

By the Committee on Environment and Natural Resources; and
Senator Hutson

592-01302-22

2022494c1

1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending ss. 327.352 and 327.35215, F.S.;
4 revising the notices a person must be given for
5 failure to submit to certain tests for alcohol,
6 chemical substances, or controlled substances; making
7 technical changes; amending s. 327.371, F.S.;
8 authorizing certain athletic teams or sports
9 affiliated with specified educational institutions to
10 operate a human-powered vessel within the marked
11 channel of the Florida Intracoastal Waterway; amending
12 s. 327.4107, F.S.; revising the vessel conditions that
13 an officer of the Fish and Wildlife Conservation
14 Commission or a law enforcement agency may use to
15 determine that a vessel is at risk of becoming
16 derelict; amending s. 327.46, F.S.; prohibiting
17 municipalities and counties from designating public
18 bathing beach areas or swim areas within their
19 jurisdictions which are within the marked channel
20 portion of the Florida Intracoastal Waterway or within
21 a specified distance from any portion of the marked
22 channel; repealing s. 376.15, F.S., relating to
23 derelict vessels and the relocation and removal of
24 such vessels from the waters of this state; amending
25 s. 379.101, F.S.; revising the definitions of the
26 terms "marine fish" and "saltwater fish"; amending s.
27 705.101, F.S.; revising the definition of the term
28 "abandoned property" to include vessels declared to be
29 a public nuisance; amending s. 705.103, F.S.;

592-01302-22

2022494c1

30 clarifying the notice requirements and procedures for
31 vessels declared to be public nuisances; amending s.
32 823.11, F.S.; making technical changes; authorizing
33 the commission to establish a program to provide
34 grants to local governments for certain actions
35 regarding derelict vessels and those declared to be a
36 public nuisance; specifying sources for the funds to
37 be used, subject to an appropriation; authorizing the
38 commission to use funds not awarded as grants for
39 certain purposes; requiring the commission to adopt
40 rules for the grant applications and the criteria for
41 allocating the funds; amending s. 934.50, F.S.;
42 providing that all employees of the commission or the
43 Florida Forest Service may operate drones for
44 specified purposes; amending ss. 327.04, 328.09,
45 328.72, and 376.11, F.S.; conforming provisions to
46 changes made by the act; repealing s. 25, chapter
47 2021-184, Laws of Florida, relating to derelict
48 vessels; reenacting s. 327.73(1)(dd), F.S., relating
49 to noncriminal boating infractions, to incorporate the
50 amendment made to s. 327.371, F.S., in a reference
51 thereto; reenacting ss. 125.01(4) and 379.2412, F.S.,
52 relating to powers and duties of legislative and
53 governing bodies of counties and state preemption of
54 the regulating of taking or possessing saltwater fish,
55 respectively, to incorporate the amendment made to s.
56 379.101, F.S., in a reference thereto; providing
57 effective dates.
58

592-01302-22

2022494c1

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

60
61 Section 1. Paragraphs (a) and (c) of subsection (1) of
62 section 327.352, Florida Statutes, are amended to read:

63 327.352 Tests for alcohol, chemical substances, or
64 controlled substances; implied consent; refusal.—

65 (1)(a)1. The Legislature declares that the operation of a
66 vessel is a privilege that must be exercised in a reasonable
67 manner. In order to protect the public health and safety, it is
68 essential that a lawful and effective means of reducing the
69 incidence of boating while impaired or intoxicated be
70 established. Therefore, a person who accepts the privilege
71 extended by the laws of this state of operating a vessel within
72 this state is, by operating such vessel, deemed to have given
73 his or her consent to submit to an approved chemical test or
74 physical test including, but not limited to, an infrared light
75 test of his or her breath for the purpose of determining the
76 alcoholic content of his or her blood or breath if the person is
77 lawfully arrested for any offense allegedly committed while the
78 person was operating a vessel while under the influence of
79 alcoholic beverages. The chemical or physical breath test must
80 be incidental to a lawful arrest and administered at the request
81 of a law enforcement officer who has reasonable cause to believe
82 such person was operating the vessel within this state while
83 under the influence of alcoholic beverages. The administration
84 of a breath test does not preclude the administration of another
85 type of test. The person shall be told that his or her failure
86 to submit to any lawful test of his or her breath under this
87 chapter will result in a civil penalty of \$500, and ~~shall also~~

592-01302-22

2022494c1

88 ~~be told~~ that if he or she refuses to submit to a lawful test of
89 his or her breath and he or she has been previously fined under
90 s. 327.35215 or ~~has previously had~~ his or her driving privilege
91 has been previously ~~driver license~~ suspended for refusal to
92 submit to any lawful test of his or her breath, urine, or blood,
93 he or she commits a misdemeanor of the first degree, punishable
94 as provided in s. 775.082 or s. 775.083, in addition to any
95 other penalties provided by law. The refusal to submit to a
96 chemical or physical breath test upon the request of a law
97 enforcement officer as provided in this section is admissible
98 into evidence in any criminal proceeding.

99 2. A person who accepts the privilege extended by the laws
100 of this state of operating a vessel within this state is, by
101 operating such vessel, deemed to have given his or her consent
102 to submit to a urine test for the purpose of detecting the
103 presence of chemical substances as set forth in s. 877.111 or
104 controlled substances if the person is lawfully arrested for any
105 offense allegedly committed while the person was operating a
106 vessel while under the influence of chemical substances or
107 controlled substances. The urine test must be incidental to a
108 lawful arrest and administered at a detention facility or any
109 other facility, mobile or otherwise, which is equipped to
110 administer such tests at the request of a law enforcement
111 officer who has reasonable cause to believe such person was
112 operating a vessel within this state while under the influence
113 of chemical substances or controlled substances. The urine test
114 must ~~shall~~ be administered at a detention facility or any other
115 facility, mobile or otherwise, which is equipped to administer
116 such test in a reasonable manner that will ensure the accuracy

592-01302-22

2022494c1

117 of the specimen and maintain the privacy of the individual
118 involved. The administration of a urine test does not preclude
119 the administration of another type of test. The person shall be
120 told that his or her failure to submit to any lawful test of his
121 or her urine under this chapter will result in a civil penalty
122 of \$500, and ~~shall also be told~~ that if he or she refuses to
123 submit to a lawful test of his or her urine and he or she has
124 been previously fined under s. 327.35215 or ~~has previously had~~
125 his or her driving privilege has been previously ~~driver license~~
126 suspended for refusal to submit to any lawful test of his or her
127 breath, urine, or blood, he or she commits a misdemeanor of the
128 first degree, punishable as provided in s. 775.082 or s.
129 775.083, in addition to any other penalties provided by law. The
130 refusal to submit to a urine test upon the request of a law
131 enforcement officer as provided in this section is admissible
132 into evidence in any criminal proceeding.

133 (c) A person who accepts the privilege extended by the laws
134 of this state of operating a vessel within this state is, by
135 operating such vessel, deemed to have given his or her consent
136 to submit to an approved blood test for the purpose of
137 determining the alcoholic content of the blood or a blood test
138 for the purpose of determining the presence of chemical
139 substances or controlled substances as provided in this section
140 if there is reasonable cause to believe the person was operating
141 a vessel while under the influence of alcoholic beverages or
142 chemical or controlled substances and the person appears for
143 treatment at a hospital, clinic, or other medical facility and
144 the administration of a breath or urine test is impractical or
145 impossible. As used in this paragraph, the term "other medical

592-01302-22

2022494c1

146 facility" includes an ambulance or other medical emergency
147 vehicle. The blood test must ~~shall~~ be performed in a reasonable
148 manner. A person who is incapable of refusal by reason of
149 unconsciousness or other mental or physical condition is deemed
150 not to have withdrawn his or her consent to such test. A person
151 who is capable of refusal shall be told that his or her failure
152 to submit to such a blood test will result in a civil penalty of
153 \$500. The refusal to submit to a blood test upon the request of
154 a law enforcement officer is ~~shall be~~ admissible in evidence in
155 any criminal proceeding.

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

158 327.35215 Penalty for failure to submit to test.—

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

163 (2) When a person refuses to submit to a blood test, breath
164 test, or urine test pursuant to s. 327.352, a law enforcement
165 officer ~~who is~~ authorized to make arrests for violations of this
166 chapter shall file with the clerk of the court, on a form
167 provided by the commission ~~department~~, a certified statement
168 that probable cause existed to arrest the person for a violation
169 of s. 327.35 and that the person refused to submit to a test as
170 required by s. 327.352. Along with the statement, the officer
171 shall ~~must~~ also submit a sworn statement on a form provided by
172 the commission ~~department~~ that the person has been advised of
173 both the penalties for failure to submit to the blood, breath,
174 or urine test and the procedure for requesting a hearing.

592-01302-22

2022494c1

175 Section 3. Present paragraph (c) of subsection (1) of
176 section 327.371, Florida Statutes, is redesignated as paragraph
177 (d), and a new paragraph (c) is added to that subsection, to
178 read:

179 327.371 Human-powered vessels regulated.—

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

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

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

189 327.4107 Vessels at risk of becoming derelict on waters of
190 this state.—

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

195 (f) The vessel is tied to an unlawful or unpermitted
196 structure or mooring.

197 Section 5. Paragraph (b) of subsection (1) of section
198 327.46, Florida Statutes, is amended to read:

199 327.46 Boating-restricted areas.—

200 (1) Boating-restricted areas, including, but not limited
201 to, restrictions of vessel speeds and vessel traffic, may be
202 established on the waters of this state for any purpose
203 necessary to protect the safety of the public if such

592-01302-22

2022494c1

204 restrictions are necessary based on boating accidents,
205 visibility, hazardous currents or water levels, vessel traffic
206 congestion, or other navigational hazards or to protect
207 seagrasses on privately owned submerged lands.

208 (b) Municipalities and counties may establish the following
209 boating-restricted areas by ordinance, including,
210 notwithstanding the prohibition in s. 327.60(2)(c), within the
211 portion of the Florida Intracoastal Waterway within their
212 jurisdiction:

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

215 a. Within 500 feet of any boat ramp, hoist, marine railway,
216 or other launching or landing facility available for use by the
217 general boating public on waterways more than 300 feet in width
218 or within 300 feet of any boat ramp, hoist, marine railway, or
219 other launching or landing facility available for use by the
220 general boating public on waterways not exceeding 300 feet in
221 width.

222 b. Within 500 feet of fuel pumps or dispensers at any
223 marine fueling facility that sells motor fuel to the general
224 boating public on waterways more than 300 feet in width or
225 within 300 feet of the fuel pumps or dispensers at any licensed
226 terminal facility that sells motor fuel to the general boating
227 public on waterways not exceeding 300 feet in width.

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

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

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

232 b. Within 300 feet of any bridge span presenting a vertical

592-01302-22

2022494c1

233 clearance of less than 25 feet or a horizontal clearance of less
234 than 100 feet.

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

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

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

242 3. An ordinance establishing a vessel-exclusion zone if the
243 area is:

244 a. Designated as a public bathing beach or swim area,
245 except that public bathing beach or swim areas may not be
246 established in whole or in part within the marked channel of the
247 Florida Intracoastal Waterway or within 100 feet of any portion
248 of the marked channel.

249 b. Within 300 feet of a dam, spillway, or flood control
250 structure.

251
252 Vessel exclusion zones created pursuant to this subparagraph
253 must be marked with uniform waterway markers permitted by the
254 commission in accordance with this chapter. Such zones may not
255 be marked by ropes.

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

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

259 379.101 Definitions.—In construing these statutes, where
260 the context does not clearly indicate otherwise, the word,
261 phrase, or term:

592-01302-22

2022494c1

262 (22) "Marine fish" means any saltwater species of finfish
263 of the classes Agnatha, Chondrichthyes, and Osteichthyes, ~~and~~
264 marine invertebrates of in the classes Gastropoda and, Bivalvia,
265 the subphylum and Crustacea, or the phylum Echinodermata;
266 however, the term but does not include nonliving shells or
267 echinoderms.

268 (34) "Saltwater fish" means:

269 (a) Any saltwater species of finfish of the classes
270 Agnatha, Chondrichthyes, or Osteichthyes and marine
271 invertebrates of the classes Gastropoda and, Bivalvia, the
272 subphylum or Crustacea, or of the phylum Echinodermata; however,
273 the term but does not include nonliving shells or echinoderms;
274 and

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

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

279 705.101 Definitions.—As used in this chapter:

280 (3) "Abandoned property" means all tangible personal
281 property that does not have an identifiable owner and that has
282 been disposed on public property in a wrecked, inoperative, or
283 partially dismantled condition or has no apparent intrinsic
284 value to the rightful owner. The term includes derelict vessels
285 as defined in s. 823.11 and vessels declared a public nuisance
286 pursuant to s. 327.73(1)(aa).

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

289 705.103 Procedure for abandoned or lost property.—

290 (2) (a) 1. Whenever a law enforcement officer ascertains

592-01302-22

2022494c1

291 that:

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

298

299 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
300 PROPERTY. This property, to wit: ...(setting forth brief
301 description)... is unlawfully upon public property known as
302 ...(setting forth brief description of location)... and must be
303 removed within 5 days; otherwise, it will be removed and
304 disposed of pursuant to chapter 705, Florida Statutes. The owner
305 will be liable for the costs of removal, storage, and
306 publication of notice. Dated this: ...(setting forth the date of
307 posting of notice)..., signed: ...(setting forth name, title,
308 address, and telephone number of law enforcement officer)....

309

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

314

315 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
316 VESSEL. This vessel, to wit: ...(setting forth brief
317 description)... has been determined to be ...(derelict or a
318 public nuisance)... and is unlawfully upon waters of this state
319 ...(setting forth brief description of location)... and must be

592-01302-22

2022494c1

320 removed within 21 days; otherwise, it will be removed and
321 disposed of pursuant to chapter 705, Florida Statutes. The owner
322 and other interested parties have the right to a hearing to
323 challenge the determination that this vessel is derelict or
324 otherwise in violation of the law. Please contact ...(contact
325 information for person who can arrange for a hearing in
326 accordance with this section).... The owner or the party
327 determined to be legally responsible for the vessel being upon
328 the waters of this state in a derelict condition or as a public
329 nuisance will be liable for the costs of removal, destruction,
330 and disposal if this vessel is not removed by the owner. Dated
331 this: ...(setting forth the date of posting of notice)...,
332 signed: ...(setting forth name, title, address, and telephone
333 number of law enforcement officer)....

334

335 2. The notices required under subparagraph 1. may not be
336 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently
337 weatherproof to withstand normal exposure to the elements. In
338 addition to posting, the law enforcement officer shall make a
339 reasonable effort to ascertain the name and address of the
340 owner. If such is reasonably available to the officer, she or he
341 shall mail a copy of such notice to the owner on or before the
342 date of posting. If the property is a motor vehicle as defined
343 in s. 320.01(1) or a vessel as defined in s. 327.02, the law
344 enforcement agency shall contact the Department of Highway
345 Safety and Motor Vehicles in order to determine the name and
346 address of the owner and any person who has filed a lien on the
347 vehicle or vessel as provided in s. 319.27(2) or (3) or s.
348 328.15(1). On receipt of this information, the law enforcement

592-01302-22

2022494c1

349 agency shall mail a copy of the notice by certified mail, return
350 receipt requested, to the owner and to the lienholder, if any,
351 except that a law enforcement officer who has issued a citation
352 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a
353 derelict vessel is not required to mail a copy of the notice by
354 certified mail, return receipt requested, to the owner. For a
355 derelict vessel or a vessel declared a public nuisance pursuant
356 to s. 327.73(1)(aa), the mailed notice must inform the owner or
357 responsible party that he or she has a right to a hearing to
358 dispute the determination that the vessel is derelict or
359 otherwise in violation of the law. If a request for a hearing is
360 made, a state agency shall follow the processes set forth in s.
361 120.569. Local governmental entities shall follow the processes
362 set forth in s. 120.569, except that a local judge, magistrate,
363 or code enforcement officer may be designated to conduct such a
364 hearing. If, at the end of 5 days after posting the notice in
365 sub-subparagraph 1.a., or at the end of 21 days after posting
366 the notice in sub-subparagraph 1.b., and mailing such notice, if
367 required, the owner or any person interested in the lost or
368 abandoned article or articles described has not removed the
369 article or articles from public property or shown reasonable
370 cause for failure to do so, and, in the case of a derelict
371 vessel or a vessel declared a public nuisance pursuant to s.
372 327.73(1)(aa), has not requested a hearing in accordance with
373 this section, the following shall apply:

374 a. For abandoned property other than a derelict vessel or a
375 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),
376 the law enforcement agency may retain any or all of the property
377 for its own use or for use by the state or unit of local

592-01302-22

2022494c1

378 government, trade such property to another unit of local
379 government or state agency, donate the property to a charitable
380 organization, sell the property, or notify the appropriate
381 refuse removal service.

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

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

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

391
392 A law enforcement agency or its designee may also take action as
393 described in this sub-subparagraph if, following a hearing
394 pursuant to this section, the judge, magistrate, administrative
395 law judge, or hearing officer has determined the vessel to be
396 derelict as provided in s. 823.11 or otherwise in violation of
397 the law in accordance with s. 327.73(1)(aa) and a final order
398 has been entered or the case is otherwise closed.

399 (4) The owner of any abandoned or lost property, or in the
400 case of a derelict vessel or a vessel declared a public nuisance
401 pursuant to s. 327.73(1)(aa), the owner or other party
402 determined to be legally responsible for the vessel being upon
403 the waters of this state in a derelict condition or as a public
404 nuisance, who, after notice as provided in this section, does
405 not remove such property within the specified period is ~~shall be~~
406 liable to the law enforcement agency, other governmental entity,

592-01302-22

2022494c1

407 or the agency's or entity's designee for all costs of removal,
408 storage, ~~and~~ destruction, and disposal of such property, less
409 any salvage value obtained by disposal of the property. Upon
410 final disposition of the property, the law enforcement officer
411 or representative of the law enforcement agency or other
412 governmental entity shall notify the owner or in the case of a
413 derelict vessel or vessel declared a public nuisance pursuant to
414 s. 327.73(1)(aa), the owner or other party determined to be
415 legally responsible, if known, of the amount owed. In the case
416 of an abandoned vessel or motor vehicle, any person who neglects
417 or refuses to pay such amount is not entitled to be issued a
418 certificate of registration for such vessel or motor vehicle, or
419 any other vessel or motor vehicle, until such costs have been
420 paid. A person who has neglected or refused to pay all costs of
421 removal, storage, disposal, and destruction of a vessel or motor
422 vehicle as provided in this section, after having been provided
423 written notice via certified mail that such costs are owed, and
424 who applies for and is issued a registration for a vessel or
425 motor vehicle before such costs have been paid in full commits a
426 misdemeanor of the first degree, punishable as provided in s.
427 775.082 or s. 775.083. The law enforcement officer or
428 representative of the law enforcement agency or other
429 governmental entity shall supply the Department of Highway
430 Safety and Motor Vehicles with a list of persons whose vessel
431 registration privileges and motor vehicle privileges have been
432 revoked under this subsection. The department or a person acting
433 as an agent of the department may not issue a certificate of
434 registration to a person whose vessel and motor vehicle
435 registration privileges have been revoked, as provided by this

592-01302-22

2022494c1

436 subsection, until such costs have been paid.

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

441 705.103 Procedure for abandoned or lost property.—

442 (2) (a) 1. Whenever a law enforcement officer ascertains
443 that:

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

450

451 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
452 PROPERTY. This property, to wit: ...(setting forth brief
453 description)... is unlawfully upon public property known as
454 ...(setting forth brief description of location)... and must be
455 removed within 5 days; otherwise, it will be removed and
456 disposed of pursuant to chapter 705, Florida Statutes. The owner
457 will be liable for the costs of removal, storage, and
458 publication of notice. Dated this: ...(setting forth the date of
459 posting of notice)..., signed: ...(setting forth name, title,
460 address, and telephone number of law enforcement officer)....

461

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

592-01302-22

2022494c1

465 vessel in substantially the following form:
466

467 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
468 VESSEL. This vessel, to wit: ...(setting forth brief description
469 of location)... has been determined to be ...(derelict or a
470 public nuisance)... and is unlawfully upon the waters of this
471 state ...(setting forth brief description of location)... and
472 must be removed within 21 days; otherwise, it will be removed
473 and disposed of pursuant to chapter 705, Florida Statutes. The
474 owner and other interested parties have the right to a hearing
475 to challenge the determination that this vessel is derelict or
476 otherwise in violation of the law. Please contact ...(contact
477 information for person who can arrange for a hearing in
478 accordance with this section)... The owner or the party
479 determined to be legally responsible for the vessel being upon
480 the waters of this state in a derelict condition or as a public
481 nuisance will be liable for the costs of removal, destruction,
482 and disposal if this vessel is not removed by the owner. Dated
483 this: ...(setting forth the date of posting of notice)...,
484 signed: ...(setting forth name, title, address, and telephone
485 number of law enforcement officer)....

486

487 2. The notices required under subparagraph 1. may not be
488 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently
489 weatherproof to withstand normal exposure to the elements. In
490 addition to posting, the law enforcement officer shall make a
491 reasonable effort to ascertain the name and address of the
492 owner. If such is reasonably available to the officer, she or he
493 shall mail a copy of such notice to the owner on or before the

592-01302-22

2022494c1

494 date of posting. If the property is a motor vehicle as defined
495 in s. 320.01(1) or a vessel as defined in s. 327.02, the law
496 enforcement agency shall contact the Department of Highway
497 Safety and Motor Vehicles in order to determine the name and
498 address of the owner and any person who has filed a lien on the
499 vehicle or vessel as provided in s. 319.27(2) or (3) or s.
500 328.15. On receipt of this information, the law enforcement
501 agency shall mail a copy of the notice by certified mail, return
502 receipt requested, to the owner and to the lienholder, if any,
503 except that a law enforcement officer who has issued a citation
504 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a
505 derelict vessel is not required to mail a copy of the notice by
506 certified mail, return receipt requested, to the owner. For a
507 derelict vessel or a vessel declared a public nuisance pursuant
508 to s. 327.73(1)(aa), the mailed notice must inform the owner or
509 responsible party that he or she has a right to a hearing to
510 dispute the determination that the vessel is derelict or
511 otherwise in violation of the law. If a request for a hearing is
512 made, a state agency shall follow the processes as set forth in
513 s. 120.569. Local governmental entities shall follow the
514 processes set forth in s. 120.569, except that a local judge,
515 magistrate, or code enforcement officer may be designated to
516 conduct such a hearing. If, at the end of 5 days after posting
517 the notice in sub-subparagraph 1.a., or at the end of 21 days
518 after posting the notice in sub-subparagraph 1.b., and mailing
519 such notice, if required, the owner or any person interested in
520 the lost or abandoned article or articles described has not
521 removed the article or articles from public property or shown
522 reasonable cause for failure to do so, and, in the case of a

592-01302-22

2022494c1

523 derelict vessel or a vessel declared a public nuisance pursuant
524 to s. 327.73(1)(aa), has not requested a hearing in accordance
525 with this section, the following shall apply:

526 a. For abandoned property other than a derelict vessel or a
527 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),
528 the law enforcement agency may retain any or all of the property
529 for its own use or for use by the state or unit of local
530 government, trade such property to another unit of local
531 government or state agency, donate the property to a charitable
532 organization, sell the property, or notify the appropriate
533 refuse removal service.

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

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

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

543

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

551 Section 11. Present subsections (4), (5), and (6) of

592-01302-22

2022494c1

552 section 823.11, Florida Statutes, are redesignated as
553 subsections (5), (6), and (7), respectively, a new subsection
554 (4) is added to that section, and subsection (1), paragraph (c)
555 of subsection (2), subsection (3), and present subsections (5)
556 and (6) of that section are amended, to read:

557 823.11 Derelict vessels; relocation or removal; penalty.—

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

559 (a) "Commission" means the Fish and Wildlife Conservation
560 Commission.

561 (b) "Derelict vessel" means a vessel, as defined in s.
562 327.02, that is:

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

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

569 b. A vessel is junked if it has been substantially stripped
570 of vessel components, if vessel components have substantially
571 degraded or been destroyed, or if the vessel has been discarded
572 by the owner or operator. Attaching an outboard motor to a
573 vessel that is otherwise junked will not cause the vessel to no
574 longer be junked if such motor is not an effective means of
575 propulsion as required by s. 327.4107(2)(e) and associated
576 rules.

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

580 (I) The steering system;

592-01302-22

2022494c1

581 (II) The propulsion system; or
582 (III) The exterior hull integrity.

583

584 Attaching an outboard motor to a vessel that is otherwise
585 substantially dismantled will not cause the vessel to no longer
586 be substantially dismantled if such motor is not an effective
587 means of propulsion as required by s. 327.4107(2) (e) and
588 associated rules.

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

591 3. Docked, grounded, or beached upon the property of
592 another without the consent of the owner of the property.

593 (c) "Gross negligence" means conduct so reckless or wanting
594 in care that it constitutes a conscious disregard or
595 indifference to the safety of the property exposed to such
596 conduct.

597 (d) "Willful misconduct" means conduct evidencing
598 carelessness or negligence of such a degree or recurrence as to
599 manifest culpability, wrongful intent, or evil design or to show
600 an intentional and substantial disregard of the interests of the
601 vessel owner.

602 (2)

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

609 (3) The commission, an officer of the commission, or a law

592-01302-22

2022494c1

610 enforcement agency or officer specified in s. 327.70 may
611 relocate, remove, and store, ~~destroy, or dispose of~~ or cause to
612 be relocated, removed, and stored, ~~destroyed, or disposed of~~ a
613 derelict vessel from waters of this state as defined in s.
614 327.02 if the derelict vessel obstructs or threatens to obstruct
615 navigation or in any way constitutes a danger to the
616 environment, property, or persons. The commission, an officer of
617 the commission, or any other law enforcement agency or officer
618 acting pursuant to this subsection to relocate, remove, and
619 store, ~~destroy, dispose of~~ or cause to be relocated, removed,
620 and stored, ~~destroyed, or disposed of~~ a derelict vessel from
621 waters of this state shall be held harmless for all damages to
622 the derelict vessel resulting from such action unless the damage
623 results from gross negligence or willful misconduct.

624 ~~(a) Removal of derelict vessels under this subsection may~~
625 ~~be funded by grants provided in ss. 206.606 and 376.15. The~~
626 ~~commission shall implement a plan for the procurement of any~~
627 ~~available federal disaster funds and use such funds for the~~
628 ~~removal of derelict vessels.~~

629 ~~(b)~~ All costs, including costs owed to a third party,
630 incurred by the commission, another law enforcement agency, or a
631 governmental subdivision, when the governmental subdivision has
632 received authorization from a law enforcement officer or agency,
633 in the relocation, removal, storage, destruction, or disposal of
634 a derelict vessel are recoverable against the vessel owner or
635 the party determined to be legally responsible for the vessel
636 being upon the waters of this state in a derelict condition. The
637 Department of Legal Affairs shall represent the commission in
638 actions to recover such costs. As provided in s. 705.103(4), a

592-01302-22

2022494c1

639 person who neglects or refuses to pay such costs may not be
640 issued a certificate of registration for such vessel or for any
641 other vessel or motor vehicle until such costs have been paid. A
642 person who has neglected or refused to pay all costs of removal,
643 storage, destruction, or disposal of a derelict vessel as
644 provided in this section, after having been provided written
645 notice via certified mail that such costs are owed, and who
646 applies for and is issued a registration for a vessel or motor
647 vehicle before such costs have been paid in full commits a
648 misdemeanor of the first degree, punishable as provided in s.
649 775.082 or s. 775.083.

650 (b) ~~(e)~~ A contractor performing such activities at the
651 direction of the commission, an officer of the commission, a law
652 enforcement agency or officer, or a governmental subdivision,
653 when the governmental subdivision has received authorization for
654 the relocation or removal from a law enforcement officer or
655 agency, pursuant to this section must be licensed in accordance
656 with applicable United States Coast Guard regulations where
657 required; obtain and carry in full force and effect a policy
658 from a licensed insurance carrier in this state to insure
659 against any accident, loss, injury, property damage, or other
660 casualty caused by or resulting from the contractor's actions;
661 and be properly equipped to perform the services to be provided.

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

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

667 (c) The commission may establish a program to provide

592-01302-22

2022494c1

668 grants to local governments for the removal, storage,
669 destruction, and disposal of derelict vessels from the waters of
670 this state. This grant funding may also be used for the removal,
671 storage, destruction, and disposal of vessels declared a public
672 nuisance pursuant to s. 327.73(1) (aa). The program must be
673 funded from the Marine Resources Conservation Trust Fund or the
674 Florida Coastal Protection Trust Fund. Notwithstanding s.
675 216.181(11), funds available for these grants may only be
676 authorized by appropriations acts of the Legislature. In a given
677 fiscal year, if all funds appropriated pursuant to this
678 paragraph are not requested by and granted to local governments
679 for the removal, storage, destruction, and disposal of derelict
680 vessels or vessels declared a public nuisance pursuant to s.
681 327.73(1) (aa) by the end of the third quarter, the Fish and
682 Wildlife Conservation Commission may use the remainder of the
683 funds to remove, store, destroy, and dispose of, or to pay
684 private contractors to remove, store, destroy, and dispose of,
685 derelict vessels or vessels declared a public nuisance pursuant
686 to s. 327.73(1) (aa). The commission shall adopt by rule
687 procedures for local governments to submit a grant application
688 and criteria for allocating available funds. Such criteria must
689 include, at a minimum, the following:

690 1. The number of derelict vessels within the jurisdiction
691 of the applicant.

692 2. The threat posed by such vessels to public health or
693 safety, the environment, navigation, or the aesthetic condition
694 of the general vicinity.

695 3. The degree of commitment of the local government to
696 maintain waters free of abandoned and derelict vessels and to

592-01302-22

2022494c1

697 seek legal action against those who abandon vessels in the
698 waters of this state as defined in s. 327.02.

699 (6)~~(5)~~ A person, firm, or corporation violating this
700 section commits a misdemeanor of the first degree and shall be
701 punished as provided by law. A conviction under this section
702 does not bar the assessment and collection of a ~~the~~ civil
703 penalty ~~provided in s. 376.16 for violation of s. 376.15~~. The
704 court having jurisdiction over the criminal offense,
705 notwithstanding any jurisdictional limitations on the amount in
706 controversy, may order the imposition of such civil penalty in
707 addition to any sentence imposed for the first criminal offense.

708 (7)~~(6)~~ If an owner or a responsible party of a vessel
709 determined to be derelict through an administrative or criminal
710 proceeding has been charged by an officer of the commission or
711 any law enforcement agency or officer as specified in s. 327.70
712 under subsection (5) for a violation of subsection (2) ~~or a~~
713 ~~violation of s. 376.15(2)~~, a person may not reside or dwell on
714 such vessel until the vessel is removed from the waters of the
715 state permanently or returned to the waters of the state in a
716 condition that is no longer derelict.

717 Section 12. Paragraph (p) of subsection (4) of section
718 934.50, Florida Statutes, is amended to read:

719 934.50 Searches and seizure using a drone.—

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

722 (p) By an ~~a non-law enforcement~~ employee of the Fish and
723 Wildlife Conservation Commission or of the Florida Forest
724 Service for the purposes of managing and eradicating invasive
725 exotic plants or animals on public lands and suppressing and

592-01302-22

2022494c1

726 mitigating wildfire threats.

727 Section 13. Section 327.04, Florida Statutes, is amended to
728 read:

729 327.04 Rules.—The commission may adopt rules pursuant to
730 ss. 120.536(1) and 120.54 to implement this chapter, the
731 provisions of chapter 705 relating to vessels, and s. ss. 376.15
732 ~~and~~ 823.11 conferring powers or duties upon it.

733 Section 14. Subsection (4) of section 328.09, Florida
734 Statutes, is amended to read:

735 328.09 Refusal to issue and authority to cancel a
736 certificate of title or registration.—

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

750 Section 15. Section 25 of chapter 2021-184, Laws of
751 Florida, is repealed.

752 Section 16. Paragraph (c) of subsection (15) of section
753 328.72, Florida Statutes, is amended to read:

754 328.72 Classification; registration; fees and charges;

592-01302-22

2022494c1

755 surcharge; disposition of fees; fines; marine turtle stickers.-

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

592-01302-22

2022494c1

784 calendar year, the moneys shall remain within the Marine
 785 Resources Trust Fund and may be appropriated for the purposes
 786 specified in this subsection.

787 (c) From the vessel registration fees designated for use by
 788 the counties in subsection (1), the following amounts shall be
 789 remitted to the state for deposit into the Marine Resources
 790 Conservation Trust Fund to fund derelict vessel removal grants,
 791 as appropriated by the Legislature pursuant to s. 823.11(4)(c)
 792 ~~s. 376.15~~:

- 793 1. Class A-2: \$0.25 for each 12-month period registered.
- 794 2. Class 1: \$2.06 for each 12-month period registered.
- 795 3. Class 2: \$9.26 for each 12-month period registered.
- 796 4. Class 3: \$16.45 for each 12-month period registered.
- 797 5. Class 4: \$20.06 for each 12-month period registered.
- 798 6. Class 5: \$25.46 for each 12-month period registered.

799 Section 17. Paragraph (h) of subsection (6) of section
 800 376.11, Florida Statutes, is amended to read:

801 376.11 Florida Coastal Protection Trust Fund.—

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

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

808 Section 18. For the purpose of incorporating the amendment
 809 made by this act to section 327.371, Florida Statutes, in a
 810 reference thereto, paragraph (dd) of subsection (1) of section
 811 327.73, Florida Statutes, is reenacted to read:

812 327.73 Noncriminal infractions.—

592-01302-22

2022494c1

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

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

817

818 Any person cited for a violation of any provision of this
819 subsection shall be deemed to be charged with a noncriminal
820 infraction, shall be cited for such an infraction, and shall be
821 cited to appear before the county court. The civil penalty for
822 any such infraction is \$50, except as otherwise provided in this
823 section. Any person who fails to appear or otherwise properly
824 respond to a uniform boating citation shall, in addition to the
825 charge relating to the violation of the boating laws of this
826 state, be charged with the offense of failing to respond to such
827 citation and, upon conviction, be guilty of a misdemeanor of the
828 second degree, punishable as provided in s. 775.082 or s.
829 775.083. A written warning to this effect shall be provided at
830 the time such uniform boating citation is issued.

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

835 125.01 Powers and duties.—

836 (4) The legislative and governing body of a county shall
837 not have the power to regulate the taking or possession of
838 saltwater fish, as defined in s. 379.101, with respect to the
839 method of taking, size, number, season, or species. However,
840 this subsection does not prohibit a county from prohibiting, for
841 reasons of protecting the public health, safety, or welfare,

592-01302-22

2022494c1

842 saltwater fishing from real property owned by that county, nor
843 does it prohibit the imposition of excise taxes by county
844 ordinance.

845 Section 20. For the purpose of incorporating the amendment
846 made by this act to section 379.101, Florida Statutes, in a
847 reference thereto, section 379.2412, Florida Statutes, is
848 reenacted to read:

849 379.2412 State preemption of power to regulate.—The power
850 to regulate the taking or possession of saltwater fish, as
851 defined in s. 379.101, is expressly reserved to the state. This
852 section does not prohibit a local government from prohibiting,
853 for reasons of protecting the public health, safety, or welfare,
854 saltwater fishing from real property owned by that local
855 government.

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