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1
2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending s. 259.105, F.S.; providing
4 legislative findings; requiring lead land managing
5 agencies, in consultation with the Fish and Wildlife
6 Conservation Commission, to consider the use of state
7 lands as gopher tortoise recipient sites in certain
8 management plans; requiring certain management plans
9 to include feasibility assessments for managing gopher
10 tortoise recipient sites; authorizing owners of
11 certain lands to establish gopher tortoise recipient
12 sites or conservation banks on the lands under certain
13 conditions; requiring the commission to streamline and
14 improve the review of gopher tortoise recipient site
15 applications and approve or deny such applications
16 within a specified timeframe; requiring the
17 commission, subject to appropriation, to encourage the
18 establishment of gopher tortoise recipient sites on
19 private lands and to create an online dashboard for
20 certain gopher tortoise recipient site information;
21 requiring the commission to submit a report on gopher
22 tortoise recipient sites to the Legislature by a
23 specified date; providing report requirements;
24 amending ss. 327.352 and 327.35215, F.S.; revising the
25 notices a person must be given for failure to submit
26 to certain tests for alcohol, chemical substances, or
27 controlled substances; making technical changes;
28 amending s. 327.371, F.S.; authorizing individuals,
29 when participating in certain athletic team practices

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30 or competitions, to operate a human-powered vessel
31 within the marked channel of the Florida Intracoastal
32 Waterway under certain circumstances; requiring the
33 commission to be notified of any such competition;
34 providing notice requirements; amending s. 327.4107,
35 F.S.; revising the vessel conditions that an officer
36 of the commission or a law enforcement agency may use
37 to determine that a vessel is at risk of becoming
38 derelict; amending s. 327.46, F.S.; prohibiting
39 municipalities and counties from designating certain
40 waters adjacent to designated public bathing beaches
41 or swim areas as vessel exclusion zones; repealing s.
42 376.15, F.S., relating to derelict vessels and the
43 relocation and removal of such vessels from the waters
44 of this state; amending s. 379.101, F.S.; revising the
45 definitions of the terms "marine fish" and "saltwater
46 fish"; amending s. 705.101, F.S.; revising the
47 definition of the term "abandoned property" to include
48 vessels declared to be a public nuisance; amending s.
49 705.103, F.S.; clarifying the notice requirements and
50 procedures for vessels declared to be public
51 nuisances; conforming a provision to changes made by
52 the act; amending s. 823.11, F.S.; making technical
53 changes; authorizing the commission to establish a
54 program to provide grants to local governments for
55 certain actions regarding derelict vessels and those
56 declared to be a public nuisance; specifying sources
57 for the funds to be used, subject to an appropriation;
58 authorizing the commission to use funds not awarded as

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59 grants for certain purposes; requiring the commission
60 to adopt rules for the grant applications and the
61 criteria for allocating the funds; conforming
62 provisions to changes made by the act; amending s.
63 934.50, F.S.; providing that all employees of the
64 commission or the Florida Forest Service may operate
65 drones for specified purposes; amending ss. 327.04,
66 328.09, 328.72, and 376.11, F.S.; conforming
67 provisions to changes made by the act; repealing s.
68 25, chapter 2021-184, Laws of Florida, relating to
69 derelict vessels; reenacting s. 327.73(1)(dd), F.S.,
70 relating to noncriminal boating infractions, to
71 incorporate the amendment made to s. 327.371, F.S., in
72 a reference thereto; reenacting ss. 125.01(4) and
73 379.2412, F.S., relating to powers and duties of
74 legislative and governing bodies of counties and state
75 preemption of the regulating of taking or possessing
76 saltwater fish, respectively, to incorporate the
77 amendment made to s. 379.101, F.S., in references
78 thereto; providing effective dates.

79
80 Be It Enacted by the Legislature of the State of Florida:

81
82 Section 1. Paragraphs (a) and (b) of subsection (2) of
83 section 259.105, Florida Statutes, are amended to read:

84 259.105 The Florida Forever Act.—

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

86 1. Land acquisition programs have provided tremendous
87 financial resources for purchasing environmentally significant

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88 lands to protect those lands from imminent development or
89 alteration, thereby ensuring present and future generations'
90 access to important waterways, open spaces, and recreation and
91 conservation lands.

92 2. The continued alteration and development of the state's
93 natural and rural areas to accommodate the state's growing
94 population have contributed to the degradation of water
95 resources, the fragmentation and destruction of wildlife
96 habitats, the loss of outdoor recreation space, and the
97 diminishment of wetlands, forests, working landscapes, and
98 coastal open space.

99 3. The potential development of the state's remaining
100 natural areas and escalation of land values require government
101 efforts to restore, bring under public protection, or acquire
102 lands and water areas to preserve the state's essential
103 ecological functions and invaluable quality of life.

104 4. It is essential to protect the state's ecosystems by
105 promoting a more efficient use of land, to ensure opportunities
106 for viable agricultural activities on working lands, and to
107 promote vital rural and urban communities that support and
108 produce development patterns consistent with natural resource
109 protection.

110 5. The state's groundwater, surface waters, and springs are
111 under tremendous pressure due to population growth and economic
112 expansion and require special protection and restoration
113 efforts, including the protection of uplands and springsheds
114 that provide vital recharge to aquifer systems and are critical
115 to the protection of water quality and water quantity of the
116 aquifers and springs. To ensure that sufficient quantities of

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117 water are available to meet the current and future needs of the
118 natural systems and citizens of the state, and assist in
119 achieving the planning goals of the department and the water
120 management districts, water resource development projects on
121 public lands, if compatible with the resource values of and
122 management objectives for the lands, are appropriate.

123 6. The needs of urban, suburban, and small communities in
124 the state for high-quality outdoor recreational opportunities,
125 greenways, trails, and open space have not been fully met by
126 previous acquisition programs. Through such programs as the
127 Florida Communities Trust and the Florida Recreation Development
128 Assistance Program, the state shall place additional emphasis on
129 acquiring, protecting, preserving, and restoring open space,
130 ecological greenways, and recreation properties within urban,
131 suburban, and rural areas where pristine natural communities or
132 water bodies no longer exist because of the proximity of
133 developed property.

134 7. Many of the state's unique ecosystems, such as the
135 Florida Everglades, are facing ecological collapse due to the
136 state's burgeoning population growth and other economic
137 activities. To preserve these valuable ecosystems for future
138 generations, essential parcels of land must be acquired to
139 facilitate ecosystem restoration.

140 8. Access to public lands to support a broad range of
141 outdoor recreational opportunities and the development of
142 necessary infrastructure, if compatible with the resource values
143 of and management objectives for such lands, promotes an
144 appreciation for the state's natural assets and improves the
145 quality of life.

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146 9. Acquisition of lands, in fee simple, less than fee
147 interest, or other techniques shall be based on a comprehensive
148 science-based assessment of the state's natural resources which
149 targets essential conservation lands by prioritizing all current
150 and future acquisitions based on a uniform set of data and
151 planned so as to protect the integrity and function of
152 ecological systems and working landscapes, and provide multiple
153 benefits, including preservation of fish and wildlife habitat,
154 recreation space for urban and rural areas, and the restoration
155 of natural water storage, flow, and recharge.

156 10. The state has embraced performance-based program
157 budgeting as a tool to evaluate the achievements of publicly
158 funded agencies, build in accountability, and reward those
159 agencies which are able to consistently achieve quantifiable
160 goals. While previous and existing state environmental programs
161 have achieved varying degrees of success, few of these programs
162 can be evaluated as to the extent of their achievements,
163 primarily because performance measures, standards, outcomes, and
164 goals were not established at the outset. Therefore, the Florida
165 Forever program shall be developed and implemented in the
166 context of measurable state goals and objectives.

167 11.a. The state must play a major role in the recovery and
168 management of its imperiled species through the acquisition,
169 restoration, enhancement, and management of ecosystems that can
170 support the major life functions of such species. It is the
171 intent of the Legislature to support local, state, and federal
172 programs that result in net benefit to imperiled species habitat
173 by providing public and private land owners meaningful
174 incentives for acquiring, restoring, managing, and repopulating

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175 habitats for imperiled species. It is the further intent of the
176 Legislature that public lands, both existing and to be acquired,
177 identified by the lead land managing agency, in consultation
178 with the Fish and Wildlife Conservation Commission for animals
179 or the Department of Agriculture and Consumer Services for
180 plants, as habitat or potentially restorable habitat for
181 imperiled species, be restored, enhanced, managed, and
182 repopulated as habitat for such species to advance the goals and
183 objectives of imperiled species management for conservation,
184 recreation, or both, consistent with the land management plan
185 without restricting other uses identified in the management
186 plan. It is also the intent of the Legislature that of the
187 proceeds distributed pursuant to subsection (3), additional
188 consideration be given to acquisitions that achieve a
189 combination of conservation goals, including the restoration,
190 enhancement, management, or repopulation of habitat for
191 imperiled species. The council, in addition to the criteria in
192 subsection (9), shall give weight to projects that include
193 acquisition, restoration, management, or repopulation of habitat
194 for imperiled species. The term "imperiled species" as used in
195 this chapter and chapter 253, means plants and animals that are
196 federally listed under the Endangered Species Act, or state-
197 listed by the Fish and Wildlife Conservation Commission or the
198 Department of Agriculture and Consumer Services. As part of the
199 state's role, all state lands that have imperiled species
200 habitat shall include as a consideration in management plan
201 development the restoration, enhancement, management, and
202 repopulation of such habitats. In addition, the lead land
203 managing agency of such state lands may use fees received from

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204 public or private entities for projects to offset adverse
205 impacts to imperiled species or their habitat in order to
206 restore, enhance, manage, repopulate, or acquire land and to
207 implement land management plans developed under s. 253.034 or a
208 land management prospectus developed and implemented under this
209 chapter. Such fees shall be deposited into a foundation or fund
210 created by each land management agency under s. 379.223, s.
211 589.012, or s. 259.032(9)(c), to be used solely to restore,
212 manage, enhance, repopulate, or acquire imperiled species
213 habitat.

214 b. The Legislature recognizes that there have been
215 geographical and capacity constraints on available gopher
216 tortoise recipient sites that have coincided with increased
217 demands for such sites. The Legislature also recognizes that the
218 success of gopher tortoise conservation depends on participation
219 by privately owned lands and the use of appropriate public lands
220 for gopher tortoise and other imperiled species management and
221 recovery. To encourage adequate capacity for relocating gopher
222 tortoises, each lead land managing agency, in consultation with
223 the Fish and Wildlife Conservation Commission, shall consider
224 the feasibility of using a portion of state lands as a gopher
225 tortoise recipient site in management plans for all state lands
226 under the management of the agency that are greater than 40
227 contiguous acres. If the lead land managing agency, in
228 consultation with the Fish and Wildlife Conservation Commission,
229 determines that gopher tortoise recipient site management does
230 not conflict with the primary management objectives of the
231 lands, the management plan must contain a component prepared by
232 the agency or cooperatively with a Fish and Wildlife

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233 Conservation Commission wildlife biologist that assesses the
234 feasibility of managing the lands as a recipient site for gopher
235 tortoises consistent with rules of the Fish and Wildlife
236 Conservation Commission. The feasibility assessment by the lead
237 land managing agency must also evaluate the economic feasibility
238 of establishing a gopher tortoise recipient site, including the
239 initial cost and recurring management costs of operating the
240 gopher tortoise recipient site consistent with the rules of the
241 Fish and Wildlife Conservation Commission and the revenue
242 projections necessary to ensure the initial and recurring costs
243 of establishing and perpetually maintaining the gopher tortoise
244 recipient site do not create an increased recurring expense for
245 the agency.

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

250 (b) The Legislature recognizes that acquisition of lands in
251 fee simple is only one way to achieve the aforementioned goals
252 and encourages the use of less-than-fee interests, other
253 techniques, and the development of creative partnerships between
254 governmental agencies and private landowners. Such partnerships
255 may include those that advance the restoration, enhancement,
256 management, or repopulation of imperiled species habitat on
257 state lands as provided for in subparagraph (a)11. Easements
258 acquired pursuant to s. 570.71(2)(a) and (b), land protection
259 agreements, and nonstate funded tools such as rural land
260 stewardship areas, sector planning, gopher tortoise recipient
261 sites, and mitigation should be used, where appropriate, to

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262 bring environmentally sensitive tracts under an acceptable level
263 of protection at a lower financial cost to the public, and to
264 provide private landowners with the opportunity to enjoy and
265 benefit from their property. The owner of lands where a
266 conservation easement or other less-than-fee interest has been
267 acquired by the board or another state agency or a regional or
268 local government may establish a recipient site or conservation
269 bank on the lands to advance the restoration, enhancement,
270 management, or repopulation of imperiled species habitat so long
271 as the recipient site or operation and maintenance of the
272 conservation bank does not interfere with the management plan
273 for the conservation easement and the landowner complies with
274 all state and federal permitting requirements for the recipient
275 site or conservation bank.

276 Section 2. (1) By December 31, 2022, the Fish and Wildlife
277 Conservation Commission shall streamline and improve the review
278 of applications for public and private gopher tortoise recipient
279 sites. Requests for additional information must be received by
280 the applicant within 45 days after receipt of an application and
281 the commission shall approve or deny a complete application
282 within 45 days after receipt of such application.

283 (2) By October 31, 2023, subject to appropriation, the Fish
284 and Wildlife Conservation Commission shall:

285 (a) Establish an ongoing effort to encourage the
286 establishment of new gopher tortoise recipient sites on private
287 lands throughout the state; and

288 (b) Update its permitting systems to create an online
289 dashboard to show permitted and available capacity for
290 reservations in permitted gopher tortoise recipient sites to

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291 assist with the efficient relocation of gopher tortoises.

292 (3) By February 1, 2023, the Fish and Wildlife Conservation
293 Commission shall submit a report to the President of the Senate
294 and the Speaker of the House of Representatives that includes
295 the following information:

296 (a) The progress made in establishing new private and
297 public gopher tortoise recipient sites;

298 (b) The average time it takes to approve or deny a
299 recipient site application once a complete application is
300 received;

301 (c) Any federal action taken to modify the listing of the
302 gopher tortoise under the Endangered Species Act; and

303 (d) Any other information relevant to the gopher tortoise
304 conservation program.

305 Section 3. Paragraphs (a) and (c) of subsection (1) of
306 section 327.352, Florida Statutes, are amended to read:

307 327.352 Tests for alcohol, chemical substances, or
308 controlled substances; implied consent; refusal.—

309 (1)(a)1. The Legislature declares that the operation of a
310 vessel is a privilege that must be exercised in a reasonable
311 manner. In order to protect the public health and safety, it is
312 essential that a lawful and effective means of reducing the
313 incidence of boating while impaired or intoxicated be
314 established. Therefore, a person who accepts the privilege
315 extended by the laws of this state of operating a vessel within
316 this state is, by operating such vessel, deemed to have given
317 his or her consent to submit to an approved chemical test or
318 physical test including, but not limited to, an infrared light
319 test of his or her breath for the purpose of determining the

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320 alcoholic content of his or her blood or breath if the person is
321 lawfully arrested for any offense allegedly committed while the
322 person was operating a vessel while under the influence of
323 alcoholic beverages. The chemical or physical breath test must
324 be incidental to a lawful arrest and administered at the request
325 of a law enforcement officer who has reasonable cause to believe
326 such person was operating the vessel within this state while
327 under the influence of alcoholic beverages. The administration
328 of a breath test does not preclude the administration of another
329 type of test. The person shall be told that his or her failure
330 to submit to any lawful test of his or her breath under this
331 chapter will result in a civil penalty of \$500, and ~~shall also~~
332 ~~be told~~ that if he or she refuses to submit to a lawful test of
333 his or her breath and he or she has been previously fined under
334 s. 327.35215 or ~~has previously had~~ his or her driving privilege
335 has been previously ~~driver license~~ suspended for refusal to
336 submit to any lawful test of his or her breath, urine, or blood,
337 he or she commits a misdemeanor of the first degree, punishable
338 as provided in s. 775.082 or s. 775.083, in addition to any
339 other penalties provided by law. The refusal to submit to a
340 chemical or physical breath test upon the request of a law
341 enforcement officer as provided in this section is admissible
342 into evidence in any criminal proceeding.

343 2. A person who accepts the privilege extended by the laws
344 of this state of operating a vessel within this state is, by
345 operating such vessel, deemed to have given his or her consent
346 to submit to a urine test for the purpose of detecting the
347 presence of chemical substances as set forth in s. 877.111 or
348 controlled substances if the person is lawfully arrested for any

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349 offense allegedly committed while the person was operating a
350 vessel while under the influence of chemical substances or
351 controlled substances. The urine test must be incidental to a
352 lawful arrest and administered at a detention facility or any
353 other facility, mobile or otherwise, which is equipped to
354 administer such tests at the request of a law enforcement
355 officer who has reasonable cause to believe such person was
356 operating a vessel within this state while under the influence
357 of chemical substances or controlled substances. The urine test
358 must ~~shall~~ be administered at a detention facility or any other
359 facility, mobile or otherwise, which is equipped to administer
360 such test in a reasonable manner that will ensure the accuracy
361 of the specimen and maintain the privacy of the individual
362 involved. The administration of a urine test does not preclude
363 the administration of another type of test. The person shall be
364 told that his or her failure to submit to any lawful test of his
365 or her urine under this chapter will result in a civil penalty
366 of \$500, and ~~shall also be told~~ that if he or she refuses to
367 submit to a lawful test of his or her urine and he or she has
368 been previously fined under s. 327.35215 or ~~has previously had~~
369 his or her driving privilege has been previously ~~driver license~~
370 suspended for refusal to submit to any lawful test of his or her
371 breath, urine, or blood, he or she commits a misdemeanor of the
372 first degree, punishable as provided in s. 775.082 or s.
373 775.083, in addition to any other penalties provided by law. The
374 refusal to submit to a urine test upon the request of a law
375 enforcement officer as provided in this section is admissible
376 into evidence in any criminal proceeding.

377 (c) A person who accepts the privilege extended by the laws

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378 of this state of operating a vessel within this state is, by
379 operating such vessel, deemed to have given his or her consent
380 to submit to an approved blood test for the purpose of
381 determining the alcoholic content of the blood or a blood test
382 for the purpose of determining the presence of chemical
383 substances or controlled substances as provided in this section
384 if there is reasonable cause to believe the person was operating
385 a vessel while under the influence of alcoholic beverages or
386 chemical or controlled substances and the person appears for
387 treatment at a hospital, clinic, or other medical facility and
388 the administration of a breath or urine test is impractical or
389 impossible. As used in this paragraph, the term "other medical
390 facility" includes an ambulance or other medical emergency
391 vehicle. The blood test must ~~shall~~ be performed in a reasonable
392 manner. A person who is incapable of refusal by reason of
393 unconsciousness or other mental or physical condition is deemed
394 not to have withdrawn his or her consent to such test. A person
395 who is capable of refusal shall be told that his or her failure
396 to submit to such a blood test will result in a civil penalty of
397 \$500. The refusal to submit to a blood test upon the request of
398 a law enforcement officer is ~~shall be~~ admissible in evidence in
399 any criminal proceeding.

400 Section 4. Subsections (1) and (2) of section 327.35215,
401 Florida Statutes, are amended to read:

402 327.35215 Penalty for failure to submit to test.—

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

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407 (2) When a person refuses to submit to a blood test, breath
408 test, or urine test pursuant to s. 327.352, a law enforcement
409 officer ~~who is~~ authorized to make arrests for violations of this
410 chapter shall file with the clerk of the court, on a form
411 provided by the commission ~~department~~, a certified statement
412 that probable cause existed to arrest the person for a violation
413 of s. 327.35 and that the person refused to submit to a test as
414 required by s. 327.352. Along with the statement, the officer
415 shall ~~must~~ also submit a sworn statement on a form provided by
416 the commission ~~department~~ that the person has been advised of
417 both the penalties for failure to submit to the blood, breath,
418 or urine test and the procedure for requesting a hearing.

419 Section 5. Present paragraph (c) of subsection (1) of
420 section 327.371, Florida Statutes, is redesignated as paragraph
421 (d), and a new paragraph (c) is added to that subsection, to
422 read:

423 327.371 Human-powered vessels regulated.—

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

427 (c) When participating in practices or competitions for
428 interscholastic, intercollegiate, intramural, or club rowing
429 teams affiliated with an educational institution identified in
430 s. 1000.21, s. 1002.01(2), s. 1003.01(2), s. 1005.02(4), or s.
431 1005.03(1)(d), if the adjacent area outside of the marked
432 channel is not suitable for such practice or competition. The
433 teams must use their best efforts to make use of the adjacent
434 area outside of the marked channel. The commission must be
435 notified in writing of the details of any such competition, and

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436 the notification must include, but need not be limited to, the
437 date, time, and location of the competition.

438 Section 6. Paragraph (f) is added to subsection (2) of
439 section 327.4107, Florida Statutes, to read:

440 327.4107 Vessels at risk of becoming derelict on waters of
441 this state.—

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

446 (f) The vessel is tied to an unlawful or unpermitted
447 structure or mooring.

448 Section 7. Paragraph (b) of subsection (1) of section
449 327.46, Florida Statutes, is amended to read:

450 327.46 Boating-restricted areas.—

451 (1) Boating-restricted areas, including, but not limited
452 to, restrictions of vessel speeds and vessel traffic, may be
453 established on the waters of this state for any purpose
454 necessary to protect the safety of the public if such
455 restrictions are necessary based on boating accidents,
456 visibility, hazardous currents or water levels, vessel traffic
457 congestion, or other navigational hazards or to protect
458 seagrasses on privately owned submerged lands.

459 (b) Municipalities and counties may establish the following
460 boating-restricted areas by ordinance, including,
461 notwithstanding the prohibition in s. 327.60(2)(c), within the
462 portion of the Florida Intracoastal Waterway within their
463 jurisdiction:

464 1. An ordinance establishing an idle speed, no wake

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465 boating-restricted area, if the area is:

466 a. Within 500 feet of any boat ramp, hoist, marine railway,
467 or other launching or landing facility available for use by the
468 general boating public on waterways more than 300 feet in width
469 or within 300 feet of any boat ramp, hoist, marine railway, or
470 other launching or landing facility available for use by the
471 general boating public on waterways not exceeding 300 feet in
472 width.

473 b. Within 500 feet of fuel pumps or dispensers at any
474 marine fueling facility that sells motor fuel to the general
475 boating public on waterways more than 300 feet in width or
476 within 300 feet of the fuel pumps or dispensers at any licensed
477 terminal facility that sells motor fuel to the general boating
478 public on waterways not exceeding 300 feet in width.

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

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

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

483 b. Within 300 feet of any bridge span presenting a vertical
484 clearance of less than 25 feet or a horizontal clearance of less
485 than 100 feet.

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

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

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

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

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494 area is:

495 a. Designated as a public bathing beach or swim area,
496 except that such areas may not be created on waters that include
497 any portion of the Florida Intracoastal Waterway or that are
498 within 100 feet of the marked channel of the Florida
499 Intracoastal Waterway.

500 b. Within 300 feet of a dam, spillway, or flood control
501 structure.

502

503 Vessel exclusion zones created pursuant to this subparagraph
504 must be marked with uniform waterway markers permitted by the
505 commission in accordance with this chapter. Such zones may not
506 be marked by ropes.

507 Section 8. Section 376.15, Florida Statutes, is repealed.

508 Section 9. Subsections (22) and (34) of section 379.101,
509 Florida Statutes, are amended to read:

510 379.101 Definitions.—In construing these statutes, where
511 the context does not clearly indicate otherwise, the word,
512 phrase, or term:

513 (22) "Marine fish" means any saltwater species of finfish
514 of the classes Agnatha, Chondrichthyes, and Osteichthyes, ~~and~~
515 marine invertebrates of ~~in~~ the classes Gastropoda and, ~~Bivalvia,~~
516 the subphylum ~~and~~ Crustacea, or the phylum Echinodermata;
517 however, the term ~~but~~ does not include nonliving shells or
518 echinoderms.

519 (34) "Saltwater fish" means:

520 (a) Any saltwater species of finfish of the classes
521 Agnatha, Chondrichthyes, or Osteichthyes and marine
522 invertebrates of the classes Gastropoda and, Bivalvia, the

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523 subphylum ~~of~~ Crustacea, or ~~of~~ the phylum Echinodermata; however,
524 the term ~~but~~ does not include nonliving shells or echinoderms;
525 and

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

528 Section 10. Subsection (3) of section 705.101, Florida
529 Statutes, is amended to read:

530 705.101 Definitions.—As used in this chapter:

531 (3) "Abandoned property" means all tangible personal
532 property that does not have an identifiable owner and that has
533 been disposed on public property in a wrecked, inoperative, or
534 partially dismantled condition or has no apparent intrinsic
535 value to the rightful owner. The term includes derelict vessels
536 as defined in s. 823.11 and vessels declared a public nuisance
537 pursuant to s. 327.73(1)(aa).

538 Section 11. Paragraph (a) of subsection (2) and subsection
539 (4) of section 705.103, Florida Statutes, are amended to read:

540 705.103 Procedure for abandoned or lost property.—

541 (2)(a)1. Whenever a law enforcement officer ascertains
542 that:

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

549
550 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
551 PROPERTY. This property, to wit: ...(setting forth brief

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552 description)... is unlawfully upon public property known as
553 ...(setting forth brief description of location)... and must be
554 removed within 5 days; otherwise, it will be removed and
555 disposed of pursuant to chapter 705, Florida Statutes. The owner
556 will be liable for the costs of removal, storage, and
557 publication of notice. Dated this: ...(setting forth the date of
558 posting of notice)..., signed: ...(setting forth name, title,
559 address, and telephone number of law enforcement officer)....
560

561 b. A derelict vessel or a vessel declared a public nuisance
562 pursuant to s. 327.73(1)(aa) is present on the waters of this
563 state, the officer shall cause a notice to be placed upon such
564 vessel in substantially the following form:
565

566 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
567 VESSEL. This vessel, to wit: ...(setting forth brief
568 description)... has been determined to be ...(derelict or a
569 public nuisance)... and is unlawfully upon waters of this state
570 ...(setting forth brief description of location)... and must be
571 removed within 21 days; otherwise, it will be removed and
572 disposed of pursuant to chapter 705, Florida Statutes. The owner
573 and other interested parties have the right to a hearing to
574 challenge the determination that this vessel is derelict or
575 otherwise in violation of the law. Please contact ...(contact
576 information for person who can arrange for a hearing in
577 accordance with this section).... The owner or the party
578 determined to be legally responsible for the vessel being upon
579 the waters of this state in a derelict condition or as a public
580 nuisance will be liable for the costs of removal, destruction,

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581 and disposal if this vessel is not removed by the owner. Dated
582 this: ...(setting forth the date of posting of notice)...,
583 signed: ...(setting forth name, title, address, and telephone
584 number of law enforcement officer)....

585
586 2. The notices required under subparagraph 1. may not be
587 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently
588 weatherproof to withstand normal exposure to the elements. In
589 addition to posting, the law enforcement officer shall make a
590 reasonable effort to ascertain the name and address of the
591 owner. If such is reasonably available to the officer, she or he
592 shall mail a copy of such notice to the owner on or before the
593 date of posting. If the property is a motor vehicle as defined
594 in s. 320.01(1) or a vessel as defined in s. 327.02, the law
595 enforcement agency shall contact the Department of Highway
596 Safety and Motor Vehicles in order to determine the name and
597 address of the owner and any person who has filed a lien on the
598 vehicle or vessel as provided in s. 319.27(2) or (3) or s.
599 328.15(1). On receipt of this information, the law enforcement
600 agency shall mail a copy of the notice by certified mail, return
601 receipt requested, to the owner and to the lienholder, if any,
602 except that a law enforcement officer who has issued a citation
603 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a
604 derelict vessel is not required to mail a copy of the notice by
605 certified mail, return receipt requested, to the owner. For a
606 derelict vessel or a vessel declared a public nuisance pursuant
607 to s. 327.73(1)(aa), the mailed notice must inform the owner or
608 responsible party that he or she has a right to a hearing to
609 dispute the determination that the vessel is derelict or

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610 otherwise in violation of the law. If a request for a hearing is
611 made, a state agency shall follow the processes set forth in s.
612 120.569. Local governmental entities shall follow the processes
613 set forth in s. 120.569, except that a local judge, magistrate,
614 or code enforcement officer may be designated to conduct such a
615 hearing. If, at the end of 5 days after posting the notice in
616 sub-subparagraph 1.a., or at the end of 21 days after posting
617 the notice in sub-subparagraph 1.b., and mailing such notice, if
618 required, the owner or any person interested in the lost or
619 abandoned article or articles described has not removed the
620 article or articles from public property or shown reasonable
621 cause for failure to do so, and, in the case of a derelict
622 vessel or a vessel declared a public nuisance pursuant to s.
623 327.73(1)(aa), has not requested a hearing in accordance with
624 this section, the following shall apply:

625 a. For abandoned property other than a derelict vessel or a
626 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),
627 the law enforcement agency may retain any or all of the property
628 for its own use or for use by the state or unit of local
629 government, trade such property to another unit of local
630 government or state agency, donate the property to a charitable
631 organization, sell the property, or notify the appropriate
632 refuse removal service.

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

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

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

642
643 A law enforcement agency or its designee may also take action as
644 described in this sub-subparagraph if, following a hearing
645 pursuant to this section, the judge, magistrate, administrative
646 law judge, or hearing officer has determined the vessel to be
647 derelict as provided in s. 823.11 or otherwise in violation of
648 the law in accordance with s. 327.73(1)(aa) and a final order
649 has been entered or the case is otherwise closed.

650 (4) The owner of any abandoned or lost property, or in the
651 case of a derelict vessel or a vessel declared a public nuisance
652 pursuant to s. 327.73(1)(aa), the owner or other party
653 determined to be legally responsible for the vessel being upon
654 the waters of this state in a derelict condition or as a public
655 nuisance, who, after notice as provided in this section, does
656 not remove such property within the specified period ~~is shall be~~
657 liable to the law enforcement agency, other governmental entity,
658 or the agency's or entity's designee for all costs of removal,
659 storage, ~~and~~ destruction, and disposal of such property, less
660 any salvage value obtained by disposal of the property. Upon
661 final disposition of the property, the law enforcement officer
662 or representative of the law enforcement agency or other
663 governmental entity shall notify the owner or in the case of a
664 derelict vessel or vessel declared a public nuisance pursuant to
665 s. 327.73(1)(aa), the owner or other party determined to be
666 legally responsible, if known, of the amount owed. In the case
667 of an abandoned vessel or motor vehicle, any person who neglects

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668 or refuses to pay such amount is not entitled to be issued a
669 certificate of registration for such vessel or motor vehicle, or
670 any other vessel or motor vehicle, until such costs have been
671 paid. A person who has neglected or refused to pay all costs of
672 removal, storage, disposal, and destruction of a vessel or motor
673 vehicle as provided in this section, after having been provided
674 written notice via certified mail that such costs are owed, and
675 who applies for and is issued a registration for a vessel or
676 motor vehicle before such costs have been paid in full commits a
677 misdemeanor of the first degree, punishable as provided in s.
678 775.082 or s. 775.083. The law enforcement officer or
679 representative of the law enforcement agency or other
680 governmental entity shall supply the Department of Highway
681 Safety and Motor Vehicles with a list of persons whose vessel
682 registration privileges and motor vehicle privileges have been
683 revoked under this subsection. The department or a person acting
684 as an agent of the department may not issue a certificate of
685 registration to a person whose vessel and motor vehicle
686 registration privileges have been revoked, as provided by this
687 subsection, until such costs have been paid.

688 Section 12. Effective July 1, 2023, paragraph (a) of
689 subsection (2) of section 705.103, Florida Statutes, as amended
690 by chapters 2019-76 and 2021-184, Laws of Florida, is amended to
691 read:

692 705.103 Procedure for abandoned or lost property.—

693 (2) (a) 1. Whenever a law enforcement officer ascertains
694 that:

695 a. An article of lost or abandoned property other than a
696 derelict vessel or a vessel declared a public nuisance pursuant

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697 to s. 327.73(1)(aa) is present on public property and is of such
698 nature that it cannot be easily removed, the officer shall cause
699 a notice to be placed upon such article in substantially the
700 following form:

701
702 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
703 PROPERTY. This property, to wit: ...(setting forth brief
704 description)... is unlawfully upon public property known as
705 ...(setting forth brief description of location)... and must be
706 removed within 5 days; otherwise, it will be removed and
707 disposed of pursuant to chapter 705, Florida Statutes. The owner
708 will be liable for the costs of removal, storage, and
709 publication of notice. Dated this: ...(setting forth the date of
710 posting of notice)..., signed: ...(setting forth name, title,
711 address, and telephone number of law enforcement officer)....
712

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

717
718 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
719 VESSEL. This vessel, to wit: ...(setting forth brief description
720 of location)... has been determined to be ...(derelict or a
721 public nuisance)... and is unlawfully upon the waters of this
722 state ...(setting forth brief description of location)... and
723 must be removed within 21 days; otherwise, it will be removed
724 and disposed of pursuant to chapter 705, Florida Statutes. The
725 owner and other interested parties have the right to a hearing

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726 to challenge the determination that this vessel is derelict or
727 otherwise in violation of the law. Please contact ...(contact
728 information for person who can arrange for a hearing in
729 accordance with this section)... The owner or the party
730 determined to be legally responsible for the vessel being upon
731 the waters of this state in a derelict condition or as a public
732 nuisance will be liable for the costs of removal, destruction,
733 and disposal if this vessel is not removed by the owner. Dated
734 this: ...(setting forth the date of posting of notice)...,
735 signed: ...(setting forth name, title, address, and telephone
736 number of law enforcement officer)....

737
738 2. The notices required under subparagraph 1. may not be
739 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently
740 weatherproof to withstand normal exposure to the elements. In
741 addition to posting, the law enforcement officer shall make a
742 reasonable effort to ascertain the name and address of the
743 owner. If such is reasonably available to the officer, she or he
744 shall mail a copy of such notice to the owner on or before the
745 date of posting. If the property is a motor vehicle as defined
746 in s. 320.01(1) or a vessel as defined in s. 327.02, the law
747 enforcement agency shall contact the Department of Highway
748 Safety and Motor Vehicles in order to determine the name and
749 address of the owner and any person who has filed a lien on the
750 vehicle or vessel as provided in s. 319.27(2) or (3) or s.
751 328.15. On receipt of this information, the law enforcement
752 agency shall mail a copy of the notice by certified mail, return
753 receipt requested, to the owner and to the lienholder, if any,
754 except that a law enforcement officer who has issued a citation

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755 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a
756 derelict vessel is not required to mail a copy of the notice by
757 certified mail, return receipt requested, to the owner. For a
758 derelict vessel or a vessel declared a public nuisance pursuant
759 to s. 327.73(1)(aa), the mailed notice must inform the owner or
760 responsible party that he or she has a right to a hearing to
761 dispute the determination that the vessel is derelict or
762 otherwise in violation of the law. If a request for a hearing is
763 made, a state agency shall follow the processes as set forth in
764 s. 120.569. Local governmental entities shall follow the
765 processes set forth in s. 120.569, except that a local judge,
766 magistrate, or code enforcement officer may be designated to
767 conduct such a hearing. If, at the end of 5 days after posting
768 the notice in sub-subparagraph 1.a., or at the end of 21 days
769 after posting the notice in sub-subparagraph 1.b., and mailing
770 such notice, if required, the owner or any person interested in
771 the lost or abandoned article or articles described has not
772 removed the article or articles from public property or shown
773 reasonable cause for failure to do so, and, in the case of a
774 derelict vessel or a vessel declared a public nuisance pursuant
775 to s. 327.73(1)(aa), has not requested a hearing in accordance
776 with this section, the following shall apply:

777 a. For abandoned property other than a derelict vessel or a
778 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),
779 the law enforcement agency may retain any or all of the property
780 for its own use or for use by the state or unit of local
781 government, trade such property to another unit of local
782 government or state agency, donate the property to a charitable
783 organization, sell the property, or notify the appropriate

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784 refuse removal service.

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

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

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

794
795 A law enforcement agency or its designee may also take action as
796 described in this sub-subparagraph if, following a hearing
797 pursuant to this section, the judge, magistrate, administrative
798 law judge, or hearing officer has determined the vessel to be
799 derelict as provided in s. 823.11 or otherwise in violation of
800 the law in accordance with s. 327.73(1)(aa) and a final order
801 has been entered or the case is otherwise closed.

802 Section 13. Present subsections (4), (5), and (6) of
803 section 823.11, Florida Statutes, are redesignated as
804 subsections (5), (6), and (7), respectively, a new subsection
805 (4) is added to that section, and subsection (1), paragraph (c)
806 of subsection (2), subsection (3), and present subsections (5)
807 and (6) of that section are amended, to read:

808 823.11 Derelict vessels; relocation or removal; penalty.—

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

810 (a) "Commission" means the Fish and Wildlife Conservation
811 Commission.

812 (b) "Derelict vessel" means a vessel, as defined in s.

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813 327.02, that is:

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

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

820 b. A vessel is junked if it has been substantially stripped
821 of vessel components, if vessel components have substantially
822 degraded or been destroyed, or if the vessel has been discarded
823 by the owner or operator. Attaching an outboard motor to a
824 vessel that is otherwise junked will not cause the vessel to no
825 longer be junked if such motor is not an effective means of
826 propulsion as required by s. 327.4107(2) (e) and associated
827 rules.

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

831 (I) The steering system;

832 (II) The propulsion system; or

833 (III) The exterior hull integrity.

834

835 Attaching an outboard motor to a vessel that is otherwise
836 substantially dismantled will not cause the vessel to no longer
837 be substantially dismantled if such motor is not an effective
838 means of propulsion as required by s. 327.4107(2) (e) and
839 associated rules.

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

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842 3. Docked, grounded, or beached upon the property of
843 another without the consent of the owner of the property.

844 (c) "Gross negligence" means conduct so reckless or wanting
845 in care that it constitutes a conscious disregard or
846 indifference to the safety of the property exposed to such
847 conduct.

848 (d) "Willful misconduct" means conduct evidencing
849 carelessness or negligence of such a degree or recurrence as to
850 manifest culpability, wrongful intent, or evil design or to show
851 an intentional and substantial disregard of the interests of the
852 vessel owner.

853 (2)

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

860 (3) The commission, an officer of the commission, or a law
861 enforcement agency or officer specified in s. 327.70 may
862 relocate, remove, and store, ~~destroy, or dispose of~~ or cause to
863 be relocated, removed, and stored, ~~destroyed, or disposed of~~ a
864 derelict vessel from waters of this state as defined in s.
865 327.02 if the derelict vessel obstructs or threatens to obstruct
866 navigation or in any way constitutes a danger to the
867 environment, property, or persons. The commission, an officer of
868 the commission, or any other law enforcement agency or officer
869 acting pursuant to this subsection to relocate, remove, and
870 store, ~~destroy, dispose of~~ or cause to be relocated, removed,

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871 and stored, ~~destroyed, or disposed of~~ a derelict vessel from
872 waters of this state shall be held harmless for all damages to
873 the derelict vessel resulting from such action unless the damage
874 results from gross negligence or willful misconduct.

875 ~~(a) Removal of derelict vessels under this subsection may~~
876 ~~be funded by grants provided in ss. 206.606 and 376.15. The~~
877 ~~commission shall implement a plan for the procurement of any~~
878 ~~available federal disaster funds and use such funds for the~~
879 ~~removal of derelict vessels.~~

880 ~~(b)~~ All costs, including costs owed to a third party,
881 incurred by the commission, another law enforcement agency, or a
882 governmental subdivision, when the governmental subdivision has
883 received authorization from a law enforcement officer or agency,
884 in the relocation, removal, storage, destruction, or disposal of
885 a derelict vessel are recoverable against the vessel owner or
886 the party determined to be legally responsible for the vessel
887 being upon the waters of this state in a derelict condition. The
888 Department of Legal Affairs shall represent the commission in
889 actions to recover such costs. As provided in s. 705.103(4), a
890 person who neglects or refuses to pay such costs may not be
891 issued a certificate of registration for such vessel or for any
892 other vessel or motor vehicle until such costs have been paid. A
893 person who has neglected or refused to pay all costs of removal,
894 storage, destruction, or disposal of a derelict vessel as
895 provided in this section, after having been provided written
896 notice via certified mail that such costs are owed, and who
897 applies for and is issued a registration for a vessel or motor
898 vehicle before such costs have been paid in full commits a
899 misdemeanor of the first degree, punishable as provided in s.

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900 775.082 or s. 775.083.

901 (b)~~(e)~~ A contractor performing such activities at the
902 direction of the commission, an officer of the commission, a law
903 enforcement agency or officer, or a governmental subdivision,
904 when the governmental subdivision has received authorization for
905 the relocation or removal from a law enforcement officer or
906 agency, pursuant to this section must be licensed in accordance
907 with applicable United States Coast Guard regulations where
908 required; obtain and carry in full force and effect a policy
909 from a licensed insurance carrier in this state to insure
910 against any accident, loss, injury, property damage, or other
911 casualty caused by or resulting from the contractor's actions;
912 and be properly equipped to perform the services to be provided.

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

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

918 (c) The commission may establish a program to provide
919 grants to local governments for the removal, storage,
920 destruction, and disposal of derelict vessels from the waters of
921 this state. This grant funding may also be used for the removal,
922 storage, destruction, and disposal of vessels declared a public
923 nuisance pursuant to s. 327.73(1) (aa). The program must be
924 funded from the Marine Resources Conservation Trust Fund or the
925 Florida Coastal Protection Trust Fund. Notwithstanding s.
926 216.181(11), funds available for these grants may only be
927 authorized by appropriations acts of the Legislature. In a given
928 fiscal year, if all funds appropriated pursuant to this

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929 paragraph are not requested by and granted to local governments
930 for the removal, storage, destruction, and disposal of derelict
931 vessels or vessels declared a public nuisance pursuant to s.
932 327.73(1)(aa) by the end of the third quarter, the Fish and
933 Wildlife Conservation Commission may use the remainder of the
934 funds to remove, store, destroy, and dispose of, or to pay
935 private contractors to remove, store, destroy, and dispose of,
936 derelict vessels or vessels declared a public nuisance pursuant
937 to s. 327.73(1)(aa). The commission shall adopt by rule
938 procedures for local governments to submit a grant application
939 and criteria for allocating available funds. Such criteria must
940 include, at a minimum, the following:

941 1. The number of derelict vessels within the jurisdiction
942 of the applicant.

943 2. The threat posed by such vessels to public health or
944 safety, the environment, navigation, or the aesthetic condition
945 of the general vicinity.

946 3. The degree of commitment of the local government to
947 maintain waters free of abandoned and derelict vessels and to
948 seek legal action against those who abandon vessels in the
949 waters of this state as defined in s. 327.02.

950 (6)~~(5)~~ A person, firm, or corporation violating this
951 section commits a misdemeanor of the first degree and shall be
952 punished as provided by law. A conviction under this section
953 does not bar the assessment and collection of a ~~the~~ civil
954 penalty provided in s. 376.16 for violation of s. 376.15. The
955 court having jurisdiction over the criminal offense,
956 notwithstanding any jurisdictional limitations on the amount in
957 controversy, may order the imposition of such civil penalty in

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958 addition to any sentence imposed for the first criminal offense.

959 (7)~~(6)~~ If an owner or a responsible party of a vessel
960 determined to be derelict through an administrative or criminal
961 proceeding has been charged by an officer of the commission or
962 any law enforcement agency or officer as specified in s. 327.70
963 under subsection (6) ~~(5)~~ for a violation of subsection (2) ~~or a~~
964 ~~violation of s. 376.15(2)~~, a person may not reside or dwell on
965 such vessel until the vessel is removed from the waters of the
966 state permanently or returned to the waters of the state in a
967 condition that is no longer derelict.

968 Section 14. Paragraph (p) of subsection (4) of section
969 934.50, Florida Statutes, is amended to read:

970 934.50 Searches and seizure using a drone.—

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

973 (p) By an ~~a non-law enforcement~~ employee of the Fish and
974 Wildlife Conservation Commission or of the Florida Forest
975 Service for the purposes of managing and eradicating invasive
976 exotic plants or animals on public lands and suppressing and
977 mitigating wildfire threats.

978 Section 15. Section 327.04, Florida Statutes, is amended to
979 read:

980 327.04 Rules.—The commission may adopt rules pursuant to
981 ss. 120.536(1) and 120.54 to implement this chapter, the
982 provisions of chapter 705 relating to vessels, and s. ~~ss. 376.15~~
983 ~~and~~ 823.11 conferring powers or duties upon it.

984 Section 16. Subsection (4) of section 328.09, Florida
985 Statutes, is amended to read:

986 328.09 Refusal to issue and authority to cancel a

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987 certificate of title or registration.—

988 (4) The department may not issue a certificate of title to
989 an applicant for a vessel that has been deemed derelict or a
990 public nuisance by a law enforcement officer under s.
991 327.73(1)(aa) or ~~s. 376.15~~ or s. 823.11. A law enforcement
992 officer must inform the department in writing, which may be
993 provided by facsimile, e-mail ~~electronic mail~~, or other
994 electronic means, of the vessel's derelict or public nuisance
995 status and supply the department with the vessel title number or
996 vessel identification number. The department may issue a
997 certificate of title once a law enforcement officer has verified
998 in writing, which may be provided by facsimile, e-mail
999 ~~electronic mail~~, or other electronic means, that the vessel is
1000 no longer a derelict or public nuisance vessel.

1001 Section 17. Section 25 of chapter 2021-184, Laws of
1002 Florida, is repealed.

1003 Section 18. Paragraph (c) of subsection (15) of section
1004 328.72, Florida Statutes, is amended to read:

1005 328.72 Classification; registration; fees and charges;
1006 surcharge; disposition of fees; fines; marine turtle stickers.—

1007 (15) DISTRIBUTION OF FEES.—Except as provided in this
1008 subsection, moneys designated for the use of the counties, as
1009 specified in subsection (1), shall be distributed by the tax
1010 collector to the board of county commissioners for use only as
1011 provided in this section. Such moneys to be returned to the
1012 counties are for the sole purposes of providing, maintaining, or
1013 operating recreational channel marking and other uniform
1014 waterway markers, public boat ramps, lifts, and hoists, marine
1015 railways, boat piers, docks, mooring buoys, and other public

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1016 launching facilities; and removing derelict vessels, debris that
1017 specifically impedes boat access, not including the dredging of
1018 channels, and vessels and floating structures deemed a hazard to
1019 public safety and health for failure to comply with s. 327.53.
1020 Counties shall demonstrate through an annual detailed accounting
1021 report of vessel registration revenues that the registration
1022 fees were spent as provided in this subsection. This report
1023 shall be provided to the Fish and Wildlife Conservation
1024 Commission no later than November 1 of each year. If, before
1025 January 1 of each calendar year, the accounting report meeting
1026 the prescribed criteria has still not been provided to the
1027 commission, the tax collector of that county may not distribute
1028 the moneys designated for the use of counties, as specified in
1029 subsection (1), to the board of county commissioners but shall,
1030 for the next calendar year, remit such moneys to the state for
1031 deposit into the Marine Resources Conservation Trust Fund. The
1032 commission shall return those moneys to the county if the county
1033 fully complies with this section within that calendar year. If
1034 the county does not fully comply with this section within that
1035 calendar year, the moneys shall remain within the Marine
1036 Resources Trust Fund and may be appropriated for the purposes
1037 specified in this subsection.

1038 (c) From the vessel registration fees designated for use by
1039 the counties in subsection (1), the following amounts shall be
1040 remitted to the state for deposit into the Marine Resources
1041 Conservation Trust Fund to fund derelict vessel removal grants,
1042 as appropriated by the Legislature pursuant to s. 823.11(4)(c)
1043 ~~s. 376.15~~:

1044 1. Class A-2: \$0.25 for each 12-month period registered.

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1045 2. Class 1: \$2.06 for each 12-month period registered.
1046 3. Class 2: \$9.26 for each 12-month period registered.
1047 4. Class 3: \$16.45 for each 12-month period registered.
1048 5. Class 4: \$20.06 for each 12-month period registered.
1049 6. Class 5: \$25.46 for each 12-month period registered.
1050 Section 19. Paragraph (h) of subsection (6) of section
1051 376.11, Florida Statutes, is amended to read:
1052 376.11 Florida Coastal Protection Trust Fund.—
1053 (6) Moneys in the Florida Coastal Protection Trust Fund may
1054 be used for the following purposes:
1055 (h) The funding of a grant program to local governments,
1056 pursuant to s. 823.11(4)(c) ~~s. 376.15(3)(d) and (e)~~, for the
1057 removal of derelict and public nuisance vessels from the public
1058 waters of the state.
1059 Section 20. For the purpose of incorporating the amendment
1060 made by this act to section 327.371, Florida Statutes, in a
1061 reference thereto, paragraph (dd) of subsection (1) of section
1062 327.73, Florida Statutes, is reenacted to read:
1063 327.73 Noncriminal infractions.—
1064 (1) Violations of the following provisions of the vessel
1065 laws of this state are noncriminal infractions:
1066 (dd) Section 327.371, relating to the regulation of human-
1067 powered vessels.
1068
1069 Any person cited for a violation of any provision of this
1070 subsection shall be deemed to be charged with a noncriminal
1071 infraction, shall be cited for such an infraction, and shall be
1072 cited to appear before the county court. The civil penalty for
1073 any such infraction is \$50, except as otherwise provided in this

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1074 section. Any person who fails to appear or otherwise properly
1075 respond to a uniform boating citation shall, in addition to the
1076 charge relating to the violation of the boating laws of this
1077 state, be charged with the offense of failing to respond to such
1078 citation and, upon conviction, be guilty of a misdemeanor of the
1079 second degree, punishable as provided in s. 775.082 or s.
1080 775.083. A written warning to this effect shall be provided at
1081 the time such uniform boating citation is issued.

1082 Section 21. For the purpose of incorporating the amendment
1083 made by this act to section 379.101, Florida Statutes, in a
1084 reference thereto, subsection (4) of section 125.01, Florida
1085 Statutes, is reenacted to read:

1086 125.01 Powers and duties.—

1087 (4) The legislative and governing body of a county shall
1088 not have the power to regulate the taking or possession of
1089 saltwater fish, as defined in s. 379.101, with respect to the
1090 method of taking, size, number, season, or species. However,
1091 this subsection does not prohibit a county from prohibiting, for
1092 reasons of protecting the public health, safety, or welfare,
1093 saltwater fishing from real property owned by that county, nor
1094 does it prohibit the imposition of excise taxes by county
1095 ordinance.

1096 Section 22. For the purpose of incorporating the amendment
1097 made by this act to section 379.101, Florida Statutes, in a
1098 reference thereto, section 379.2412, Florida Statutes, is
1099 reenacted to read:

1100 379.2412 State preemption of power to regulate.—The power
1101 to regulate the taking or possession of saltwater fish, as
1102 defined in s. 379.101, is expressly reserved to the state. This

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1103 section does not prohibit a local government from prohibiting,
1104 for reasons of protecting the public health, safety, or welfare,
1105 saltwater fishing from real property owned by that local
1106 government.

1107 Section 23. Except as otherwise expressly provided in this
1108 act, this act shall take effect July 1, 2022.