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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Agriculture, Environment, and
General Government)

A bill to be entitled

An act relating to the Fish and Wildlife Conservation
Commission; amending s. 259.105, F.S.; requiring land
management agencies to consider, in consultation with
the commission, as part of certain state land
management plans, the feasibility of using portions of
such lands as gopher tortoise recipient sites;
requiring the agencies to consult with the commission
on required feasibility assessments and the
implementation of management strategies; amending ss.
327.352 and 327.35215, F.S.; 327.35215, F.S.; revising
the notices a person must be given for failure to
submit to certain tests for alcohol, chemical
substances, or controlled substances; making technical
changes; amending s. 327.371, F.S.; authorizing
certain athletic teams or sports affiliated with
specified educational institutions to operate a human-
powered vessel within the marked channel of the
Florida Intracoastal Waterway; amending s. 327.4107,
F.S.; revising the vessel conditions that an officer
of the Fish and Wildlife Conservation Commission or a
law enforcement agency may use to determine that a
vessel is at risk of becoming derelict; amending s.
327.46, F.S.; prohibiting municipalities and counties
from designating public bathing beach areas or swim
areas within their jurisdictions which are within the



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27 marked channel portion of the Florida Intracoastal
28 Waterway or within a specified distance from any
29 portion of the marked channel; repealing s. 376.15,
30 F.S., relating to derelict vessels and the relocation
31 and removal of such vessels from the waters of this
32 state; amending s. 379.101, F.S.; revising the
33 definitions of the terms "marine fish" and "saltwater
34 fish"; amending s. 705.101, F.S.; revising the
35 definition of the term "abandoned property" to include
36 vessels declared to be a public nuisance; amending s.
37 705.103, F.S.; clarifying the notice requirements and
38 procedures for vessels declared to be public
39 nuisances; amending s. 823.11, F.S.; making technical
40 changes; authorizing the commission to establish a
41 program to provide grants to local governments for
42 certain actions regarding derelict vessels and those
43 declared to be a public nuisance; specifying sources
44 for the funds to be used, subject to an appropriation;
45 authorizing the commission to use funds not awarded as
46 grants for certain purposes; requiring the commission
47 to adopt rules for the grant applications and the
48 criteria for allocating the funds; amending s. 934.50,
49 F.S.; providing that all employees of the commission
50 or the Florida Forest Service may operate drones for
51 specified purposes; amending ss. 327.04, 328.09,
52 328.72, and 376.11, F.S.; conforming provisions to
53 changes made by the act; repealing s. 25, chapter
54 2021-184, Laws of Florida, relating to derelict
55 vessels; reenacting s. 327.73(1)(dd), F.S., relating



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56 to noncriminal boating infractions, to incorporate the
57 amendment made to s. 327.371, F.S., in a reference
58 thereto; reenacting ss. 125.01(4) and 379.2412, F.S.,
59 relating to powers and duties of legislative and
60 governing bodies of counties and state preemption of
61 the regulating of taking or possessing saltwater fish,
62 respectively, to incorporate the amendment made to s.
63 379.101, F.S., in a reference thereto; providing
64 effective dates.

65

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

67

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

70 259.105 The Florida Forever Act.—

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

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

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



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

90 4. It is essential to protect the state's ecosystems by
91 promoting a more efficient use of land, to ensure opportunities
92 for viable agricultural activities on working lands, and to
93 promote vital rural and urban communities that support and
94 produce development patterns consistent with natural resource
95 protection.

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

109 6. The needs of urban, suburban, and small communities in
110 the state for high-quality outdoor recreational opportunities,
111 greenways, trails, and open space have not been fully met by
112 previous acquisition programs. Through such programs as the
113 Florida Communities Trust and the Florida Recreation Development



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114 Assistance Program, the state shall place additional emphasis on
115 acquiring, protecting, preserving, and restoring open space,
116 ecological greenways, and recreation properties within urban,
117 suburban, and rural areas where pristine natural communities or
118 water bodies no longer exist because of the proximity of
119 developed property.

120 7. Many of the state's unique ecosystems, such as the
121 Florida Everglades, are facing ecological collapse due to the
122 state's burgeoning population growth and other economic
123 activities. To preserve these valuable ecosystems for future
124 generations, essential parcels of land must be acquired to
125 facilitate ecosystem restoration.

126 8. Access to public lands to support a broad range of
127 outdoor recreational opportunities and the development of
128 necessary infrastructure, if compatible with the resource values
129 of and management objectives for such lands, promotes an
130 appreciation for the state's natural assets and improves the
131 quality of life.

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



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

154 11. The state must play a major role in the recovery and
155 management of its imperiled species through the acquisition,
156 restoration, enhancement, and management of ecosystems that can
157 support the major life functions of such species. It is the
158 intent of the Legislature to support local, state, and federal
159 programs that result in net benefit to imperiled species habitat
160 by providing public and private land owners meaningful
161 incentives for acquiring, restoring, managing, and repopulating
162 habitats for imperiled species. It is the further intent of the
163 Legislature that public lands, both existing and to be acquired,
164 identified by the lead land managing agency, in consultation
165 with the Fish and Wildlife Conservation Commission for animals
166 or the Department of Agriculture and Consumer Services for
167 plants, as habitat or potentially restorable habitat for
168 imperiled species, be restored, enhanced, managed, and
169 repopulated as habitat for such species to advance the goals and
170 objectives of imperiled species management for conservation,
171 recreation, or both, consistent with the land management plan



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172 without restricting other uses identified in the management
173 plan. It is also the intent of the Legislature that of the
174 proceeds distributed pursuant to subsection (3), additional
175 consideration be given to acquisitions that achieve a
176 combination of conservation goals, including the restoration,
177 enhancement, management, or repopulation of habitat for
178 imperiled species. The council, in addition to the criteria in
179 subsection (9), shall give weight to projects that include
180 acquisition, restoration, management, or repopulation of habitat
181 for imperiled species. The term "imperiled species" as used in
182 this chapter and chapter 253, means plants and animals that are
183 federally listed under the Endangered Species Act, or state-
184 listed by the Fish and Wildlife Conservation Commission or the
185 Department of Agriculture and Consumer Services. As part of the
186 state's role, all state lands that have imperiled species
187 habitat must ~~shall~~ include as a consideration in management plan
188 development the restoration, enhancement, management, and
189 repopulation of such habitats. Each lead land managing agency,
190 in consultation with the Fish and Wildlife Conservation
191 Commission, shall consider in the management plan for all state
192 lands under its management which are greater in size than 40
193 contiguous acres the feasibility of using a portion of the
194 property as a gopher tortoise recipient site. If, during
195 consultation with the Fish and Wildlife Conservation Commission,
196 the lead land managing agency determines that the recipient site
197 management is not in conflict with the primary management
198 objects of the parcel, the management plan must contain a
199 component or section prepared by a qualified wildlife biologist
200 which assesses the feasibility of managing the site as a



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201 recipient site for gopher tortoises, consistent with the rules
202 of the Fish and Wildlife Conservation Commission. Each land
203 management agency shall consult with the Fish and Wildlife
204 Conservation Commission on feasibility assessments and
205 implementation of gopher tortoise management. In addition, the
206 lead land managing agency of such state lands may use fees
207 received from public or private entities for projects to offset
208 adverse impacts to imperiled species or their habitat in order
209 to restore, enhance, manage, repopulate, or acquire land and to
210 implement land management plans developed under s. 253.034 or a
211 land management prospectus developed and implemented under this
212 chapter. Such fees shall be deposited into a foundation or fund
213 created by each land management agency under s. 379.223, s.
214 589.012, or s. 259.032(9)(c), to be used solely to restore,
215 manage, enhance, repopulate, or acquire imperiled species
216 habitat.

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

221 (b) The Legislature recognizes that acquisition of lands in
222 fee simple is only one way to achieve the aforementioned goals
223 and encourages the use of less-than-fee interests, other
224 techniques, and the development of creative partnerships between
225 governmental agencies and private landowners. Such partnerships
226 may include those that advance the restoration, enhancement,
227 management, or repopulation of imperiled species habitat on
228 state lands as provided for in subparagraph (a)11. Easements
229 acquired pursuant to s. 570.71(2)(a) and (b), land protection



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230 agreements, and nonstate funded tools such as rural land
231 stewardship areas, sector planning, gopher tortoise recipient
232 sites, and mitigation should be used, where appropriate, to
233 bring environmentally sensitive tracts under an acceptable level
234 of protection at a lower financial cost to the public, and to
235 provide private landowners with the opportunity to enjoy and
236 benefit from their property.

237 Section 2. Paragraphs (a) and (c) of subsection (1) of
238 section 327.352, Florida Statutes, are amended to read:

239 327.352 Tests for alcohol, chemical substances, or
240 controlled substances; implied consent; refusal.-

241 (1) (a) 1. The Legislature declares that the operation of a
242 vessel is a privilege that must be exercised in a reasonable
243 manner. In order to protect the public health and safety, it is
244 essential that a lawful and effective means of reducing the
245 incidence of boating while impaired or intoxicated be
246 established. Therefore, a person who accepts the privilege
247 extended by the laws of this state of operating a vessel within
248 this state is, by operating such vessel, deemed to have given
249 his or her consent to submit to an approved chemical test or
250 physical test including, but not limited to, an infrared light
251 test of his or her breath for the purpose of determining the
252 alcoholic content of his or her blood or breath if the person is
253 lawfully arrested for any offense allegedly committed while the
254 person was operating a vessel while under the influence of
255 alcoholic beverages. The chemical or physical breath test must
256 be incidental to a lawful arrest and administered at the request
257 of a law enforcement officer who has reasonable cause to believe
258 such person was operating the vessel within this state while



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259 under the influence of alcoholic beverages. The administration
260 of a breath test does not preclude the administration of another
261 type of test. The person shall be told that his or her failure
262 to submit to any lawful test of his or her breath under this
263 chapter will result in a civil penalty of \$500, and ~~shall also~~
264 ~~be told~~ that if he or she refuses to submit to a lawful test of
265 his or her breath and he or she has been previously fined under
266 s. 327.35215 or ~~has previously had~~ his or her driving privilege
267 has been previously ~~driver license~~ suspended for refusal to
268 submit to any lawful test of his or her breath, urine, or blood,
269 he or she commits a misdemeanor of the first degree, punishable
270 as provided in s. 775.082 or s. 775.083, in addition to any
271 other penalties provided by law. The refusal to submit to a
272 chemical or physical breath test upon the request of a law
273 enforcement officer as provided in this section is admissible
274 into evidence in any criminal proceeding.

275 2. A person who accepts the privilege extended by the laws
276 of this state of operating a vessel within this state is, by
277 operating such vessel, deemed to have given his or her consent
278 to submit to a urine test for the purpose of detecting the
279 presence of chemical substances as set forth in s. 877.111 or
280 controlled substances if the person is lawfully arrested for any
281 offense allegedly committed while the person was operating a
282 vessel while under the influence of chemical substances or
283 controlled substances. The urine test must be incidental to a
284 lawful arrest and administered at a detention facility or any
285 other facility, mobile or otherwise, which is equipped to
286 administer such tests at the request of a law enforcement
287 officer who has reasonable cause to believe such person was



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288 operating a vessel within this state while under the influence
289 of chemical substances or controlled substances. The urine test
290 must ~~shall~~ be administered at a detention facility or any other
291 facility, mobile or otherwise, which is equipped to administer
292 such test in a reasonable manner that will ensure the accuracy
293 of the specimen and maintain the privacy of the individual
294 involved. The administration of a urine test does not preclude
295 the administration of another type of test. The person shall be
296 told that his or her failure to submit to any lawful test of his
297 or her urine under this chapter will result in a civil penalty
298 of \$500, and ~~shall also be told~~ that if he or she refuses to
299 submit to a lawful test of his or her urine and he or she has
300 been previously fined under s. 327.35215 or ~~has previously had~~
301 his or her driving privilege ~~has been previously~~ ~~driver license~~
302 suspended for refusal to submit to any lawful test of his or her
303 breath, urine, or blood, he or she commits a misdemeanor of the
304 first degree, punishable as provided in s. 775.082 or s.
305 775.083, in addition to any other penalties provided by law. The
306 refusal to submit to a urine test upon the request of a law
307 enforcement officer as provided in this section is admissible
308 into evidence in any criminal proceeding.

309 (c) A person who accepts the privilege extended by the laws
310 of this state of operating a vessel within this state is, by
311 operating such vessel, deemed to have given his or her consent
312 to submit to an approved blood test for the purpose of
313 determining the alcoholic content of the blood or a blood test
314 for the purpose of determining the presence of chemical
315 substances or controlled substances as provided in this section
316 if there is reasonable cause to believe the person was operating



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317 a vessel while under the influence of alcoholic beverages or
318 chemical or controlled substances and the person appears for
319 treatment at a hospital, clinic, or other medical facility and
320 the administration of a breath or urine test is impractical or
321 impossible. As used in this paragraph, the term "other medical
322 facility" includes an ambulance or other medical emergency
323 vehicle. The blood test must ~~shall~~ be performed in a reasonable
324 manner. A person who is incapable of refusal by reason of
325 unconsciousness or other mental or physical condition is deemed
326 not to have withdrawn his or her consent to such test. A person
327 who is capable of refusal shall be told that his or her failure
328 to submit to such a blood test will result in a civil penalty of
329 \$500. The refusal to submit to a blood test upon the request of
330 a law enforcement officer is ~~shall be~~ admissible in evidence in
331 any criminal proceeding.

332 Section 3. Subsections (1) and (2) of section 327.35215,
333 Florida Statutes, are amended to read:

334 327.35215 Penalty for failure to submit to test.—

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

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



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346 required by s. 327.352. Along with the statement, the officer
347 shall ~~must~~ also submit a sworn statement on a form provided by
348 the commission ~~department~~ that the person has been advised of
349 both the penalties for failure to submit to the blood, breath,
350 or urine test and the procedure for requesting a hearing.

351 Section 4. Present paragraph (c) of subsection (1) of
352 section 327.371, Florida Statutes, is redesignated as paragraph
353 (d), and a new paragraph (c) is added to that subsection, to
354 read:

355 327.371 Human-powered vessels regulated.—

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

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

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

365 327.4107 Vessels at risk of becoming derelict on waters of
366 this state.—

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

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

373 Section 6. Paragraph (b) of subsection (1) of section
374 327.46, Florida Statutes, is amended to read:



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375 327.46 Boating-restricted areas.-

376 (1) Boating-restricted areas, including, but not limited
377 to, restrictions of vessel speeds and vessel traffic, may be
378 established on the waters of this state for any purpose
379 necessary to protect the safety of the public if such
380 restrictions are necessary based on boating accidents,
381 visibility, hazardous currents or water levels, vessel traffic
382 congestion, or other navigational hazards or to protect
383 seagrasses on privately owned submerged lands.

384 (b) Municipalities and counties may establish the following
385 boating-restricted areas by ordinance, including,
386 notwithstanding the prohibition in s. 327.60(2)(c), within the
387 portion of the Florida Intracoastal Waterway within their
388 jurisdiction:

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

391 a. Within 500 feet of any boat ramp, hoist, marine railway,
392 or other launching or landing facility available for use by the
393 general boating public on waterways more than 300 feet in width
394 or within 300 feet of any boat ramp, hoist, marine railway, or
395 other launching or landing facility available for use by the
396 general boating public on waterways not exceeding 300 feet in
397 width.

398 b. Within 500 feet of fuel pumps or dispensers at any
399 marine fueling facility that sells motor fuel to the general
400 boating public on waterways more than 300 feet in width or
401 within 300 feet of the fuel pumps or dispensers at any licensed
402 terminal facility that sells motor fuel to the general boating
403 public on waterways not exceeding 300 feet in width.



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- 404 c. Inside or within 300 feet of any lock structure.
- 405 2. An ordinance establishing a slow speed, minimum wake
- 406 boating-restricted area if the area is:
- 407 a. Within 300 feet of any bridge fender system.
- 408 b. Within 300 feet of any bridge span presenting a vertical
- 409 clearance of less than 25 feet or a horizontal clearance of less
- 410 than 100 feet.
- 411 c. On a creek, stream, canal, or similar linear waterway if
- 412 the waterway is less than 75 feet in width from shoreline to
- 413 shoreline.
- 414 d. On a lake or pond of less than 10 acres in total surface
- 415 area.
- 416 e. Within the boundaries of a permitted public mooring
- 417 field and a buffer around the mooring field of up to 100 feet.
- 418 3. An ordinance establishing a vessel-exclusion zone if the
- 419 area is:
- 420 a. Designated as a public bathing beach or swim area,
- 421 except that public bathing beach or swim areas may not be
- 422 established in whole or in part within the marked channel of the
- 423 Florida Intracoastal Waterway or within 100 feet of any portion
- 424 of the marked channel.
- 425 b. Within 300 feet of a dam, spillway, or flood control
- 426 structure.
- 427
- 428 Vessel exclusion zones created pursuant to this subparagraph
- 429 must be marked with uniform waterway markers permitted by the
- 430 commission in accordance with this chapter. Such zones may not
- 431 be marked by ropes.
- 432 Section 7. Section 376.15, Florida Statutes, is repealed.



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

435 379.101 Definitions.—In construing these statutes, where
436 the context does not clearly indicate otherwise, the word,
437 phrase, or term:

438 (22) "Marine fish" means any saltwater species of finfish
439 of the classes Agnatha, Chondrichthyes, and Osteichthyes~~7~~ and
440 marine invertebrates of in the classes Gastropoda and~~7~~ Bivalvia,
441 the subphylum and Crustacea, or the phylum Echinodermata;
442 however, the term but does not include nonliving shells or
443 echinoderms.

444 (34) "Saltwater fish" means:

445 (a) Any saltwater species of finfish of the classes
446 Agnatha, Chondrichthyes, or Osteichthyes and marine
447 invertebrates of the classes Gastropoda and~~7~~ Bivalvia, the
448 subphylum or Crustacea, or of the phylum Echinodermata; however,
449 the term but does not include nonliving shells or echinoderms;
450 and

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

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

455 705.101 Definitions.—As used in this chapter:

456 (3) "Abandoned property" means all tangible personal
457 property that does not have an identifiable owner and that has
458 been disposed on public property in a wrecked, inoperative, or
459 partially dismantled condition or has no apparent intrinsic
460 value to the rightful owner. The term includes derelict vessels
461 as defined in s. 823.11 and vessels declared a public nuisance



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462 pursuant to s. 327.73(1)(aa).

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

465 705.103 Procedure for abandoned or lost property.—

466 (2)(a)1. Whenever a law enforcement officer ascertains
467 that:

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

474
475 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
476 PROPERTY. This property, to wit: ...(setting forth brief
477 description)... is unlawfully upon public property known as
478 ...(setting forth brief description of location)... and must be
479 removed within 5 days; otherwise, it will be removed and
480 disposed of pursuant to chapter 705, Florida Statutes. The owner
481 will be liable for the costs of removal, storage, and
482 publication of notice. Dated this: ...(setting forth the date of
483 posting of notice)..., signed: ...(setting forth name, title,
484 address, and telephone number of law enforcement officer)....

485
486 b. A derelict vessel or a vessel declared a public nuisance
487 pursuant to s. 327.73(1)(aa) is present on the waters of this
488 state, the officer shall cause a notice to be placed upon such
489 vessel in substantially the following form:

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491 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
492 VESSEL. This vessel, to wit: ...(setting forth brief
493 description)... has been determined to be ...(derelict or a
494 public nuisance)... and is unlawfully upon waters of this state
495 ...(setting forth brief description of location)... and must be
496 removed within 21 days; otherwise, it will be removed and
497 disposed of pursuant to chapter 705, Florida Statutes. The owner
498 and other interested parties have the right to a hearing to
499 challenge the determination that this vessel is derelict or
500 otherwise in violation of the law. Please contact ...(contact
501 information for person who can arrange for a hearing in
502 accordance with this section).... The owner or the party
503 determined to be legally responsible for the vessel being upon
504 the waters of this state in a derelict condition or as a public
505 nuisance will be liable for the costs of removal, destruction,
506 and disposal if this vessel is not removed by the owner. Dated
507 this: ...(setting forth the date of posting of notice)...,
508 signed: ...(setting forth name, title, address, and telephone
509 number of law enforcement officer)....

510
511 2. The notices required under subparagraph 1. may not be
512 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently
513 weatherproof to withstand normal exposure to the elements. In
514 addition to posting, the law enforcement officer shall make a
515 reasonable effort to ascertain the name and address of the
516 owner. If such is reasonably available to the officer, she or he
517 shall mail a copy of such notice to the owner on or before the
518 date of posting. If the property is a motor vehicle as defined
519 in s. 320.01(1) or a vessel as defined in s. 327.02, the law



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520 enforcement agency shall contact the Department of Highway
521 Safety and Motor Vehicles in order to determine the name and
522 address of the owner and any person who has filed a lien on the
523 vehicle or vessel as provided in s. 319.27(2) or (3) or s.
524 328.15(1). On receipt of this information, the law enforcement
525 agency shall mail a copy of the notice by certified mail, return
526 receipt requested, to the owner and to the lienholder, if any,
527 except that a law enforcement officer who has issued a citation
528 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a
529 derelict vessel is not required to mail a copy of the notice by
530 certified mail, return receipt requested, to the owner. For a
531 derelict vessel or a vessel declared a public nuisance pursuant
532 to s. 327.73(1)(aa), the mailed notice must inform the owner or
533 responsible party that he or she has a right to a hearing to
534 dispute the determination that the vessel is derelict or
535 otherwise in violation of the law. If a request for a hearing is
536 made, a state agency shall follow the processes set forth in s.
537 120.569. Local governmental entities shall follow the processes
538 set forth in s. 120.569, except that a local judge, magistrate,
539 or code enforcement officer may be designated to conduct such a
540 hearing. If, at the end of 5 days after posting the notice in
541 sub-subparagraph 1.a., or at the end of 21 days after posting
542 the notice in sub-subparagraph 1.b., and mailing such notice, if
543 required, the owner or any person interested in the lost or
544 abandoned article or articles described has not removed the
545 article or articles from public property or shown reasonable
546 cause for failure to do so, and, in the case of a derelict
547 vessel or a vessel declared a public nuisance pursuant to s.
548 327.73(1)(aa), has not requested a hearing in accordance with



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549 this section, the following shall apply:

550 a. For abandoned property other than a derelict vessel or a
551 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),
552 the law enforcement agency may retain any or all of the property
553 for its own use or for use by the state or unit of local
554 government, trade such property to another unit of local
555 government or state agency, donate the property to a charitable
556 organization, sell the property, or notify the appropriate
557 refuse removal service.

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

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

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

567
568 A law enforcement agency or its designee may also take action as
569 described in this sub-subparagraph if, following a hearing
570 pursuant to this section, the judge, magistrate, administrative
571 law judge, or hearing officer has determined the vessel to be
572 derelict as provided in s. 823.11 or otherwise in violation of
573 the law in accordance with s. 327.73(1)(aa) and a final order
574 has been entered or the case is otherwise closed.

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



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578 determined to be legally responsible for the vessel being upon
579 the waters of this state in a derelict condition or as a public
580 nuisance, who, after notice as provided in this section, does
581 not remove such property within the specified period is ~~shall be~~
582 liable to the law enforcement agency, other governmental entity,
583 or the agency's or entity's designee for all costs of removal,
584 storage, ~~and~~ destruction, and disposal of such property, less
585 any salvage value obtained by disposal of the property. Upon
586 final disposition of the property, the law enforcement officer
587 or representative of the law enforcement agency or other
588 governmental entity shall notify the owner or in the case of a
589 derelict vessel or vessel declared a public nuisance pursuant to
590 s. 327.73(1)(aa), the owner or other party determined to be
591 legally responsible, if known, of the amount owed. In the case
592 of an abandoned vessel or motor vehicle, any person who neglects
593 or refuses to pay such amount is not entitled to be issued a
594 certificate of registration for such vessel or motor vehicle, or
595 any other vessel or motor vehicle, until such costs have been
596 paid. A person who has neglected or refused to pay all costs of
597 removal, storage, disposal, and destruction of a vessel or motor
598 vehicle as provided in this section, after having been provided
599 written notice via certified mail that such costs are owed, and
600 who applies for and is issued a registration for a vessel or
601 motor vehicle before such costs have been paid in full commits a
602 misdemeanor of the first degree, punishable as provided in s.
603 775.082 or s. 775.083. The law enforcement officer or
604 representative of the law enforcement agency or other
605 governmental entity shall supply the Department of Highway
606 Safety and Motor Vehicles with a list of persons whose vessel



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607 registration privileges and motor vehicle privileges have been
608 revoked under this subsection. The department or a person acting
609 as an agent of the department may not issue a certificate of
610 registration to a person whose vessel and motor vehicle
611 registration privileges have been revoked, as provided by this
612 subsection, until such costs have been paid.

613 Section 11. Effective July 1, 2023, paragraph (a) of
614 subsection (2) of section 705.103, Florida Statutes, as amended
615 by chapters 2019-76 and 2021-184, Laws of Florida, is amended to
616 read:

617 705.103 Procedure for abandoned or lost property.-

618 (2) (a) 1. Whenever a law enforcement officer ascertains
619 that:

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

626
627 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
628 PROPERTY. This property, to wit: ...(setting forth brief
629 description)... is unlawfully upon public property known as
630 ...(setting forth brief description of location)... and must be
631 removed within 5 days; otherwise, it will be removed and
632 disposed of pursuant to chapter 705, Florida Statutes. The owner
633 will be liable for the costs of removal, storage, and
634 publication of notice. Dated this: ...(setting forth the date of
635 posting of notice)..., signed: ...(setting forth name, title,



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636 address, and telephone number of law enforcement officer)....

637

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

642

643 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
644 VESSEL. This vessel, to wit: ...(setting forth brief description
645 of location)... has been determined to be ...(derelict or a
646 public nuisance)... and is unlawfully upon the waters of this
647 state ...(setting forth brief description of location)... and
648 must be removed within 21 days; otherwise, it will be removed
649 and disposed of pursuant to chapter 705, Florida Statutes. The
650 owner and other interested parties have the right to a hearing
651 to challenge the determination that this vessel is derelict or
652 otherwise in violation of the law. Please contact ...(contact
653 information for person who can arrange for a hearing in
654 accordance with this section)... The owner or the party
655 determined to be legally responsible for the vessel being upon
656 the waters of this state in a derelict condition or as a public
657 nuisance will be liable for the costs of removal, destruction,
658 and disposal if this vessel is not removed by the owner. Dated
659 this: ...(setting forth the date of posting of notice)...,
660 signed: ...(setting forth name, title, address, and telephone
661 number of law enforcement officer)....

662

663 2. The notices required under subparagraph 1. may not be
664 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently



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665 weatherproof to withstand normal exposure to the elements. In
666 addition to posting, the law enforcement officer shall make a
667 reasonable effort to ascertain the name and address of the
668 owner. If such is reasonably available to the officer, she or he
669 shall mail a copy of such notice to the owner on or before the
670 date of posting. If the property is a motor vehicle as defined
671 in s. 320.01(1) or a vessel as defined in s. 327.02, the law
672 enforcement agency shall contact the Department of Highway
673 Safety and Motor Vehicles in order to determine the name and
674 address of the owner and any person who has filed a lien on the
675 vehicle or vessel as provided in s. 319.27(2) or (3) or s.
676 328.15. On receipt of this information, the law enforcement
677 agency shall mail a copy of the notice by certified mail, return
678 receipt requested, to the owner and to the lienholder, if any,
679 except that a law enforcement officer who has issued a citation
680 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a
681 derelict vessel is not required to mail a copy of the notice by
682 certified mail, return receipt requested, to the owner. For a
683 derelict vessel or a vessel declared a public nuisance pursuant
684 to s. 327.73(1)(aa), the mailed notice must inform the owner or
685 responsible party that he or she has a right to a hearing to
686 dispute the determination that the vessel is derelict or
687 otherwise in violation of the law. If a request for a hearing is
688 made, a state agency shall follow the processes as set forth in
689 s. 120.569. Local governmental entities shall follow the
690 processes set forth in s. 120.569, except that a local judge,
691 magistrate, or code enforcement officer may be designated to
692 conduct such a hearing. If, at the end of 5 days after posting
693 the notice in sub-subparagraph 1.a., or at the end of 21 days



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

702 a. For abandoned property other than a derelict vessel or a
703 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),
704 the law enforcement agency may retain any or all of the property
705 for its own use or for use by the state or unit of local
706 government, trade such property to another unit of local
707 government or state agency, donate the property to a charitable
708 organization, sell the property, or notify the appropriate
709 refuse removal service.

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

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

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

719
720 A law enforcement agency or its designee may also take action as
721 described in this sub-subparagraph if, following a hearing
722 pursuant to this section, the judge, magistrate, administrative



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

727 Section 12. Present subsections (4), (5), and (6) of
728 section 823.11, Florida Statutes, are redesignated as
729 subsections (5), (6), and (7), respectively, a new subsection
730 (4) is added to that section, and subsection (1), paragraph (c)
731 of subsection (2), subsection (3), and present subsections (5)
732 and (6) of that section are amended, to read:

733 823.11 Derelict vessels; relocation or removal; penalty.—

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

735 (a) "Commission" means the Fish and Wildlife Conservation
736 Commission.

737 (b) "Derelict vessel" means a vessel, as defined in s.
738 327.02, that is:

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

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

745 b. A vessel is junked if it has been substantially stripped
746 of vessel components, if vessel components have substantially
747 degraded or been destroyed, or if the vessel has been discarded
748 by the owner or operator. Attaching an outboard motor to a
749 vessel that is otherwise junked will not cause the vessel to no
750 longer be junked if such motor is not an effective means of
751 propulsion as required by s. 327.4107(2)(e) and associated



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752 rules.

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

756 (I) The steering system;

757 (II) The propulsion system; or

758 (III) The exterior hull integrity.

759

760 Attaching an outboard motor to a vessel that is otherwise
761 substantially dismantled will not cause the vessel to no longer
762 be substantially dismantled if such motor is not an effective
763 means of propulsion as required by s. 327.4107(2)(e) and
764 associated rules.

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

767 3. Docked, grounded, or beached upon the property of
768 another without the consent of the owner of the property.

769 (c) "Gross negligence" means conduct so reckless or wanting
770 in care that it constitutes a conscious disregard or
771 indifference to the safety of the property exposed to such
772 conduct.

773 (d) "Willful misconduct" means conduct evidencing
774 carelessness or negligence of such a degree or recurrence as to
775 manifest culpability, wrongful intent, or evil design or to show
776 an intentional and substantial disregard of the interests of the
777 vessel owner.

778 (2)

779 (c) The additional time provided in subparagraph (b)2. for
780 an owner or responsible party to remove a derelict vessel from



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781 the waters of this state or to repair and remedy the vessel's
782 derelict condition ~~This subsection~~ does not apply to a vessel
783 that was derelict upon the waters of this state before the
784 stated accident or event.

785 (3) The commission, an officer of the commission, or a law
786 enforcement agency or officer specified in s. 327.70 may
787 relocate, remove, and store, ~~destroy, or dispose of~~ or cause to
788 be relocated, removed, and stored, ~~destroyed, or disposed of~~ a
789 derelict vessel from waters of this state as defined in s.
790 327.02 if the derelict vessel obstructs or threatens to obstruct
791 navigation or in any way constitutes a danger to the
792 environment, property, or persons. The commission, an officer of
793 the commission, or any other law enforcement agency or officer
794 acting pursuant to this subsection to relocate, remove, and
795 store, ~~destroy, dispose of~~ or cause to be relocated, removed,
796 and stored, ~~destroyed, or disposed of~~ a derelict vessel from
797 waters of this state shall be held harmless for all damages to
798 the derelict vessel resulting from such action unless the damage
799 results from gross negligence or willful misconduct.

800 ~~(a) Removal of derelict vessels under this subsection may~~
801 ~~be funded by grants provided in ss. 206.606 and 376.15. The~~
802 ~~commission shall implement a plan for the procurement of any~~
803 ~~available federal disaster funds and use such funds for the~~
804 ~~removal of derelict vessels.~~

805 ~~(b)~~ All costs, including costs owed to a third party,
806 incurred by the commission, another law enforcement agency, or a
807 governmental subdivision, when the governmental subdivision has
808 received authorization from a law enforcement officer or agency,
809 in the relocation, removal, storage, destruction, or disposal of



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810 a derelict vessel are recoverable against the vessel owner or
811 the party determined to be legally responsible for the vessel
812 being upon the waters of this state in a derelict condition. The
813 Department of Legal Affairs shall represent the commission in
814 actions to recover such costs. As provided in s. 705.103(4), a
815 person who neglects or refuses to pay such costs may not be
816 issued a certificate of registration for such vessel or for any
817 other vessel or motor vehicle until such costs have been paid. A
818 person who has neglected or refused to pay all costs of removal,
819 storage, destruction, or disposal of a derelict vessel as
820 provided in this section, after having been provided written
821 notice via certified mail that such costs are owed, and who
822 applies for and is issued a registration for a vessel or motor
823 vehicle before such costs have been paid in full commits a
824 misdemeanor of the first degree, punishable as provided in s.
825 775.082 or s. 775.083.

826 (b) (e) A contractor performing such activities at the
827 direction of the commission, an officer of the commission, a law
828 enforcement agency or officer, or a governmental subdivision,
829 when the governmental subdivision has received authorization for
830 the relocation or removal from a law enforcement officer or
831 agency, pursuant to this section must be licensed in accordance
832 with applicable United States Coast Guard regulations where
833 required; obtain and carry in full force and effect a policy
834 from a licensed insurance carrier in this state to insure
835 against any accident, loss, injury, property damage, or other
836 casualty caused by or resulting from the contractor's actions;
837 and be properly equipped to perform the services to be provided.

838 (4) (a) Removal of derelict vessels under this subsection



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839 may be funded by grants provided in s. 206.606.

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

843 (c) The commission may establish a program to provide
844 grants to local governments for the removal, storage,
845 destruction, and disposal of derelict vessels from the waters of
846 this state. This grant funding may also be used for the removal,
847 storage, destruction, and disposal of vessels declared a public
848 nuisance pursuant to s. 327.73(1)(aa). The program must be
849 funded from the Marine Resources Conservation Trust Fund or the
850 Florida Coastal Protection Trust Fund. Notwithstanding s.
851 216.181(11), funds available for these grants may only be
852 authorized by appropriations acts of the Legislature. In a given
853 fiscal year, if all funds appropriated pursuant to this
854 paragraph are not requested by and granted to local governments
855 for the removal, storage, destruction, and disposal of derelict
856 vessels or vessels declared a public nuisance pursuant to s.
857 327.73(1)(aa) by the end of the third quarter, the Fish and
858 Wildlife Conservation Commission may use the remainder of the
859 funds to remove, store, destroy, and dispose of, or to pay
860 private contractors to remove, store, destroy, and dispose of,
861 derelict vessels or vessels declared a public nuisance pursuant
862 to s. 327.73(1)(aa). The commission shall adopt by rule
863 procedures for local governments to submit a grant application
864 and criteria for allocating available funds. Such criteria must
865 include, at a minimum, the following:

866 1. The number of derelict vessels within the jurisdiction
867 of the applicant.



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868 2. The threat posed by such vessels to public health or
869 safety, the environment, navigation, or the aesthetic condition
870 of the general vicinity.

871 3. The degree of commitment of the local government to
872 maintain waters free of abandoned and derelict vessels and to
873 seek legal action against those who abandon vessels in the
874 waters of this state as defined in s. 327.02.

875 ~~(6)(5)~~ A person, firm, or corporation violating this
876 section commits a misdemeanor of the first degree and shall be
877 punished as provided by law. A conviction under this section
878 does not bar the assessment and collection of a ~~the~~ civil
879 penalty ~~provided in s. 376.16 for violation of s. 376.15.~~ The
880 court having jurisdiction over the criminal offense,
881 notwithstanding any jurisdictional limitations on the amount in
882 controversy, may order the imposition of such civil penalty in
883 addition to any sentence imposed for the first criminal offense.

884 ~~(7)(6)~~ If an owner or a responsible party of a vessel
885 determined to be derelict through an administrative or criminal
886 proceeding has been charged by an officer of the commission or
887 any law enforcement agency or officer as specified in s. 327.70
888 under subsection (5) for a violation of subsection (2) ~~or a~~
889 ~~violation of s. 376.15(2),~~ a person may not reside or dwell on
890 such vessel until the vessel is removed from the waters of the
891 state permanently or returned to the waters of the state in a
892 condition that is no longer derelict.

893 Section 13. Paragraph (p) of subsection (4) of section
894 934.50, Florida Statutes, is amended to read:

895 934.50 Searches and seizure using a drone.—

896 (4) EXCEPTIONS.—This section does not prohibit the use of a



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897 drone:

898 (p) By an ~~a non-law enforcement~~ employee of the Fish and
899 Wildlife Conservation Commission or of the Florida Forest
900 Service for the purposes of managing and eradicating invasive
901 exotic plants or animals on public lands and suppressing and
902 mitigating wildfire threats.

903 Section 14. Section 327.04, Florida Statutes, is amended to
904 read:

905 327.04 Rules.—The commission may adopt rules pursuant to
906 ss. 120.536(1) and 120.54 to implement this chapter, the
907 provisions of chapter 705 relating to vessels, and s. ss. 376.15
908 ~~and~~ 823.11 conferring powers or duties upon it.

909 Section 15. Subsection (4) of section 328.09, Florida
910 Statutes, is amended to read:

911 328.09 Refusal to issue and authority to cancel a
912 certificate of title or registration.—

913 (4) The department may not issue a certificate of title to
914 an applicant for a vessel that has been deemed derelict or a
915 public nuisance by a law enforcement officer under s.
916 327.73(1)(aa) or s. 376.15 or s. 823.11. A law enforcement
917 officer must inform the department in writing, which may be
918 provided by facsimile, e-mail ~~electronic mail~~, or other
919 electronic means, of the vessel's derelict or public nuisance
920 status and supply the department with the vessel title number or
921 vessel identification number. The department may issue a
922 certificate of title once a law enforcement officer has verified
923 in writing, which may be provided by facsimile, e-mail
924 ~~electronic mail~~, or other electronic means, that the vessel is
925 no longer a derelict or public nuisance vessel.



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926 Section 16. Section 25 of chapter 2021-184, Laws of
927 Florida, is repealed.

928 Section 17. Paragraph (c) of subsection (15) of section
929 328.72, Florida Statutes, is amended to read:

930 328.72 Classification; registration; fees and charges;
931 surcharge; disposition of fees; fines; marine turtle stickers.-

932 (15) DISTRIBUTION OF FEES.-Except as provided in this
933 subsection, moneys designated for the use of the counties, as
934 specified in subsection (1), shall be distributed by the tax
935 collector to the board of county commissioners for use only as
936 provided in this section. Such moneys to be returned to the
937 counties are for the sole purposes of providing, maintaining, or
938 operating recreational channel marking and other uniform
939 waterway markers, public boat ramps, lifts, and hoists, marine
940 railways, boat piers, docks, mooring buoys, and other public
941 launching facilities; and removing derelict vessels, debris that
942 specifically impedes boat access, not including the dredging of
943 channels, and vessels and floating structures deemed a hazard to
944 public safety and health for failure to comply with s. 327.53.
945 Counties shall demonstrate through an annual detailed accounting
946 report of vessel registration revenues that the registration
947 fees were spent as provided in this subsection. This report
948 shall be provided to the Fish and Wildlife Conservation
949 Commission no later than November 1 of each year. If, before
950 January 1 of each calendar year, the accounting report meeting
951 the prescribed criteria has still not been provided to the
952 commission, the tax collector of that county may not distribute
953 the moneys designated for the use of counties, as specified in
954 subsection (1), to the board of county commissioners but shall,



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955 for the next calendar year, remit such moneys to the state for
956 deposit into the Marine Resources Conservation Trust Fund. The
957 commission shall return those moneys to the county if the county
958 fully complies with this section within that calendar year. If
959 the county does not fully comply with this section within that
960 calendar year, the moneys shall remain within the Marine
961 Resources Trust Fund and may be appropriated for the purposes
962 specified in this subsection.

963 (c) From the vessel registration fees designated for use by
964 the counties in subsection (1), the following amounts shall be
965 remitted to the state for deposit into the Marine Resources
966 Conservation Trust Fund to fund derelict vessel removal grants,
967 as appropriated by the Legislature pursuant to s. 823.11(4)(c)
968 ~~s. 376.15~~:

- 969 1. Class A-2: \$0.25 for each 12-month period registered.
970 2. Class 1: \$2.06 for each 12-month period registered.
971 3. Class 2: \$9.26 for each 12-month period registered.
972 4. Class 3: \$16.45 for each 12-month period registered.
973 5. Class 4: \$20.06 for each 12-month period registered.
974 6. Class 5: \$25.46 for each 12-month period registered.

975 Section 18. Paragraph (h) of subsection (6) of section
976 376.11, Florida Statutes, is amended to read:

977 376.11 Florida Coastal Protection Trust Fund.—

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

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



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984 Section 19. For the purpose of incorporating the amendment
985 made by this act to section 327.371, Florida Statutes, in a
986 reference thereto, paragraph (dd) of subsection (1) of section
987 327.73, Florida Statutes, is reenacted to read:

988 327.73 Noncriminal infractions.—

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

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

993
994 Any person cited for a violation of any provision of this
995 subsection shall be deemed to be charged with a noncriminal
996 infraction, shall be cited for such an infraction, and shall be
997 cited to appear before the county court. The civil penalty for
998 any such infraction is \$50, except as otherwise provided in this
999 section. Any person who fails to appear or otherwise properly
1000 respond to a uniform boating citation shall, in addition to the
1001 charge relating to the violation of the boating laws of this
1002 state, be charged with the offense of failing to respond to such
1003 citation and, upon conviction, be guilty of a misdemeanor of the
1004 second degree, punishable as provided in s. 775.082 or s.
1005 775.083. A written warning to this effect shall be provided at
1006 the time such uniform boating citation is issued.

1007 Section 20. For the purpose of incorporating the amendment
1008 made by this act to section 379.101, Florida Statutes, in a
1009 reference thereto, subsection (4) of section 125.01, Florida
1010 Statutes, is reenacted to read:

1011 125.01 Powers and duties.—

1012 (4) The legislative and governing body of a county shall



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1013 not have the power to regulate the taking or possession of
1014 saltwater fish, as defined in s. 379.101, with respect to the
1015 method of taking, size, number, season, or species. However,
1016 this subsection does not prohibit a county from prohibiting, for
1017 reasons of protecting the public health, safety, or welfare,
1018 saltwater fishing from real property owned by that county, nor
1019 does it prohibit the imposition of excise taxes by county
1020 ordinance.

1021 Section 21. For the purpose of incorporating the amendment
1022 made by this act to section 379.101, Florida Statutes, in a
1023 reference thereto, section 379.2412, Florida Statutes, is
1024 reenacted to read:

1025 379.2412 State preemption of power to regulate.—The power
1026 to regulate the taking or possession of saltwater fish, as
1027 defined in s. 379.101, is expressly reserved to the state. This
1028 section does not prohibit a local government from prohibiting,
1029 for reasons of protecting the public health, safety, or welfare,
1030 saltwater fishing from real property owned by that local
1031 government.

1032 Section 22. Except as otherwise expressly provided in this
1033 act, this act shall take effect July 1, 2022.