 derelict vessel is not required to mail a copy of the notice by
253 certified mail, return receipt requested, to the owner. For a
254 derelict vessel or a vessel declared a public nuisance pursuant
255 to s. 327.73(1)(aa), the mailed notice must inform the owner or
256 responsible party that he or she has a right to a hearing to
257 dispute the determination that the vessel is derelict or
258 otherwise in violation of the law. If a request for a hearing is
259 made, a state agency shall follow the processes set forth in s.
260 120.569. Local governmental entities shall follow the processes
261 set forth in s. 120.569, except that a local judge, magistrate,
262 or code enforcement officer may be designated to conduct such a
263 hearing. If, at the end of 5 days after posting the notice in
264 sub-subparagraph 1.a., or at the end of 21 days after posting
265 the notice in sub-subparagraph 1.b., and mailing such notice, if
266 required, the owner or any person interested in the lost or
267 abandoned article or articles described has not removed the
268 article or articles from public property or shown reasonable
269 cause for failure to do so, and, in the case of a derelict
270 vessel or a vessel declared a public nuisance pursuant to s.
271 327.73(1)(aa), has not requested a hearing in accordance with
272 this section, the following shall apply:

273 a. For abandoned property other than a derelict vessel or
274 a vessel declared a public nuisance pursuant to s.
275 327.73(1)(aa), the law enforcement agency may retain any or all

276 of the property for its own use or for use by the state or unit
 277 of local government, trade such property to another unit of
 278 local government or state agency, donate the property to a
 279 charitable organization, sell the property, or notify the
 280 appropriate refuse removal service.

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

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

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

290
 291 A law enforcement agency or its designee may also take action as
 292 described in this sub-subparagraph if, following a hearing
 293 pursuant to this section, the judge, magistrate, administrative
 294 law judge, or hearing officer has determined the vessel to be
 295 derelict as provided in s. 823.11 or otherwise in violation of
 296 the law in accordance with s. 327.73(1)(aa) and a final order
 297 has been entered or the case is otherwise closed.

298 (4) The owner of any abandoned or lost property, or in the
 299 case of a derelict vessel or a vessel declared a public nuisance
 300 pursuant to s. 327.73(1)(aa), the owner or other party

301 determined to be legally responsible for the vessel being upon
302 the waters of this state in a derelict condition or as a public
303 nuisance, who, after notice as provided in this section, does
304 not remove such property within the specified period is ~~shall be~~
305 liable to the law enforcement agency, other governmental entity,
306 or the agency's or entity's designee for all costs of removal,
307 storage, ~~and~~ destruction, and disposal of such property, less
308 any salvage value obtained by disposal of the property. Upon
309 final disposition of the property, the law enforcement officer
310 or representative of the law enforcement agency or other
311 governmental entity shall notify the owner or in the case of a
312 derelict vessel or vessel declared a public nuisance pursuant to
313 s. 327.73(1)(aa), the owner or other party determined to be
314 legally responsible, if known, of the amount owed. In the case
315 of an abandoned vessel or motor vehicle, any person who neglects
316 or refuses to pay such amount is not entitled to be issued a
317 certificate of registration for such vessel or motor vehicle, or
318 any other vessel or motor vehicle, until such costs have been
319 paid. A person who has neglected or refused to pay all costs of
320 removal, storage, disposal, and destruction of a vessel or motor
321 vehicle as provided in this section, after having been provided
322 written notice via certified mail that such costs are owed, and
323 who applies for and is issued a registration for a vessel or
324 motor vehicle before such costs have been paid in full commits a
325 misdemeanor of the first degree, punishable as provided in s.

326 775.082 or s. 775.083. The law enforcement officer or
 327 representative of the law enforcement agency or other
 328 governmental entity shall supply the Department of Highway
 329 Safety and Motor Vehicles with a list of persons whose vessel
 330 registration privileges and motor vehicle privileges have been
 331 revoked under this subsection. The department or a person acting
 332 as an agent of the department may not issue a certificate of
 333 registration to a person whose vessel and motor vehicle
 334 registration privileges have been revoked, as provided by this
 335 subsection, until such costs have been paid.

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

340 705.103 Procedure for abandoned or lost property.—

341 (2)(a)1. Whenever a law enforcement officer ascertains
 342 that:

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

349
 350 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED

351 PROPERTY. This property, to wit: ...(setting forth brief
 352 description)... is unlawfully upon public property known as
 353 ...(setting forth brief description of location)... and must be
 354 removed within 5 days; otherwise, it will be removed and
 355 disposed of pursuant to chapter 705, Florida Statutes. The owner
 356 will be liable for the costs of removal, storage, and
 357 publication of notice. Dated this: ...(setting forth the date of
 358 posting of notice)..., signed: ...(setting forth name, title,
 359 address, and telephone number of law enforcement officer)....
 360

361 b. A derelict vessel or a vessel declared a public
 362 nuisance pursuant to s. 327.73(1)(aa) is present on the waters
 363 of this state, the officer shall cause a notice to be placed
 364 upon such vessel in substantially the following form:
 365

366 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 367 VESSEL. This vessel, to wit: ...(setting forth brief description
 368 of location)... has been determined to be ...(derelict or a
 369 public nuisance)... and is unlawfully upon the waters of this
 370 state ...(setting forth brief description of location)... and
 371 must be removed within 21 days; otherwise, it will be removed
 372 and disposed of pursuant to chapter 705, Florida Statutes. The
 373 owner and other interested parties have the right to a hearing
 374 to challenge the determination that this vessel is derelict or
 375 otherwise in violation of the law. Please contact ...(contact

376 information for person who can arrange for a hearing in
 377 accordance with this section)... The owner or the party
 378 determined to be legally responsible for the vessel being upon
 379 the waters of this state in a derelict condition or as a public
 380 nuisance will be liable for the costs of removal, destruction,
 381 and disposal if this vessel is not removed by the owner. Dated
 382 this: ...(setting forth the date of posting of notice)...,
 383 signed: ...(setting forth name, title, address, and telephone
 384 number of law enforcement officer)....

385
 386 2. The notices required under subparagraph 1. may not be
 387 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently
 388 weatherproof to withstand normal exposure to the elements. In
 389 addition to posting, the law enforcement officer shall make a
 390 reasonable effort to ascertain the name and address of the
 391 owner. If such is reasonably available to the officer, she or he
 392 shall mail a copy of such notice to the owner on or before the
 393 date of posting. If the property is a motor vehicle as defined
 394 in s. 320.01(1) or a vessel as defined in s. 327.02, the law
 395 enforcement agency shall contact the Department of Highway
 396 Safety and Motor Vehicles in order to determine the name and
 397 address of the owner and any person who has filed a lien on the
 398 vehicle or vessel as provided in s. 319.27(2) or (3) or s.
 399 328.15. On receipt of this information, the law enforcement
 400 agency shall mail a copy of the notice by certified mail, return

401 receipt requested, to the owner and to the lienholder, if any,
402 except that a law enforcement officer who has issued a citation
403 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a
404 derelict vessel is not required to mail a copy of the notice by
405 certified mail, return receipt requested, to the owner. For a
406 derelict vessel or a vessel declared a public nuisance pursuant
407 to s. 327.73(1)(aa), the mailed notice must inform the owner or
408 responsible party that he or she has a right to a hearing to
409 dispute the determination that the vessel is derelict or
410 otherwise in violation of the law. If a request for a hearing is
411 made, a state agency shall follow the processes as set forth in
412 s. 120.569. Local governmental entities shall follow the
413 processes set forth in s. 120.569, except that a local judge,
414 magistrate, or code enforcement officer may be designated to
415 conduct such a hearing. If, at the end of 5 days after posting
416 the notice in sub-subparagraph 1.a., or at the end of 21 days
417 after posting the notice in sub-subparagraph 1.b., and mailing
418 such notice, if required, the owner or any person interested in
419 the lost or abandoned article or articles described has not
420 removed the article or articles from public property or shown
421 reasonable cause for failure to do so, and, in the case of a
422 derelict vessel or a vessel declared a public nuisance pursuant
423 to s. 327.73(1)(aa), has not requested a hearing in accordance
424 with this section, the following shall apply:
425 a. For abandoned property other than a derelict vessel or

426 a vessel declared a public nuisance pursuant to s.
427 327.73(1)(aa), the law enforcement agency may retain any or all
428 of the property for its own use or for use by the state or unit
429 of local government, trade such property to another unit of
430 local government or state agency, donate the property to a
431 charitable organization, sell the property, or notify the
432 appropriate refuse removal service.

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

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

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

442
443 A law enforcement agency or its designee may also take action as
444 described in this sub-subparagraph if, following a hearing
445 pursuant to this section, the judge, magistrate, administrative
446 law judge, or hearing officer has determined the vessel to be
447 derelict as provided in s. 823.11 or otherwise in violation of
448 the law in accordance with s. 327.73(1)(aa) and a final order
449 has been entered or the case is otherwise closed.

450 Section 10. Present subsections (4), (5), and (6) of

451 section 823.11, Florida Statutes, are redesignated as
452 subsections (5), (6), and (7), respectively, a new subsection
453 (4) is added to that section, and subsection (1), paragraph (c)
454 of subsection (2), subsection (3), and present subsections (5)
455 and (6) of that section are amended, to read:

456 823.11 Derelict vessels; relocation or removal; penalty.—

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

458 (a) "Commission" means the Fish and Wildlife Conservation
459 Commission.

460 (b) "Derelict vessel" means a vessel, as defined in s.
461 327.02, that is:

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

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

468 b. A vessel is junked if it has been substantially
469 stripped of vessel components, if vessel components have
470 substantially degraded or been destroyed, or if the vessel has
471 been discarded by the owner or operator. Attaching an outboard
472 motor to a vessel that is otherwise junked will not cause the
473 vessel to no longer be junked if such motor is not an effective
474 means of propulsion as required by s. 327.4107(2)(e) and
475 associated rules.

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

- 479 (I) The steering system;
- 480 (II) The propulsion system; or
- 481 (III) The exterior hull integrity.

482
 483 Attaching an outboard motor to a vessel that is otherwise
 484 substantially dismantled will not cause the vessel to no longer
 485 be substantially dismantled if such motor is not an effective
 486 means of propulsion as required by s. 327.4107(2)(e) and
 487 associated rules.

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

490 3. Docked, grounded, or beached upon the property of
 491 another without the consent of the owner of the property.

492 (c) "Gross negligence" means conduct so reckless or
 493 wanting in care that it constitutes a conscious disregard or
 494 indifference to the safety of the property exposed to such
 495 conduct.

496 (d) "Willful misconduct" means conduct evidencing
 497 carelessness or negligence of such a degree or recurrence as to
 498 manifest culpability, wrongful intent, or evil design or to show
 499 an intentional and substantial disregard of the interests of the
 500 vessel owner.

501 (2)
 502 (c) The additional time provided in subparagraph (b)2. for
 503 an owner or responsible party to remove a derelict vessel from
 504 the waters of this state or to repair and remedy the vessel's
 505 derelict condition ~~This subsection~~ does not apply to a vessel
 506 that was derelict upon the waters of this state before the
 507 stated accident or event.

508 (3) The commission, an officer of the commission, or a law
 509 enforcement agency or officer specified in s. 327.70 may
 510 relocate, remove, and store, ~~destroy, or dispose of~~ or cause to
 511 be relocated, removed, and stored, ~~destroyed, or disposed of~~ a
 512 derelict vessel from waters of this state as defined in s.
 513 327.02 if the derelict vessel obstructs or threatens to obstruct
 514 navigation or in any way constitutes a danger to the
 515 environment, property, or persons. The commission, an officer of
 516 the commission, or any other law enforcement agency or officer
 517 acting pursuant to this subsection to relocate, remove, and
 518 store, ~~destroy, dispose of~~ or cause to be relocated, removed,
 519 and stored, ~~destroyed, or disposed of~~ a derelict vessel from
 520 waters of this state shall be held harmless for all damages to
 521 the derelict vessel resulting from such action unless the damage
 522 results from gross negligence or willful misconduct.

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

526 ~~available federal disaster funds and use such funds for the~~
527 ~~removal of derelict vessels.~~

528 (a)~~(b)~~ All costs, including costs owed to a third party,
529 incurred by the commission, another law enforcement agency, or a
530 governmental subdivision, when the governmental subdivision has
531 received authorization from a law enforcement officer or agency,
532 in the relocation, removal, storage, destruction, or disposal of
533 a derelict vessel are recoverable against the vessel owner or
534 the party determined to be legally responsible for the vessel
535 being upon the waters of this state in a derelict condition. The
536 Department of Legal Affairs shall represent the commission in
537 actions to recover such costs. As provided in s. 705.103(4), a
538 person who neglects or refuses to pay such costs may not be
539 issued a certificate of registration for such vessel or for any
540 other vessel or motor vehicle until such costs have been paid. A
541 person who has neglected or refused to pay all costs of removal,
542 storage, destruction, or disposal of a derelict vessel as
543 provided in this section, after having been provided written
544 notice via certified mail that such costs are owed, and who
545 applies for and is issued a registration for a vessel or motor
546 vehicle before such costs have been paid in full commits a
547 misdemeanor of the first degree, punishable as provided in s.
548 775.082 or s. 775.083.

549 (b)~~(e)~~ A contractor performing such activities at the
550 direction of the commission, an officer of the commission, a law

551 enforcement agency or officer, or a governmental subdivision,
552 when the governmental subdivision has received authorization for
553 the relocation or removal from a law enforcement officer or
554 agency, pursuant to this section must be licensed in accordance
555 with applicable United States Coast Guard regulations where
556 required; obtain and carry in full force and effect a policy
557 from a licensed insurance carrier in this state to insure
558 against any accident, loss, injury, property damage, or other
559 casualty caused by or resulting from the contractor's actions;
560 and be properly equipped to perform the services to be provided.

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

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

566 (c) The commission may establish a program to provide
567 grants to local governments for the removal, storage,
568 destruction, and disposal of derelict vessels from the waters of
569 this state. This grant funding may also be used for the removal,
570 storage, destruction, and disposal of vessels declared a public
571 nuisance pursuant to s. 327.73(1) (aa). The program must be
572 funded from the Marine Resources Conservation Trust Fund or the
573 Florida Coastal Protection Trust Fund. Notwithstanding s.
574 216.181(11), funds available for these grants may only be
575 authorized by appropriations acts of the Legislature. In a given

576 fiscal year, if all funds appropriated pursuant to this
 577 paragraph are not requested by and granted to local governments
 578 for the removal, storage, destruction, and disposal of derelict
 579 vessels or vessels declared a public nuisance pursuant to s.
 580 327.73(1) (aa) by the end of the third quarter, the Fish and
 581 Wildlife Conservation Commission may use the remainder of the
 582 funds to remove, store, destroy, and dispose of, or to pay
 583 private contractors to remove, store, destroy, and dispose of,
 584 derelict vessels or vessels declared a public nuisance pursuant
 585 to s. 327.73(1) (aa). The commission shall adopt by rule
 586 procedures for local governments to submit a grant application
 587 and criteria for allocating available funds. Such criteria must
 588 include, at a minimum, the following:

589 1. The number of derelict vessels within the jurisdiction
 590 of the applicant.

591 2. The threat posed by such vessels to public health or
 592 safety, the environment, navigation, or the aesthetic condition
 593 of the general vicinity.

594 3. The degree of commitment of the local government to
 595 maintain waters free of abandoned and derelict vessels and to
 596 seek legal action against those who abandon vessels in the
 597 waters of this state as defined in s. 327.02.

598 (6)(5) A person, firm, or corporation violating this
 599 section commits a misdemeanor of the first degree and shall be
 600 punished as provided by law. A conviction under this section

601 does not bar the assessment and collection of a ~~the~~ civil
 602 penalty ~~provided in s. 376.16 for violation of s. 376.15~~. The
 603 court having jurisdiction over the criminal offense,
 604 notwithstanding any jurisdictional limitations on the amount in
 605 controversy, may order the imposition of such civil penalty in
 606 addition to any sentence imposed for the first criminal offense.

607 (7)~~(6)~~ If an owner or a responsible party of a vessel
 608 determined to be derelict through an administrative or criminal
 609 proceeding has been charged by an officer of the commission or
 610 any law enforcement agency or officer as specified in s. 327.70
 611 under subsection (5) for a violation of subsection (2) ~~or a~~
 612 ~~violation of s. 376.15(2)~~, a person may not reside or dwell on
 613 such vessel until the vessel is removed from the waters of the
 614 state permanently or returned to the waters of the state in a
 615 condition that is no longer derelict.

616 Section 11. Paragraph (p) of subsection (4) of section
 617 934.50, Florida Statutes, is amended to read:

618 934.50 Searches and seizure using a drone.—

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

621 (p) By an ~~a non-law enforcement~~ employee of the Fish and
 622 Wildlife Conservation Commission or of the Florida Forest
 623 Service for the purposes of managing and eradicating invasive
 624 exotic plants or animals on public lands and suppressing and
 625 mitigating wildfire threats.

626 Section 12. Section 327.04, Florida Statutes, is amended
 627 to read:

628 327.04 Rules.—The commission may adopt rules pursuant to
 629 ss. 120.536(1) and 120.54 to implement this chapter, the
 630 provisions of chapter 705 relating to vessels, and s. ss. 376.15
 631 ~~and~~ 823.11 conferring powers or duties upon it.

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

634 327.352 Tests for alcohol, chemical substances, or
 635 controlled substances; implied consent; refusal.—

636 (1)(a)1. The Legislature declares that the operation of a
 637 vessel is a privilege that must be exercised in a reasonable
 638 manner. In order to protect the public health and safety, it is
 639 essential that a lawful and effective means of reducing the
 640 incidence of boating while impaired or intoxicated be
 641 established. Therefore, a person who accepts the privilege
 642 extended by the laws of this state of operating a vessel within
 643 this state is, by operating such vessel, deemed to have given
 644 his or her consent to submit to an approved chemical test or
 645 physical test including, but not limited to, an infrared light
 646 test of his or her breath for the purpose of determining the
 647 alcoholic content of his or her blood or breath if the person is
 648 lawfully arrested for any offense allegedly committed while the
 649 person was operating a vessel while under the influence of
 650 alcoholic beverages. The chemical or physical breath test must

651 be incidental to a lawful arrest and administered at the request
652 of a law enforcement officer who has reasonable cause to believe
653 such person was operating the vessel within this state while
654 under the influence of alcoholic beverages. The administration
655 of a breath test does not preclude the administration of another
656 type of test. The person must ~~shall~~ be told that his or her
657 failure to submit to any lawful test of his or her breath under
658 this chapter will result in a civil penalty of \$500, and ~~shall~~
659 ~~also be told~~ that if he or she refuses to submit to a lawful
660 test of his or her breath and he or she has been previously
661 fined under s. 327.35215 or his or her driving privilege has
662 been previously ~~had his or her driver license~~ suspended for
663 refusal to submit to any lawful test of his or her breath,
664 urine, or blood, he or she commits a misdemeanor of the first
665 degree, punishable as provided in s. 775.082 or s. 775.083, in
666 addition to any other penalties provided by law. The refusal to
667 submit to a chemical or physical breath test upon the request of
668 a law enforcement officer as provided in this section is
669 admissible into evidence in any criminal proceeding.

670 2. A person who accepts the privilege extended by the laws
671 of this state of operating a vessel within this state is, by
672 operating such vessel, deemed to have given his or her consent
673 to submit to a urine test for the purpose of detecting the
674 presence of chemical substances as set forth in s. 877.111 or
675 controlled substances if the person is lawfully arrested for any

676 offense allegedly committed while the person was operating a
677 vessel while under the influence of chemical substances or
678 controlled substances. The urine test must be incidental to a
679 lawful arrest and administered at a detention facility or any
680 other facility, mobile or otherwise, which is equipped to
681 administer such tests at the request of a law enforcement
682 officer who has reasonable cause to believe such person was
683 operating a vessel within this state while under the influence
684 of chemical substances or controlled substances. The urine test
685 must ~~shall~~ be administered at a detention facility or any other
686 facility, mobile or otherwise, which is equipped to administer
687 such test in a reasonable manner that will ensure the accuracy
688 of the specimen and maintain the privacy of the individual
689 involved. The administration of a urine test does not preclude
690 the administration of another type of test. The person must
691 ~~shall~~ be told that his or her failure to submit to any lawful
692 test of his or her urine under this chapter will result in a
693 civil penalty of \$500, and ~~shall also be told~~ that if he or she
694 refuses to submit to a lawful test of his or her urine and he or
695 she has been previously fined under s. 327.35215 or his or her
696 driving privilege has been previously ~~had his or her driver~~
697 ~~license~~ suspended for refusal to submit to any lawful test of
698 his or her breath, urine, or blood, he or she commits a
699 misdemeanor of the first degree, punishable as provided in s.
700 775.082 or s. 775.083, in addition to any other penalties

701 provided by law. The refusal to submit to a urine test upon the
702 request of a law enforcement officer as provided in this section
703 is admissible into evidence in any criminal proceeding.

704 (c) A person who accepts the privilege extended by the
705 laws of this state of operating a vessel within this state is,
706 by operating such vessel, deemed to have given his or her
707 consent to submit to an approved blood test for the purpose of
708 determining the alcoholic content of the blood or a blood test
709 for the purpose of determining the presence of chemical
710 substances or controlled substances as provided in this section
711 if there is reasonable cause to believe the person was operating
712 a vessel while under the influence of alcoholic beverages or
713 chemical or controlled substances and the person appears for
714 treatment at a hospital, clinic, or other medical facility and
715 the administration of a breath or urine test is impractical or
716 impossible. As used in this paragraph, the term "other medical
717 facility" includes an ambulance or other medical emergency
718 vehicle. The blood test shall be performed in a reasonable
719 manner. A person who is incapable of refusal by reason of
720 unconsciousness or other mental or physical condition is deemed
721 not to have withdrawn his or her consent to such test. A person
722 who is capable of refusal must ~~shall~~ be told that his or her
723 failure to submit to such a blood test will result in a civil
724 penalty of \$500. The refusal to submit to a blood test upon the
725 request of a law enforcement officer is ~~shall be~~ admissible in

726 | evidence in any criminal proceeding.

727 | Section 14. Subsection (4) of section 328.09, Florida
728 | Statutes, is amended to read:

729 | 328.09 Refusal to issue and authority to cancel a
730 | certificate of title or registration.—

731 | (4) The department may not issue a certificate of title to
732 | an applicant for a vessel that has been deemed derelict or a
733 | public nuisance by a law enforcement officer under s.
734 | 327.73(1)(aa) ~~s. 376.15~~ or s. 823.11. A law enforcement officer
735 | must inform the department in writing, which may be provided by
736 | facsimile, electronic mail, or other electronic means, of the
737 | vessel's derelict or public nuisance status and supply the
738 | department with the vessel title number or vessel identification
739 | number. The department may issue a certificate of title once a
740 | law enforcement officer has verified in writing, which may be
741 | provided by facsimile, electronic mail, or other electronic
742 | means, that the vessel is no longer a derelict or a public
743 | nuisance vessel.

744 | Section 15. Section 25 of chapter 2021-184, Laws of
745 | Florida, is repealed.

746 | Section 16. Paragraph (c) of subsection (15) of section
747 | 328.72, Florida Statutes, is amended to read:

748 | 328.72 Classification; registration; fees and charges;
749 | surcharge; disposition of fees; fines; marine turtle stickers.—

750 | (15) DISTRIBUTION OF FEES.—Except as provided in this

751 subsection, moneys designated for the use of the counties, as
752 specified in subsection (1), shall be distributed by the tax
753 collector to the board of county commissioners for use only as
754 provided in this section. Such moneys to be returned to the
755 counties are for the sole purposes of providing, maintaining, or
756 operating recreational channel marking and other uniform
757 waterway markers, public boat ramps, lifts, and hoists, marine
758 railways, boat piers, docks, mooring buoys, and other public
759 launching facilities; and removing derelict vessels, debris that
760 specifically impedes boat access, not including the dredging of
761 channels, and vessels and floating structures deemed a hazard to
762 public safety and health for failure to comply with s. 327.53.
763 Counties shall demonstrate through an annual detailed accounting
764 report of vessel registration revenues that the registration
765 fees were spent as provided in this subsection. This report
766 shall be provided to the Fish and Wildlife Conservation
767 Commission no later than November 1 of each year. If, before
768 January 1 of each calendar year, the accounting report meeting
769 the prescribed criteria has still not been provided to the
770 commission, the tax collector of that county may not distribute
771 the moneys designated for the use of counties, as specified in
772 subsection (1), to the board of county commissioners but shall,
773 for the next calendar year, remit such moneys to the state for
774 deposit into the Marine Resources Conservation Trust Fund. The
775 commission shall return those moneys to the county if the county

776 fully complies with this section within that calendar year. If
 777 the county does not fully comply with this section within that
 778 calendar year, the moneys shall remain within the Marine
 779 Resources Trust Fund and may be appropriated for the purposes
 780 specified in this subsection.

781 (c) From the vessel registration fees designated for use
 782 by the counties in subsection (1), the following amounts shall
 783 be remitted to the state for deposit into the Marine Resources
 784 Conservation Trust Fund to fund derelict vessel removal grants,
 785 as appropriated by the Legislature pursuant to s. 823.11(4)(c)
 786 ~~s. 376.15~~:

- 787 1. Class A-2: \$0.25 for each 12-month period registered.
- 788 2. Class 1: \$2.06 for each 12-month period registered.
- 789 3. Class 2: \$9.26 for each 12-month period registered.
- 790 4. Class 3: \$16.45 for each 12-month period registered.
- 791 5. Class 4: \$20.06 for each 12-month period registered.
- 792 6. Class 5: \$25.46 for each 12-month period registered.

793 Section 17. Paragraph (h) of subsection (6) of section
 794 376.11, Florida Statutes, is amended to read:

795 376.11 Florida Coastal Protection Trust Fund.—

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

798 (h) The funding of a grant program to local governments,
 799 pursuant to s. 823.11(4)(c) ~~s. 376.15(3)(d) and (e)~~, for the
 800 removal of derelict and public nuisance vessels from the public

801 | waters of the state.

802 | Section 18. For the purpose of incorporating the amendment
803 | made by this act to section 379.101, Florida Statutes, in a
804 | reference thereto, subsection (4) of section 125.01, Florida
805 | Statutes, is reenacted to read:

806 | 125.01 Powers and duties.—

807 | (4) The legislative and governing body of a county shall
808 | not have the power to regulate the taking or possession of
809 | saltwater fish, as defined in s. 379.101, with respect to the
810 | method of taking, size, number, season, or species. However,
811 | this subsection does not prohibit a county from prohibiting, for
812 | reasons of protecting the public health, safety, or welfare,
813 | saltwater fishing from real property owned by that county, nor
814 | does it prohibit the imposition of excise taxes by county
815 | ordinance.

816 | Section 19. For the purpose of incorporating the amendment
817 | made by this act to section 379.101, Florida Statutes, in a
818 | reference thereto, section 379.2412, Florida Statutes, is
819 | reenacted to read:

820 | 379.2412 State preemption of power to regulate.—The power
821 | to regulate the taking or possession of saltwater fish, as
822 | defined in s. 379.101, is expressly reserved to the state. This
823 | section does not prohibit a local government from prohibiting,
824 | for reasons of protecting the public health, safety, or welfare,
825 | saltwater fishing from real property owned by that local

CS/HB 323

2022

826 | government.

827 | Section 20. Except as otherwise expressly provided in this

828 | act, this act shall take effect July 1, 2022.