

By the Committees on Appropriations; and Environment and Natural Resources; and Senator Hutson

576-02401-22

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1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending s. 259.105, F.S.; requiring land
4 management agencies to consider, in consultation with
5 the commission, as part of certain state land
6 management plans, the feasibility of using portions of
7 such lands as gopher tortoise recipient sites;
8 requiring the agencies to consult with the commission
9 on required feasibility assessments and the
10 implementation of management strategies; amending ss.
11 327.352 and 327.35215, F.S.; revising the notices a
12 person must be given for failure to submit to certain
13 tests for alcohol, chemical substances, or controlled
14 substances; making technical changes; amending s.
15 327.371, F.S.; authorizing individuals, when
16 participating in certain athletic team practices or
17 competitions, to operate a human-powered vessel within
18 the marked channel of the Florida Intracoastal
19 Waterway under certain circumstances; amending s.
20 327.4107, F.S.; revising the vessel conditions that an
21 officer of the Fish and Wildlife Conservation
22 Commission or a law enforcement agency may use to
23 determine that a vessel is at risk of becoming
24 derelict; amending s. 327.46, F.S.; prohibiting
25 municipalities and counties from designating public
26 bathing beach areas or swim areas within their
27 jurisdictions which are within the marked channel
28 portion of the Florida Intracoastal Waterway or within
29 a specified distance from any portion of the marked

576-02401-22

2022494c2

30 channel; repealing s. 376.15, F.S., relating to
31 derelict vessels and the relocation and removal of
32 such vessels from the waters of this state; amending
33 s. 379.101, F.S.; revising the definitions of the
34 terms "marine fish" and "saltwater fish"; amending s.
35 705.101, F.S.; revising the definition of the term
36 "abandoned property" to include vessels declared to be
37 a public nuisance; amending s. 705.103, F.S.;

38 clarifying the notice requirements and procedures for
39 vessels declared to be public nuisances; conforming a
40 provision to changes made by the act; amending s.
41 823.11, F.S.; making technical changes; authorizing
42 the commission to establish a program to provide
43 grants to local governments for certain actions
44 regarding derelict vessels and those declared to be a
45 public nuisance; specifying sources for the funds to
46 be used, subject to an appropriation; authorizing the
47 commission to use funds not awarded as grants for
48 certain purposes; requiring the commission to adopt
49 rules for the grant applications and the criteria for
50 allocating the funds; conforming provisions to changes
51 made by the act; amending s. 934.50, F.S.; providing
52 that all employees of the commission or the Florida
53 Forest Service may operate drones for specified
54 purposes; amending ss. 327.04, 328.09, 328.72, and
55 376.11, F.S.; conforming provisions to changes made by
56 the act; repealing s. 25, chapter 2021-184, Laws of
57 Florida, relating to derelict vessels; reenacting s.
58 327.73(1)(dd), F.S., relating to noncriminal boating

576-02401-22

2022494c2

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

67

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

69

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

72 259.105 The Florida Forever Act.—

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

74

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

81

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

89

90 3. The potential development of the state's remaining

576-02401-22

2022494c2

88 natural areas and escalation of land values require government
89 efforts to restore, bring under public protection, or acquire
90 lands and water areas to preserve the state's essential
91 ecological functions and invaluable quality of life.

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

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

111 6. The needs of urban, suburban, and small communities in
112 the state for high-quality outdoor recreational opportunities,
113 greenways, trails, and open space have not been fully met by
114 previous acquisition programs. Through such programs as the
115 Florida Communities Trust and the Florida Recreation Development
116 Assistance Program, the state shall place additional emphasis on

576-02401-22

2022494c2

117 acquiring, protecting, preserving, and restoring open space,
118 ecological greenways, and recreation properties within urban,
119 suburban, and rural areas where pristine natural communities or
120 water bodies no longer exist because of the proximity of
121 developed property.

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

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

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

145 10. The state has embraced performance-based program

576-02401-22

2022494c2

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

156 11. The state must play a major role in the recovery and
157 management of its imperiled species through the acquisition,
158 restoration, enhancement, and management of ecosystems that can
159 support the major life functions of such species. It is the
160 intent of the Legislature to support local, state, and federal
161 programs that result in net benefit to imperiled species habitat
162 by providing public and private land owners meaningful
163 incentives for acquiring, restoring, managing, and repopulating
164 habitats for imperiled species. It is the further intent of the
165 Legislature that public lands, both existing and to be acquired,
166 identified by the lead land managing agency, in consultation
167 with the Fish and Wildlife Conservation Commission for animals
168 or the Department of Agriculture and Consumer Services for
169 plants, as habitat or potentially restorable habitat for
170 imperiled species, be restored, enhanced, managed, and
171 repopulated as habitat for such species to advance the goals and
172 objectives of imperiled species management for conservation,
173 recreation, or both, consistent with the land management plan
174 without restricting other uses identified in the management

576-02401-22

2022494c2

175 plan. It is also the intent of the Legislature that of the
176 proceeds distributed pursuant to subsection (3), additional
177 consideration be given to acquisitions that achieve a
178 combination of conservation goals, including the restoration,
179 enhancement, management, or repopulation of habitat for
180 imperiled species. The council, in addition to the criteria in
181 subsection (9), shall give weight to projects that include
182 acquisition, restoration, management, or repopulation of habitat
183 for imperiled species. The term "imperiled species" as used in
184 this chapter and chapter 253, means plants and animals that are
185 federally listed under the Endangered Species Act, or state-
186 listed by the Fish and Wildlife Conservation Commission or the
187 Department of Agriculture and Consumer Services. As part of the
188 state's role, all state lands that have imperiled species
189 habitat must ~~shall~~ include as a consideration in management plan
190 development the restoration, enhancement, management, and
191 repopulation of such habitats. Each lead land managing agency,
192 in consultation with the Fish and Wildlife Conservation
193 Commission, shall consider in the management plan for all state
194 lands under its management which are greater in size than 40
195 contiguous acres the feasibility of using a portion of the
196 property as a gopher tortoise recipient site. If, during
197 consultation with the Fish and Wildlife Conservation Commission,
198 the lead land managing agency determines that the recipient site
199 management is not in conflict with the primary management
200 objects of the parcel, the management plan must contain a
201 component or section prepared by a qualified wildlife biologist
202 which assesses the feasibility of managing the site as a
203 recipient site for gopher tortoises, consistent with the rules

576-02401-22

2022494c2

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

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

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

576-02401-22

2022494c2

233 stewardship areas, sector planning, gopher tortoise recipient
234 sites, and mitigation should be used, where appropriate, to
235 bring environmentally sensitive tracts under an acceptable level
236 of protection at a lower financial cost to the public, and to
237 provide private landowners with the opportunity to enjoy and
238 benefit from their property.

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

241 327.352 Tests for alcohol, chemical substances, or
242 controlled substances; implied consent; refusal.—

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

576-02401-22

2022494c2

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

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

576-02401-22

2022494c2

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

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

576-02401-22

2022494c2

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

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

336 327.35215 Penalty for failure to submit to test.—

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

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

576-02401-22

2022494c2

349 shall ~~must~~ also submit a sworn statement on a form provided by
350 the commission ~~department~~ that the person has been advised of
351 both the penalties for failure to submit to the blood, breath,
352 or urine test and the procedure for requesting a hearing.

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

357 327.371 Human-powered vessels regulated.—

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

361 (c) When participating in interscholastic, intercollegiate,
362 intramural, or club rowing team practices or competitions, if
363 the adjacent area outside of the marked channel is not suitable
364 for such practice or competition. The teams must use their best
365 efforts to make use of the adjacent area outside of the marked
366 channel.

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

369 327.4107 Vessels at risk of becoming derelict on waters of
370 this state.—

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

375 (f) The vessel is tied to an unlawful or unpermitted
376 structure or mooring.

377 Section 6. Paragraph (b) of subsection (1) of section

576-02401-22

2022494c2

378 327.46, Florida Statutes, is amended to read:

379 327.46 Boating-restricted areas.—

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

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

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

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

402 b. Within 500 feet of fuel pumps or dispensers at any
403 marine fueling facility that sells motor fuel to the general
404 boating public on waterways more than 300 feet in width or
405 within 300 feet of the fuel pumps or dispensers at any licensed
406 terminal facility that sells motor fuel to the general boating

576-02401-22

2022494c2

407 public on waterways not exceeding 300 feet in width.

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

409 2. An ordinance establishing a slow speed, minimum wake

410 boating-restricted area if the area is:

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

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

413 clearance of less than 25 feet or a horizontal clearance of less

414 than 100 feet.

415 c. On a creek, stream, canal, or similar linear waterway if

416 the waterway is less than 75 feet in width from shoreline to

417 shoreline.

418 d. On a lake or pond of less than 10 acres in total surface

419 area.

420 e. Within the boundaries of a permitted public mooring

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

422 3. An ordinance establishing a vessel-exclusion zone if the

423 area is:

424 a. Designated as a public bathing beach or swim area,
425 except that public bathing beach or swim areas may not be
426 established in whole or in part within the marked channel of the
427 Florida Intracoastal Waterway or within 100 feet of any portion
428 of the marked channel.

429 b. Within 300 feet of a dam, spillway, or flood control

430 structure.

431

432 Vessel exclusion zones created pursuant to this subparagraph

433 must be marked with uniform waterway markers permitted by the

434 commission in accordance with this chapter. Such zones may not

435 be marked by ropes.

576-02401-22

2022494c2

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

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

439 379.101 Definitions.—In construing these statutes, where
440 the context does not clearly indicate otherwise, the word,
441 phrase, or term:

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

448 (34) "Saltwater fish" means:

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

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

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

459 705.101 Definitions.—As used in this chapter:

460 (3) "Abandoned property" means all tangible personal
461 property that does not have an identifiable owner and that has
462 been disposed on public property in a wrecked, inoperative, or
463 partially dismantled condition or has no apparent intrinsic
464 value to the rightful owner. The term includes derelict vessels

576-02401-22

2022494c2

465 as defined in s. 823.11 and vessels declared a public nuisance
466 pursuant to s. 327.73(1)(aa).

467 Section 10. Paragraph (a) of subsection (2) and subsection
468 (4) of section 705.103, Florida Statutes, are amended to read:
469 705.103 Procedure for abandoned or lost property.—

470 (2)(a)1. Whenever a law enforcement officer ascertains
471 that:

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

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

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

576-02401-22

2022494c2

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

514

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

576-02401-22

2022494c2

523 in s. 320.01(1) or a vessel as defined in s. 327.02, the law
524 enforcement agency shall contact the Department of Highway
525 Safety and Motor Vehicles in order to determine the name and
526 address of the owner and any person who has filed a lien on the
527 vehicle or vessel as provided in s. 319.27(2) or (3) or s.
528 328.15(1). On receipt of this information, the law enforcement
529 agency shall mail a copy of the notice by certified mail, return
530 receipt requested, to the owner and to the lienholder, if any,
531 except that a law enforcement officer who has issued a citation
532 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a
533 derelict vessel is not required to mail a copy of the notice by
534 certified mail, return receipt requested, to the owner. For a
535 derelict vessel or a vessel declared a public nuisance pursuant
536 to s. 327.73(1)(aa), the mailed notice must inform the owner or
537 responsible party that he or she has a right to a hearing to
538 dispute the determination that the vessel is derelict or
539 otherwise in violation of the law. If a request for a hearing is
540 made, a state agency shall follow the processes set forth in s.
541 120.569. Local governmental entities shall follow the processes
542 set forth in s. 120.569, except that a local judge, magistrate,
543 or code enforcement officer may be designated to conduct such a
544 hearing. If, at the end of 5 days after posting the notice in
545 sub-subparagraph 1.a., or at the end of 21 days after posting
546 the notice in sub-subparagraph 1.b., and mailing such notice, if
547 required, the owner or any person interested in the lost or
548 abandoned article or articles described has not removed the
549 article or articles from public property or shown reasonable
550 cause for failure to do so, and, in the case of a derelict
551 vessel or a vessel declared a public nuisance pursuant to s.

576-02401-22

2022494c2

552 327.73(1)(aa), has not requested a hearing in accordance with
553 this section, the following shall apply:

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

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

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

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

571

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

579 (4) The owner of any abandoned or lost property, or in the
580 case of a derelict vessel or a vessel declared a public nuisance

576-02401-22

2022494c2

581 pursuant to s. 327.73(1)(aa), the owner or other party
582 determined to be legally responsible for the vessel being upon
583 the waters of this state in a derelict condition or as a public
584 nuisance, who, after notice as provided in this section, does
585 not remove such property within the specified period ~~is shall be~~
586 liable to the law enforcement agency, other governmental entity,
587 or the agency's or entity's designee for all costs of removal,
588 storage, ~~and~~ destruction, and disposal of such property, less
589 any salvage value obtained by disposal of the property. Upon
590 final disposition of the property, the law enforcement officer
591 or representative of the law enforcement agency or other
592 governmental entity shall notify the owner or in the case of a
593 derelict vessel or vessel declared a public nuisance pursuant to
594 s. 327.73(1)(aa), the owner or other party determined to be
595 legally responsible, if known, of the amount owed. In the case
596 of an abandoned vessel or motor vehicle, any person who neglects
597 or refuses to pay such amount is not entitled to be issued a
598 certificate of registration for such vessel or motor vehicle, or
599 any other vessel or motor vehicle, until such costs have been
600 paid. A person who has neglected or refused to pay all costs of
601 removal, storage, disposal, and destruction of a vessel or motor
602 vehicle as provided in this section, after having been provided
603 written notice via certified mail that such costs are owed, and
604 who applies for and is issued a registration for a vessel or
605 motor vehicle before such costs have been paid in full commits a
606 misdemeanor of the first degree, punishable as provided in s.
607 775.082 or s. 775.083. The law enforcement officer or
608 representative of the law enforcement agency or other
609 governmental entity shall supply the Department of Highway

576-02401-22

2022494c2

610 Safety and Motor Vehicles with a list of persons whose vessel
611 registration privileges and motor vehicle privileges have been
612 revoked under this subsection. The department or a person acting
613 as an agent of the department may not issue a certificate of
614 registration to a person whose vessel and motor vehicle
615 registration privileges have been revoked, as provided by this
616 subsection, until such costs have been paid.

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

621 705.103 Procedure for abandoned or lost property.—

622 (2) (a) 1. Whenever a law enforcement officer ascertains
623 that:

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

630

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

576-02401-22

2022494c2

639 posting of notice)...., signed: ...(setting forth name, title,
640 address, and telephone number of law enforcement officer)....

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

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

666
667 2. The notices required under subparagraph 1. may not be

576-02401-22

2022494c2

668 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently
669 weatherproof to withstand normal exposure to the elements. In
670 addition to posting, the law enforcement officer shall make a
671 reasonable effort to ascertain the name and address of the
672 owner. If such is reasonably available to the officer, she or he
673 shall mail a copy of such notice to the owner on or before the
674 date of posting. If the property is a motor vehicle as defined
675 in s. 320.01(1) or a vessel as defined in s. 327.02, the law
676 enforcement agency shall contact the Department of Highway
677 Safety and Motor Vehicles in order to determine the name and
678 address of the owner and any person who has filed a lien on the
679 vehicle or vessel as provided in s. 319.27(2) or (3) or s.
680 328.15. On receipt of this information, the law enforcement
681 agency shall mail a copy of the notice by certified mail, return
682 receipt requested, to the owner and to the lienholder, if any,
683 except that a law enforcement officer who has issued a citation
684 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a
685 derelict vessel is not required to mail a copy of the notice by
686 certified mail, return receipt requested, to the owner. For a
687 derelict vessel or a vessel declared a public nuisance pursuant
688 to s. 327.73(1)(aa), the mailed notice must inform the owner or
689 responsible party that he or she has a right to a hearing to
690 dispute the determination that the vessel is derelict or
691 otherwise in violation of the law. If a request for a hearing is
692 made, a state agency shall follow the processes as set forth in
693 s. 120.569. Local governmental entities shall follow the
694 processes set forth in s. 120.569, except that a local judge,
695 magistrate, or code enforcement officer may be designated to
696 conduct such a hearing. If, at the end of 5 days after posting

576-02401-22

2022494c2

697 the notice in sub-subparagraph 1.a., or at the end of 21 days
698 after posting the notice in sub-subparagraph 1.b., and mailing
699 such notice, if required, the owner or any person interested in
700 the lost or abandoned article or articles described has not
701 removed the article or articles from public property or shown
702 reasonable cause for failure to do so, and, in the case of a
703 derelict vessel or a vessel declared a public nuisance pursuant
704 to s. 327.73(1)(aa), has not requested a hearing in accordance
705 with this section, the following shall apply:

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

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

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

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

723

724 A law enforcement agency or its designee may also take action as
725 described in this sub-subparagraph if, following a hearing

576-02401-22

2022494c2

726 pursuant to this section, the judge, magistrate, administrative
727 law judge, or hearing officer has determined the vessel to be
728 derelict as provided in s. 823.11 or otherwise in violation of
729 the law in accordance with s. 327.73(1)(aa) and a final order
730 has been entered or the case is otherwise closed.

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

737 823.11 Derelict vessels; relocation or removal; penalty.—

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

739 (a) "Commission" means the Fish and Wildlife Conservation
740 Commission.

741 (b) "Derelict vessel" means a vessel, as defined in s.
742 327.02, that is:

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

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

749 b. A vessel is junked if it has been substantially stripped
750 of vessel components, if vessel components have substantially
751 degraded or been destroyed, or if the vessel has been discarded
752 by the owner or operator. Attaching an outboard motor to a
753 vessel that is otherwise junked will not cause the vessel to no
754 longer be junked if such motor is not an effective means of

576-02401-22

2022494c2

755 propulsion as required by s. 327.4107(2) (e) and associated
756 rules.

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

760 (I) The steering system;

761 (II) The propulsion system; or

762 (III) The exterior hull integrity.

763

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

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

771 3. Docked, grounded, or beached upon the property of
772 another without the consent of the owner of the property.

773 (c) "Gross negligence" means conduct so reckless or wanting
774 in care that it constitutes a conscious disregard or
775 indifference to the safety of the property exposed to such
776 conduct.

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

782 (2)

783 (c) The additional time provided in subparagraph (b)2. for

576-02401-22

2022494c2

784 an owner or responsible party to remove a derelict vessel from
785 the waters of this state or to repair and remedy the vessel's
786 derelict condition ~~This subsection~~ does not apply to a vessel
787 that was derelict upon the waters of this state before the
788 stated accident or event.

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

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

809 ~~(b)~~ All costs, including costs owed to a third party,
810 incurred by the commission, another law enforcement agency, or a
811 governmental subdivision, when the governmental subdivision has
812 received authorization from a law enforcement officer or agency,

576-02401-22

2022494c2

813 in the relocation, removal, storage, destruction, or disposal of
814 a derelict vessel are recoverable against the vessel owner or
815 the party determined to be legally responsible for the vessel
816 being upon the waters of this state in a derelict condition. The
817 Department of Legal Affairs shall represent the commission in
818 actions to recover such costs. As provided in s. 705.103(4), a
819 person who neglects or refuses to pay such costs may not be
820 issued a certificate of registration for such vessel or for any
821 other vessel or motor vehicle until such costs have been paid. A
822 person who has neglected or refused to pay all costs of removal,
823 storage, destruction, or disposal of a derelict vessel as
824 provided in this section, after having been provided written
825 notice via certified mail that such costs are owed, and who
826 applies for and is issued a registration for a vessel or motor
827 vehicle before such costs have been paid in full commits a
828 misdemeanor of the first degree, punishable as provided in s.
829 775.082 or s. 775.083.

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

576-02401-22

2022494c2

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

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

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

870 1. The number of derelict vessels within the jurisdiction

576-02401-22

2022494c2

871 of the applicant.

872 2. The threat posed by such vessels to public health or
873 safety, the environment, navigation, or the aesthetic condition
874 of the general vicinity.

875 3. The degree of commitment of the local government to
876 maintain waters free of abandoned and derelict vessels and to
877 seek legal action against those who abandon vessels in the
878 waters of this state as defined in s. 327.02.

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

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

897 Section 13. Paragraph (p) of subsection (4) of section
898 934.50, Florida Statutes, is amended to read:

899 934.50 Searches and seizure using a drone.-

576-02401-22

2022494c2

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

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

907 Section 14. Section 327.04, Florida Statutes, is amended to
908 read:

909 327.04 Rules.—The commission may adopt rules pursuant to
910 ss. 120.536(1) and 120.54 to implement this chapter, the
911 provisions of chapter 705 relating to vessels, and s. ~~ss. 376.15~~
912 ~~and~~ 823.11 conferring powers or duties upon it.

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

915 328.09 Refusal to issue and authority to cancel a
916 certificate of title or registration.—

917 (4) The department may not issue a certificate of title to
918 an applicant for a vessel that has been deemed derelict or a
919 public nuisance by a law enforcement officer under s.
920 327.73(1)(aa) or ~~s. 376.15~~ ~~or~~ s. 823.11. A law enforcement
921 officer must inform the department in writing, which may be
922 provided by facsimile, e-mail ~~electronic mail~~, or other
923 electronic means, of the vessel's derelict or public nuisance
924 status and supply the department with the vessel title number or
925 vessel identification number. The department may issue a
926 certificate of title once a law enforcement officer has verified
927 in writing, which may be provided by facsimile, e-mail
928 ~~electronic mail~~, or other electronic means, that the vessel is

576-02401-22

2022494c2

929 no longer a derelict or public nuisance vessel.

930 Section 16. Section 25 of chapter 2021-184, Laws of
931 Florida, is repealed.

932 Section 17. Paragraph (c) of subsection (15) of section
933 328.72, Florida Statutes, is amended to read:

934 328.72 Classification; registration; fees and charges;
935 surcharge; disposition of fees; fines; marine turtle stickers.-

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

576-02401-22

2022494c2

958 subsection (1), to the board of county commissioners but shall,
959 for the next calendar year, remit such moneys to the state for
960 deposit into the Marine Resources Conservation Trust Fund. The
961 commission shall return those moneys to the county if the county
962 fully complies with this section within that calendar year. If
963 the county does not fully comply with this section within that
964 calendar year, the moneys shall remain within the Marine
965 Resources Trust Fund and may be appropriated for the purposes
966 specified in this subsection.

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

- 973 1. Class A-2: \$0.25 for each 12-month period registered.
- 974 2. Class 1: \$2.06 for each 12-month period registered.
- 975 3. Class 2: \$9.26 for each 12-month period registered.
- 976 4. Class 3: \$16.45 for each 12-month period registered.
- 977 5. Class 4: \$20.06 for each 12-month period registered.
- 978 6. Class 5: \$25.46 for each 12-month period registered.

979 Section 18. Paragraph (h) of subsection (6) of section
980 376.11, Florida Statutes, is amended to read:

981 376.11 Florida Coastal Protection Trust Fund.—

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

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

576-02401-22

2022494c2

987 waters of the state.

988 Section 19. For the purpose of incorporating the amendment
989 made by this act to section 327.371, Florida Statutes, in a
990 reference thereto, paragraph (dd) of subsection (1) of section
991 327.73, Florida Statutes, is reenacted to read:

992 327.73 Noncriminal infractions.—

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

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

997
998 Any person cited for a violation of any provision of this
999 subsection shall be deemed to be charged with a noncriminal
1000 infraction, shall be cited for such an infraction, and shall be
1001 cited to appear before the county court. The civil penalty for
1002 any such infraction is \$50, except as otherwise provided in this
1003 section. Any person who fails to appear or otherwise properly
1004 respond to a uniform boating citation shall, in addition to the
1005 charge relating to the violation of the boating laws of this
1006 state, be charged with the offense of failing to respond to such
1007 citation and, upon conviction, be guilty of a misdemeanor of the
1008 second degree, punishable as provided in s. 775.082 or s.
1009 775.083. A written warning to this effect shall be provided at
1010 the time such uniform boating citation is issued.

1011 Section 20. For the purpose of incorporating the amendment
1012 made by this act to section 379.101, Florida Statutes, in a
1013 reference thereto, subsection (4) of section 125.01, Florida
1014 Statutes, is reenacted to read:

1015 125.01 Powers and duties.—

576-02401-22

2022494c2

1016 (4) The legislative and governing body of a county shall
1017 not have the power to regulate the taking or possession of
1018 saltwater fish, as defined in s. 379.101, with respect to the
1019 method of taking, size, number, season, or species. However,
1020 this subsection does not prohibit a county from prohibiting, for
1021 reasons of protecting the public health, safety, or welfare,
1022 saltwater fishing from real property owned by that county, nor
1023 does it prohibit the imposition of excise taxes by county
1024 ordinance.

1025 Section 21. For the purpose of incorporating the amendment
1026 made by this act to section 379.101, Florida Statutes, in a
1027 reference thereto, section 379.2412, Florida Statutes, is
1028 reenacted to read:

1029 379.2412 State preemption of power to regulate.—The power
1030 to regulate the taking or possession of saltwater fish, as
1031 defined in s. 379.101, is expressly reserved to the state. This
1032 section does not prohibit a local government from prohibiting,
1033 for reasons of protecting the public health, safety, or welfare,
1034 saltwater fishing from real property owned by that local
1035 government.

1036 Section 22. Except as otherwise expressly provided in this
1037 act, this act shall take effect July 1, 2022.