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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/30/2021	.	
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The Committee on Environment and Natural Resources (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(1)(a)1. The Legislature declares that the operation of a  
vessel is a privilege that must be exercised in a reasonable



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11 manner. In order to protect the public health and safety, it is  
12 essential that a lawful and effective means of reducing the  
13 incidence of boating while impaired or intoxicated be  
14 established. Therefore, a person who accepts the privilege  
15 extended by the laws of this state of operating a vessel within  
16 this state is, by operating such vessel, deemed to have given  
17 his or her consent to submit to an approved chemical test or  
18 physical test including, but not limited to, an infrared light  
19 test of his or her breath for the purpose of determining the  
20 alcoholic content of his or her blood or breath if the person is  
21 lawfully arrested for any offense allegedly committed while the  
22 person was operating a vessel while under the influence of  
23 alcoholic beverages. The chemical or physical breath test must  
24 be incidental to a lawful arrest and administered at the request  
25 of a law enforcement officer who has reasonable cause to believe  
26 such person was operating the vessel within this state while  
27 under the influence of alcoholic beverages. The administration  
28 of a breath test does not preclude the administration of another  
29 type of test. The person shall be told that his or her failure  
30 to submit to any lawful test of his or her breath under this  
31 chapter will result in a civil penalty ~~of \$500~~, and ~~shall also~~  
32 ~~be told~~ that if he or she refuses to submit to a lawful test of  
33 his or her breath and he or she has been previously fined under  
34 s. 327.35215 or ~~has previously had~~ his or her driving privilege  
35 has been previously driver license suspended for refusal to  
36 submit to any lawful test of his or her breath, urine, or blood,  
37 he or she commits a misdemeanor of the first degree, punishable  
38 as provided in s. 775.082 or s. 775.083, in addition to any  
39 other penalties provided by law. The refusal to submit to a



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40 chemical or physical breath test upon the request of a law  
41 enforcement officer as provided in this section is admissible  
42 into evidence in any criminal proceeding.

43 2. A person who accepts the privilege extended by the laws  
44 of this state of operating a vessel within this state is, by  
45 operating such vessel, deemed to have given his or her consent  
46 to submit to a urine test for the purpose of detecting the  
47 presence of chemical substances as set forth in s. 877.111 or  
48 controlled substances if the person is lawfully arrested for any  
49 offense allegedly committed while the person was operating a  
50 vessel while under the influence of chemical substances or  
51 controlled substances. The urine test must be incidental to a  
52 lawful arrest and administered at a detention facility or any  
53 other facility, mobile or otherwise, which is equipped to  
54 administer such tests at the request of a law enforcement  
55 officer who has reasonable cause to believe such person was  
56 operating a vessel within this state while under the influence  
57 of chemical substances or controlled substances. The urine test  
58 must ~~shall~~ be administered at a detention facility or any other  
59 facility, mobile or otherwise, which is equipped to administer  
60 such test in a reasonable manner that will ensure the accuracy  
61 of the specimen and maintain the privacy of the individual  
62 involved. The administration of a urine test does not preclude  
63 the administration of another type of test. The person shall be  
64 told that his or her failure to submit to any lawful test of his  
65 or her urine under this chapter will result in a civil penalty  
66 ~~of \$500, and shall also be told~~ that if he or she refuses to  
67 submit to a lawful test of his or her urine and he or she has  
68 been previously fined under s. 327.35215 or ~~has previously had~~



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69 his or her driving privilege has been previously ~~driver license~~  
70 suspended for refusal to submit to any lawful test of his or her  
71 breath, urine, or blood, he or she commits a misdemeanor of the  
72 first degree, punishable as provided in s. 775.082 or s.  
73 775.083, in addition to any other penalties provided by law. The  
74 refusal to submit to a urine test upon the request of a law  
75 enforcement officer as provided in this section is admissible  
76 into evidence in any criminal proceeding.

77 (c) A person who accepts the privilege extended by the laws  
78 of this state of operating a vessel within this state is, by  
79 operating such vessel, deemed to have given his or her consent  
80 to submit to an approved blood test for the purpose of  
81 determining the alcoholic content of the blood or a blood test  
82 for the purpose of determining the presence of chemical  
83 substances or controlled substances as provided in this section  
84 if there is reasonable cause to believe the person was operating  
85 a vessel while under the influence of alcoholic beverages or  
86 chemical or controlled substances and the person appears for  
87 treatment at a hospital, clinic, or other medical facility and  
88 the administration of a breath or urine test is impractical or  
89 impossible. As used in this paragraph, the term "other medical  
90 facility" includes an ambulance or other medical emergency  
91 vehicle. The blood test must ~~shall~~ be performed in a reasonable  
92 manner. A person who is incapable of refusal by reason of  
93 unconsciousness or other mental or physical condition is deemed  
94 not to have withdrawn his or her consent to such test. A person  
95 who is capable of refusal shall be told that his or her failure  
96 to submit to such a blood test will result in a civil penalty ~~of~~  
97 ~~\$500~~. The refusal to submit to a blood test upon the request of



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98 a law enforcement officer is ~~shall be~~ admissible in evidence in  
99 any criminal proceeding.

100 Section 2. Subsections (1) and (2) of section 327.35215,  
101 Florida Statutes, are amended to read:

102 327.35215 Penalty for failure to submit to test.—

103 (1) A person ~~who is~~ lawfully arrested for an alleged  
104 violation of s. 327.35 ~~and~~ who refuses to submit to a blood  
105 test, breath test, or urine test pursuant to s. 327.352 is  
106 subject to a civil penalty ~~of \$500~~.

107 (2) When a person refuses to submit to a blood test, breath  
108 test, or urine test pursuant to s. 327.352, a law enforcement  
109 officer ~~who is~~ authorized to make arrests for violations of this  
110 chapter shall file with the clerk of the court, on a form  
111 provided by the commission department, a certified statement  
112 that probable cause existed to arrest the person for a violation  
113 of s. 327.35 and that the person refused to submit to a test as  
114 required by s. 327.352. Along with the statement, the officer  
115 shall ~~must~~ also submit a sworn statement on a form provided by  
116 the commission department that the person has been advised of  
117 both the penalties for failure to submit to the blood, breath,  
118 or urine test and the procedure for requesting a hearing.

119 Section 3. Present paragraph (c) of subsection (1) of  
120 section 327.371, Florida Statutes, is redesignated as paragraph  
121 (d), and a new paragraph (c) is added to that subsection, to  
122 read:

123 327.371 Human-powered vessels regulated.—

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



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127           (c) When participating in interscholastic, intercollegiate,  
128 intramural, or club athletic teams or sports affiliated with an  
129 educational institution identified in s. 1000.21, s. 1002.01(2),  
130 s. 1003.01(2), s. 1005.02(4), or s. 1005.03(1)(d).

131           Section 4. Paragraph (f) is added to subsection (2) of  
132 section 327.4107, Florida Statutes, to read:

133           327.4107 Vessels at risk of becoming derelict on waters of  
134 this state.—

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

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

141           Section 5. Paragraph (b) of subsection (1) of section  
142 327.46, Florida Statutes, is amended to read:

143           327.46 Boating-restricted areas.—

144           (1) Boating-restricted areas, including, but not limited  
145 to, restrictions of vessel speeds and vessel traffic, may be  
146 established on the waters of this state for any purpose  
147 necessary to protect the safety of the public if such  
148 restrictions are necessary based on boating accidents,  
149 visibility, hazardous currents or water levels, vessel traffic  
150 congestion, or other navigational hazards or to protect  
151 seagrasses on privately owned submerged lands.

152           (b) Municipalities and counties may establish the following  
153 boating-restricted areas by ordinance, including,  
154 notwithstanding the prohibition in s. 327.60(2)(c), within the  
155 portion of the Florida Intracoastal Waterway within their



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156 jurisdiction:

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

159 a. Within 500 feet of any boat ramp, hoist, marine railway,  
160 or other launching or landing facility available for use by the  
161 general boating public on waterways more than 300 feet in width  
162 or within 300 feet of any boat ramp, hoist, marine railway, or  
163 other launching or landing facility available for use by the  
164 general boating public on waterways not exceeding 300 feet in  
165 width.

166 b. Within 500 feet of fuel pumps or dispensers at any  
167 marine fueling facility that sells motor fuel to the general  
168 boating public on waterways more than 300 feet in width or  
169 within 300 feet of the fuel pumps or dispensers at any licensed  
170 terminal facility that sells motor fuel to the general boating  
171 public on waterways not exceeding 300 feet in width.

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

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

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

176 b. Within 300 feet of any bridge span presenting a vertical  
177 clearance of less than 25 feet or a horizontal clearance of less  
178 than 100 feet.

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

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

184 e. Within the boundaries of a permitted public mooring



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

186 3. An ordinance establishing a vessel-exclusion zone if the  
187 area is:

188 a. Designated as a public bathing beach or swim area,  
189 except that public bathing beach or swim areas may not be  
190 established in whole or in part within the marked channel of the  
191 Florida Intracoastal Waterway or within 100 feet of any portion  
192 of the marked channel.

193 b. Within 300 feet of a dam, spillway, or flood control  
194 structure.

195  
196 Vessel exclusion zones created pursuant to this subparagraph  
197 must be marked with uniform waterway markers permitted by the  
198 commission in accordance with this chapter. Such zones may not  
199 be marked by ropes.

200 Section 6. Section 376.15, Florida Statutes, is repealed.

201 Section 7. Subsections (22) and (34) of section 379.101,  
202 Florida Statutes, are amended to read:

203 379.101 Definitions.—In construing these statutes, where  
204 the context does not clearly indicate otherwise, the word,  
205 phrase, or term:

206 (22) "Marine fish" means any saltwater species of finfish  
207 of the classes Agnatha, Chondrichthyes, and Osteichthyes, and  
208 marine invertebrates of ~~in~~ the classes Gastropoda and,  
209 the subphylum ~~and~~ Crustacea, or the phylum Echinodermata;  
210 however, the term ~~but~~ does not include nonliving shells or  
211 echinoderms.

212 (34) "Saltwater fish" means:

213 (a) Any saltwater species of finfish of the classes





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214 Agnatha, Chondrichthyes, or Osteichthyes and marine  
215 invertebrates of the classes Gastropoda and, Bivalvia, the  
216 subphylum ~~or~~ Crustacea, or ~~of~~ the phylum Echinodermata; however,  
217 the term ~~but~~ does not include nonliving shells or echinoderms;  
218 and

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

221 Section 8. Subsection (3) of section 705.101, Florida  
222 Statutes, is amended to read:

223 705.101 Definitions.—As used in this chapter:

224 (3) "Abandoned property" means all tangible personal  
225 property that does not have an identifiable owner and that has  
226 been disposed on public property in a wrecked, inoperative, or  
227 partially dismantled condition or has no apparent intrinsic  
228 value to the rightful owner. The term includes derelict vessels  
229 as defined in s. 823.11 and vessels declared a public nuisance  
230 pursuant to s. 327.73(1)(aa).

231 Section 9. Paragraph (a) of subsection (2) and subsection  
232 (4) of section 705.103, Florida Statutes, are amended to read:

233 705.103 Procedure for abandoned or lost property.—

234 (2) (a) 1. Whenever a law enforcement officer ascertains  
235 that:

236 a. An article of lost or abandoned property other than a  
237 derelict vessel or a vessel declared a public nuisance pursuant  
238 to s. 327.73(1)(aa) is present on public property and is of such  
239 nature that it cannot be easily removed, the officer shall cause  
240 a notice to be placed upon such article in substantially the  
241 following form:  
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243 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
244 PROPERTY. This property, to wit: ...(setting forth brief  
245 description)... is unlawfully upon public property known as  
246 ...(setting forth brief description of location)... and must be  
247 removed within 5 days; otherwise, it will be removed and  
248 disposed of pursuant to chapter 705, Florida Statutes. The owner  
249 will be liable for the costs of removal, storage, and  
250 publication of notice. Dated this: ...(setting forth the date of  
251 posting of notice)..., signed: ...(setting forth name, title,  
252 address, and telephone number of law enforcement officer)....

253  
254       b. A derelict vessel or a vessel declared a public nuisance  
255 pursuant to s. 327.73(1)(aa) is present on the waters of this  
256 state, the officer shall cause a notice to be placed upon such  
257 vessel in substantially the following form:

258  
259 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
260 VESSEL. This vessel, to wit: ...(setting forth brief  
261 description)... has been determined to be ...(derelict or a  
262 public nuisance)... and is unlawfully upon waters of this state  
263 ...(setting forth brief description of location)... and must be  
264 removed within 21 days; otherwise, it will be removed and  
265 disposed of pursuant to chapter 705, Florida Statutes. The owner  
266 and other interested parties have the right to a hearing to  
267 challenge the determination that this vessel is derelict or  
268 otherwise in violation of the law. Please contact ...(contact  
269 information for person who can arrange for a hearing in  
270 accordance with this section).... The owner or the party  
271 determined to be legally responsible for the vessel being upon



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272 the waters of this state in a derelict condition or as a public  
273 nuisance will be liable for the costs of removal, destruction,  
274 and disposal if this vessel is not removed by the owner. Dated  
275 this: ...(setting forth the date of posting of notice)...,  
276 signed: ...(setting forth name, title, address, and telephone  
277 number of law enforcement officer)....

278

279 2. The notices required under subparagraph 1. may not be  
280 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently  
281 weatherproof to withstand normal exposure to the elements. In  
282 addition to posting, the law enforcement officer shall make a  
283 reasonable effort to ascertain the name and address of the  
284 owner. If such is reasonably available to the officer, she or he  
285 shall mail a copy of such notice to the owner on or before the  
286 date of posting. If the property is a motor vehicle as defined  
287 in s. 320.01(1) or a vessel as defined in s. 327.02, the law  
288 enforcement agency shall contact the Department of Highway  
289 Safety and Motor Vehicles in order to determine the name and  
290 address of the owner and any person who has filed a lien on the  
291 vehicle or vessel as provided in s. 319.27(2) or (3) or s.  
292 328.15(1). On receipt of this information, the law enforcement  
293 agency shall mail a copy of the notice by certified mail, return  
294 receipt requested, to the owner and to the lienholder, if any,  
295 except that a law enforcement officer who has issued a citation  
296 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a  
297 derelict vessel is not required to mail a copy of the notice by  
298 certified mail, return receipt requested, to the owner. For a  
299 derelict vessel or a vessel declared a public nuisance pursuant  
300 to s. 327.73(1)(aa), the mailed notice must inform the owner or



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301 responsible party that he or she has a right to a hearing to  
302 dispute the determination that the vessel is derelict or  
303 otherwise in violation of the law. If a request for a hearing is  
304 made, a state agency shall follow the processes set forth in s.  
305 120.569. Local governmental entities shall follow the processes  
306 set forth in s. 120.569, except that a local judge, magistrate,  
307 or code enforcement officer may be designated to conduct such a  
308 hearing. If, at the end of 5 days after posting the notice in  
309 sub-subparagraph 1.a., or at the end of 21 days after posting  
310 the notice in sub-subparagraph 1.b., and mailing such notice, if  
311 required, the owner or any person interested in the lost or  
312 abandoned article or articles described has not removed the  
313 article or articles from public property or shown reasonable  
314 cause for failure to do so, and, in the case of a derelict  
315 vessel or a vessel declared a public nuisance pursuant to s.  
316 327.73(1)(aa), has not requested a hearing in accordance with  
317 this section, the following shall apply:

318       a. For abandoned property other than a derelict vessel or a  
319 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),  
320 the law enforcement agency may retain any or all of the property  
321 for its own use or for use by the state or unit of local  
322 government, trade such property to another unit of local  
323 government or state agency, donate the property to a charitable  
324 organization, sell the property, or notify the appropriate  
325 refuse removal service.

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

329       (I) Remove the vessel from the waters of this state and



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330 destroy and dispose of the vessel or authorize another  
331 governmental entity or its designee to do so; or

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

335  
336 A law enforcement agency or its designee may also take action as  
337 described in this sub-subparagraph if, following a hearing  
338 pursuant to this section, the judge, magistrate, administrative  
339 law judge, or hearing officer has determined the vessel to be  
340 derelict as provided in s. 823.11 or otherwise in violation of  
341 the law in accordance with s. 327.73(1)(aa) and a final order  
342 has been entered or the case is otherwise closed.

343 (4) The owner of any abandoned or lost property, or in the  
344 case of a derelict vessel or a vessel declared a public nuisance  
345 pursuant to s. 327.73(1)(aa), the owner or other party  
346 determined to be legally responsible for the vessel being upon  
347 the waters of this state in a derelict condition or as a public  
348 nuisance, who, after notice as provided in this section, does  
349 not remove such property within the specified period is ~~shall be~~  
350 liable to the law enforcement agency, other governmental entity,  
351 or the agency's or entity's designee for all costs of removal,  
352 storage, ~~and~~ destruction, and disposal of such property, less  
353 any salvage value obtained by disposal of the property. Upon  
354 final disposition of the property, the law enforcement officer  
355 or representative of the law enforcement agency or other  
356 governmental entity shall notify the owner or in the case of a  
357 derelict vessel or vessel declared a public nuisance pursuant to  
358 s. 327.73(1)(aa), the owner or other party determined to be



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359 legally responsible, if known, of the amount owed. In the case  
360 of an abandoned vessel or motor vehicle, any person who neglects  
361 or refuses to pay such amount is not entitled to be issued a  
362 certificate of registration for such vessel or motor vehicle, or  
363 any other vessel or motor vehicle, until such costs have been  
364 paid. A person who has neglected or refused to pay all costs of  
365 removal, storage, disposal, and destruction of a vessel or motor  
366 vehicle as provided in this section, after having been provided  
367 written notice via certified mail that such costs are owed, and  
368 who applies for and is issued a registration for a vessel or  
369 motor vehicle before such costs have been paid in full commits a  
370 misdemeanor of the first degree, punishable as provided in s.  
371 775.082 or s. 775.083. The law enforcement officer or  
372 representative of the law enforcement agency or other  
373 governmental entity shall supply the Department of Highway  
374 Safety and Motor Vehicles with a list of persons whose vessel  
375 registration privileges and motor vehicle privileges have been  
376 revoked under this subsection. The department or a person acting  
377 as an agent of the department may not issue a certificate of  
378 registration to a person whose vessel and motor vehicle  
379 registration privileges have been revoked, as provided by this  
380 subsection, until such costs have been paid.

381 Section 10. Effective July 1, 2023, paragraph (a) of  
382 subsection (2) of section 705.103, Florida Statutes, as amended  
383 by chapters 2019-76 and 2021-184, Laws of Florida, is amended to  
384 read:

385 705.103 Procedure for abandoned or lost property.—

386 (2) (a) 1. Whenever a law enforcement officer ascertains  
387 that:



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

394

395 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
396 PROPERTY. This property, to wit: ...(setting forth brief  
397 description)... is unlawfully upon public property known as  
398 ...(setting forth brief description of location)... and must be  
399 removed within 5 days; otherwise, it will be removed and  
400 disposed of pursuant to chapter 705, Florida Statutes. The owner  
401 will be liable for the costs of removal, storage, and  
402 publication of notice. Dated this: ...(setting forth the date of  
403 posting of notice)..., signed: ...(setting forth name, title,  
404 address, and telephone number of law enforcement officer)....

405

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

410

411 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
412 VESSEL. This vessel, to wit: ...(setting forth brief description  
413 of location)... has been determined to be ...(derelict or a  
414 public nuisance)... and is unlawfully upon the waters of this  
415 state ...(setting forth brief description of location)... and  
416 must be removed within 21 days; otherwise, it will be removed



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417 and disposed of pursuant to chapter 705, Florida Statutes. The  
418 owner and other interested parties have the right to a hearing  
419 to challenge the determination that this vessel is derelict or  
420 otherwise in violation of the law. Please contact ...(contact  
421 information for person who can arrange for a hearing in  
422 accordance with this section)... The owner or the party  
423 determined to be legally responsible for the vessel being upon  
424 the waters of this state in a derelict condition or as a public  
425 nuisance will be liable for the costs of removal, destruction,  
426 and disposal if this vessel is not removed by the owner. Dated  
427 this: ...(setting forth the date of posting of notice)...,  
428 signed: ...(setting forth name, title, address, and telephone  
429 number of law enforcement officer)....

430  
431 2. The notices required under subparagraph 1. may not be  
432 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently  
433 weatherproof to withstand normal exposure to the elements. In  
434 addition to posting, the law enforcement officer shall make a  
435 reasonable effort to ascertain the name and address of the  
436 owner. If such is reasonably available to the officer, she or he  
437 shall mail a copy of such notice to the owner on or before the  
438 date of posting. If the property is a motor vehicle as defined  
439 in s. 320.01(1) or a vessel as defined in s. 327.02, the law  
440 enforcement agency shall contact the Department of Highway  
441 Safety and Motor Vehicles in order to determine the name and  
442 address of the owner and any person who has filed a lien on the  
443 vehicle or vessel as provided in s. 319.27(2) or (3) or s.  
444 328.15. On receipt of this information, the law enforcement  
445 agency shall mail a copy of the notice by certified mail, return





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446 receipt requested, to the owner and to the lienholder, if any,  
447 except that a law enforcement officer who has issued a citation  
448 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a  
449 derelict vessel is not required to mail a copy of the notice by  
450 certified mail, return receipt requested, to the owner. For a  
451 derelict vessel or a vessel declared a public nuisance pursuant  
452 to s. 327.73(1)(aa), the mailed notice must inform the owner or  
453 responsible party that he or she has a right to a hearing to  
454 dispute the determination that the vessel is derelict or  
455 otherwise in violation of the law. If a request for a hearing is  
456 made, a state agency shall follow the processes as set forth in  
457 s. 120.569. Local governmental entities shall follow the  
458 processes set forth in s. 120.569, except that a local judge,  
459 magistrate, or code enforcement officer may be designated to  
460 conduct such a hearing. If, at the end of 5 days after posting  
461 the notice in sub-subparagraph 1.a., or at the end of 21 days  
462 after posting the notice in sub-subparagraph 1.b., and mailing  
463 such notice, if required, the owner or any person interested in  
464 the lost or abandoned article or articles described has not  
465 removed the article or articles from public property or shown  
466 reasonable cause for failure to do so, and, in the case of a  
467 derelict vessel or a vessel declared a public nuisance pursuant  
468 to s. 327.73(1)(aa), has not requested a hearing in accordance  
469 with this section, the following shall apply:

470       a. For abandoned property other than a derelict vessel or a  
471 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),  
472 the law enforcement agency may retain any or all of the property  
473 for its own use or for use by the state or unit of local  
474 government, trade such property to another unit of local



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475 government or state agency, donate the property to a charitable  
476 organization, sell the property, or notify the appropriate  
477 refuse removal service.

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

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

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

487  
488 A law enforcement agency or its designee may also take action as  
489 described in this sub-subparagraph if, following a hearing  
490 pursuant to this section, the judge, magistrate, administrative  
491 law judge, or hearing officer has determined the vessel to be  
492 derelict as provided in s. 823.11 or otherwise in violation of  
493 the law in accordance with s. 327.73(1)(aa) and a final order  
494 has been entered or the case is otherwise closed.

495       Section 11. Present subsections (4), (5), and (6) of  
496 section 823.11, Florida Statutes, are redesignated as  
497 subsections (5), (6), and (7), respectively, a new subsection  
498 (4) is added to that section, and subsection (1), paragraph (c)  
499 of subsection (2), subsection (3), and present subsections (5)  
500 and (6) of that section are amended, to read:

501       823.11 Derelict vessels; relocation or removal; penalty.—

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

503       (a) "Commission" means the Fish and Wildlife Conservation



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504 Commission.

505 (b) "Derelict vessel" means a vessel, as defined in s.  
506 327.02, that is:

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

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

513 b. A vessel is junked if it has been substantially stripped  
514 of vessel components, if vessel components have substantially  
515 degraded or been destroyed, or if the vessel has been discarded  
516 by the owner or operator. Attaching an outboard motor to a  
517 vessel that is otherwise junked will not cause the vessel to no  
518 longer be junked if such motor is not an effective means of  
519 propulsion as required by s. 327.4107(2) (e) and associated  
520 rules.

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

524 (I) The steering system;

525 (II) The propulsion system; or

526 (III) The exterior hull integrity.

527

528 Attaching an outboard motor to a vessel that is otherwise  
529 substantially dismantled will not cause the vessel to no longer  
530 be substantially dismantled if such motor is not an effective  
531 means of propulsion as required by s. 327.4107(2) (e) and  
532 associated rules.



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

535           3. Docked, grounded, or beached upon the property of  
536 another without the consent of the owner of the property.

537           (c) "Gross negligence" means conduct so reckless or wanting  
538 in care that it constitutes a conscious disregard or  
539 indifference to the safety of the property exposed to such  
540 conduct.

541           (d) "Willful misconduct" means conduct evidencing  
542 carelessness or negligence of such a degree or recurrence as to  
543 manifest culpability, wrongful intent, or evil design or to show  
544 an intentional and substantial disregard of the interests of the  
545 vessel owner.

546           (2)

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

553           (3) The commission, an officer of the commission, or a law  
554 enforcement agency or officer specified in s. 327.70 may  
555 relocate, remove, and store, ~~destroy, or dispose of~~ or cause to  
556 be relocated, removed, and stored, ~~destroyed, or disposed of~~ a  
557 derelict vessel from waters of this state as defined in s.  
558 327.02 if the derelict vessel obstructs or threatens to obstruct  
559 navigation or in any way constitutes a danger to the  
560 environment, property, or persons. The commission, an officer of  
561 the commission, or any other law enforcement agency or officer



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562 acting pursuant to this subsection to relocate, remove, and  
563 ~~store, destroy, dispose of~~ or cause to be relocated, removed,  
564 and ~~stored, destroyed, or disposed of~~ a derelict vessel from  
565 waters of this state shall be held harmless for all damages to  
566 the derelict vessel resulting from such action unless the damage  
567 results from gross negligence or willful misconduct.

568 ~~(a) Removal of derelict vessels under this subsection may~~  
569 ~~be funded by grants provided in ss. 206.606 and 376.15. The~~  
570 ~~commission shall implement a plan for the procurement of any~~  
571 ~~available federal disaster funds and use such funds for the~~  
572 ~~removal of derelict vessels.~~

573 ~~(b)~~ All costs, including costs owed to a third party,  
574 incurred by the commission, another law enforcement agency, or a  
575 governmental subdivision, when the governmental subdivision has  
576 received authorization from a law enforcement officer or agency,  
577 in the relocation, removal, storage, destruction, or disposal of  
578 a derelict vessel are recoverable against the vessel owner or  
579 the party determined to be legally responsible for the vessel  
580 being upon the waters of this state in a derelict condition. The  
581 Department of Legal Affairs shall represent the commission in  
582 actions to recover such costs. As provided in s. 705.103(4), a  
583 person who neglects or refuses to pay such costs may not be  
584 issued a certificate of registration for such vessel or for any  
585 other vessel or motor vehicle until such costs have been paid. A  
586 person who has neglected or refused to pay all costs of removal,  
587 storage, destruction, or disposal of a derelict vessel as  
588 provided in this section, after having been provided written  
589 notice via certified mail that such costs are owed, and who  
590 applies for and is issued a registration for a vessel or motor



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591 vehicle before such costs have been paid in full commits a  
592 misdemeanor of the first degree, punishable as provided in s.  
593 775.082 or s. 775.083.

594 (b)(e) A contractor performing such activities at the  
595 direction of the commission, an officer of the commission, a law  
596 enforcement agency or officer, or a governmental subdivision,  
597 when the governmental subdivision has received authorization for  
598 the relocation or removal from a law enforcement officer or  
599 agency, pursuant to this section must be licensed in accordance  
600 with applicable United States Coast Guard regulations where  
601 required; obtain and carry in full force and effect a policy  
602 from a licensed insurance carrier in this state to insure  
603 against any accident, loss, injury, property damage, or other  
604 casualty caused by or resulting from the contractor's actions;  
605 and be properly equipped to perform the services to be provided.

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

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

611 (c) The commission may establish a program to provide  
612 grants to local governments for the removal, storage,  
613 destruction, and disposal of derelict vessels from the waters of  
614 this state. This grant funding may also be used for the removal,  
615 storage, destruction, and disposal of vessels declared a public  
616 nuisance pursuant to s. 327.73(1)(aa). The program must be  
617 funded from the Marine Resources Conservation Trust Fund or the  
618 Florida Coastal Protection Trust Fund. Notwithstanding s.  
619 216.181(11), funds available for these grants may only be



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620 authorized by appropriations acts of the Legislature. In a given  
621 fiscal year, if all funds appropriated pursuant to this  
622 paragraph are not requested by and granted to local governments  
623 for the removal, storage, destruction, and disposal of derelict  
624 vessels or vessels declared a public nuisance pursuant to s.  
625 327.73(1)(aa) by the end of the third quarter, the Fish and  
626 Wildlife Conservation Commission may use the remainder of the  
627 funds to remove, store, destroy, and dispose of, or to pay  
628 private contractors to remove, store, destroy, and dispose of,  
629 derelict vessels or vessels declared a public nuisance pursuant  
630 to s. 327.73(1)(aa). The commission shall adopt by rule  
631 procedures for local governments to submit a grant application  
632 and criteria for allocating available funds. Such criteria must  
633 include, at a minimum, the following:

634 1. The number of derelict vessels within the jurisdiction  
635 of the applicant.

636 2. The threat posed by such vessels to public health or  
637 safety, the environment, navigation, or the aesthetic condition  
638 of the general vicinity.

639 3. The degree of commitment of the local government to  
640 maintain waters free of abandoned and derelict vessels and to  
641 seek legal action against those who abandon vessels in the  
642 waters of this state as defined in s. 327.02.

643 (6)(5) A person, firm, or corporation violating this  
644 section commits a misdemeanor of the first degree and shall be  
645 punished as provided by law. A conviction under this section  
646 does not bar the assessment and collection of a ~~the~~ civil  
647 penalty provided in s. 376.16 for violation of s. 376.15. The  
648 court having jurisdiction over the criminal offense,



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649 notwithstanding any jurisdictional limitations on the amount in  
650 controversy, may order the imposition of such civil penalty in  
651 addition to any sentence imposed for the first criminal offense.

652 (7)~~(6)~~ If an owner or a responsible party of a vessel  
653 determined to be derelict through an administrative or criminal  
654 proceeding has been charged by an officer of the commission or  
655 any law enforcement agency or officer as specified in s. 327.70  
656 under subsection (5) for a violation of subsection (2) ~~or a~~  
657 ~~violation of s. 376.15(2)~~, a person may not reside or dwell on  
658 such vessel until the vessel is removed from the waters of the  
659 state permanently or returned to the waters of the state in a  
660 condition that is no longer derelict.

661 Section 12. Paragraph (p) of subsection (4) of section  
662 934.50, Florida Statutes, is amended to read:

663 934.50 Searches and seizure using a drone.—

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

666 (p) By an ~~a non-law enforcement~~ employee of the Fish and  
667 Wildlife Conservation Commission or of the Florida Forest  
668 Service for the purposes of managing and eradicating invasive  
669 exotic plants or animals on public lands and suppressing and  
670 mitigating wildfire threats.

671 Section 13. Section 327.04, Florida Statutes, is amended to  
672 read:

673 327.04 Rules.—The commission may adopt rules pursuant to  
674 ss. 120.536(1) and 120.54 to implement this chapter, the  
675 provisions of chapter 705 relating to vessels, and s. ~~ss. 376.15~~  
676 ~~and~~ 823.11 conferring powers or duties upon it.

677 Section 14. Subsection (4) of section 328.09, Florida





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678 Statutes, is amended to read:

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

681       (4) The department may not issue a certificate of title to  
682 an applicant for a vessel that has been deemed derelict or a  
683 public nuisance by a law enforcement officer under s.  
684 327.73(1)(aa) or ~~s. 376.15~~ or s. 823.11. A law enforcement  
685 officer must inform the department in writing, which may be  
686 provided by facsimile, e-mail ~~electronic mail~~, or other  
687 electronic means, of the vessel's derelict or public nuisance  
688 status and supply the department with the vessel title number or  
689 vessel identification number. The department may issue a  
690 certificate of title once a law enforcement officer has verified  
691 in writing, which may be provided by facsimile, e-mail  
692 ~~electronic mail~~, or other electronic means, that the vessel is  
693 no longer a derelict or public nuisance vessel.

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

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

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

700       (15) DISTRIBUTION OF FEES.—Except as provided in this  
701 subsection, moneys designated for the use of the counties, as  
702 specified in subsection (1), shall be distributed by the tax  
703 collector to the board of county commissioners for use only as  
704 provided in this section. Such moneys to be returned to the  
705 counties are for the sole purposes of providing, maintaining, or  
706 operating recreational channel marking and other uniform



707 waterway markers, public boat ramps, lifts, and hoists, marine  
708 railways, boat piers, docks, mooring buoys, and other public  
709 launching facilities; and removing derelict vessels, debris that  
710 specifically impedes boat access, not including the dredging of  
711 channels, and vessels and floating structures deemed a hazard to  
712 public safety and health for failure to comply with s. 327.53.  
713 Counties shall demonstrate through an annual detailed accounting  
714 report of vessel registration revenues that the registration  
715 fees were spent as provided in this subsection. This report  
716 shall be provided to the Fish and Wildlife Conservation  
717 Commission no later than November 1 of each year. If, before  
718 January 1 of each calendar year, the accounting report meeting  
719 the prescribed criteria has still not been provided to the  
720 commission, the tax collector of that county may not distribute  
721 the moneys designated for the use of counties, as specified in  
722 subsection (1), to the board of county commissioners but shall,  
723 for the next calendar year, remit such moneys to the state for  
724 deposit into the Marine Resources Conservation Trust Fund. The  
725 commission shall return those moneys to the county if the county  
726 fully complies with this section within that calendar year. If  
727 the county does not fully comply with this section within that  
728 calendar year, the moneys shall remain within the Marine  
729 Resources Trust Fund and may be appropriated for the purposes  
730 specified in this subsection.

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



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736 ~~s. 376.15:~~

737 1. Class A-2: \$0.25 for each 12-month period registered.

738 2. Class 1: \$2.06 for each 12-month period registered.

739 3. Class 2: \$9.26 for each 12-month period registered.

740 4. Class 3: \$16.45 for each 12-month period registered.

741 5. Class 4: \$20.06 for each 12-month period registered.

742 6. Class 5: \$25.46 for each 12-month period registered.

743 Section 17. Paragraph (h) of subsection (6) of section

744 376.11, Florida Statutes, is amended to read:

745 376.11 Florida Coastal Protection Trust Fund.—

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

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

752 Section 18. For the purpose of incorporating the amendment  
753 made by this act to section 327.371, Florida Statutes, in a  
754 reference thereto, paragraph (dd) of subsection (1) of section  
755 327.73, Florida Statutes, is reenacted to read:

756 327.73 Noncriminal infractions.—

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

759 (dd) Section 327.371, relating to the regulation of human-  
760 powered vessels.

761

762 Any person cited for a violation of any provision of this  
763 subsection shall be deemed to be charged with a noncriminal  
764 infraction, shall be cited for such an infraction, and shall be



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765 cited to appear before the county court. The civil penalty for  
766 any such infraction is \$50, except as otherwise provided in this  
767 section. Any person who fails to appear or otherwise properly  
768 respond to a uniform boating citation shall, in addition to the  
769 charge relating to the violation of the boating laws of this  
770 state, be charged with the offense of failing to respond to such  
771 citation and, upon conviction, be guilty of a misdemeanor of the  
772 second degree, punishable as provided in s. 775.082 or s.  
773 775.083. A written warning to this effect shall be provided at  
774 the time such uniform boating citation is issued.

775 Section 19. For the purpose of incorporating the amendment  
776 made by this act to section 379.101, Florida Statutes, in a  
777 reference thereto, subsection (4) of section 125.01, Florida  
778 Statutes, is reenacted to read:

779 125.01 Powers and duties.—

780 (4) The legislative and governing body of a county shall  
781 not have the power to regulate the taking or possession of  
782 saltwater fish, as defined in s. 379.101, with respect to the  
783 method of taking, size, number, season, or species. However,  
784 this subsection does not prohibit a county from prohibiting, for  
785 reasons of protecting the public health, safety, or welfare,  
786 saltwater fishing from real property owned by that county, nor  
787 does it prohibit the imposition of excise taxes by county  
788 ordinance.

789 Section 20. For the purpose of incorporating the amendment  
790 made by this act to section 379.101, Florida Statutes, in a  
791 reference thereto, section 379.2412, Florida Statutes, is  
792 reenacted to read:

793 379.2412 State preemption of power to regulate.—The power



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794 to regulate the taking or possession of saltwater fish, as  
795 defined in s. 379.101, is expressly reserved to the state. This  
796 section does not prohibit a local government from prohibiting,  
797 for reasons of protecting the public health, safety, or welfare,  
798 saltwater fishing from real property owned by that local  
799 government.

800 Section 21. Except as otherwise expressly provided in this  
801 act, this act shall take effect July 1, 2022.

802

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

804 And the title is amended as follows:

805 Delete everything before the enacting clause  
806 and insert:

807 A bill to be entitled  
808 An act relating to the Fish and Wildlife Conservation  
809 Commission; amending ss. 327.352 and 327.35215, F.S.;  
810 revising the notices a person must be given and  
811 revising the fines a person is subject to for failure  
812 to submit to certain tests for alcohol, chemical  
813 substances, or controlled substances; making technical  
814 changes; amending s. 327.371, F.S.; authorizing  
815 certain athletic teams or sports affiliated with  
816 specified educational institutions to operate a human-  
817 powered vessel within the marked channel of the  
818 Florida Intracoastal Waterway; amending s. 327.4107,  
819 F.S.; revising the vessel conditions that an officer  
820 of the Fish and Wildlife Conservation Commission or a  
821 law enforcement agency may use to determine that a  
822 vessel is at risk of becoming derelict; amending s.



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823 327.46, F.S.; prohibiting municipalities and counties  
824 from designating public bathing beach areas or swim  
825 areas within their jurisdictions which are within the  
826 marked channel portion of the Florida Intracoastal  
827 Waterway or within a specified distance from any  
828 portion of the marked channel; repealing s. 376.15,  
829 F.S., relating to derelict vessels and the relocation  
830 and removal of such vessels from the waters of this  
831 state; amending s. 379.101, F.S.; revising the  
832 definitions of the terms "marine fish" and "saltwater  
833 fish"; amending s. 705.101, F.S.; revising the  
834 definition of the term "abandoned property" to include  
835 vessels declared to be a public nuisance; amending s.  
836 705.103, F.S.; clarifying the notice requirements and  
837 procedures for vessels declared to be public  
838 nuisances; amending s. 823.11, F.S.; making technical  
839 changes; authorizing the commission to establish a  
840 program to provide grants to local governments for  
841 certain actions regarding derelict vessels and those  
842 declared to be a public nuisance; specifying sources  
843 for the funds to be used, subject to an appropriation;  
844 authorizing the commission to use funds not awarded as  
845 grants for certain purposes; requiring the commission  
846 to adopt rules for the grant applications and the  
847 criteria for allocating the funds; amending s. 934.50,  
848 F.S.; providing that all employees of the commission  
849 or the Florida Forest Service may operate drones for  
850 specified purposes; amending ss. 327.04, 328.09,  
851 328.72, and 376.11, F.S.; conforming provisions to



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852 changes made by the act; repealing s. 25, chapter  
853 2021-184, Laws of Florida, relating to derelict  
854 vessels; reenacting s. 327.73(1)(dd), F.S., relating  
855 to noncriminal boating infractions, to incorporate the  
856 amendment made to s. 327.371, F.S., in a reference  
857 thereto; reenacting ss. 125.01(4) and 379.2412, F.S.,  
858 relating to powers and duties of legislative and  
859 governing bodies of counties and state preemption of  
860 the regulating of taking or possessing saltwater fish,  
861 respectively, to incorporate the amendment made to s.  
862 379.101(34), F.S., in a reference thereto; providing  
863 effective dates.