



26 | the Department of Highway Safety and Motor Vehicles;  
27 | amending s. 327.371, F.S.; authorizing certain  
28 | athletic teams to operate a human-powered vessel  
29 | within the marked channel of the Florida Intracoastal  
30 | Waterway under certain conditions; requiring such  
31 | athletic teams to provide the commission with certain  
32 | notice; amending s. 327.4107, F.S.; revising the  
33 | vessel conditions that an officer of the commission or  
34 | a law enforcement agency may use to determine that a  
35 | vessel is at risk of becoming derelict; amending s.  
36 | 327.46, F.S.; prohibiting municipalities and counties  
37 | from designating public bathing beach or swim areas  
38 | within their jurisdictions on waters that include any  
39 | portion of the Florida Intracoastal Waterway or within  
40 | a specified distance of the marked channel of the  
41 | Florida Intracoastal Waterway; repealing s. 376.15,  
42 | F.S., relating to derelict vessels and the relocation  
43 | and removal of such vessels from the waters of this  
44 | state; amending s. 379.101, F.S.; revising the  
45 | definitions of the terms "marine fish" and "saltwater  
46 | fish"; amending s. 705.101, F.S.; revising the  
47 | definition of the term "abandoned property" to include  
48 | vessels declared to be a public nuisance; amending s.  
49 | 705.103, F.S.; clarifying the notice requirements and  
50 | procedures for vessels declared to be public

51 nuisances; amending s. 823.11, F.S.; making technical  
52 changes; authorizing the commission to establish a  
53 program to provide grants to local governments for  
54 certain actions regarding derelict vessels and those  
55 declared to be a public nuisance; specifying sources  
56 for the funds to be used, subject to an appropriation;  
57 authorizing the commission to use funds not awarded as  
58 grants for certain purposes; requiring the commission  
59 to adopt rules for the grant applications and the  
60 criteria for allocating the funds; amending s. 934.50,  
61 F.S.; providing that all employees of the commission  
62 or the Florida Forest Service may operate drones for  
63 specified purposes; amending ss. 327.04, 327.352,  
64 328.09, 328.72, and 376.11, F.S.; conforming  
65 provisions to changes made by the act; repealing s.  
66 25, chapter 2021-184, Laws of Florida, relating to  
67 derelict vessels; reenacting ss. 125.01(4) and  
68 379.2412, F.S., relating to powers and duties of  
69 legislative and governing bodies of counties and state  
70 preemption of the regulating of taking or possessing  
71 saltwater fish, respectively, to incorporate the  
72 amendment made to s. 379.101, F.S., in references  
73 thereto; providing effective dates.

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

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Section 1. Paragraphs (a) and (b) of subsection (2) of section 259.105, Florida Statutes, are amended to read:

259.105 The Florida Forever Act.—

(2)(a) The Legislature finds and declares that:

1. Land acquisition programs have provided tremendous financial resources for purchasing environmentally significant lands to protect those lands from imminent development or alteration, thereby ensuring present and future generations' access to important waterways, open spaces, and recreation and conservation lands.

2. The continued alteration and development of the state's natural and rural areas to accommodate the state's growing population have contributed to the degradation of water resources, the fragmentation and destruction of wildlife habitats, the loss of outdoor recreation space, and the diminishment of wetlands, forests, working landscapes, and coastal open space.

3. The potential development of the state's remaining natural areas and escalation of land values require government efforts to restore, bring under public protection, or acquire lands and water areas to preserve the state's essential ecological functions and invaluable quality of life.

4. It is essential to protect the state's ecosystems by promoting a more efficient use of land, to ensure opportunities

101 for viable agricultural activities on working lands, and to  
102 promote vital rural and urban communities that support and  
103 produce development patterns consistent with natural resource  
104 protection.

105 5. The state's groundwater, surface waters, and springs  
106 are under tremendous pressure due to population growth and  
107 economic expansion and require special protection and  
108 restoration efforts, including the protection of uplands and  
109 springsheds that provide vital recharge to aquifer systems and  
110 are critical to the protection of water quality and water  
111 quantity of the aquifers and springs. To ensure that sufficient  
112 quantities of water are available to meet the current and future  
113 needs of the natural systems and citizens of the state, and  
114 assist in achieving the planning goals of the department and the  
115 water management districts, water resource development projects  
116 on public lands, if compatible with the resource values of and  
117 management objectives for the lands, are appropriate.

118 6. The needs of urban, suburban, and small communities in  
119 the state for high-quality outdoor recreational opportunities,  
120 greenways, trails, and open space have not been fully met by  
121 previous acquisition programs. Through such programs as the  
122 Florida Communities Trust and the Florida Recreation Development  
123 Assistance Program, the state shall place additional emphasis on  
124 acquiring, protecting, preserving, and restoring open space,  
125 ecological greenways, and recreation properties within urban,

126 suburban, and rural areas where pristine natural communities or  
127 water bodies no longer exist because of the proximity of  
128 developed property.

129         7. Many of the state's unique ecosystems, such as the  
130 Florida Everglades, are facing ecological collapse due to the  
131 state's burgeoning population growth and other economic  
132 activities. To preserve these valuable ecosystems for future  
133 generations, essential parcels of land must be acquired to  
134 facilitate ecosystem restoration.

135         8. Access to public lands to support a broad range of  
136 outdoor recreational opportunities and the development of  
137 necessary infrastructure, if compatible with the resource values  
138 of and management objectives for such lands, promotes an  
139 appreciation for the state's natural assets and improves the  
140 quality of life.

141         9. Acquisition of lands, in fee simple, less than fee  
142 interest, or other techniques shall be based on a comprehensive  
143 science-based assessment of the state's natural resources which  
144 targets essential conservation lands by prioritizing all current  
145 and future acquisitions based on a uniform set of data and  
146 planned so as to protect the integrity and function of  
147 ecological systems and working landscapes, and provide multiple  
148 benefits, including preservation of fish and wildlife habitat,  
149 recreation space for urban and rural areas, and the restoration  
150 of natural water storage, flow, and recharge.

151           10. The state has embraced performance-based program  
152 budgeting as a tool to evaluate the achievements of publicly  
153 funded agencies, build in accountability, and reward those  
154 agencies which are able to consistently achieve quantifiable  
155 goals. While previous and existing state environmental programs  
156 have achieved varying degrees of success, few of these programs  
157 can be evaluated as to the extent of their achievements,  
158 primarily because performance measures, standards, outcomes, and  
159 goals were not established at the outset. Therefore, the Florida  
160 Forever program shall be developed and implemented in the  
161 context of measurable state goals and objectives.

162           11.a. The state must play a major role in the recovery and  
163 management of its imperiled species through the acquisition,  
164 restoration, enhancement, and management of ecosystems that can  
165 support the major life functions of such species. It is the  
166 intent of the Legislature to support local, state, and federal  
167 programs that result in net benefit to imperiled species habitat  
168 by providing public and private land owners meaningful  
169 incentives for acquiring, restoring, managing, and repopulating  
170 habitats for imperiled species. It is the further intent of the  
171 Legislature that public lands, both existing and to be acquired,  
172 identified by the lead land managing agency, in consultation  
173 with the Fish and Wildlife Conservation Commission for animals  
174 or the Department of Agriculture and Consumer Services for  
175 plants, as habitat or potentially restorable habitat for

176 imperiled species, be restored, enhanced, managed, and  
177 repopulated as habitat for such species to advance the goals and  
178 objectives of imperiled species management for conservation,  
179 recreation, or both, consistent with the land management plan  
180 without restricting other uses identified in the management  
181 plan. It is also the intent of the Legislature that of the  
182 proceeds distributed pursuant to subsection (3), additional  
183 consideration be given to acquisitions that achieve a  
184 combination of conservation goals, including the restoration,  
185 enhancement, management, or repopulation of habitat for  
186 imperiled species. The council, in addition to the criteria in  
187 subsection (9), shall give weight to projects that include  
188 acquisition, restoration, management, or repopulation of habitat  
189 for imperiled species. The term "imperiled species" as used in  
190 this chapter and chapter 253, means plants and animals that are  
191 federally listed under the Endangered Species Act, or state-  
192 listed by the Fish and Wildlife Conservation Commission or the  
193 Department of Agriculture and Consumer Services. As part of the  
194 state's role, all state lands that have imperiled species  
195 habitat shall include as a consideration in management plan  
196 development the restoration, enhancement, management, and  
197 repopulation of such habitats. In addition, the lead land  
198 managing agency of such state lands may use fees received from  
199 public or private entities for projects to offset adverse  
200 impacts to imperiled species or their habitat in order to

201 restore, enhance, manage, repopulate, or acquire land and to  
202 implement land management plans developed under s. 253.034 or a  
203 land management prospectus developed and implemented under this  
204 chapter. Such fees shall be deposited into a foundation or fund  
205 created by each land management agency under s. 379.223, s.  
206 589.012, or s. 259.032(9)(c), to be used solely to restore,  
207 manage, enhance, repopulate, or acquire imperiled species  
208 habitat.

209 b. The Legislature recognizes that there have been  
210 geographical and capacity constraints on available gopher  
211 tortoise recipient sites that have coincided with increased  
212 demands for such sites. The Legislature also recognizes that the  
213 success of gopher tortoise conservation depends on participation  
214 by privately owned lands and the use of appropriate public lands  
215 for gopher tortoise and other imperiled species management and  
216 recovery. To encourage adequate capacity for relocating gopher  
217 tortoises, each lead land managing agency, in consultation with  
218 the Fish and Wildlife Conservation Commission, shall consider  
219 the feasibility of using a portion of state lands as a gopher  
220 tortoise recipient site in management plans for all state lands  
221 under the management of the agency that are greater than 40  
222 contiguous acres. If the lead land managing agency, in  
223 consultation with the Fish and Wildlife Conservation Commission,  
224 determines that gopher tortoise recipient site management does  
225 not conflict with the primary management objectives of the

226 lands, the management plan must contain a component prepared by  
227 the agency or cooperatively with a Fish and Wildlife  
228 Conservation Commission wildlife biologist that assesses the  
229 feasibility of managing the lands as a recipient site for gopher  
230 tortoises consistent with rules of the Fish and Wildlife  
231 Conservation Commission. The feasibility assessment by the lead  
232 land managing agency must also evaluate the economic feasibility  
233 of establishing a gopher tortoise recipient site, including the  
234 initial cost and recurring management costs of operating the  
235 gopher tortoise recipient site consistent with the rules of the  
236 Fish and Wildlife Conservation Commission and the revenue  
237 projections necessary to ensure the initial and recurring costs  
238 of establishing and perpetually maintaining the gopher tortoise  
239 recipient site do not create an increased recurring expense for  
240 the agency.

241 12. There is a need to change the focus and direction of  
242 the state's major land acquisition programs and to extend  
243 funding and bonding capabilities, so that future generations may  
244 enjoy the natural resources of this state.

245 (b) The Legislature recognizes that acquisition of lands  
246 in fee simple is only one way to achieve the aforementioned  
247 goals and encourages the use of less-than-fee interests, other  
248 techniques, and the development of creative partnerships between  
249 governmental agencies and private landowners. Such partnerships  
250 may include those that advance the restoration, enhancement,

251 management, or repopulation of imperiled species habitat on  
252 state lands as provided for in subparagraph (a)11. Easements  
253 acquired pursuant to s. 570.71(2) (a) and (b), land protection  
254 agreements, and nonstate funded tools such as rural land  
255 stewardship areas, sector planning, gopher tortoise recipient  
256 sites, and mitigation should be used, where appropriate, to  
257 bring environmentally sensitive tracts under an acceptable level  
258 of protection at a lower financial cost to the public, and to  
259 provide private landowners with the opportunity to enjoy and  
260 benefit from their property. The owner of lands where a  
261 conservation easement or other less-than-fee interest has been  
262 acquired by the board or another state agency or a regional or  
263 local government may establish a recipient site or conservation  
264 bank on the lands to advance the restoration, enhancement,  
265 management, or repopulation of imperiled species habitat so long  
266 as the recipient site or operation and maintenance of the  
267 conservation bank does not interfere with the management plan  
268 for the conservation easement and the landowner complies with  
269 all state and federal permitting requirements for the recipient  
270 site or conservation bank.

271 Section 2. (1) By December 31, 2022, the Fish and  
272 Wildlife Conservation Commission shall streamline and improve  
273 the review of applications for public and private gopher  
274 tortoise recipient sites. Requests for additional information  
275 must be received by the applicant within 45 days after receipt

276 of an application and the commission shall approve or deny a  
277 complete application within 45 days after receipt of such  
278 application.

279 (2) By October 31, 2022, the Fish and Wildlife  
280 Conservation Commission shall:

281 (a) Establish an ongoing effort to encourage the  
282 establishment of new gopher tortoise recipient sites on private  
283 lands throughout the state; and

284 (b) Update its permitting systems to create an online  
285 dashboard to show permitted and available capacity for  
286 reservations in permitted gopher tortoise recipient sites to  
287 assist with the efficient relocation of gopher tortoises.

288 (3) By February 1, 2023, the Fish and Wildlife  
289 Conservation Commission shall submit a report to the President  
290 of the Senate and the Speaker of the House of Representatives  
291 that includes the following information:

292 (a) The progress made in establishing new private and  
293 public gopher tortoise recipient sites;

294 (b) The average time it takes to approve or deny a  
295 recipient site application once a complete application is  
296 received;

297 (c) Any federal action taken to modify the listing of the  
298 gopher tortoise under the Endangered Species Act; and

299 (d) Any other information relevant to the gopher tortoise  
300 conservation program.

301 Section 3. Subsection (2) of section 327.35215, Florida  
 302 Statutes, is amended to read:

303 327.35215 Penalty for failure to submit to test.—

304 (2) When a person refuses to submit to a blood test,  
 305 breath test, or urine test pursuant to s. 327.352, a law  
 306 enforcement officer who is authorized to make arrests for  
 307 violations of this chapter shall file with the clerk of the  
 308 court, on a form provided by the commission ~~department~~, a  
 309 certified statement that probable cause existed to arrest the  
 310 person for a violation of s. 327.35 and that the person refused  
 311 to submit to a test as required by s. 327.352. Along with the  
 312 statement, the officer must also submit a sworn statement on a  
 313 form provided by the commission ~~department~~ that the person has  
 314 been advised of both the penalties for failure to submit to the  
 315 blood, breath, or urine test and the procedure for requesting a  
 316 hearing.

317 Section 4. Present paragraph (c) of subsection (1) of  
 318 section 327.371, Florida Statutes, is redesignated as paragraph  
 319 (d), and a new paragraph (c) is added to that subsection, to  
 320 read:

321 327.371 Human-powered vessels regulated.—

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

325 (c) When participating in practices or competitions for

326 interscholastic, intercollegiate, intramural, or club rowing  
327 teams that are affiliated with an educational institution  
328 identified in s. 1000.21, s. 1002.01(2), s. 1003.01(2), s.  
329 1005.02(4), or s. 1005.03(1)(d) if the adjacent area outside of  
330 the marked channel is not suitable for such practice or  
331 competition. The teams must use their best efforts to make use  
332 of the adjacent area outside of the marked channel. The  
333 commission must be notified in writing of the details of any  
334 such competition, and the notice must include, but need not be  
335 limited to, the date, time, and location of the competition.

336 Section 5. Paragraph (f) is added to subsection (2) of  
337 section 327.4107, Florida Statutes, to read:

338 327.4107 Vessels at risk of becoming derelict on waters of  
339 this state.—

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

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

346 Section 6. Paragraph (b) of subsection (1) of section  
347 327.46, Florida Statutes, is amended to read:

348 327.46 Boating-restricted areas.—

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

351 established on the waters of this state for any purpose  
 352 necessary to protect the safety of the public if such  
 353 restrictions are necessary based on boating accidents,  
 354 visibility, hazardous currents or water levels, vessel traffic  
 355 congestion, or other navigational hazards or to protect  
 356 seagrasses on privately owned submerged lands.

357 (b) Municipalities and counties may establish the  
 358 following boating-restricted areas by ordinance, including,  
 359 notwithstanding the prohibition in s. 327.60(2)(c), within the  
 360 portion of the Florida Intracoastal Waterway within their  
 361 jurisdiction:

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

364 a. Within 500 feet of any boat ramp, hoist, marine  
 365 railway, or other launching or landing facility available for  
 366 use by the general boating public on waterways more than 300  
 367 feet in width or within 300 feet of any boat ramp, hoist, marine  
 368 railway, or other launching or landing facility available for  
 369 use by the general boating public on waterways not exceeding 300  
 370 feet in width.

371 b. Within 500 feet of fuel pumps or dispensers at any  
 372 marine fueling facility that sells motor fuel to the general  
 373 boating public on waterways more than 300 feet in width or  
 374 within 300 feet of the fuel pumps or dispensers at any licensed  
 375 terminal facility that sells motor fuel to the general boating

376 public on waterways not exceeding 300 feet in width.  
 377 c. Inside or within 300 feet of any lock structure.  
 378 2. An ordinance establishing a slow speed, minimum wake  
 379 boating-restricted area if the area is:  
 380 a. Within 300 feet of any bridge fender system.  
 381 b. Within 300 feet of any bridge span presenting a  
 382 vertical clearance of less than 25 feet or a horizontal  
 383 clearance of less than 100 feet.  
 384 c. On a creek, stream, canal, or similar linear waterway  
 385 if the waterway is less than 75 feet in width from shoreline to  
 386 shoreline.  
 387 d. On a lake or pond of less than 10 acres in total  
 388 surface area.  
 389 e. Within the boundaries of a permitted public mooring  
 390 field and a buffer around the mooring field of up to 100 feet.  
 391 3. An ordinance establishing a vessel-exclusion zone if  
 392 the area is:  
 393 a. Designated as a public bathing beach or swim area,  
 394 except that public bathing beach or swim areas may not be  
 395 established on waters that include any portion of the Florida  
 396 Intracoastal Waterway or that are within 100 feet of the marked  
 397 channel of the Florida Intracoastal Waterway.  
 398 b. Within 300 feet of a dam, spillway, or flood control  
 399 structure.  
 400

401 Vessel exclusion zones created pursuant to this subparagraph  
 402 must be marked with uniform waterway markers permitted by the  
 403 commission in accordance with this chapter. Such zones may not  
 404 be marked by ropes.

405 Section 7. Section 376.15, Florida Statutes, is repealed.

406 Section 8. Subsections (22) and (34) of section 379.101,  
 407 Florida Statutes, are amended to read:

408 379.101 Definitions.—In construing these statutes, where  
 409 the context does not clearly indicate otherwise, the word,  
 410 phrase, or term:

411 (22) "Marine fish" means any saltwater species of finfish  
 412 of the classes Agnatha, Chondrichthyes, and Osteichthyes, ~~and~~  
 413 marine invertebrates of ~~in~~ the classes Gastropoda and, ~~and~~ Bivalvia,  
 414 the subphylum ~~and~~ Crustacea, or the phylum Echinodermata;  
 415 however, the term ~~but~~ does not include nonliving shells or  
 416 echinoderms.

417 (34) "Saltwater fish" means:

418 (a) Any saltwater species of finfish of the classes  
 419 Agnatha, Chondrichthyes, or Osteichthyes and marine  
 420 invertebrates of the classes Gastropoda and, ~~and~~ Bivalvia, the  
 421 subphylum ~~or~~ Crustacea, or ~~of~~ the phylum Echinodermata; however,  
 422 the term ~~but~~ does not include nonliving shells or echinoderms;  
 423 and

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

426 Section 9. Subsection (3) of section 705.101, Florida  
 427 Statutes, is amended to read:

428 705.101 Definitions.—As used in this chapter:

429 (3) "Abandoned property" means all tangible personal  
 430 property that does not have an identifiable owner and that has  
 431 been disposed on public property in a wrecked, inoperative, or  
 432 partially dismantled condition or has no apparent intrinsic  
 433 value to the rightful owner. The term includes derelict vessels  
 434 as defined in s. 823.11 and vessels declared a public nuisance  
 435 pursuant to s. 327.73(1)(aa).

436 Section 10. Paragraph (a) of subsection (2) and subsection  
 437 (4) of section 705.103, Florida Statutes, are amended to read:

438 705.103 Procedure for abandoned or lost property.—

439 (2)(a)1. Whenever a law enforcement officer ascertains  
 440 that:

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

447  
 448 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 449 PROPERTY. This property, to wit: ...(setting forth brief  
 450 description)... is unlawfully upon public property known as

451 ... (setting forth brief description of location) ... and must be  
 452 removed within 5 days; otherwise, it will be removed and  
 453 disposed of pursuant to chapter 705, Florida Statutes. The owner  
 454 will be liable for the costs of removal, storage, and  
 455 publication of notice. Dated this: ... (setting forth the date of  
 456 posting of notice) ..., signed: ... (setting forth name, title,  
 457 address, and telephone number of law enforcement officer) ....  
 458

459 b. A derelict vessel or a vessel declared a public  
 460 nuisance pursuant to s. 327.73(1)(aa) is present on the waters  
 461 of this state, the officer shall cause a notice to be placed  
 462 upon such vessel in substantially the following form:  
 463

464 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 465 VESSEL. This vessel, to wit: ... (setting forth brief  
 466 description) ... has been determined to be ... (derelict or a  
 467 public nuisance) ... and is unlawfully upon waters of this state  
 468 ... (setting forth brief description of location) ... and must be  
 469 removed within 21 days; otherwise, it will be removed and  
 470 disposed of pursuant to chapter 705, Florida Statutes. The owner  
 471 and other interested parties have the right to a hearing to  
 472 challenge the determination that this vessel is derelict or  
 473 otherwise in violation of the law. Please contact ... (contact  
 474 information for person who can arrange for a hearing in  
 475 accordance with this section) .... The owner or the party

476 determined to be legally responsible for the vessel being upon  
477 the waters of this state in a derelict condition or as a public  
478 nuisance will be liable for the costs of removal, destruction,  
479 and disposal if this vessel is not removed by the owner. Dated  
480 this: ...(setting forth the date of posting of notice)...,  
481 signed: ...(setting forth name, title, address, and telephone  
482 number of law enforcement officer)....

483

484 2. The notices required under subparagraph 1. may not be  
485 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently  
486 weatherproof to withstand normal exposure to the elements. In  
487 addition to posting, the law enforcement officer shall make a  
488 reasonable effort to ascertain the name and address of the  
489 owner. If such is reasonably available to the officer, she or he  
490 shall mail a copy of such notice to the owner on or before the  
491 date of posting. If the property is a motor vehicle as defined  
492 in s. 320.01(1) or a vessel as defined in s. 327.02, the law  
493 enforcement agency shall contact the Department of Highway  
494 Safety and Motor Vehicles in order to determine the name and  
495 address of the owner and any person who has filed a lien on the  
496 vehicle or vessel as provided in s. 319.27(2) or (3) or s.  
497 328.15(1). On receipt of this information, the law enforcement  
498 agency shall mail a copy of the notice by certified mail, return  
499 receipt requested, to the owner and to the lienholder, if any,  
500 except that a law enforcement officer who has issued a citation

501 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a  
502 derelict vessel is not required to mail a copy of the notice by  
503 certified mail, return receipt requested, to the owner. For a  
504 derelict vessel or a vessel declared a public nuisance pursuant  
505 to s. 327.73(1)(aa), the mailed notice must inform the owner or  
506 responsible party that he or she has a right to a hearing to  
507 dispute the determination that the vessel is derelict or  
508 otherwise in violation of the law. If a request for a hearing is  
509 made, a state agency shall follow the processes set forth in s.  
510 120.569. Local governmental entities shall follow the processes  
511 set forth in s. 120.569, except that a local judge, magistrate,  
512 or code enforcement officer may be designated to conduct such a  
513 hearing. If, at the end of 5 days after posting the notice in  
514 sub-subparagraph 1.a., or at the end of 21 days after posting  
515 the notice in sub-subparagraph 1.b., and mailing such notice, if  
516 required, the owner or any person interested in the lost or  
517 abandoned article or articles described has not removed the  
518 article or articles from public property or shown reasonable  
519 cause for failure to do so, and, in the case of a derelict  
520 vessel or a vessel declared a public nuisance pursuant to s.  
521 327.73(1)(aa), has not requested a hearing in accordance with  
522 this section, the following shall apply:

523       a. For abandoned property other than a derelict vessel or  
524 a vessel declared a public nuisance pursuant to s.  
525 327.73(1)(aa), the law enforcement agency may retain any or all

526 of the property for its own use or for use by the state or unit  
527 of local government, trade such property to another unit of  
528 local government or state agency, donate the property to a  
529 charitable organization, sell the property, or notify the  
530 appropriate refuse removal service.

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

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

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

540  
541 A law enforcement agency or its designee may also take action as  
542 described in this sub-subparagraph if, following a hearing  
543 pursuant to this section, the judge, magistrate, administrative  
544 law judge, or hearing officer has determined the vessel to be  
545 derelict as provided in s. 823.11 or otherwise in violation of  
546 the law in accordance with s. 327.73(1)(aa) and a final order  
547 has been entered or the case is otherwise closed.

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

551 determined to be legally responsible for the vessel being upon  
 552 the waters of this state in a derelict condition or as a public  
 553 nuisance, who, after notice as provided in this section, does  
 554 not remove such property within the specified period is ~~shall be~~  
 555 liable to the law enforcement agency, other governmental entity,  
 556 or the agency's or entity's designee for all costs of removal,  
 557 storage, ~~and~~ destruction, and disposal of such property, less  
 558 any salvage value obtained by disposal of the property. Upon  
 559 final disposition of the property, the law enforcement officer  
 560 or representative of the law enforcement agency or other  
 561 governmental entity shall notify the owner or in the case of a  
 562 derelict vessel or vessel declared a public nuisance pursuant to  
 563 s. 327.73(1)(aa), the owner or other party determined to be  
 564 legally responsible, if known, of the amount owed. In the case  
 565 of an abandoned vessel or motor vehicle, any person who neglects  
 566 or refuses to pay such amount is not entitled to be issued a  
 567 certificate of registration for such vessel or motor vehicle, or  
 568 any other vessel or motor vehicle, until such costs have been  
 569 paid. A person who has neglected or refused to pay all costs of  
 570 removal, storage, disposal, and destruction of a vessel or motor  
 571 vehicle as provided in this section, after having been provided  
 572 written notice via certified mail that such costs are owed, and  
 573 who applies for and is issued a registration for a vessel or  
 574 motor vehicle before such costs have been paid in full commits a  
 575 misdemeanor of the first degree, punishable as provided in s.

576 | 775.082 or s. 775.083. The law enforcement officer or  
 577 | representative of the law enforcement agency or other  
 578 | governmental entity shall supply the Department of Highway  
 579 | Safety and Motor Vehicles with a list of persons whose vessel  
 580 | registration privileges and motor vehicle privileges have been  
 581 | revoked under this subsection. The department or a person acting  
 582 | as an agent of the department may not issue a certificate of  
 583 | registration to a person whose vessel and motor vehicle  
 584 | registration privileges have been revoked, as provided by this  
 585 | subsection, until such costs have been paid.

586 |       Section 11. Effective July 1, 2023, paragraph (a) of  
 587 | subsection (2) of section 705.103, Florida Statutes, as amended  
 588 | by chapters 2019-76 and 2021-184, Laws of Florida, is amended to  
 589 | read:

590 |           705.103 Procedure for abandoned or lost property.—

591 |           (2)(a)1. Whenever a law enforcement officer ascertains  
 592 | that:

593 |           a. An article of lost or abandoned property other than a  
 594 | derelict vessel or a vessel declared a public nuisance pursuant  
 595 | to s. 327.73(1)(aa) is present on public property and is of such  
 596 | nature that it cannot be easily removed, the officer shall cause  
 597 | a notice to be placed upon such article in substantially the  
 598 | following form:

599 |  
 600 | NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED

601 PROPERTY. This property, to wit: ...(setting forth brief  
 602 description)... is unlawfully upon public property known as  
 603 ...(setting forth brief description of location)... and must be  
 604 removed within 5 days; otherwise, it will be removed and  
 605 disposed of pursuant to chapter 705, Florida Statutes. The owner  
 606 will be liable for the costs of removal, storage, and  
 607 publication of notice. Dated this: ...(setting forth the date of  
 608 posting of notice)..., signed: ...(setting forth name, title,  
 609 address, and telephone number of law enforcement officer)....

610  
 611 b. A derelict vessel or a vessel declared a public  
 612 nuisance pursuant to s. 327.73(1)(aa) is present on the waters  
 613 of this state, the officer shall cause a notice to be placed  
 614 upon such vessel in substantially the following form:

615  
 616 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 617 VESSEL. This vessel, to wit: ...(setting forth brief description  
 618 of location)... has been determined to be ...(derelict or a  
 619 public nuisance)... and is unlawfully upon the waters of this  
 620 state ...(setting forth brief description of location)... and  
 621 must be removed within 21 days; otherwise, it will be removed  
 622 and disposed of pursuant to chapter 705, Florida Statutes. The  
 623 owner and other interested parties have the right to a hearing  
 624 to challenge the determination that this vessel is derelict or  
 625 otherwise in violation of the law. Please contact ...(contact

626 information for person who can arrange for a hearing in  
 627 accordance with this section)... The owner or the party  
 628 determined to be legally responsible for the vessel being upon  
 629 the waters of this state in a derelict condition or as a public  
 630 nuisance will be liable for the costs of removal, destruction,  
 631 and disposal if this vessel is not removed by the owner. Dated  
 632 this: ...(setting forth the date of posting of notice)...,  
 633 signed: ...(setting forth name, title, address, and telephone  
 634 number of law enforcement officer)....

635  
 636 2. The notices required under subparagraph 1. may not be  
 637 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently  
 638 weatherproof to withstand normal exposure to the elements. In  
 639 addition to posting, the law enforcement officer shall make a  
 640 reasonable effort to ascertain the name and address of the  
 641 owner. If such is reasonably available to the officer, she or he  
 642 shall mail a copy of such notice to the owner on or before the  
 643 date of posting. If the property is a motor vehicle as defined  
 644 in s. 320.01(1) or a vessel as defined in s. 327.02, the law  
 645 enforcement agency shall contact the Department of Highway  
 646 Safety and Motor Vehicles in order to determine the name and  
 647 address of the owner and any person who has filed a lien on the  
 648 vehicle or vessel as provided in s. 319.27(2) or (3) or s.  
 649 328.15. On receipt of this information, the law enforcement  
 650 agency shall mail a copy of the notice by certified mail, return

651 receipt requested, to the owner and to the lienholder, if any,  
652 except that a law enforcement officer who has issued a citation  
653 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a  
654 derelict vessel is not required to mail a copy of the notice by  
655 certified mail, return receipt requested, to the owner. For a  
656 derelict vessel or a vessel declared a public nuisance pursuant  
657 to s. 327.73(1)(aa), the mailed notice must inform the owner or  
658 responsible party that he or she has a right to a hearing to  
659 dispute the determination that the vessel is derelict or  
660 otherwise in violation of the law. If a request for a hearing is  
661 made, a state agency shall follow the processes as set forth in  
662 s. 120.569. Local governmental entities shall follow the  
663 processes set forth in s. 120.569, except that a local judge,  
664 magistrate, or code enforcement officer may be designated to  
665 conduct such a hearing. If, at the end of 5 days after posting  
666 the notice in sub-subparagraph 1.a., or at the end of 21 days  
667 after posting the notice in sub-subparagraph 1.b., and mailing  
668 such notice, if required, the owner or any person interested in  
669 the lost or abandoned article or articles described has not  
670 removed the article or articles from public property or shown  
671 reasonable cause for failure to do so, and, in the case of a  
672 derelict vessel or a vessel declared a public nuisance pursuant  
673 to s. 327.73(1)(aa), has not requested a hearing in accordance  
674 with this section, the following shall apply:  
675       a. For abandoned property other than a derelict vessel or

676 a vessel declared a public nuisance pursuant to s.  
 677 327.73(1) (aa), the law enforcement agency may retain any or all  
 678 of the property for its own use or for use by the state or unit  
 679 of local government, trade such property to another unit of  
 680 local government or state agency, donate the property to a  
 681 charitable organization, sell the property, or notify the  
 682 appropriate refuse removal service.

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

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

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

692  
 693 A law enforcement agency or its designee may also take action as  
 694 described in this sub-subparagraph if, following a hearing  
 695 pursuant to this section, the judge, magistrate, administrative  
 696 law judge, or hearing officer has determined the vessel to be  
 697 derelict as provided in s. 823.11 or otherwise in violation of  
 698 the law in accordance with s. 327.73(1) (aa) and a final order  
 699 has been entered or the case is otherwise closed.

700 Section 12. Present subsections (4), (5), and (6) of

701 section 823.11, Florida Statutes, are redesignated as  
702 subsections (5), (6), and (7), respectively, a new subsection  
703 (4) is added to that section, and subsection (1), paragraph (c)  
704 of subsection (2), subsection (3), and present subsections (5)  
705 and (6) of that section are amended, to read:

706 823.11 Derelict vessels; relocation or removal; penalty.—

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

708 (a) "Commission" means the Fish and Wildlife Conservation  
709 Commission.

710 (b) "Derelict vessel" means a vessel, as defined in s.  
711 327.02, that is:

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

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

718 b. A vessel is junked if it has been substantially  
719 stripped of vessel components, if vessel components have  
720 substantially degraded or been destroyed, or if the vessel has  
721 been discarded by the owner or operator. Attaching an outboard  
722 motor to a vessel that is otherwise junked will not cause the  
723 vessel to no longer be junked if such motor is not an effective  
724 means of propulsion as required by s. 327.4107(2)(e) and  
725 associated rules.

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

- 729 (I) The steering system;
- 730 (II) The propulsion system; or
- 731 (III) The exterior hull integrity.

732  
 733 Attaching an outboard motor to a vessel that is otherwise  
 734 substantially dismantled will not cause the vessel to no longer  
 735 be substantially dismantled if such motor is not an effective  
 736 means of propulsion as required by s. 327.4107(2)(e) and  
 737 associated rules.

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

740 3. Docked, grounded, or beached upon the property of  
 741 another without the consent of the owner of the property.

742 (c) "Gross negligence" means conduct so reckless or  
 743 wanting in care that it constitutes a conscious disregard or  
 744 indifference to the safety of the property exposed to such  
 745 conduct.

746 (d) "Willful misconduct" means conduct evidencing  
 747 carelessness or negligence of such a degree or recurrence as to  
 748 manifest culpability, wrongful intent, or evil design or to show  
 749 an intentional and substantial disregard of the interests of the  
 750 vessel owner.

751 (2)

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

758 (3) The commission, an officer of the commission, or a law  
759 enforcement agency or officer specified in s. 327.70 may  
760 relocate, remove, and store, ~~destroy, or dispose of~~ or cause to  
761 be relocated, removed, and stored, ~~destroyed, or disposed of~~ a  
762 derelict vessel from waters of this state as defined in s.  
763 327.02 if the derelict vessel obstructs or threatens to obstruct  
764 navigation or in any way constitutes a danger to the  
765 environment, property, or persons. The commission, an officer of  
766 the commission, or any other law enforcement agency or officer  
767 acting pursuant to this subsection to relocate, remove, and  
768 store, ~~destroy, dispose of~~ or cause to be relocated, removed,  
769 and stored, ~~destroyed, or disposed of~~ a derelict vessel from  
770 waters of this state shall be held harmless for all damages to  
771 the derelict vessel resulting from such action unless the damage  
772 results from gross negligence or willful misconduct.

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

776 ~~available federal disaster funds and use such funds for the~~  
777 ~~removal of derelict vessels.~~

778 (a)~~(b)~~ All costs, including costs owed to a third party,  
779 incurred by the commission, another law enforcement agency, or a  
780 governmental subdivision, when the governmental subdivision has  
781 received authorization from a law enforcement officer or agency,  
782 in the relocation, removal, storage, destruction, or disposal of  
783 a derelict vessel are recoverable against the vessel owner or  
784 the party determined to be legally responsible for the vessel  
785 being upon the waters of this state in a derelict condition. The  
786 Department of Legal Affairs shall represent the commission in  
787 actions to recover such costs. As provided in s. 705.103 (4), a  
788 person who neglects or refuses to pay such costs may not be  
789 issued a certificate of registration for such vessel or for any  
790 other vessel or motor vehicle until such costs have been paid. A  
791 person who has neglected or refused to pay all costs of removal,  
792 storage, destruction, or disposal of a derelict vessel as  
793 provided in this section, after having been provided written  
794 notice via certified mail that such costs are owed, and who  
795 applies for and is issued a registration for a vessel or motor  
796 vehicle before such costs have been paid in full commits a  
797 misdemeanor of the first degree, punishable as provided in s.  
798 775.082 or s. 775.083.

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

801 enforcement agency or officer, or a governmental subdivision,  
802 when the governmental subdivision has received authorization for  
803 the relocation or removal from a law enforcement officer or  
804 agency, pursuant to this section must be licensed in accordance  
805 with applicable United States Coast Guard regulations where  
806 required; obtain and carry in full force and effect a policy  
807 from a licensed insurance carrier in this state to insure  
808 against any accident, loss, injury, property damage, or other  
809 casualty caused by or resulting from the contractor's actions;  
810 and be properly equipped to perform the services to be provided.

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

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

816 (c) The commission may establish a program to provide  
817 grants to local governments for the removal, storage,  
818 destruction, and disposal of derelict vessels from the waters of  
819 this state. This grant funding may also be used for the removal,  
820 storage, destruction, and disposal of vessels declared a public  
821 nuisance pursuant to s. 327.73(1) (aa). The program must be  
822 funded from the Marine Resources Conservation Trust Fund or the  
823 Florida Coastal Protection Trust Fund. Notwithstanding s.  
824 216.181(11), funds available for these grants may only be  
825 authorized by appropriations acts of the Legislature. In a given

826 fiscal year, if all funds appropriated pursuant to this  
 827 paragraph are not requested by and granted to local governments  
 828 for the removal, storage, destruction, and disposal of derelict  
 829 vessels or vessels declared a public nuisance pursuant to s.  
 830 327.73(1) (aa) by the end of the third quarter, the Fish and  
 831 Wildlife Conservation Commission may use the remainder of the  
 832 funds to remove, store, destroy, and dispose of, or to pay  
 833 private contractors to remove, store, destroy, and dispose of,  
 834 derelict vessels or vessels declared a public nuisance pursuant  
 835 to s. 327.73(1) (aa). The commission shall adopt by rule  
 836 procedures for local governments to submit a grant application  
 837 and criteria for allocating available funds. Such criteria must  
 838 include, at a minimum, the following:

839 1. The number of derelict vessels within the jurisdiction  
 840 of the applicant.

841 2. The threat posed by such vessels to public health or  
 842 safety, the environment, navigation, or the aesthetic condition  
 843 of the general vicinity.

844 3. The degree of commitment of the local government to  
 845 maintain waters free of abandoned and derelict vessels and to  
 846 seek legal action against those who abandon vessels in the  
 847 waters of this state as defined in s. 327.02.

848 (6)(5) A person, firm, or corporation violating this  
 849 section commits a misdemeanor of the first degree and shall be  
 850 punished as provided by law. A conviction under this section

851 does not bar the assessment and collection of a ~~the~~ civil  
 852 penalty ~~provided in s. 376.16 for violation of s. 376.15~~. The  
 853 court having jurisdiction over the criminal offense,  
 854 notwithstanding any jurisdictional limitations on the amount in  
 855 controversy, may order the imposition of such civil penalty in  
 856 addition to any sentence imposed for the first criminal offense.

857 (7)~~(6)~~ If an owner or a responsible party of a vessel  
 858 determined to be derelict through an administrative or criminal  
 859 proceeding has been charged by an officer of the commission or  
 860 any law enforcement agency or officer as specified in s. 327.70  
 861 under subsection (5) for a violation of subsection (2) ~~or a~~  
 862 ~~violation of s. 376.15(2)~~, a person may not reside or dwell on  
 863 such vessel until the vessel is removed from the waters of the  
 864 state permanently or returned to the waters of the state in a  
 865 condition that is no longer derelict.

866 Section 13. Paragraph (p) of subsection (4) of section  
 867 934.50, Florida Statutes, is amended to read:

868 934.50 Searches and seizure using a drone.—

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

871 (p) By an ~~a non-law enforcement~~ employee of the Fish and  
 872 Wildlife Conservation Commission or of the Florida Forest  
 873 Service for the purposes of managing and eradicating invasive  
 874 exotic plants or animals on public lands and suppressing and  
 875 mitigating wildfire threats.

876 Section 14. Section 327.04, Florida Statutes, is amended  
 877 to read:

878 327.04 Rules.—The commission may adopt rules pursuant to  
 879 ss. 120.536(1) and 120.54 to implement this chapter, the  
 880 provisions of chapter 705 relating to vessels, and s. ss. 376.15  
 881 ~~and~~ 823.11 conferring powers or duties upon it.

882 Section 15. Paragraphs (a) and (c) of subsection (1) of  
 883 section 327.352, Florida Statutes, are amended to read:

884 327.352 Tests for alcohol, chemical substances, or  
 885 controlled substances; implied consent; refusal.—

886 (1)(a)1. The Legislature declares that the operation of a  
 887 vessel is a privilege that must be exercised in a reasonable  
 888 manner. In order to protect the public health and safety, it is  
 889 essential that a lawful and effective means of reducing the  
 890 incidence of boating while impaired or intoxicated be  
 891 established. Therefore, a person who accepts the privilege  
 892 extended by the laws of this state of operating a vessel within  
 893 this state is, by operating such vessel, deemed to have given  
 894 his or her consent to submit to an approved chemical test or  
 895 physical test including, but not limited to, an infrared light  
 896 test of his or her breath for the purpose of determining the  
 897 alcoholic content of his or her blood or breath if the person is  
 898 lawfully arrested for any offense allegedly committed while the  
 899 person was operating a vessel while under the influence of  
 900 alcoholic beverages. The chemical or physical breath test must

901 be incidental to a lawful arrest and administered at the request  
902 of a law enforcement officer who has reasonable cause to believe  
903 such person was operating the vessel within this state while  
904 under the influence of alcoholic beverages. The administration  
905 of a breath test does not preclude the administration of another  
906 type of test. The person must ~~shall~~ be told that his or her  
907 failure to submit to any lawful test of his or her breath under  
908 this chapter will result in a civil penalty of \$500, and ~~shall~~  
909 ~~also be told~~ that if he or she refuses to submit to a lawful  
910 test of his or her breath and he or she has been previously  
911 fined under s. 327.35215 or his or her driving privilege has  
912 been previously ~~had his or her driver license~~ suspended for  
913 refusal to submit to any lawful test of his or her breath,  
914 urine, or blood, he or she commits a misdemeanor of the first  
915 degree, punishable as provided in s. 775.082 or s. 775.083, in  
916 addition to any other penalties provided by law. The refusal to  
917 submit to a chemical or physical breath test upon the request of  
918 a law enforcement officer as provided in this section is  
919 admissible into evidence in any criminal proceeding.

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

926 offense allegedly committed while the person was operating a  
927 vessel while under the influence of chemical substances or  
928 controlled substances. The urine test must be incidental to a  
929 lawful arrest and administered at a detention facility or any  
930 other facility, mobile or otherwise, which is equipped to  
931 administer such tests at the request of a law enforcement  
932 officer who has reasonable cause to believe such person was  
933 operating a vessel within this state while under the influence  
934 of chemical substances or controlled substances. The urine test  
935 must ~~shall~~ be administered at a detention facility or any other  
936 facility, mobile or otherwise, which is equipped to administer  
937 such test in a reasonable manner that will ensure the accuracy  
938 of the specimen and maintain the privacy of the individual  
939 involved. The administration of a urine test does not preclude  
940 the administration of another type of test. The person must  
941 ~~shall~~ be told that his or her failure to submit to any lawful  
942 test of his or her urine under this chapter will result in a  
943 civil penalty of \$500, and ~~shall also be told~~ that if he or she  
944 refuses to submit to a lawful test of his or her urine and he or  
945 she has been previously fined under s. 327.35215 or his or her  
946 driving privilege has been previously ~~had his or her driver~~  
947 ~~license~~ suspended for refusal to submit to any lawful test of  
948 his or her breath, urine, or blood, he or she commits a  
949 misdemeanor of the first degree, punishable as provided in s.  
950 775.082 or s. 775.083, in addition to any other penalties

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

954 (c) A person who accepts the privilege extended by the  
955 laws of this state of operating a vessel within this state is,  
956 by operating such vessel, deemed to have given his or her  
957 consent to submit to an approved blood test for the purpose of  
958 determining the alcoholic content of the blood or a blood test  
959 for the purpose of determining the presence of chemical  
960 substances or controlled substances as provided in this section  
961 if there is reasonable cause to believe the person was operating  
962 a vessel while under the influence of alcoholic beverages or  
963 chemical or controlled substances and the person appears for  
964 treatment at a hospital, clinic, or other medical facility and  
965 the administration of a breath or urine test is impractical or  
966 impossible. As used in this paragraph, the term "other medical  
967 facility" includes an ambulance or other medical emergency  
968 vehicle. The blood test shall be performed in a reasonable  
969 manner. A person who is incapable of refusal by reason of  
970 unconsciousness or other mental or physical condition is deemed  
971 not to have withdrawn his or her consent to such test. A person  
972 who is capable of refusal must ~~shall~~ be told that his or her  
973 failure to submit to such a blood test will result in a civil  
974 penalty of \$500. The refusal to submit to a blood test upon the  
975 request of a law enforcement officer is ~~shall be~~ admissible in

976 evidence in any criminal proceeding.

977 Section 16. Subsection (4) of section 328.09, Florida  
 978 Statutes, is amended to read:

979 328.09 Refusal to issue and authority to cancel a  
 980 certificate of title or registration.—

981 (4) The department may not issue a certificate of title to  
 982 an applicant for a vessel that has been deemed derelict or a  
 983 public nuisance by a law enforcement officer under s.  
 984 327.73(1)(aa) ~~s. 376.15~~ or s. 823.11. A law enforcement officer  
 985 must inform the department in writing, which may be provided by  
 986 facsimile, electronic mail, or other electronic means, of the  
 987 vessel's derelict or public nuisance status and supply the  
 988 department with the vessel title number or vessel identification  
 989 number. The department may issue a certificate of title once a  
 990 law enforcement officer has verified in writing, which may be  
 991 provided by facsimile, electronic mail, or other electronic  
 992 means, that the vessel is no longer a derelict or a public  
 993 nuisance vessel.

994 Section 17. Section 25 of chapter 2021-184, Laws of  
 995 Florida, is repealed.

996 Section 18. Paragraph (c) of subsection (15) of section  
 997 328.72, Florida Statutes, is amended to read:

998 328.72 Classification; registration; fees and charges;  
 999 surcharge; disposition of fees; fines; marine turtle stickers.—

1000 (15) DISTRIBUTION OF FEES.—Except as provided in this

1001 subsection, moneys designated for the use of the counties, as  
 1002 specified in subsection (1), shall be distributed by the tax  
 1003 collector to the board of county commissioners for use only as  
 1004 provided in this section. Such moneys to be returned to the  
 1005 counties are for the sole purposes of providing, maintaining, or  
 1006 operating recreational channel marking and other uniform  
 1007 waterway markers, public boat ramps, lifts, and hoists, marine  
 1008 railways, boat piers, docks, mooring buoys, and other public  
 1009 launching facilities; and removing derelict vessels, debris that  
 1010 specifically impedes boat access, not including the dredging of  
 1011 channels, and vessels and floating structures deemed a hazard to  
 1012 public safety and health for failure to comply with s. 327.53.  
 1013 Counties shall demonstrate through an annual detailed accounting  
 1014 report of vessel registration revenues that the registration  
 1015 fees were spent as provided in this subsection. This report  
 1016 shall be provided to the Fish and Wildlife Conservation  
 1017 Commission no later than November 1 of each year. If, before  
 1018 January 1 of each calendar year, the accounting report meeting  
 1019 the prescribed criteria has still not been provided to the  
 1020 commission, the tax collector of that county may not distribute  
 1021 the moneys designated for the use of counties, as specified in  
 1022 subsection (1), to the board of county commissioners but shall,  
 1023 for the next calendar year, remit such moneys to the state for  
 1024 deposit into the Marine Resources Conservation Trust Fund. The  
 1025 commission shall return those moneys to the county if the county

1026 fully complies with this section within that calendar year. If  
 1027 the county does not fully comply with this section within that  
 1028 calendar year, the moneys shall remain within the Marine  
 1029 Resources Trust Fund and may be appropriated for the purposes  
 1030 specified in this subsection.

1031 (c) From the vessel registration fees designated for use  
 1032 by the counties in subsection (1), the following amounts shall  
 1033 be remitted to the state for deposit into the Marine Resources  
 1034 Conservation Trust Fund to fund derelict vessel removal grants,  
 1035 as appropriated by the Legislature pursuant to s. 823.11(4)(c)  
 1036 ~~s. 376.15~~:

- 1037 1. Class A-2: \$0.25 for each 12-month period registered.
- 1038 2. Class 1: \$2.06 for each 12-month period registered.
- 1039 3. Class 2: \$9.26 for each 12-month period registered.
- 1040 4. Class 3: \$16.45 for each 12-month period registered.
- 1041 5. Class 4: \$20.06 for each 12-month period registered.
- 1042 6. Class 5: \$25.46 for each 12-month period registered.

1043 Section 19. Paragraph (h) of subsection (6) of section  
 1044 376.11, Florida Statutes, is amended to read:

1045 376.11 Florida Coastal Protection Trust Fund.—

1046 (6) Moneys in the Florida Coastal Protection Trust Fund  
 1047 may be used for the following purposes:

1048 (h) The funding of a grant program to local governments,  
 1049 pursuant to s. 823.11(4)(c) ~~s. 376.15(3)(d) and (e)~~, for the  
 1050 removal of derelict and public nuisance vessels from the public

1051 | waters of the state.

1052 |         Section 20. For the purpose of incorporating the amendment  
1053 | made by this act to section 379.101, Florida Statutes, in a  
1054 | reference thereto, subsection (4) of section 125.01, Florida  
1055 | Statutes, is reenacted to read:

1056 |             125.01 Powers and duties.—

1057 |             (4) The legislative and governing body of a county shall  
1058 | not have the power to regulate the taking or possession of  
1059 | saltwater fish, as defined in s. 379.101, with respect to the  
1060 | method of taking, size, number, season, or species. However,  
1061 | this subsection does not prohibit a county from prohibiting, for  
1062 | reasons of protecting the public health, safety, or welfare,  
1063 | saltwater fishing from real property owned by that county, nor  
1064 | does it prohibit the imposition of excise taxes by county  
1065 | ordinance.

1066 |         Section 21. For the purpose of incorporating the amendment  
1067 | made by this act to section 379.101, Florida Statutes, in a  
1068 | reference thereto, section 379.2412, Florida Statutes, is  
1069 | reenacted to read:

1070 |             379.2412 State preemption of power to regulate.—The power  
1071 | to regulate the taking or possession of saltwater fish, as  
1072 | defined in s. 379.101, is expressly reserved to the state. This  
1073 | section does not prohibit a local government from prohibiting,  
1074 | for reasons of protecting the public health, safety, or welfare,  
1075 | saltwater fishing from real property owned by that local

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1076 | government.

1077 |       Section 22. Except as otherwise expressly provided in this

1078 | act, this act shall take effect July 1, 2022.