

By Senator Hutson

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1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending s. 327.4107, F.S.; revising the
4 vessel conditions that an officer of the Fish and
5 Wildlife Conservation Commission or a law enforcement
6 agency may use to determine that a vessel is at risk
7 of becoming derelict; amending s. 327.45, F.S.;
8 requiring specified evidence before the commission may
9 establish certain vessel restriction rules for
10 protection zones for springs; amending s. 327.46,
11 F.S.; prohibiting municipalities and counties from
12 designating public bathing beach areas or swim areas
13 within their jurisdictions which are within the marked
14 channel portion of the Florida Intracoastal Waterway
15 or within a specified distance from any portion of the
16 marked channel; repealing s. 376.15, F.S., relating to
17 derelict vessels and the relocation and removal of
18 such vessels from the waters of this state; amending
19 s. 379.101, F.S.; revising the definitions of the
20 terms "marine fish" and "saltwater fish"; amending s.
21 705.101, F.S.; revising the definition of the term
22 "abandoned property" to include vessels declared to be
23 a public nuisance; amending s. 705.103, F.S.;
24 clarifying the notice requirements and procedures for
25 vessels declared to be public nuisances; amending s.
26 823.11, F.S.; making technical changes; authorizing
27 the commission to establish a program to provide
28 grants to local governments for certain actions
29 regarding derelict vessels and those declared to be a

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30 public nuisance; specifying sources for the funds to
31 be used, subject to an appropriation; authorizing the
32 commission to use funds not awarded as grants for
33 certain purposes; requiring the commission to adopt
34 rules for the grant applications and the criteria for
35 allocating the funds; amending s. 934.50, F.S.;

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

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

51
52 Section 1. Paragraph (f) is added to subsection (2) of
53 section 327.4107, Florida Statutes, to read:

54 327.4107 Vessels at risk of becoming derelict on waters of
55 this state.—

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

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59 exist:

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

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

64 327.45 Protection zones for springs.—

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

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

78 327.46 Boating-restricted areas.—

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

87 (b) Municipalities and counties may establish the following

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

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

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

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

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

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

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

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

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

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

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

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

123 a. Designated as a public bathing beach or swim area,
124 except that public bathing beaches or swim areas may not be
125 established in whole or in part within the marked channel of the
126 Florida Intracoastal Waterway or within 100 feet of any portion
127 of the marked channel.

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

130

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

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

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

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

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

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146 echinoderms.

147 (34) "Saltwater fish" means:

148 (a) Any saltwater species of finfish of the classes
149 Agnatha, Chondrichthyes, or Osteichthyes and marine
150 invertebrates of the classes Gastropoda ~~and~~ Bivalvia, the
151 subphylum ~~of~~ Crustacea, or ~~of~~ the phylum Echinodermata; however,
152 the term ~~but~~ does not include nonliving shells or echinoderms;
153 and

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

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

158 705.101 Definitions.—As used in this chapter:

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

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

168 705.103 Procedure for abandoned or lost property.—

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

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

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175 a notice to be placed upon such article in substantially the
176 following form:

177
178 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
179 PROPERTY. This property, to wit: ...(setting forth brief
180 description)... is unlawfully upon public property known as
181 ...(setting forth brief description of location)... and must be
182 removed within 5 days; otherwise, it will be removed and
183 disposed of pursuant to chapter 705, Florida Statutes. The owner
184 will be liable for the costs of removal, storage, and
185 publication of notice. Dated this: ...(setting forth the date of
186 posting of notice)..., signed: ...(setting forth name, title,
187 address, and telephone number of law enforcement officer)....
188

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

193
194 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
195 VESSEL. This vessel, to wit: ...(setting forth brief
196 description)... has been determined to be ...(derelict or a
197 public nuisance)... and is unlawfully upon waters of this state
198 ...(setting forth brief description of location)... and must be
199 removed within 21 days; otherwise, it will be removed and
200 disposed of pursuant to chapter 705, Florida Statutes. The owner
201 and other interested parties have the right to a hearing to
202 challenge the determination that this vessel is derelict or
203 otherwise in violation of the law. Please contact ...(contact

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

213

214 2. The notices required under subparagraph 1. may not be
215 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently
216 weatherproof to withstand normal exposure to the elements. In
217 addition to posting, the law enforcement officer shall make a
218 reasonable effort to ascertain the name and address of the
219 owner. If such is reasonably available to the officer, she or he
220 shall mail a copy of such notice to the owner on or before the
221 date of posting. If the property is a motor vehicle as defined
222 in s. 320.01(1) or a vessel as defined in s. 327.02, the law
223 enforcement agency shall contact the Department of Highway
224 Safety and Motor Vehicles in order to determine the name and
225 address of the owner and any person who has filed a lien on the
226 vehicle or vessel as provided in s. 319.27(2) or (3) or s.
227 328.15(1). On receipt of this information, the law enforcement
228 agency shall mail a copy of the notice by certified mail, return
229 receipt requested, to the owner and to the lienholder, if any,
230 except that a law enforcement officer who has issued a citation
231 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a
232 derelict vessel is not required to mail a copy of the notice by

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233 certified mail, return receipt requested, to the owner. For a
234 derelict vessel or a vessel declared a public nuisance pursuant
235 to s. 327.73(1)(aa), the mailed notice must inform the owner or
236 responsible party that he or she has a right to a hearing to
237 dispute the determination that the vessel is derelict or
238 otherwise in violation of the law. If a request for a hearing is
239 made, a state agency shall follow the processes set forth in s.
240 120.569. Local governmental entities shall follow the processes
241 set forth in s. 120.569, except that a local judge, magistrate,
242 or code enforcement officer may be designated to conduct such a
243 hearing. If, at the end of 5 days after posting the notice in
244 sub-subparagraph 1.a., or at the end of 21 days after posting
245 the notice in sub-subparagraph 1.b., and mailing such notice, if
246 required, the owner or any person interested in the lost or
247 abandoned article or articles described has not removed the
248 article or articles from public property or shown reasonable
249 cause for failure to do so, and, in the case of a derelict
250 vessel or a vessel declared a public nuisance pursuant to s.
251 327.73(1)(aa), has not requested a hearing in accordance with
252 this section, the following shall apply:

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

261 b. For a derelict vessel or a vessel declared a public

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262 nuisance pursuant to s. 327.73(1)(aa), the law enforcement
263 agency or its designee may:

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

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

270

271 A law enforcement agency or its designee may also take action as
272 described in this sub-subparagraph if, following a hearing
273 pursuant to this section, the judge, magistrate, administrative
274 law judge, or hearing officer has determined the vessel to be
275 derelict as provided in s. 823.11 or otherwise in violation of
276 the law in accordance with s. 327.73(1)(aa) and a final order
277 has been entered or the case is otherwise closed.

278 (4) The owner of any abandoned or lost property, or in the
279 case of a derelict vessel or a vessel declared a public nuisance
280 pursuant to s. 327.73(1)(aa), the owner or other party
281 determined to be legally responsible for the vessel being upon
282 the waters of this state in a derelict condition or as a public
283 nuisance, who, after notice as provided in this section, does
284 not remove such property within the specified period is ~~shall be~~
285 liable to the law enforcement agency, other governmental entity,
286 or the agency's or entity's designee for all costs of removal,
287 storage, ~~and~~ destruction, and disposal of such property, less
288 any salvage value obtained by disposal of the property. Upon
289 final disposition of the property, the law enforcement officer
290 or representative of the law enforcement agency or other

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291 governmental entity shall notify the owner or in the case of a
292 derelict vessel or vessel declared a public nuisance pursuant to
293 s. 327.73(1)(aa), the owner or other party determined to be
294 legally responsible, if known, of the amount owed. In the case
295 of an abandoned vessel or motor vehicle, any person who neglects
296 or refuses to pay such amount is not entitled to be issued a
297 certificate of registration for such vessel or motor vehicle, or
298 any other vessel or motor vehicle, until such costs have been
299 paid. A person who has neglected or refused to pay all costs of
300 removal, storage, disposal, and destruction of a vessel or motor
301 vehicle as provided in this section, after having been provided
302 written notice via certified mail that such costs are owed, and
303 who applies for and is issued a registration for a vessel or
304 motor vehicle before such costs have been paid in full commits a
305 misdemeanor of the first degree, punishable as provided in s.
306 775.082 or s. 775.083. The law enforcement officer or
307 representative of the law enforcement agency or other
308 governmental entity shall supply the Department of Highway
309 Safety and Motor Vehicles with a list of persons whose vessel
310 registration privileges and motor vehicle privileges have been
311 revoked under this subsection. The department or a person acting
312 as an agent of the department may not issue a certificate of
313 registration to a person whose vessel and motor vehicle
314 registration privileges have been revoked, as provided by this
315 subsection, until such costs have been paid.

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

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320 705.103 Procedure for abandoned or lost property.—

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

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

329

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

340

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

345

346 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
347 VESSEL. This vessel, to wit: ...(setting forth brief description
348 of location)... has been determined to be ...(derelict or a

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

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

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

405 a. For abandoned property other than a derelict vessel or a
406 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),

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407 the law enforcement agency may retain any or all of the property
408 for its own use or for use by the state or unit of local
409 government, trade such property to another unit of local
410 government or state agency, donate the property to a charitable
411 organization, sell the property, or notify the appropriate
412 refuse removal service.

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

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

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

422

423 A law enforcement agency or its designee may also take action as
424 described in this sub-subparagraph if, following a hearing
425 pursuant to this section, the judge, magistrate, administrative
426 law judge, or hearing officer has determined the vessel to be
427 derelict as provided in s. 823.11 or otherwise in violation of
428 the law in accordance with s. 327.73(1)(aa) and a final order
429 has been entered or the case is otherwise closed.

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

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

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

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

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

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

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

448 b. A vessel is junked if it has been substantially stripped
449 of vessel components, if vessel components have substantially
450 degraded or been destroyed, or if the vessel has been discarded
451 by the owner or operator. Attaching an outboard motor to a
452 vessel that is otherwise junked will not cause the vessel to no
453 longer be junked if such motor is not an effective means of
454 propulsion as required by s. 327.4107(2) (e) and associated
455 rules.

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

459 (I) The steering system;

460 (II) The propulsion system; or

461 (III) The exterior hull integrity.

462

463 Attaching an outboard motor to a vessel that is otherwise

464 substantially dismantled will not cause the vessel to no longer

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465 be substantially dismantled if such motor is not an effective
466 means of propulsion as required by s. 327.4107(2) (e) and
467 associated rules.

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

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

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

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

481 (2)

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

488 (3) The commission, an officer of the commission, or a law
489 enforcement agency or officer specified in s. 327.70 may
490 relocate, remove, and store, ~~destroy, or dispose of~~ or cause to
491 be relocated, removed, and stored, ~~destroyed, or disposed of~~ a
492 derelict vessel from waters of this state as defined in s.
493 327.02 if the derelict vessel obstructs or threatens to obstruct

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494 navigation or in any way constitutes a danger to the
495 environment, property, or persons. The commission, an officer of
496 the commission, or any other law enforcement agency or officer
497 acting pursuant to this subsection to relocate, remove, and
498 ~~store, destroy, dispose of~~ or cause to be relocated, removed,
499 and stored, destroyed, or disposed of a derelict vessel from
500 waters of this state shall be held harmless for all damages to
501 the derelict vessel resulting from such action unless the damage
502 results from gross negligence or willful misconduct.

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

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

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523 provided in this section, after having been provided written
524 notice via certified mail that such costs are owed, and who
525 applies for and is issued a registration for a vessel or motor
526 vehicle before such costs have been paid in full commits a
527 misdemeanor of the first degree, punishable as provided in s.
528 775.082 or s. 775.083.

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

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

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

546 (c) The commission may establish a program to provide
547 grants to local governments for the removal, storage,
548 destruction, and disposal of derelict vessels from the waters of
549 this state. This grant funding may also be used for the removal,
550 storage, destruction, and disposal of vessels declared a public
551 nuisance pursuant to s. 327.73(1) (aa). The program must be

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

569 1. The number of derelict vessels within the jurisdiction
570 of the applicant.

571 2. The threat posed by such vessels to public health or
572 safety, the environment, navigation, or the aesthetic condition
573 of the general vicinity.

574 3. The degree of commitment of the local government to
575 maintain waters free of abandoned and derelict vessels and to
576 seek legal action against those who abandon vessels in the
577 waters of this state as defined in s. 327.02.

578 (6)(5) A person, firm, or corporation violating this
579 section commits a misdemeanor of the first degree and shall be
580 punished as provided by law. A conviction under this section

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581 does not bar the assessment and collection of a ~~the~~ civil
582 penalty ~~provided in s. 376.16 for violation of s. 376.15~~. The
583 court having jurisdiction over the criminal offense,
584 notwithstanding any jurisdictional limitations on the amount in
585 controversy, may order the imposition of such civil penalty in
586 addition to any sentence imposed for the first criminal offense.

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

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

598 934.50 Searches and seizure using a drone.—

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

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

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

608 327.04 Rules.—The commission may adopt rules pursuant to
609 ss. 120.536(1) and 120.54 to implement this chapter, the

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610 provisions of chapter 705 relating to vessels, and s. ss. 376.15
611 ~~and~~ 823.11 conferring powers or duties upon it.

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

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

616 (4) The department may not issue a certificate of title to
617 an applicant for a vessel that has been deemed derelict by a law
618 enforcement officer under ~~s. 376.15~~ or s. 823.11. A law
619 enforcement officer must inform the department in writing, which
620 may be provided by facsimile, electronic mail, or other
621 electronic means, of the vessel's derelict status and supply the
622 department with the vessel title number or vessel identification
623 number. The department may issue a certificate of title once a
624 law enforcement officer has verified in writing, which may be
625 provided by facsimile, electronic mail, or other electronic
626 means, that the vessel is no longer a derelict vessel.

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

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

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

633 (15) DISTRIBUTION OF FEES.—Except as provided in this
634 subsection, moneys designated for the use of the counties, as
635 specified in subsection (1), shall be distributed by the tax
636 collector to the board of county commissioners for use only as
637 provided in this section. Such moneys to be returned to the
638 counties are for the sole purposes of providing, maintaining, or

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639 operating recreational channel marking and other uniform
640 waterway markers, public boat ramps, lifts, and hoists, marine
641 railways, boat piers, docks, mooring buoys, and other public
642 launching facilities; and removing derelict vessels, debris that
643 specifically impedes boat access, not including the dredging of
644 channels, and vessels and floating structures deemed a hazard to
645 public safety and health for failure to comply with s. 327.53.
646 Counties shall demonstrate through an annual detailed accounting
647 report of vessel registration revenues that the registration
648 fees were spent as provided in this subsection. This report
649 shall be provided to the Fish and Wildlife Conservation
650 Commission no later than November 1 of each year. If, before
651 January 1 of each calendar year, the accounting report meeting
652 the prescribed criteria has still not been provided to the
653 commission, the tax collector of that county may not distribute
654 the moneys designated for the use of counties, as specified in
655 subsection (1), to the board of county commissioners but shall,
656 for the next calendar year, remit such moneys to the state for
657 deposit into the Marine Resources Conservation Trust Fund. The
658 commission shall return those moneys to the county if the county
659 fully complies with this section within that calendar year. If
660 the county does not fully comply with this section within that
661 calendar year, the moneys shall remain within the Marine
662 Resources Trust Fund and may be appropriated for the purposes
663 specified in this subsection.

664 (c) From the vessel registration fees designated for use by
665 the counties in subsection (1), the following amounts shall be
666 remitted to the state for deposit into the Marine Resources
667 Conservation Trust Fund to fund derelict vessel removal grants,

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668 as appropriated by the Legislature pursuant to s. 823.11(4)(c)
669 ~~s. 376.15~~:

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

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

678 376.11 Florida Coastal Protection Trust Fund.—

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

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

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

688 125.01 Powers and duties.—

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

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697 ordinance.

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

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

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