

## CS/CS/HB 639 - Operation and Safety of Motor Vehicles and Vessels

**General Bill** by Criminal Justice & Public Safety Subcommittee and Environment, Agriculture & Flooding Subcommittee and Sirois (CO-SPONSORS) Casello; Grieco

**Operation and Safety of Motor Vehicles and Vessels:** Revises & provides requirements relating to tests for alcohol, chemical substances, or controlled substances; vessel safety, operation, & navigation; temporary protection zones on certain water bodies for spaceflight launches & asset recovery; boating safety education courses & certificate examinations & related fees; spring protection zones; anchoring limitation areas; derelict, public nuisance, abandoned, or lost vessels; public mooring; marine sanitation; & civil & criminal penalties.

**Effective Date:** July 1, 2021

**Last Event:** Now in State Affairs Committee on Thursday, April 1, 2021 1:04 PM

### **Lobbyist Disclosure Information**

#### Referred Committees and Committee Actions

##### House Referrals

###### **Environment, Agriculture & Flooding Subcommittee**

On agenda for: 03/03/21 4:00 PM

Favorable With Committee Substitute (*final action*)

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###### **Criminal Justice & Public Safety Subcommittee**

On agenda for: 03/22/21 3:00 PM

Favorable With Committee Substitute (*final action*)

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###### **Agriculture & Natural Resources Appropriations Subcommittee**

On agenda for: 04/01/21 9:00 AM

Favorable (*final action*)

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###### **State Affairs Committee**

#### Related Bills

Bill #	Subject	Relationship
<a href="#">CS/SB 1086</a>	Operation and Safety of Motor Vehicles and Vessels	Similar
<a href="#">CS/CS/HB 1515</a>	Anchoring Limitation Areas	Compare
<a href="#">CS/CS/SB 1946</a>	Anchoring Limitation Areas	Compare

#### Bill Text

##### **Committee Substitute 2**

##### **Committee Substitute 1**

<a href="#">A 606695</a> , Sirois ( <a href="#">CRM</a> )	Date Filed: 03/19/21, Line#: 721	House(c): Withdrawn 03/24/2021 02:55 PM
<a href="#">A 192661</a> , Sirois ( <a href="#">CRM</a> )	Date Filed: 03/19/21, Line#: 721	House(c): Adopted 03/24/2021 02:55 PM

##### **Original Filed Version**

<a href="#">D 405741</a> , Sirois ( <a href="#">EAF</a> )	Date Filed: 03/02/21, Line#: 0	House(c): Adopted Without Objection 03/03/2021 05:53 PM
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#### Staff Analysis

Chamber	Committee
House	<a href="#">Agriculture &amp; Natural Resources Appropriations Subcommittee 4/1/2021 1:06:23 PM</a>
House	<a href="#">Agriculture &amp; Natural Resources Appropriations Subcommittee 3/30/2021 6:03:38 PM</a>
House	<a href="#">Criminal Justice &amp; Public Safety Subcommittee 3/22/2021 7:15:59 PM</a>
House	<a href="#">Criminal Justice &amp; Public Safety Subcommittee 3/19/2021 6:08:45 PM</a>
House	<a href="#">Environment, Agriculture &amp; Flooding Subcommittee 3/5/2021 6:10:44 PM</a>
House	<a href="#">Environment, Agriculture &amp; Flooding Subcommittee 3/1/2021 5:05:22 PM</a>

#### Vote History

(No Votes Recorded)

Bill History

Event	Time	Member	Committee	Ver.
H Now in State Affairs Committee	04/01/2021 - 1:04 PM		<a href="#">State Affairs Committee</a>	c2
H Reported out of Agriculture & Natural Resources Appropriations Subcommittee	04/01/2021 - 1:04 PM		<a href="#">Agriculture &amp; Natural Resources Appropriations Subcommittee</a>	c2
H Favorable by Agriculture & Natural Resources Appropriations Subcommittee	04/01/2021 - 10:34 AM		<a href="#">Agriculture &amp; Natural Resources Appropriations Subcommittee</a>	c2
H Added to Agriculture & Natural Resources Appropriations Subcommittee agenda	03/30/2021 - 4:18 PM		<a href="#">Agriculture &amp; Natural Resources Appropriations Subcommittee</a>	c2
H Now in Agriculture & Natural Resources Appropriations Subcommittee	03/24/2021 - 11:12 PM		<a href="#">Agriculture &amp; Natural Resources Appropriations Subcommittee</a>	c2
H Referred to State Affairs Committee	03/24/2021 - 11:12 PM		<a href="#">State Affairs Committee</a>	c2
H Referred to Agriculture & Natural Resources Appropriations Subcommittee	03/24/2021 - 11:12 PM		<a href="#">Agriculture &amp; Natural Resources Appropriations Subcommittee</a>	c2
H 1st Reading	03/23/2021 - 5:42 PM			c2
H CS Filed	03/23/2021 - 4:12 PM			c2
H Laid on Table under Rule 7.18(a)	03/23/2021 - 4:12 PM			c1
H Reported out of Criminal Justice & Public Safety Subcommittee	03/23/2021 - 4:00 PM		<a href="#">Criminal Justice &amp; Public Safety Subcommittee</a>	c1
H Favorable with CS by Criminal Justice & Public Safety Subcommittee	03/22/2021 - 6:16 PM		<a href="#">Criminal Justice &amp; Public Safety Subcommittee</a>	c1
H Added to Criminal Justice & Public Safety Subcommittee agenda	03/18/2021 - 4:00 PM		<a href="#">Criminal Justice &amp; Public Safety Subcommittee</a>	c1
H Now in Criminal Justice & Public Safety Subcommittee	03/09/2021 - 8:54 AM		<a href="#">Criminal Justice &amp; Public Safety Subcommittee</a>	c1
H Referred to State Affairs Committee	03/09/2021 - 8:54 AM		<a href="#">State Affairs Committee</a>	c1
H Referred to Agriculture & Natural Resources Appropriations Subcommittee	03/09/2021 - 8:54 AM		<a href="#">Agriculture &amp; Natural Resources Appropriations Subcommittee</a>	c1
H Referred to Criminal Justice & Public Safety Subcommittee	03/09/2021 - 8:54 AM		<a href="#">Criminal Justice &amp; Public Safety Subcommittee</a>	c1
H 1st Reading	03/08/2021 - 5:37 PM			c1
H CS Filed	03/05/2021 - 6:16 PM			c1
H Laid on Table under Rule 7.18(a)	03/05/2021 - 6:16 PM			—
H Reported out of Environment, Agriculture & Flooding Subcommittee	03/05/2021 - 6:10 PM		<a href="#">Environment, Agriculture &amp; Flooding Subcommittee</a>	—
H Favorable with CS by Environment, Agriculture & Flooding Subcommittee	03/03/2021 - 5:53 PM		<a href="#">Environment, Agriculture &amp; Flooding Subcommittee</a>	—
H 1st Reading	03/02/2021 - 9:21 PM			—
H Added to Environment, Agriculture & Flooding Subcommittee agenda	03/01/2021 - 4:04 PM		<a href="#">Environment, Agriculture &amp; Flooding Subcommittee</a>	—
H Now in Environment, Agriculture & Flooding Subcommittee	02/18/2021 - 9:50 AM		<a href="#">Environment, Agriculture &amp; Flooding Subcommittee</a>	—
H Referred to State Affairs Committee	02/18/2021 - 9:50 AM		<a href="#">State Affairs Committee</a>	—
H Referred to Agriculture & Natural Resources Appropriations Subcommittee	02/18/2021 - 9:50 AM		<a href="#">Agriculture &amp; Natural Resources Appropriations Subcommittee</a>	—
H Referred to Criminal Justice & Public Safety Subcommittee	02/18/2021 - 9:50 AM		<a href="#">Criminal Justice &amp; Public Safety Subcommittee</a>	—
H Referred to Environment, Agriculture & Flooding Subcommittee	02/18/2021 - 9:50 AM		<a href="#">Environment, Agriculture &amp; Flooding Subcommittee</a>	—
H Filed	02/01/2021 - 8:30 AM	<a href="#">Sirois</a>		—

Statutes Referenced by this Bill

Statute                      Other Bill Citations

<b>Statute</b>	<b>Other Bill Citations</b>
<a href="#"><u>316.1932</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>316.1939</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>327.02</u></a>	<a href="#"><u>CS/SB 1086</u></a> , <a href="#"><u>SB 1562</u></a>
<a href="#"><u>327.04</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>327.352</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>327.359</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>327.371</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>327.391</u></a>	<a href="#"><u>CS/SB 1086</u></a> , <a href="#"><u>SB 1562</u></a>
<a href="#"><u>327.395</u></a>	<a href="#"><u>CS/HB 271</u></a> , <a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>327.4107</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>327.4108</u></a>	<a href="#"><u>CS/SB 1086</u></a> , <a href="#"><u>HB 1337</u></a> , <a href="#"><u>CS/CS/HB 1515</u></a> , <a href="#"><u>SB 1652</u></a> , <a href="#"><u>CS/CS/SB 1946</u></a>
<a href="#"><u>327.4109</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>327.45</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>327.46</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>327.462</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>327.463</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>327.50</u></a>	<a href="#"><u>CS/SB 1086</u></a> , <a href="#"><u>HB 1099</u></a> , <a href="#"><u>SB 1562</u></a>
<a href="#"><u>327.53</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>327.54</u></a>	<a href="#"><u>CS/SB 1086</u></a> , <a href="#"><u>SB 1562</u></a>
<a href="#"><u>327.60</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>327.73</u></a>	<a href="#"><u>CS/HB 271*</u></a> , <a href="#"><u>CS/SB 1086</u></a> , <a href="#"><u>HB 1099</u></a> , <a href="#"><u>CS/CS/HB 1515</u></a> , <a href="#"><u>SB 1562</u></a> , <a href="#"><u>SB 1658</u></a> , <a href="#"><u>SB 1926</u></a> , <a href="#"><u>CS/CS/SB 1946</u></a>
<a href="#"><u>328.09</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>376.15</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>705.103</u></a>	<a href="#"><u>CS/SB 1086</u></a>
<a href="#"><u>823.11</u></a>	<a href="#"><u>CS/SB 1086</u></a>

(\*) Not the latest version



1                   A bill to be entitled  
2           An act relating to operation and safety of motor  
3           vehicles and vessels; amending ss. 316.1932 and  
4           316.1939, F.S.; revising conditions under which a  
5           person's driving privilege is suspended and under  
6           which the person commits a misdemeanor relating to  
7           tests for alcohol, chemical substances, or controlled  
8           substances; specifying such misdemeanor as a  
9           misdemeanor of the first degree; amending s. 327.02,  
10          F.S.; defining the term "human-powered vessel";  
11          revising the definition of the term "navigation  
12          rules"; amending s. 327.04, F.S.; providing additional  
13          rulemaking authority to the Fish and Wildlife  
14          Conservation Commission; creating s. 327.462, F.S.;  
15          providing definitions; authorizing heads of certain  
16          entities to establish temporary protection zones in  
17          certain water bodies for certain purposes; providing  
18          protection zone requirements; requiring the heads of  
19          certain entities to report the establishment of such  
20          protection zones to the commission and to the  
21          appropriate United States Coast Guard Sector Command;  
22          providing requirements for such report; providing  
23          applicability; providing penalties; amending ss.  
24          327.352 and 327.359, F.S.; revising conditions under  
25          which a person commits a misdemeanor of the first

26 degree; creating s. 327.371, F.S.; providing  
27 circumstances under which a person may operate a  
28 human-powered vessel within the boundaries of the  
29 marked channel of the Florida Intracoastal Waterway;  
30 providing a penalty; amending s. 327.391, F.S.;  
31 conforming cross-references; amending s. 327.395,  
32 F.S.; prohibiting all persons, beginning on a  
33 specified date, from operating a vessel powered by a  
34 motor of 10 horsepower or greater unless the person  
35 has certain documents in his or her possession aboard  
36 the vessel; removing authority of the commission to  
37 appoint certain entities to administer a boating  
38 safety education course or temporary certificate  
39 examination and issue certain credentials; exempting  
40 certain persons from the requirement to possess  
41 certain documents aboard a vessel; revising the  
42 service fee amount certain entities that issue boating  
43 safety identification cards and temporary certificates  
44 are authorized to charge and keep; amending s.  
45 327.4107, F.S.; authorizing certain officers to  
46 provide notice that a vessel is at risk of becoming  
47 derelict via body camera recordings; authorizing the  
48 commission or certain officers to relocate at-risk  
49 vessels to a certain distance from mangroves or  
50 vegetation; providing that the commission or officers

51 are not liable for damages to such vessels; providing  
52 an exception; authorizing the commission to establish  
53 a derelict vessel prevention program consisting of  
54 certain components; authorizing the commission to  
55 adopt rules; providing that such program is subject to  
56 appropriation by the Legislature; providing for  
57 funding; amending s. 327.4108, F.S.; designating  
58 Monroe County as an anchoring limitation area subject  
59 to certain requirements; requiring the commission to  
60 adopt rules; providing applicability; deleting  
61 obsolete language; amending s. 327.4109, F.S.;

62 prohibiting the anchoring or mooring of a vessel or  
63 floating structure within a certain distance of  
64 certain facilities; providing exceptions; amending s.  
65 327.45, F.S.; including specified spring groups and  
66 runs in spring protection zones; authorizing the  
67 commission to establish by rule spring protection  
68 zones that prohibit the anchoring, mooring, beaching,  
69 or grounding of vessels; amending s. 327.46, F.S.;

70 authorizing a county or municipality to establish a  
71 boating-restricted area within and around a public  
72 mooring field; creating s. 327.463, F.S.; specifying  
73 conditions under which a vessel is and is not  
74 operating at slow speed, minimum wake; prohibiting a  
75 person from operating a vessel faster than slow speed,

76 minimum wake within a certain distance from other  
 77 specified vessels; exempting a person from being cited  
 78 for a violation under certain circumstances; providing  
 79 penalties; providing applicability; amending s.  
 80 327.50, F.S.; authorizing the commission to exempt  
 81 vessel owners and operators from certain safety  
 82 equipment requirements; amending s. 327.53, F.S.;  
 83 requiring the owner or operator of a live-aboard  
 84 vessel or houseboat equipped with certain sanitation  
 85 devices to maintain a record of the date and location  
 86 of each pumpout of the device for a certain period;  
 87 providing applicability; amending s. 327.54, F.S.;  
 88 prohibiting a livery from leasing, hiring, or renting  
 89 a vessel to a person required to complete a  
 90 commission-approved boating safety education course  
 91 unless such person presents certain documentation  
 92 indicating compliance; amending s. 327.60, F.S.;  
 93 authorizing a local government to enact and enforce  
 94 regulations allowing the local law enforcement agency  
 95 to remove an abandoned or lost vessel affixed to a  
 96 public mooring; amending s. 327.73, F.S.; providing  
 97 additional violations that qualify as noncriminal  
 98 infractions; providing civil penalties; prohibiting  
 99 conviction of a person cited for a violation relating  
 100 to possessing proof of boating safety education under

101 certain circumstances; increasing certain civil  
102 penalties; providing that certain vessels shall be  
103 declared a public nuisance subject to certain  
104 statutory provisions; authorizing the commission or  
105 certain officers to relocate or remove public nuisance  
106 vessels from the waters of this state; providing that  
107 the commission or officers are not liable for damages  
108 to such vessels; providing an exception; amending s.  
109 328.09, F.S.; prohibiting the Department of Highway  
110 Safety and Motor Vehicles from issuing a certificate  
111 of title to an applicant for a vessel that has been  
112 deemed derelict pursuant to certain provisions;  
113 authorizing the department, at a later date, to reject  
114 an application for a certificate of title for such a  
115 vessel; amending s. 376.15, F.S.; revising unlawful  
116 acts relating to derelict vessels; defining the term  
117 "leave"; prohibiting an owner or operator whose vessel  
118 becomes derelict due to specified accidents or events  
119 from being charged with a violation under certain  
120 circumstances; providing applicability; conforming  
121 provisions to changes made by the act; authorizing a  
122 governmental subdivision that has received  
123 authorization from a law enforcement officer or agency  
124 to direct a contractor to perform vessel storage,  
125 destruction, and disposal activities; authorizing the

126 commission to provide local government grants for the  
127 storage, destruction, and disposal of derelict  
128 vessels; providing for funding; amending s. 705.103,  
129 F.S.; providing notice procedures for when a law  
130 enforcement officer ascertains that a derelict or  
131 public nuisance vessel is present on the waters of  
132 this state; requiring a mailed notice to the owner or  
133 party responsible for the vessel to inform him or her  
134 of the right to a hearing; providing hearing  
135 requirements; authorizing a law enforcement agency to  
136 take certain actions if a hearing is not requested or  
137 a vessel is determined to be derelict or otherwise in  
138 violation of law; revising provisions relating to  
139 liability for vessel removal costs and notification of  
140 the amount owed; providing penalties for a person who  
141 is issued a registration for a vessel or motor vehicle  
142 before such costs are paid; requiring persons whose  
143 vessel registration and motor vehicle privileges have  
144 been revoked for failure to pay certain costs to be  
145 reported to the department; prohibiting issuance of a  
146 certificate of registration to such persons until such  
147 costs are paid; amending s. 823.11, F.S.; revising  
148 application of definitions; revising the definition of  
149 the term "derelict vessel"; specifying requirements  
150 for a vessel to be considered wrecked, junked, or

151 substantially dismantled; providing construction;  
152 revising unlawful acts relating to derelict vessels;  
153 defining the term "leave"; prohibiting an owner or  
154 operator whose vessel becomes derelict due to  
155 specified accidents or events from being charged with  
156 a violation under certain circumstances; providing  
157 applicability; providing that relocation or removal  
158 costs incurred by a governmental subdivision are  
159 recoverable against the vessel owner or the party  
160 determined to be legally responsible for the vessel  
161 being derelict; providing penalties for a person who  
162 is issued a registration for a vessel or motor vehicle  
163 before such costs are paid; authorizing a governmental  
164 subdivision that has received authorization from a law  
165 enforcement officer or agency to direct a contractor  
166 to perform vessel relocation or removal activities;  
167 providing effective dates.

168

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

170

171 Section 1. Paragraphs (a) and (c) of subsection (1) of  
172 section 316.1932, Florida Statutes, are amended to read:

173 316.1932 Tests for alcohol, chemical substances, or  
174 controlled substances; implied consent; refusal.-

175 (1) (a) 1.a. A Any person who accepts the privilege extended  
 176 by the laws of this state of operating a motor vehicle within  
 177 this state is, by ~~so~~ operating such vehicle, deemed to have  
 178 given his or her consent to submit to an approved chemical test  
 179 or physical test including, but not limited to, an infrared  
 180 light test of his or her breath for the purpose of determining  
 181 the alcoholic content of his or her blood or breath if the  
 182 person is lawfully arrested for any offense allegedly committed  
 183 while the person was driving or was in actual physical control  
 184 of a motor vehicle while under the influence of alcoholic  
 185 beverages. The chemical or physical breath test must be  
 186 incidental to a lawful arrest and administered at the request of  
 187 a law enforcement officer who has reasonable cause to believe  
 188 such person was driving or was in actual physical control of the  
 189 motor vehicle within this state while under the influence of  
 190 alcoholic beverages. The administration of a breath test does  
 191 not preclude the administration of another type of test. The  
 192 person shall be told that his or her failure to submit to any  
 193 lawful test of his or her breath will result in the suspension  
 194 of the person's privilege to operate a motor vehicle for a  
 195 period of 1 year for a first refusal, or for a period of 18  
 196 months if the driving privilege of such person has been  
 197 previously suspended or if he or she has previously been fined  
 198 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a  
 199 test or tests required under this chapter or chapter 327, and

200 shall also be told that if he or she refuses to submit to a  
201 lawful test of his or her breath and his or her driving  
202 privilege has been previously suspended or if he or she has  
203 previously been fined under s. 327.35215 for a prior refusal to  
204 submit to a lawful test of his or her breath, urine, or blood as  
205 required under this chapter or chapter 327, he or she commits a  
206 misdemeanor of the first degree, punishable as provided in s.  
207 775.082 or s. 775.083, in addition to any other penalties  
208 provided by law. The refusal to submit to a chemical or physical  
209 breath test upon the request of a law enforcement officer as  
210 provided in this section is admissible into evidence in any  
211 criminal proceeding.

212 b. A ~~Any~~ person who accepts the privilege extended by the  
213 laws of this state of operating a motor vehicle within this  
214 state is, by ~~se~~ operating such vehicle, deemed to have given his  
215 or her consent to submit to a urine test for the purpose of  
216 detecting the presence of chemical substances as set forth in s.  
217 877.111 or controlled substances if the person is lawfully  
218 arrested for any offense allegedly committed while the person  
219 was driving or was in actual physical control of a motor vehicle  
220 while under the influence of chemical substances or controlled  
221 substances. The urine test must be incidental to a lawful arrest  
222 and administered at a detention facility or any other facility,  
223 mobile or otherwise, which is equipped to administer such tests  
224 at the request of a law enforcement officer who has reasonable

225 cause to believe such person was driving or was in actual  
226 physical control of a motor vehicle within this state while  
227 under the influence of chemical substances or controlled  
228 substances. The urine test shall be administered at a detention  
229 facility or any other facility, mobile or otherwise, which is  
230 equipped to administer such test in a reasonable manner that  
231 will ensure the accuracy of the specimen and maintain the  
232 privacy of the individual involved. The administration of a  
233 urine test does not preclude the administration of another type  
234 of test. The person shall be told that his or her failure to  
235 submit to any lawful test of his or her urine will result in the  
236 suspension of the person's privilege to operate a motor vehicle  
237 for a period of 1 year for the first refusal, or for a period of  
238 18 months if the driving privilege of such person has been  
239 previously suspended or if he or she has previously been fined  
240 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a  
241 test or tests required under this chapter or chapter 327, and  
242 shall also be told that if he or she refuses to submit to a  
243 lawful test of his or her urine and his or her driving privilege  
244 has been previously suspended or if he or she has previously  
245 been fined under s. 327.35215 for a prior refusal to submit to a  
246 lawful test of his or her breath, urine, or blood as required  
247 under this chapter or chapter 327, he or she commits a  
248 misdemeanor of the first degree, punishable as provided in s.  
249 775.082 or s. 775.083, in addition to any other penalties

250 provided by law. The refusal to submit to a urine test upon the  
251 request of a law enforcement officer as provided in this section  
252 is admissible into evidence in any criminal proceeding.

253         2. The Alcohol Testing Program within the Department of  
254 Law Enforcement is responsible for the regulation of the  
255 operation, inspection, and registration of breath test  
256 instruments utilized under the driving and boating under the  
257 influence provisions and related provisions located in this  
258 chapter and chapters 322 and 327. The program is responsible for  
259 the regulation of the individuals who operate, inspect, and  
260 instruct on the breath test instruments utilized in the driving  
261 and boating under the influence provisions and related  
262 provisions located in this chapter and chapters 322 and 327. The  
263 program is further responsible for the regulation of blood  
264 analysts who conduct blood testing to be utilized under the  
265 driving and boating under the influence provisions and related  
266 provisions located in this chapter and chapters 322 and 327. The  
267 program shall:

268             a. Establish uniform criteria for the issuance of permits  
269 to breath test operators, agency inspectors, instructors, blood  
270 analysts, and instruments.

271             b. Have the authority to permit breath test operators,  
272 agency inspectors, instructors, blood analysts, and instruments.

273 c. Have the authority to discipline and suspend, revoke,  
 274 or renew the permits of breath test operators, agency  
 275 inspectors, instructors, blood analysts, and instruments.

276 d. Establish uniform requirements for instruction and  
 277 curricula for the operation and inspection of approved  
 278 instruments.

279 e. Have the authority to specify one approved curriculum  
 280 for the operation and inspection of approved instruments.

281 f. Establish a procedure for the approval of breath test  
 282 operator and agency inspector classes.

283 g. Have the authority to approve or disapprove breath test  
 284 instruments and accompanying paraphernalia for use pursuant to  
 285 the driving and boating under the influence provisions and  
 286 related provisions located in this chapter and chapters 322 and  
 287 327.

288 h. With the approval of the executive director of the  
 289 Department of Law Enforcement, make and enter into contracts and  
 290 agreements with other agencies, organizations, associations,  
 291 corporations, individuals, or federal agencies as are necessary,  
 292 expedient, or incidental to the performance of duties.

293 i. Issue final orders which include findings of fact and  
 294 conclusions of law and which constitute final agency action for  
 295 the purpose of chapter 120.

296 j. Enforce compliance with ~~the provisions of~~ this section  
 297 through civil or administrative proceedings.

298 k. Make recommendations concerning any matter within the  
 299 purview of this section, this chapter, chapter 322, or chapter  
 300 327.

301 l. Promulgate rules for the administration and  
 302 implementation of this section, including definitions of terms.

303 m. Consult and cooperate with other entities for the  
 304 purpose of implementing the mandates of this section.

305 n. Have the authority to approve the type of blood test  
 306 utilized under the driving and boating under the influence  
 307 provisions and related provisions located in this chapter and  
 308 chapters 322 and 327.

309 o. Have the authority to specify techniques and methods  
 310 for breath alcohol testing and blood testing utilized under the  
 311 driving and boating under the influence provisions and related  
 312 provisions located in this chapter and chapters 322 and 327.

313 p. Have the authority to approve repair facilities for the  
 314 approved breath test instruments, including the authority to set  
 315 criteria for approval.

316  
 317 Nothing in this section shall be construed to supersede  
 318 provisions in this chapter and chapters 322 and 327. The  
 319 specifications in this section are derived from the power and  
 320 authority previously and currently possessed by the Department  
 321 of Law Enforcement and are enumerated to conform with the  
 322 mandates of chapter 99-379, Laws of Florida.

323 (c) A ~~Any~~ person who accepts the privilege extended by the  
324 laws of this state of operating a motor vehicle within this  
325 state is, by operating such vehicle, deemed to have given his or  
326 her consent to submit to an approved blood test for the purpose  
327 of determining the alcoholic content of the blood or a blood  
328 test for the purpose of determining the presence of chemical  
329 substances or controlled substances as provided in this section  
330 if there is reasonable cause to believe the person was driving  
331 or in actual physical control of a motor vehicle while under the  
332 influence of alcoholic beverages or chemical or controlled  
333 substances and the person appears for treatment at a hospital,  
334 clinic, or other medical facility and the administration of a  
335 breath or urine test is impractical or impossible. As used in  
336 this paragraph, the term "other medical facility" includes an  
337 ambulance or other medical emergency vehicle. The blood test  
338 shall be performed in a reasonable manner. A ~~Any~~ person who is  
339 incapable of refusal by reason of unconsciousness or other  
340 mental or physical condition is deemed not to have withdrawn his  
341 or her consent to such test. A blood test may be administered  
342 whether or not the person is told that his or her failure to  
343 submit to such a blood test will result in the suspension of the  
344 person's privilege to operate a motor vehicle upon the public  
345 highways of this state and that a refusal to submit to a lawful  
346 test of his or her blood, if his or her driving privilege has  
347 been previously suspended for refusal to submit to a lawful test

348 of his or her breath, urine, or blood, is a misdemeanor. A Any  
 349 person who is capable of refusal shall be told that his or her  
 350 failure to submit to such a blood test will result in the  
 351 suspension of the person's privilege to operate a motor vehicle  
 352 for a period of 1 year for a first refusal, or for a period of  
 353 18 months if the driving privilege of the person has been  
 354 suspended previously or if he or she has previously been fined  
 355 under s. 327.35215 as a result of a refusal to submit to ~~such a~~  
 356 test or tests required under this chapter or chapter 327, and  
 357 ~~that a refusal to submit to a lawful test of his or her blood,~~  
 358 ~~if his or her driving privilege has been previously suspended~~  
 359 ~~for a prior refusal to submit to a lawful test of his or her~~  
 360 ~~breath, urine, or blood, is a misdemeanor.~~ The refusal to submit  
 361 to a blood test upon the request of a law enforcement officer is  
 362 admissible in evidence in any criminal proceeding.

363 Section 2. Subsection (1) of section 316.1939, Florida  
 364 Statutes, is amended to read:

365 316.1939 Refusal to submit to testing; penalties.-

366 (1) A Any person who has refused to submit to a chemical  
 367 or physical test of his or her breath, ~~blood,~~ or urine, as  
 368 described in s. 316.1932, and whose driving privilege was  
 369 previously suspended or who was previously fined under s.  
 370 327.35215 for a prior refusal to submit to a lawful test of his  
 371 or her breath, urine, or blood required under this chapter or  
 372 chapter 327, and:

373 (a) Who the arresting law enforcement officer had probable  
374 cause to believe was driving or in actual physical control of a  
375 motor vehicle in this state while under the influence of  
376 alcoholic beverages, chemical substances, or controlled  
377 substances;

378 (b) Who was placed under lawful arrest for a violation of  
379 s. 316.193 unless such test was requested pursuant to s.  
380 316.1932(1)(c);

381 (c) Who was informed that, if he or she refused to submit  
382 to such test, his or her privilege to operate a motor vehicle  
383 would be suspended for a period of 1 year or, in the case of a  
384 second or subsequent refusal, for a period of 18 months;

385 (d) Who was informed that a refusal to submit to a lawful  
386 test of his or her breath or, urine, ~~or blood~~, if his or her  
387 driving privilege has been previously suspended or if he or she  
388 has previously been fined under s. 327.35215 for a prior refusal  
389 to submit to a lawful test of his or her breath, urine, or blood  
390 as required under this chapter or chapter 327, is a misdemeanor  
391 of the first degree, punishable as provided in s. 775.082 or s.  
392 775.083, in addition to any other penalties provided by law; and

393 (e) Who, after having been so informed, refused to submit  
394 to any such test when requested to do so by a law enforcement  
395 officer or correctional officer

396  
397 commits a misdemeanor of the first degree and is subject to

398 punishment as provided in s. 775.082 or s. 775.083.

399 Section 3. Subsections (18) through (47) of section  
 400 327.02, Florida Statutes, are renumbered as subsections (19)  
 401 through (48), respectively, present subsection (31) of that  
 402 section is amended, and a new subsection (18) is added to that  
 403 section, to read:

404 327.02 Definitions.—As used in this chapter and in chapter  
 405 328, unless the context clearly requires a different meaning,  
 406 the term:

407 (18) "Human-powered vessel" means a vessel powered only by  
 408 its occupant or occupants, including, but not limited to, a  
 409 vessel powered only by the occupants' hands or feet, oars, or  
 410 paddles.

411 ~~(32)~~~~(31)~~ "Navigation rules" means, for vessels on:

412 (a) Waters outside established navigational lines of  
 413 demarcation as specified in 33 C.F.R. part 80, the International  
 414 Navigational Rules Act of 1977, 33 U.S.C. s. 1602, as amended,  
 415 including the appendix and annexes thereto, through December 31,  
 416 2020 ~~October 1, 2012.~~

417 (b) All waters not outside of such established lines of  
 418 demarcation, the Inland Navigational Rules Act of 1980, 33  
 419 C.F.R. parts 83-90, as amended, through December 31, 2020  
 420 ~~October 1, 2012.~~

421 Section 4. Section 327.04, Florida Statutes, is amended to  
 422 read:

423           327.04 Rules.—The commission may ~~has authority to~~ adopt  
 424 rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~  
 425 ~~provisions of this chapter,~~ the provisions of chapter 705  
 426 relating to vessels, and ss. 376.15 and 823.11 conferring powers  
 427 or duties upon it.

428           Section 5. Section 327.462, Florida Statutes, is created  
 429 to read:

430           327.462 Temporary protection zones for spaceflight  
 431 launches and recovery of spaceflight assets.—

432           (1) As used in this section, the term:

433           (a) "Launch services" means the conduct of a launch and  
 434 activities involved in the preparation of a launch vehicle,  
 435 payload, government astronaut, commercial astronaut, or  
 436 spaceflight participant for such launch.

437           (b) "Reentry services" means the conduct of a reentry and  
 438 activities involved in the preparation of a reentry vehicle,  
 439 payload, government astronaut, commercial astronaut, or  
 440 spaceflight participant for such reentry.

441           (c) "Spaceflight assets" means any item, or any part of an  
 442 item, owned by a spaceflight entity which is used in launch  
 443 services or reentry services, including crewed and uncrewed  
 444 spacecraft, launch vehicles, parachutes and other landing aids,  
 445 and any spacecraft or ancillary equipment that was attached to  
 446 the launch vehicle during launch, orbit, or reentry.

447 (d) "Spaceflight entity" has the same meaning as provided  
448 in s. 331.501.

449 (2) The head of a law enforcement agency or entity  
450 identified in s. 327.70(1), or his or her designee, may, upon  
451 waters of this state within the law enforcement agency's or  
452 entity's jurisdiction, when necessary for preparations in  
453 advance of a launch service or reentry service or for the  
454 recovery of spaceflight assets before or after a launch service  
455 or reentry service, temporarily establish a protection zone  
456 requiring vessels to leave, or prohibiting vessels from  
457 entering, water bodies within:

458 (a) Five hundred yards of where launch services, reentry  
459 services, or spaceflight asset recovery operations are being  
460 conducted; or

461 (b) A distance greater than provided in paragraph (a) if  
462 the head of such law enforcement agency or entity, or his or her  
463 designee, determines such greater distance is in the best  
464 interest of public safety.

465 (3) A protection zone established under subsection (2) may  
466 remain in effect only as long as necessary to ensure security  
467 around the launch and recovery areas and to recover spaceflight  
468 assets and any personnel being transported within a spacecraft  
469 following the launch or reentry activity. Such protection zone  
470 may not be in place more than 72 hours before or 72 hours after  
471 the launch. The head of a law enforcement agency or entity

472 identified in s. 327.70(1), or his or her designee, may also  
473 restrict vessels from operating within up to 500 yards of any  
474 vessel transporting recovered spaceflight assets following a  
475 spaceflight launch or reentry while such vessel is continuously  
476 underway transporting such assets to a location for removal from  
477 the waters of this state.

478 (4) The head of a law enforcement agency or entity  
479 establishing a protection zone under this section, or his or her  
480 designee, must report the establishment of such protection zone  
481 via e-mail to the commission's Division of Law Enforcement,  
482 Boating and Waterways Section, and to the appropriate United  
483 States Coast Guard Sector Command having responsibility over the  
484 water body, at least 72 hours before establishment of the  
485 protection zone. Such report must include the reasons for the  
486 protection zone, the portion of the water body or water bodies  
487 that will be included in the protection zone, and the duration  
488 of the protection zone. No later than 72 hours after the end of  
489 the protection zone period, the head of the law enforcement  
490 agency or entity, or his or her designee, must report via e-mail  
491 to the commission's Division of Law Enforcement, Boating and  
492 Waterways Section, the details of all citations issued for  
493 violating the protection zone.

494 (5) This section applies only to launch services, reentry  
495 services, or the recovery of spaceflight assets occurring or  
496 originating within spaceport territory, as defined in s.

497 331.304, and to federally licensed or federally authorized  
498 launches and reentries occurring or transiting to an end  
499 destination upon waters of this state.

500 (6) A person who violates this section or any directive  
501 given by a law enforcement officer relating to the establishment  
502 of a protection zone under this section after being advised of  
503 the establishment of the protection zone commits a misdemeanor  
504 of the second degree, punishable as provided in s. 775.082 or s.  
505 775.083.

506 Section 6. Paragraphs (a) and (c) of subsection (1) of  
507 section 327.352, Florida Statutes, are amended to read:

508 327.352 Tests for alcohol, chemical substances, or  
509 controlled substances; implied consent; refusal.-

510 (1)(a)1. The Legislature declares that the operation of a  
511 vessel is a privilege that must be exercised in a reasonable  
512 manner. In order to protect the public health and safety, it is  
513 essential that a lawful and effective means of reducing the  
514 incidence of boating while impaired or intoxicated be  
515 established. Therefore, a ~~any~~ person who accepts the privilege  
516 extended by the laws of this state of operating a vessel within  
517 this state is, by ~~se~~ operating such vessel, deemed to have given  
518 his or her consent to submit to an approved chemical test or  
519 physical test including, but not limited to, an infrared light  
520 test of his or her breath for the purpose of determining the  
521 alcoholic content of his or her blood or breath if the person is

522 lawfully arrested for any offense allegedly committed while the  
 523 person was operating a vessel while under the influence of  
 524 alcoholic beverages. The chemical or physical breath test must  
 525 be incidental to a lawful arrest and administered at the request  
 526 of a law enforcement officer who has reasonable cause to believe  
 527 such person was operating the vessel within this state while  
 528 under the influence of alcoholic beverages. The administration  
 529 of a breath test does not preclude the administration of another  
 530 type of test. The person shall be told that his or her failure  
 531 to submit to any lawful test of his or her breath under this  
 532 chapter will result in a civil penalty of \$500, and shall also  
 533 be told that if he or she refuses to submit to a lawful test of  
 534 his or her breath and he or she has been previously fined under  
 535 s. 327.35215 or has previously had his or her driver license  
 536 suspended under s. 322.2615 for refusal to submit to any lawful  
 537 test of his or her breath, urine, or blood, he or she commits a  
 538 misdemeanor of the first degree, punishable as provided in s.  
 539 775.082 or s. 775.083, in addition to any other penalties  
 540 provided by law. The refusal to submit to a chemical or physical  
 541 breath test upon the request of a law enforcement officer as  
 542 provided in this section is admissible into evidence in any  
 543 criminal proceeding.

544 2. A ~~Any~~ person who accepts the privilege extended by the  
 545 laws of this state of operating a vessel within this state is,  
 546 by ~~se~~ operating such vessel, deemed to have given his or her

547 consent to submit to a urine test for the purpose of detecting  
548 the presence of chemical substances as set forth in s. 877.111  
549 or controlled substances if the person is lawfully arrested for  
550 any offense allegedly committed while the person was operating a  
551 vessel while under the influence of chemical substances or  
552 controlled substances. The urine test must be incidental to a  
553 lawful arrest and administered at a detention facility or any  
554 other facility, mobile or otherwise, which is equipped to  
555 administer such tests at the request of a law enforcement  
556 officer who has reasonable cause to believe such person was  
557 operating a vessel within this state while under the influence  
558 of chemical substances or controlled substances. The urine test  
559 shall be administered at a detention facility or any other  
560 facility, mobile or otherwise, which is equipped to administer  
561 such test in a reasonable manner that will ensure the accuracy  
562 of the specimen and maintain the privacy of the individual  
563 involved. The administration of a urine test does not preclude  
564 the administration of another type of test. The person shall be  
565 told that his or her failure to submit to any lawful test of his  
566 or her urine under this chapter will result in a civil penalty  
567 of \$500, and shall also be told that if he or she refuses to  
568 submit to a lawful test of his or her urine and he or she has  
569 been previously fined under s. 327.35215 or has previously had  
570 his or her driver license suspended under s. 322.2615 for  
571 refusal to submit to any lawful test of his or her breath,

572 urine, or blood, he or she commits a misdemeanor of the first  
 573 degree, punishable as provided in s. 775.082 or s. 775.083, in  
 574 addition to any other penalties provided by law. The refusal to  
 575 submit to a urine test upon the request of a law enforcement  
 576 officer as provided in this section is admissible into evidence  
 577 in any criminal proceeding.

578 (c) A ~~Any~~ person who accepts the privilege extended by the  
 579 laws of this state of operating a vessel within this state is,  
 580 by operating such vessel, deemed to have given his or her  
 581 consent to submit to an approved blood test for the purpose of  
 582 determining the alcoholic content of the blood or a blood test  
 583 for the purpose of determining the presence of chemical  
 584 substances or controlled substances as provided in this section  
 585 if there is reasonable cause to believe the person was operating  
 586 a vessel while under the influence of alcoholic beverages or  
 587 chemical or controlled substances and the person appears for  
 588 treatment at a hospital, clinic, or other medical facility and  
 589 the administration of a breath or urine test is impractical or  
 590 impossible. As used in this paragraph, the term "other medical  
 591 facility" includes an ambulance or other medical emergency  
 592 vehicle. The blood test shall be performed in a reasonable  
 593 manner. A ~~Any~~ person who is incapable of refusal by reason of  
 594 unconsciousness or other mental or physical condition is deemed  
 595 not to have withdrawn his or her consent to such test. A ~~Any~~  
 596 person who is capable of refusal shall be told that his or her

597 failure to submit to such a blood test will result in a civil  
 598 penalty of \$500 ~~and that a refusal to submit to a lawful test of~~  
 599 ~~his or her blood, if he or she has previously been fined for~~  
 600 ~~refusal to submit to any lawful test of his or her breath,~~  
 601 ~~urine, or blood, is a misdemeanor.~~ The refusal to submit to a  
 602 blood test upon the request of a law enforcement officer shall  
 603 be admissible in evidence in any criminal proceeding.

604 Section 7. Section 327.359, Florida Statutes, is amended  
 605 to read:

606 327.359 Refusal to submit to testing; penalties.—A Any  
 607 person who has refused to submit to a chemical or physical test  
 608 of his or her breath, ~~blood,~~ or urine, as described in s.  
 609 327.352, and who has been previously fined under s. 327.35215 or  
 610 has previously had his or her driver license suspended under s.  
 611 322.2615 for refusal to submit to a lawful test of his or her  
 612 breath, urine, or blood, and:

613 (1) Who the arresting law enforcement officer had probable  
 614 cause to believe was operating or in actual physical control of  
 615 a vessel in this state while under the influence of alcoholic  
 616 beverages, chemical substances, or controlled substances;

617 (2) Who was placed under lawful arrest for a violation of  
 618 s. 327.35 unless such test was requested pursuant to s.  
 619 327.352(1)(c);

620 (3) Who was informed that if he or she refused to submit  
 621 to such test, he or she is subject to a fine of \$500;

622 (4) Who was informed that a refusal to submit to a lawful  
 623 test of his or her breath or, ~~urine, or blood~~, if he or she has  
 624 been previously fined under s. 327.35215 or has previously had  
 625 his or her driver license suspended under s. 322.2615 for  
 626 refusal to submit to a lawful test of his or her breath, urine,  
 627 or blood, is a misdemeanor of the first degree, punishable as  
 628 provided in s. 775.082 or s. 775.083; and

629 (5) Who, after having been so informed, refused to submit  
 630 to any such test when requested to do so by a law enforcement  
 631 officer or correctional officer

632  
 633 commits a misdemeanor of the first degree, punishable and is  
 634 ~~subject to punishment~~ as provided in s. 775.082 or s. 775.083.

635 Section 8. Section 327.371, Florida Statutes, is created  
 636 to read:

637 327.371 Human-powered vessels regulated.-

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

641 (a) When the marked channel is the only navigable portion  
 642 of the waterway available due to vessel congestion or  
 643 obstructions on the water. The operator of the human-powered  
 644 vessel shall proceed with diligence to a location where he or  
 645 she may safely operate the vessel outside the marked channel of  
 646 the Florida Intracoastal Waterway.

647           (b) When crossing the marked channel, provided that the  
 648 crossing is done in the most direct, continuous, and expeditious  
 649 manner possible and does not interfere with other vessel traffic  
 650 in the channel.

651           (c) During an emergency endangering life or limb.

652           (2) A person may not operate a human-powered vessel in the  
 653 marked channel of the Florida Intracoastal Waterway except as  
 654 provided in subsection (1).

655           (3) A person who violates this section commits a  
 656 noncriminal infraction, punishable as provided in s. 327.73.

657           Section 9. Subsection (1) and paragraphs (a) and (b) of  
 658 subsection (5) of section 327.391, Florida Statutes, are amended  
 659 to read:

660           327.391 Airboats regulated.—

661           (1) The exhaust of every internal combustion engine used  
 662 on any airboat operated on the waters of this state shall be  
 663 provided with an automotive-style factory muffler, underwater  
 664 exhaust, or other manufactured device capable of adequately  
 665 muffling the sound of the exhaust of the engine as described in  
 666 s. 327.02 ~~s. 327.02(30)~~. The use of cutouts or flex pipe as the  
 667 sole source of muffling is prohibited, except as provided in  
 668 subsection (4). A ~~Any~~ person who violates this subsection  
 669 commits a noncriminal infraction, punishable as provided in s.  
 670 327.73(1).

671 (5) (a) ~~Beginning July 1, 2019,~~ A person may not operate an  
 672 airboat to carry one or more passengers for hire on waters of  
 673 this ~~the~~ state unless he or she has all of the following onboard  
 674 the airboat:

675 1. A photographic identification card.

676 2. Proof of completion of a boater education course that  
 677 complies with s. 327.395(2) (a) ~~s. 327.395(1) (a)~~. Except as  
 678 provided in paragraph (b), no operator is exempt from this  
 679 requirement, regardless of age or the exemptions provided under  
 680 s. 327.395.

681 3. Proof of successful completion of a commission-approved  
 682 airboat operator course that meets the minimum standards  
 683 established by commission rule.

684 4. Proof of successful course completion in  
 685 cardiopulmonary resuscitation and first aid.

686 (b) A person issued a captain's license by the United  
 687 States Coast Guard is not required to complete a boating safety  
 688 education course that complies with s. 327.395(2) (a) ~~s.~~  
 689 ~~327.395(1) (a)~~. Proof of the captain's license must be onboard  
 690 the airboat when carrying one or more passengers for hire on  
 691 waters of this ~~the~~ state.

692 Section 10. Section 327.395, Florida Statutes, is amended  
 693 to read:

694 327.395 Boating safety education.—

695           (1) (a) A person born on or after January 1, 1988, may not  
 696 operate a vessel powered by a motor of 10 horsepower or greater  
 697 unless such person has in his or her possession aboard the  
 698 vessel the documents required by subsection (2).

699           (b) Beginning January 1, 2023, a person, regardless of his  
 700 or her date of birth, may not operate a vessel powered by a  
 701 motor of 10 horsepower or greater unless such person has in his  
 702 or her possession aboard the vessel the documents required by  
 703 subsection (2).

704           (2) While operating a vessel, a person must have in his or  
 705 her possession aboard the vessel photographic identification and  
 706 a boating safety identification card issued by the commission, a  
 707 state-issued identification card or driver license indicating  
 708 possession of the boating safety identification card, or  
 709 photographic identification and a temporary certificate issued  
 710 or approved by the commission, which shows that he or she has:

711           (a) Completed a commission-approved boating safety  
 712 education course that meets the minimum requirements established  
 713 by the National Association of State Boating Law Administrators;  
 714 ~~or~~

715           (b) Passed a temporary certificate examination developed  
 716 or approved by the commission;

717           (c) A valid International Certificate of Competency; or

718           (d) Completed a boating safety education course or  
 719 equivalency examination in another state or a United States

720 territory that meets or exceeds the minimum requirements  
 721 established by the National Association of State Boating Law  
 722 Administrators.

723 (3) (a) (2) (a) A person may obtain a boating safety  
 724 identification card by successfully completing a boating safety  
 725 education course that meets the requirements of this section and  
 726 rules adopted by the commission pursuant to this section.

727 (b) A person may obtain a temporary certificate by passing  
 728 a temporary certificate examination that meets the requirements  
 729 of this section and rules adopted by the commission pursuant to  
 730 this section.

731 (4) (3) A ~~Any~~ commission-approved boating safety education  
 732 course or temporary certificate examination developed or  
 733 approved by the commission must include a component regarding  
 734 diving vessels, awareness of divers in the water, divers-down  
 735 warning devices, and the requirements of s. 327.331.

736 ~~(4) The commission may appoint liveries, marinas, or other~~  
 737 ~~persons as its agents to administer the course or temporary~~  
 738 ~~certificate examination and issue identification cards or~~  
 739 ~~temporary certificates in digital, electronic, or paper format~~  
 740 ~~under guidelines established by the commission. An agent must~~  
 741 ~~charge the \$2 examination fee, which must be forwarded to the~~  
 742 ~~commission with proof of passage of the examination and may~~  
 743 ~~charge and keep a \$1 service fee.~~

744 (5) A boating safety identification card issued to a  
 745 person who has completed a boating safety education course is  
 746 valid for life. A temporary certificate issued to a person who  
 747 has passed a temporary certification examination is valid for 90  
 748 days after the date of issuance. The commission may issue either  
 749 the boating safety identification card or the temporary  
 750 certificate in a digital, electronic, or paper format.

751 (6) A person is exempt from subsection (1) if he or she:

752 (a)1. Is licensed by the United States Coast Guard to  
 753 serve as master of a vessel; or

754 2. Has been previously licensed by the United States Coast  
 755 Guard to serve as master of a vessel, provides proof of such  
 756 licensure to the commission, and requests that a boating safety  
 757 identification card be issued in his or her name.

758 (b) Operates a vessel only on a private lake or pond.

759 (c) Is accompanied in the vessel by a person who is exempt  
 760 from this section or who holds a boating safety identification  
 761 card in compliance with this section, who is 18 years of age or  
 762 older, and who is attendant to the operation of the vessel and  
 763 responsible for the safe operation of the vessel and for any  
 764 violation that occurs during the operation of the vessel.

765 (d) Is a nonresident who has in his or her possession  
 766 photographic identification and proof that he or she has  
 767 completed a boating safety education course or equivalency  
 768 examination in another state or a United States territory that

769 ~~which~~ meets or exceeds the minimum requirements established by  
 770 the National Association of State Boating Law Administrators.

771 (e) Is operating a vessel within 90 days after the  
 772 purchase of that vessel and has available for inspection aboard  
 773 that vessel a bill of sale meeting the requirements of s.  
 774 328.46(1).

775 (f) Is operating a vessel within 90 days after completing  
 776 a boating safety education course in accordance with paragraph  
 777 (2) (a) ~~the requirements of paragraph (1) (a)~~ and has a  
 778 photographic identification card and a boating safety education  
 779 certificate available for inspection as proof of having  
 780 completed a boating safety education course. The boating safety  
 781 education certificate must provide, at a minimum, the student's  
 782 first and last name, the student's date of birth, and the date  
 783 that he or she passed the course examination.

784 (g) Is exempted by rule of the commission.

785 (7) A person who operates a vessel in violation of this  
 786 section ~~subsection (1)~~ commits a noncriminal infraction,  
 787 punishable as provided in s. 327.73.

788 (8) The commission shall institute and coordinate a  
 789 statewide program of boating safety instruction and  
 790 certification to ensure that boating safety courses and  
 791 examinations are available in each county of this ~~the~~ state. The  
 792 commission may appoint agents to administer the boating safety  
 793 education course or temporary certificate examination and may

794 authorize the agents to issue temporary certificates in digital,  
 795 electronic, or paper format. An agent ~~The agents~~ shall charge  
 796 and collect the \$2 fee required in subsection (9) for each  
 797 temporary certificate requested of the commission by that agent,  
 798 which must be forwarded to the commission. The agent may charge  
 799 and keep a ~~\$1~~ service fee.

800 (9) The commission may ~~is authorized to~~ establish and ~~to~~  
 801 collect a \$2 fee for each card and temporary certificate issued  
 802 pursuant to this section.

803 (10) The commission shall design forms and adopt rules  
 804 pursuant to chapter 120 to implement ~~the provisions of~~ this  
 805 section.

806 (11) This section may be cited as the "Osmany 'Ozzie'  
 807 Castellanos Boating Safety Education Act."

808 Section 11. Subsection (5) of section 327.4107, Florida  
 809 Statutes, is renumbered as subsection (6), paragraph (e) of  
 810 subsection (2) of that section is amended, and new subsections  
 811 (5) and (7) are added to that section, to read:

812 327.4107 Vessels at risk of becoming derelict on waters of  
 813 this state.—

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

818 (e) The vessel does not have an effective means of  
819 propulsion for safe navigation within 72 hours after the vessel  
820 owner or operator receives telephonic notice, in-person notice  
821 recorded on an agency-approved body camera, or written notice,  
822 which may be provided by facsimile, electronic mail, or other  
823 electronic means, stating such from an officer, and the vessel  
824 owner or operator is unable to provide a receipt, proof of  
825 purchase, or other documentation of having ordered necessary  
826 parts for vessel repair. The commission may adopt rules to  
827 implement this paragraph.

828 (5) The commission, an officer of the commission, or a law  
829 enforcement agency or officer specified in s. 327.70 may  
830 relocate or cause to be relocated an at-risk vessel found to be  
831 in violation of this section to a distance greater than 20 feet  
832 from a mangrove or upland vegetation. The commission, an officer  
833 of the commission, or a law enforcement agency or officer acting  
834 pursuant to this subsection upon waters of this state shall be  
835 held harmless for all damages to the at-risk vessel resulting  
836 from such relocation unless the damage results from gross  
837 negligence or willful misconduct as these terms are defined in  
838 s. 823.11.

839 (7) The commission may establish a derelict vessel  
840 prevention program to address vessels at risk of becoming  
841 derelict. Such program may, but is not required to, include:

842       (a) Removal, relocation, and destruction of vessels  
 843 declared a public nuisance, derelict or at risk of becoming  
 844 derelict, or lost or abandoned in accordance with s. 327.53(7),  
 845 s. 327.73(1)(aa), s. 705.103(2) and (4), or s. 823.11(3).

846       (b) Creation of a vessel turn-in program allowing the  
 847 owner of a vessel determined by law enforcement to be at risk of  
 848 becoming derelict in accordance with this section to turn his or  
 849 her vessel and vessel title over to the commission to be  
 850 destroyed without penalty.

851       (c) Providing for removal and destruction of an abandoned  
 852 vessel for which an owner cannot be identified or the owner of  
 853 which is deceased and no heir is interested in acquiring the  
 854 vessel.

855       (d) Purchase of anchor line, anchors, and other equipment  
 856 necessary for securing vessels at risk of becoming derelict.

857       (e) Creating or acquiring moorings designated for securing  
 858 vessels at risk of becoming derelict.

859  
 860 The derelict vessel prevention program created pursuant to this  
 861 subsection may include other preventative efforts and methods as  
 862 determined appropriate and necessary by the commission. The  
 863 commission may adopt rules to implement this subsection.  
 864 Implementation of the derelict vessel prevention program shall  
 865 be subject to appropriation by the Legislature and shall be  
 866 funded by the Marine Resources Conservation Trust Fund or the

867 Florida Coastal Protection Trust Fund.

868 Section 12. Section 327.4108, Florida Statutes, is amended  
869 to read:

870 327.4108 Anchoring of vessels in anchoring limitation  
871 areas.—

872 (1) The following densely populated urban areas, which  
873 have narrow state waterways, residential docking facilities, and  
874 significant recreational boating traffic, are designated as  
875 anchoring limitation areas within which a person may not anchor  
876 a vessel at any time during the period between one-half hour  
877 after sunset and one-half hour before sunrise, except as  
878 provided in subsections (3) and (4):

879 (a) The section of Middle River lying between Northeast  
880 21st Court and the Intracoastal Waterway in Broward County.

881 (b) Sunset Lake in Miami-Dade County.

882 (c) The sections of Biscayne Bay in Miami-Dade County  
883 lying between:

884 1. Rivo Alto Island and Di Lido Island.

885 2. San Marino Island and San Marco Island.

886 3. San Marco Island and Biscayne Island.

887 (2) (a) Monroe County is designated as an anchoring  
888 limitation area within which a vessel may only be anchored in  
889 the same location for a maximum of 90 days. The commission shall  
890 adopt rules to implement this subsection.

891           (b) This subsection does not apply to an approved and  
 892 permitted mooring field.

893           ~~(2) To promote the public's use and enjoyment of the~~  
 894 ~~designated waterway, except as provided in subsections (3) and~~  
 895 ~~(4), a person may not anchor a vessel at any time during the~~  
 896 ~~period between one-half hour after sunset and one-half hour~~  
 897 ~~before sunrise in an anchoring limitation area.~~

898           (3) Notwithstanding subsections(1) and subsection (2), a  
 899 person may anchor a vessel in an anchoring limitation area  
 900 during a time that would otherwise be unlawful:

901           (a) If the vessel suffers a mechanical failure that poses  
 902 an unreasonable risk of harm to the vessel or the persons  
 903 onboard unless the vessel anchors. The vessel may anchor for 3  
 904 business days or until the vessel is repaired, whichever occurs  
 905 first.

906           (b) If imminent or existing weather conditions in the  
 907 vicinity of the vessel pose an unreasonable risk of harm to the  
 908 vessel or the persons onboard unless the vessel anchors. The  
 909 vessel may anchor until weather conditions no longer pose such  
 910 risk. During a hurricane or tropical storm, weather conditions  
 911 are deemed to no longer pose an unreasonable risk of harm when  
 912 the hurricane or tropical storm warning affecting the area has  
 913 expired.

914           (c) During events described in s. 327.48 or other special  
 915 events, including, but not limited to, public music

916 performances, local government waterfront activities, or  
 917 fireworks displays. A vessel may anchor for the lesser of the  
 918 duration of the special event or 3 days.

919 (4) This section does not apply to:

920 (a) Vessels owned or operated by a governmental entity for  
 921 law enforcement, firefighting, military, or rescue purposes.

922 (b) Construction or dredging vessels on an active job  
 923 site.

924 (c) Vessels actively engaged in commercial fishing.

925 (d) Vessels engaged in recreational fishing if the persons  
 926 onboard are actively tending hook and line fishing gear or nets.

927 (5) (a) As used in this subsection, the term "law  
 928 enforcement officer or agency" means an officer or agency  
 929 authorized to enforce this section pursuant to s. 327.70.

930 (b) A law enforcement officer or agency may remove a  
 931 vessel from an anchoring limitation area and impound the vessel  
 932 for up to 48 hours, or cause such removal and impoundment, if  
 933 the vessel operator, after being issued a citation for a  
 934 violation of this section:

935 1. Anchors the vessel in violation of this section within  
 936 12 hours after being issued the citation; or

937 2. Refuses to leave the anchoring limitation area after  
 938 being directed to do so by a law enforcement officer or agency.

939 (c) A law enforcement officer or agency acting under this  
 940 subsection to remove or impound a vessel, or to cause such

941 removal or impoundment, shall be held harmless for any damage to  
 942 the vessel resulting from such removal or impoundment unless the  
 943 damage results from gross negligence or willful misconduct.

944 (d) A contractor performing removal or impoundment  
 945 services at the direction of a law enforcement officer or agency  
 946 pursuant to this subsection must:

947 1. Be licensed in accordance with United States Coast  
 948 Guard regulations, as applicable.

949 2. Obtain and carry a current policy issued by a licensed  
 950 insurance carrier in this state to insure against any accident,  
 951 loss, injury, property damage, or other casualty caused by or  
 952 resulting from the contractor's actions.

953 3. Be properly equipped to perform such services.

954 (e) In addition to the civil penalty imposed under s.  
 955 327.73(1)(z), the operator of a vessel that is removed and  
 956 impounded pursuant to paragraph (b) must pay all removal and  
 957 storage fees before the vessel is released. A vessel removed  
 958 pursuant to paragraph (b) may not be impounded for longer than  
 959 48 hours.

960 (6) A violation of this section is punishable as provided  
 961 in s. 327.73(1)(z).

962 ~~(7) This section shall remain in effect notwithstanding~~  
 963 ~~the Legislature's adoption of the commission's recommendations~~  
 964 ~~for the regulation of mooring vessels outside of public mooring~~  
 965 ~~fields pursuant to s. 327.4105.~~

966 Section 13. Paragraph (a) of subsection (1) and subsection  
 967 (2) of section 327.4109, Florida Statutes, are amended to read:  
 968 327.4109 Anchoring or mooring prohibited; exceptions;  
 969 penalties.—

970 (1)(a) The owner or operator of a vessel or floating  
 971 structure may not anchor or moor such that the nearest approach  
 972 of the anchored or moored vessel or floating structure is:

973 1. Within 150 feet of any public or private marina, boat  
 974 ramp, boatyard, or other public vessel launching or loading  
 975 facility;

976 2. Within 500 ~~300~~ feet of a superyacht repair facility.  
 977 For purposes of this subparagraph, the term "superyacht repair  
 978 facility" means a facility that services or repairs a yacht with  
 979 a water line of 120 feet or more in length; or

980 3. Within 100 feet outward from the marked boundary of a  
 981 public mooring field or a lesser distance if approved by the  
 982 commission upon request of a local government within which the  
 983 mooring field is located. The commission may adopt rules to  
 984 implement this subparagraph.

985 (2) Notwithstanding subsection (1), an owner or operator  
 986 of a vessel may anchor or moor within 150 feet of any public or  
 987 private marina, boat ramp, boatyard, or other public vessel  
 988 launching or loading facility; within 500 ~~300~~ feet of a  
 989 superyacht repair facility; or within 100 feet outward from the  
 990 marked boundary of a public mooring field if:

991 (a) The vessel suffers a mechanical failure that poses an  
 992 unreasonable risk of harm to the vessel or the persons onboard  
 993 such vessel. The owner or operator of the vessel may anchor or  
 994 moor for 5 business days or until the vessel is repaired,  
 995 whichever occurs first.

996 (b) Imminent or existing weather conditions in the  
 997 vicinity of the vessel pose an unreasonable risk of harm to the  
 998 vessel or the persons onboard such vessel. The owner or operator  
 999 of the vessel may anchor or moor until weather conditions no  
 1000 longer pose such risk. During a hurricane or tropical storm,  
 1001 weather conditions are deemed to no longer pose an unreasonable  
 1002 risk of harm when the hurricane or tropical storm warning  
 1003 affecting the area has expired.

1004 Section 14. Subsection (2) of section 327.45, Florida  
 1005 Statutes, is amended to read:

1006 327.45 Protection zones for springs.—

1007 (2) The commission may establish by rule protection zones  
 1008 that restrict the speed and operation of vessels or prohibit the  
 1009 anchoring, mooring, beaching, or grounding of vessels to protect  
 1010 and prevent harm to first, second, and third magnitude springs  
 1011 and spring groups, including their associated spring runs, as  
 1012 determined by the commission using the most recent Florida  
 1013 Geological Survey springs bulletin. This harm includes negative  
 1014 impacts to water quality, water quantity, hydrology, wetlands,  
 1015 and aquatic and wetland-dependent species.

1016 Section 15. Paragraph (b) of subsection (1) of section  
 1017 327.46, Florida Statutes, is amended to read:

1018 327.46 Boating-restricted areas.—

1019 (1) Boating-restricted areas, including, but not limited  
 1020 to, restrictions of vessel speeds and vessel traffic, may be  
 1021 established on the waters of this state for any purpose  
 1022 necessary to protect the safety of the public if such  
 1023 restrictions are necessary based on boating accidents,  
 1024 visibility, hazardous currents or water levels, vessel traffic  
 1025 congestion, or other navigational hazards or to protect  
 1026 seagrasses on privately owned submerged lands.

1027 (b) Municipalities and counties may ~~have the authority to~~  
 1028 establish the following boating-restricted areas by ordinance:

1029 1. An ordinance establishing an idle speed, no wake  
 1030 boating-restricted area, if the area is:

1031 a. Within 500 feet of any boat ramp, hoist, marine  
 1032 railway, or other launching or landing facility available for  
 1033 use by the general boating public on waterways more than 300  
 1034 feet in width or within 300 feet of any boat ramp, hoist, marine  
 1035 railway, or other launching or landing facility available for  
 1036 use by the general boating public on waterways not exceeding 300  
 1037 feet in width.

1038 b. Within 500 feet of fuel pumps or dispensers at any  
 1039 marine fueling facility that sells motor fuel to the general  
 1040 boating public on waterways more than 300 feet in width or

1041 within 300 feet of the fuel pumps or dispensers at any licensed  
 1042 terminal facility that sells motor fuel to the general boating  
 1043 public on waterways not exceeding 300 feet in width.

1044 c. Inside or within 300 feet of any lock structure.

1045 2. An ordinance establishing a slow speed, minimum wake  
 1046 boating-restricted area if the area is:

1047 a. Within 300 feet of any bridge fender system.

1048 b. Within 300 feet of any bridge span presenting a  
 1049 vertical clearance of less than 25 feet or a horizontal  
 1050 clearance of less than 100 feet.

1051 c. On a creek, stream, canal, or similar linear waterway  
 1052 if the waterway is less than 75 feet in width from shoreline to  
 1053 shoreline.

1054 d. On a lake or pond of less than 10 acres in total  
 1055 surface area.

1056 e. Within the boundaries of a permitted public mooring  
 1057 field and a buffer around the mooring field of up to 100 feet.

1058 3. An ordinance establishing a vessel-exclusion zone if  
 1059 the area is:

1060 a. Designated as a public bathing beach or swim area.

1061 b. Within 300 feet of a dam, spillway, or flood control  
 1062 structure.

1063 4. Notwithstanding the prohibition in s. 327.60(2)(c),  
 1064 within the portion of the Florida Intracoastal Waterway within  
 1065 their jurisdiction, except that the municipality or county may

1066 not establish a vessel-exclusion zone for public bathing beaches  
 1067 or swim areas within the waterway.

1068 Section 16. Section 327.463, Florida Statutes, is created  
 1069 to read:

1070 327.463 Special hazards.-

1071 (1) For purposes of this section, a vessel:

1072 (a) Is operating at slow speed, minimum wake only if it  
 1073 is:

1074 1. Fully off plane and completely settled into the water;

1075 and

1076 2. Proceeding without wake or with minimum wake.

1077

1078 A vessel that is operating at slow speed, minimum wake may not  
 1079 proceed at a speed greater than a speed that is reasonable and  
 1080 prudent to avoid the creation of an excessive wake or other  
 1081 hazardous condition under the existing circumstances.

1082 (b) Is not proceeding at slow speed, minimum wake if it  
 1083 is:

1084 1. Operating on plane;

1085 2. In the process of coming off plane and settling into  
 1086 the water or getting on plane; or

1087 3. Operating at a speed that creates a wake that  
 1088 unreasonably or unnecessarily endangers other vessels.

1089 (2) A person may not operate a vessel faster than slow  
 1090 speed, minimum wake within 300 feet of any emergency vessel,

1091 including, but not limited to, a law enforcement vessel, United  
 1092 States Coast Guard vessel, or firefighting vessel, when such  
 1093 emergency vessel's emergency lights are activated.

1094 (3) (a) A person may not operate a vessel faster than slow  
 1095 speed, minimum wake within 300 feet of any construction vessel  
 1096 or barge when the vessel or barge is displaying an orange flag  
 1097 from a pole extending:

1098 1. At least 10 feet above the tallest portion of the  
 1099 vessel or barge, indicating that the vessel or barge is actively  
 1100 engaged in construction operations; or

1101 2. At least 5 feet above any superstructure permanently  
 1102 installed upon the vessel or barge, indicating that the vessel  
 1103 or barge is actively engaged in construction operations.

1104 (b) A flag displayed on a construction vessel or barge  
 1105 pursuant to this subsection must:

1106 1. Be at least 2 feet by 3 feet in size.

1107 2. Have a wire or other stiffener or be otherwise  
 1108 constructed to ensure that the flag remains fully unfurled and  
 1109 extended in the absence of a wind or breeze.

1110 3. Be displayed so that the visibility of the flag is not  
 1111 obscured in any direction.

1112 (c) In periods of low visibility, including any time  
 1113 between 30 minutes after sunset and 30 minutes before sunrise, a  
 1114 person may not be cited for a violation of this subsection  
 1115 unless the orange flag is illuminated and visible from a

1116 distance of at least 2 nautical miles. Such illumination does  
 1117 not relieve the construction vessel or barge from complying with  
 1118 all navigation rules.

1119 (4) (a) A person operating a vessel in violation of this  
 1120 section commits a noncriminal infraction, punishable as provided  
 1121 in s. 327.73.

1122 (b) The owner of, or party who is responsible for, a  
 1123 construction vessel or barge who displays an orange flag on the  
 1124 vessel or barge when it is not actively engaged in construction  
 1125 operations commits a noncriminal infraction, punishable as  
 1126 provided in s. 327.73.

1127 (5) The speed and penalty provisions of this section do  
 1128 not apply to a law enforcement, firefighting, or rescue vessel  
 1129 that is owned or operated by a governmental entity.

1130 Section 17. Paragraph (a) of subsection (1) of section  
 1131 327.50, Florida Statutes, is amended to read:

1132 327.50 Vessel safety regulations; equipment and lighting  
 1133 requirements.—

1134 (1) (a) The owner and operator of every vessel on the  
 1135 waters of this state shall carry, store, maintain, and use  
 1136 safety equipment in accordance with current United States Coast  
 1137 Guard safety equipment requirements as specified in the Code of  
 1138 Federal Regulations, unless expressly exempted by the commission  
 1139 ~~department~~.

1140 Section 18. Paragraph (a) of subsection (6) and subsection

1141 (7) of section 327.53, Florida Statutes, are amended, and  
 1142 subsection (8) is added to that section, to read:

1143 327.53 Marine sanitation.—

1144 (6) (a) A violation of this section is a noncriminal  
 1145 infraction, punishable as provided in s. 327.73. Each violation  
 1146 shall be a separate offense. The owner and operator of any  
 1147 vessel shall be jointly and severally liable for the civil  
 1148 penalty imposed pursuant to this section.

1149 (7) A ~~Any~~ vessel or floating structure operated or  
 1150 occupied on the waters of this ~~the~~ state in violation of this  
 1151 section is declared a nuisance and a hazard to public safety and  
 1152 health. The owner or operator of a ~~any~~ vessel or floating  
 1153 structure cited for violating this section shall, within 30 days  
 1154 following the issuance of the citation, correct the violation  
 1155 for which the citation was issued or remove the vessel or  
 1156 floating structure from the waters of this ~~the~~ state. If the  
 1157 violation is not corrected within the 30 days and the vessel or  
 1158 floating structure remains on the waters of this ~~the~~ state in  
 1159 violation of this section, law enforcement officers charged with  
 1160 the enforcement of this chapter under s. 327.70 shall apply to  
 1161 the appropriate court in the county in which the vessel or  
 1162 floating structure is located, to order or otherwise cause the  
 1163 removal of such vessel or floating structure from the waters of  
 1164 this ~~the~~ state at the owner's expense. If the owner cannot be  
 1165 found or otherwise fails to pay the removal costs, the

1166 provisions of s. 328.17 shall apply. If the proceeds under s.  
 1167 328.17 are not sufficient to pay all removal costs, funds  
 1168 appropriated from the Marine Resources Conservation Trust Fund  
 1169 pursuant to paragraph (6) (b) or s. 328.72(15)(c) ~~s. 328.72(16)~~  
 1170 may be used.

1171 (8) The owner or operator of a live-aboard vessel as  
 1172 defined in s. 327.02(23)(a) or (c), or a houseboat as defined in  
 1173 s. 327.02, that is equipped with a marine sanitation device  
 1174 certified by the United States Coast Guard must maintain a  
 1175 record of the date of each pumpout of the device and the  
 1176 location of the pumpout station or waste reception facility.  
 1177 Each record must be maintained for 1 year after the date of the  
 1178 pumpout. This subsection does not apply to marine compost  
 1179 toilets that process and manage human waste using currently  
 1180 accepted marine compost toilet technologies that comply with  
 1181 United States Coast Guard requirements.

1182 Section 19. Subsection (2) of section 327.54, Florida  
 1183 Statutes, is amended to read:

1184 327.54 Liveries; safety regulations; penalty.—

1185 (2) A livery may not knowingly lease, hire, or rent a any  
 1186 vessel ~~powered by a motor of 10 horsepower or greater~~ to a any  
 1187 person who is required to comply with s. 327.395~~7~~, unless such  
 1188 person presents to the livery photographic identification and a  
 1189 valid boater safety identification card issued by the  
 1190 commission, a state-issued identification card or driver license

1191 indicating possession of the boating safety identification card,  
 1192 or photographic identification and a valid temporary certificate  
 1193 issued or approved by the commission as required under s.  
 1194 327.395(2) s. ~~327.395(1)~~, or meets the exemption provided under  
 1195 s. 327.395(6) (f) .

1196 Section 20. Subsection (5) of section 327.60, Florida  
 1197 Statutes, is amended to read:

1198 327.60 Local regulations; limitations.—

1199 (5) A local government may enact and enforce regulations  
 1200 to implement the procedures for abandoned or lost property that  
 1201 allow the local law enforcement agency to remove a vessel  
 1202 affixed to a public dock or mooring within its jurisdiction that  
 1203 is abandoned or lost property pursuant to s. 705.103(1). Such  
 1204 regulation must require the local law enforcement agency to post  
 1205 a written notice at least 24 hours before removing the vessel.

1206 Section 21. Paragraphs (q), (s), and (aa) of subsection  
 1207 (1) of section 327.73, Florida Statutes, are amended, and  
 1208 paragraphs (cc) and (dd) are added to that subsection, to read:

1209 327.73 Noncriminal infractions.—

1210 (1) Violations of the following provisions of the vessel  
 1211 laws of this state are noncriminal infractions:

1212 (q) Section 327.53(1), (2), ~~and (3)~~, and (8), relating to  
 1213 marine sanitation.

1214 (s) Section 327.395, relating to boater safety education.  
 1215 However, a person cited for violating the requirements of s.

1216 327.395 relating to failure to have required proof of boating  
 1217 safety education in his or her possession may not be convicted  
 1218 if, before or at the time of a county court hearing, the person  
 1219 produces proof of the boating safety education identification  
 1220 card or temporary certificate for verification by the hearing  
 1221 officer or the court clerk and the identification card or  
 1222 temporary certificate was valid at the time the person was  
 1223 cited.

1224 (aa) Section 327.4107, relating to vessels at risk of  
 1225 becoming derelict on waters of this state, for which the civil  
 1226 penalty is:

- 1227 1. For a first offense, \$100 ~~\$50~~.
- 1228 2. For a second offense occurring 30 days or more after a  
 1229 first offense, \$250 ~~\$100~~.
- 1230 3. For a third or subsequent offense occurring 30 days or  
 1231 more after a previous offense, \$500 ~~\$250~~.

1232  
 1233 A vessel that is the subject of three or more violations issued  
 1234 pursuant to the same paragraph of s. 327.4107(2) within an 18-  
 1235 month period which result in dispositions other than acquittal  
 1236 or dismissal shall be declared to be a public nuisance and  
 1237 subject to ss. 705.103(2) and (4) and 823.11(3). The commission,  
 1238 an officer of the commission, or a law enforcement agency or  
 1239 officer specified in s. 327.70 may relocate, remove, or cause to  
 1240 be relocated or removed such public nuisance vessels from waters

1241 of this state. The commission, an officer of the commission, or  
 1242 a law enforcement agency or officer acting pursuant to this  
 1243 paragraph upon waters of this state shall be held harmless for  
 1244 all damages to the vessel resulting from such relocation or  
 1245 removal unless the damage results from gross negligence or  
 1246 willful misconduct as these terms are defined in s. 823.11.

1247 (cc) Section 327.463(4) (a) and (b), relating to vessels  
 1248 creating special hazards, for which the penalty is:

1249 1. For a first offense, \$50.

1250 2. For a second offense occurring within 12 months after a  
 1251 prior offense, \$100.

1252 3. For a third offense occurring within 36 months after a  
 1253 prior offense, \$250.

1254 (dd) Section 327.371, relating to the regulation of human-  
 1255 powered vessels.

1256  
 1257 Any person cited for a violation of any provision of this  
 1258 subsection shall be deemed to be charged with a noncriminal  
 1259 infraction, shall be cited for such an infraction, and shall be  
 1260 cited to appear before the county court. The civil penalty for  
 1261 any such infraction is \$50, except as otherwise provided in this  
 1262 section. Any person who fails to appear or otherwise properly  
 1263 respond to a uniform boating citation shall, in addition to the  
 1264 charge relating to the violation of the boating laws of this  
 1265 state, be charged with the offense of failing to respond to such

1266 citation and, upon conviction, be guilty of a misdemeanor of the  
 1267 second degree, punishable as provided in s. 775.082 or s.  
 1268 775.083. A written warning to this effect shall be provided at  
 1269 the time such uniform boating citation is issued.

1270 Section 22. Subsection (4) of section 328.09, Florida  
 1271 Statutes, is amended to read:

1272 328.09 Refusal to issue and authority to cancel a  
 1273 certificate of title or registration.—

1274 (4) The department may not issue a certificate of title to  
 1275 an ~~any~~ applicant for a a ~~any~~ vessel that has been deemed derelict  
 1276 by a law enforcement officer under s. 376.15 or s. 823.11. A law  
 1277 enforcement officer must inform the department in writing, which  
 1278 may be provided by facsimile, electronic mail, or other  
 1279 electronic means, of the vessel's derelict status and supply the  
 1280 department with the vessel title number or vessel identification  
 1281 number. The department may issue a certificate of title once a  
 1282 law enforcement officer has verified in writing, which may be  
 1283 provided by facsimile, electronic mail, or other electronic  
 1284 means, that the vessel is no longer a derelict vessel.

1285 Section 23. Effective July 1, 2023, paragraph (e) of  
 1286 subsection (3) of section 328.09, Florida Statutes, as amended  
 1287 by section 12 of chapter 2019-76, Laws of Florida, is amended to  
 1288 read:

1289 328.09 Refusal to issue and authority to cancel a  
 1290 certificate of title or registration.—

1291 (3) Except as otherwise provided in subsection (4), the  
 1292 department may reject an application for a certificate of title  
 1293 only if:

1294 (e) The application is for a vessel that has been deemed  
 1295 derelict by a law enforcement officer under s. 376.15 or s.  
 1296 823.11. In such case, a law enforcement officer must inform the  
 1297 department in writing, which may be provided by facsimile, e-  
 1298 mail, or other electronic means, of the vessel's derelict status  
 1299 and supply the department with the vessel title number or vessel  
 1300 identification number. The department may issue a certificate of  
 1301 title once a law enforcement officer has verified in writing,  
 1302 which may be provided by facsimile, e-mail, or other electronic  
 1303 means, that the vessel is no longer a derelict vessel.

1304 Section 24. Section 376.15, Florida Statutes, is amended  
 1305 to read:

1306 376.15 Derelict vessels; relocation or removal from ~~public~~  
 1307 waters of this state.-

1308 (1) As used in this section, the term:

1309 (a) "Commission" means the Fish and Wildlife Conservation  
 1310 Commission.

1311 (b) "Gross negligence" means conduct so reckless or  
 1312 wanting in care that it constitutes a conscious disregard or  
 1313 indifference to the safety of the property exposed to such  
 1314 conduct.

1315 (c) "Willful misconduct" means conduct evidencing  
 1316 carelessness or negligence of such a degree or recurrence as to  
 1317 manifest culpability, wrongful intent, or evil design or to show  
 1318 an intentional and substantial disregard of the interests of the  
 1319 vessel owner.

1320 (2) (a) It is unlawful for any person, firm, or corporation  
 1321 to store, leave, or abandon any derelict vessel as defined in s.  
 1322 823.11 upon the waters of in this state. For purposes of this  
 1323 paragraph, the term "leave" means to allow a vessel to remain  
 1324 occupied or unoccupied on the waters of this state for more than  
 1325 24 hours.

1326 (b) Notwithstanding paragraph (a), a person who owns or  
 1327 operates a vessel that becomes derelict upon the waters of this  
 1328 state solely as a result of a boating accident that is reported  
 1329 to law enforcement in accordance with s. 327.301 or otherwise  
 1330 reported to law enforcement; a hurricane; or another sudden  
 1331 event outside of his or her control may not be charged with a  
 1332 violation if:

1333 1. The person documents for law enforcement the specific  
 1334 event that led to the vessel being derelict upon the waters of  
 1335 this state; and

1336 2. The vessel has been removed from the waters of this  
 1337 state or has been repaired or addressed and is no longer  
 1338 derelict upon the waters of this state:

1339 a. Within 7 days after a boating accident or other sudden  
 1340 event outside of his or her control; or

1341 b. Within 45 days after a hurricane has passed over this  
 1342 state.

1343 (c) This subsection does not apply to a vessel that was  
 1344 derelict upon the waters of this state before the stated  
 1345 accident or event.

1346 (3) (a) The commission, an officer ~~officers~~ of the  
 1347 commission, or a ~~and any~~ law enforcement agency or officer  
 1348 specified in s. 327.70 may ~~are authorized and empowered to~~  
 1349 relocate, remove, store, destroy, or dispose of or cause to be  
 1350 relocated, ~~or~~ removed, stored, destroyed, or disposed of a any  
 1351 derelict vessel as defined in s. 823.11 from public waters of  
 1352 this state as defined in s. 327.02. All costs, including costs  
 1353 owed to a third party, incurred by the commission or other law  
 1354 enforcement agency in the relocation, ~~or~~ removal, storage,  
 1355 destruction, or disposal of any abandoned or derelict vessel are  
 1356 recoverable against the owner of the vessel or the party  
 1357 determined to be legally responsible for the vessel being upon  
 1358 the waters of this state in a derelict condition. The Department  
 1359 of Legal Affairs shall represent the commission in actions to  
 1360 recover such costs.

1361 (b) The commission, an officer ~~officers~~ of the commission,  
 1362 or a ~~and any other~~ law enforcement agency or officer specified  
 1363 in s. 327.70 acting pursuant to ~~under~~ this section to relocate,

1364 remove, store, destroy, or dispose of, or cause to be relocated,  
 1365 ~~or removed, stored, destroyed, or disposed of,~~ a derelict vessel  
 1366 from ~~public~~ waters of this state as defined in s. 327.02 shall  
 1367 be held harmless for all damages to the derelict vessel  
 1368 resulting from such action ~~relocation or removal~~ unless the  
 1369 damage results from gross negligence or willful misconduct as  
 1370 these terms are defined in s. 823.11.

1371 (c) A contractor performing relocation, ~~or removal,~~  
 1372 storage, destruction, or disposal activities at the direction of  
 1373 the commission, an officer ~~officers~~ of the commission, ~~or a law~~  
 1374 enforcement agency or officer, or a governmental subdivision,  
 1375 when the governmental subdivision has received authorization  
 1376 from a law enforcement officer or agency, pursuant to this  
 1377 section must be licensed in accordance with applicable United  
 1378 States Coast Guard regulations where required; obtain and carry  
 1379 in full force and effect a policy from a licensed insurance  
 1380 carrier in this state to insure against any accident, loss,  
 1381 injury, property damage, or other casualty caused by or  
 1382 resulting from the contractor's actions; and be properly  
 1383 equipped to perform the services to be provided.

1384 (d) The commission may establish a program to provide  
 1385 grants to local governments for the removal, storage,  
 1386 destruction, and disposal of derelict vessels from the ~~public~~  
 1387 waters of this ~~the~~ state as defined in s. 327.02. The program  
 1388 shall be funded from the Marine Resources Conservation Trust

1389 Fund or the Florida Coastal Protection Trust Fund.  
 1390 Notwithstanding ~~the provisions in~~ s. 216.181(11), funds  
 1391 available for grants may only be authorized by appropriations  
 1392 acts of the Legislature. In a given fiscal year, if all funds  
 1393 appropriated pursuant to this paragraph are not requested by and  
 1394 granted to local governments for the removal, storage,  
 1395 destruction, and disposal of derelict vessels by the end of the  
 1396 third quarter, the Fish and Wildlife Conservation Commission may  
 1397 use the remainder of the funds to remove, store, destroy, and  
 1398 dispose of, or to pay private contractors to remove, store,  
 1399 destroy, and dispose of, derelict vessels.

1400 (e) The commission shall adopt by rule procedures for  
 1401 submitting a grant application and criteria for allocating  
 1402 available funds. Such criteria shall include, but not be limited  
 1403 to, the following:

1404 1. The number of derelict vessels within the jurisdiction  
 1405 of the applicant.

1406 2. The threat posed by such vessels to public health or  
 1407 safety, the environment, navigation, or the aesthetic condition  
 1408 of the general vicinity.

1409 3. The degree of commitment of the local government to  
 1410 maintain waters free of abandoned and derelict vessels and to  
 1411 seek legal action against those who abandon vessels in the  
 1412 waters of this the state as defined in s. 327.02.

1413 (f) This section constitutes the authority for such

1414 removal but is not intended to be in contravention of any  
 1415 applicable federal act.

1416 Section 25. Subsections (2) and (4) of section 705.103,  
 1417 Florida Statutes, are amended to read:

1418 705.103 Procedure for abandoned or lost property.—

1419 (2) (a)1. Whenever a law enforcement officer ascertains  
 1420 that:

1421 a. An article of lost or abandoned property other than a  
 1422 derelict vessel or a vessel declared a public nuisance pursuant  
 1423 to s. 327.73(1)(aa) is present on public property and is of such  
 1424 nature that it cannot be easily removed, the officer shall cause  
 1425 a notice to be placed upon such article in substantially the  
 1426 following form:

1427  
 1428 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 1429 PROPERTY. This property, to wit: ...(setting forth brief  
 1430 description)... is unlawfully upon public property known as  
 1431 ...(setting forth brief description of location)... and must be  
 1432 removed within 5 days; otherwise, it will be removed and  
 1433 disposed of pursuant to chapter 705, Florida Statutes. The owner  
 1434 will be liable for the costs of removal, storage, and  
 1435 publication of notice. Dated this: ...(setting forth the date of  
 1436 posting of notice)..., signed: ...(setting forth name, title,  
 1437 address, and telephone number of law enforcement officer)....  
 1438

1439           b. A derelict vessel or a vessel declared a public  
 1440 nuisance pursuant to s. 327.73(1)(aa) is present on the waters  
 1441 of this state, the officer shall cause a notice to be placed  
 1442 upon such vessel in substantially the following form:  
 1443  
 1444 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 1445 VESSEL. This vessel, to wit: ...(setting forth brief  
 1446 description)... has been determined to be (derelict or a public  
 1447 nuisance) and is unlawfully upon the waters of this state  
 1448 ...(setting forth brief description of location)... and must be  
 1449 removed within 21 days; otherwise, it will be removed and  
 1450 disposed of pursuant to chapter 705, Florida Statutes. The owner  
 1451 and other interested parties have the right to a hearing to  
 1452 challenge the determination that this vessel is derelict or  
 1453 otherwise in violation of the law. Please contact ...(contact  
 1454 information for person who can arrange for a hearing in  
 1455 accordance with this section).... The owner or the party  
 1456 determined to be legally responsible for the vessel being upon  
 1457 the waters of this state in a derelict condition will be liable  
 1458 for the costs of removal, destruction, and disposal if this  
 1459 vessel is not removed by the owner. Dated this: ...(setting  
 1460 forth the date of posting of notice)..., signed: ...(setting  
 1461 forth name, title, address, and telephone number of law  
 1462 enforcement officer)....

1463           2. ~~A Such~~ notice required under subparagraph 1. may ~~shall~~  
 1464 ~~be not be~~ less than 8 inches by 10 inches and shall be  
 1465 sufficiently weatherproof to withstand normal exposure to the  
 1466 elements. In addition to posting, the law enforcement officer  
 1467 shall make a reasonable effort to ascertain the name and address  
 1468 of the owner. If such is reasonably available to the officer,  
 1469 she or he shall mail a copy of such notice to the owner on or  
 1470 before the date of posting. If the property is a motor vehicle  
 1471 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,  
 1472 the law enforcement agency shall contact the Department of  
 1473 Highway Safety and Motor Vehicles in order to determine the name  
 1474 and address of the owner and any person who has filed a lien on  
 1475 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.  
 1476 328.15(1). On receipt of this information, the law enforcement  
 1477 agency shall mail a copy of the notice by certified mail, return  
 1478 receipt requested, to the owner and to the lienholder, if any,  
 1479 except that a law enforcement officer who has issued a citation  
 1480 for a violation of s. 376.15 or s. 823.11 to the owner of a  
 1481 derelict vessel is not required to mail a copy of the notice by  
 1482 certified mail, return receipt requested, to the owner. For a  
 1483 derelict vessel or a vessel declared a public nuisance pursuant  
 1484 to s. 327.73(1)(aa), the mailed notice must inform the owner or  
 1485 responsible party that he or she has a right to a hearing to  
 1486 dispute the determination that the vessel is derelict or  
 1487 otherwise in violation of the law. If a request for a hearing is

1488 made, a state agency shall follow the processes set forth in s.  
1489 120.569. Local governmental entities shall follow the processes  
1490 set forth in s. 120.569, except that a local judge, magistrate,  
1491 or code enforcement officer may be designated to conduct such a  
1492 hearing. If, at the end of 5 days after posting the notice in  
1493 sub-subparagraph 1.a., or at the end of 21 days after posting  
1494 the notice in sub-subparagraph 1.b., and mailing such notice, if  
1495 required, the owner or any person interested in the lost or  
1496 abandoned article or articles described has not removed the  
1497 article or articles from public property or shown reasonable  
1498 cause for failure to do so, and, in the case of a derelict  
1499 vessel or a vessel declared a public nuisance pursuant to s.  
1500 327.73(1) (aa), has not requested a hearing in accordance with  
1501 this section, the following shall apply:

1502 a.~~(a)~~ For abandoned property other than a derelict vessel  
1503 or a vessel declared a public nuisance pursuant to s.  
1504 327.73(1) (aa), the law enforcement agency may retain any or all  
1505 of the property for its own use or for use by the state or unit  
1506 of local government, trade such property to another unit of  
1507 local government or state agency, donate the property to a  
1508 charitable organization, sell the property, or notify the  
1509 appropriate refuse removal service.

1510 b. For a derelict vessel or a vessel declared a public  
1511 nuisance pursuant to s. 327.73(1) (aa), the law enforcement  
1512 agency or its designee may:

1513           (I) Remove the vessel from the waters of this state and  
 1514 destroy and dispose of the vessel or authorize another  
 1515 governmental entity or its designee to do so; or

1516           (II) Authorize the vessel's use as an artificial reef in  
 1517 accordance with s. 379.249 if all necessary federal, state, and  
 1518 local authorizations are received.

1519  
 1520 A law enforcement agency or its designee may also take action as  
 1521 described in this sub-subparagraph if, following a hearing  
 1522 pursuant to this section, the judge, magistrate, administrative  
 1523 law judge, or hearing officer has determined the vessel to be  
 1524 derelict as provided in s. 823.11 or otherwise in violation of  
 1525 the law in accordance with s. 327.73(1)(aa) and a final order  
 1526 has been entered or the case is otherwise closed.

1527           (b) For lost property, the officer shall take custody and  
 1528 the agency shall retain custody of the property for 90 days. The  
 1529 agency shall publish notice of the intended disposition of the  
 1530 property, as provided in this section, during the first 45 days  
 1531 of this time period.

1532           1. If the agency elects to retain the property for use by  
 1533 the unit of government, donate the property to a charitable  
 1534 organization, surrender such property to the finder, sell the  
 1535 property, or trade the property to another unit of local  
 1536 government or state agency, notice of such election shall be  
 1537 given by an advertisement published once a week for 2

1538 consecutive weeks in a newspaper of general circulation in the  
1539 county where the property was found if the value of the property  
1540 is more than \$100. If the value of the property is \$100 or less,  
1541 notice shall be given by posting a description of the property  
1542 at the law enforcement agency where the property was turned in.  
1543 The notice must be posted for not less than 2 consecutive weeks  
1544 in a public place designated by the law enforcement agency. The  
1545 notice must describe the property in a manner reasonably  
1546 adequate to permit the rightful owner of the property to claim  
1547 it.

1548 2. If the agency elects to sell the property, it must do  
1549 so at public sale by competitive bidding. Notice of the time and  
1550 place of the sale shall be given by an advertisement of the sale  
1551 published once a week for 2 consecutive weeks in a newspaper of  
1552 general circulation in the county where the sale is to be held.  
1553 The notice shall include a statement that the sale shall be  
1554 subject to any and all liens. The sale must be held at the  
1555 nearest suitable place to that where the lost or abandoned  
1556 property is held or stored. The advertisement must include a  
1557 description of the goods and the time and place of the sale. The  
1558 sale may take place no earlier than 10 days after the final  
1559 publication. If there is no newspaper of general circulation in  
1560 the county where the sale is to be held, the advertisement shall  
1561 be posted at the door of the courthouse and at three other  
1562 public places in the county at least 10 days prior to sale.

1563 Notice of the agency's intended disposition shall describe the  
 1564 property in a manner reasonably adequate to permit the rightful  
 1565 owner of the property to identify it.

1566 (4) The owner of any abandoned or lost property, or in the  
 1567 case of a derelict vessel, the owner or other party determined  
 1568 to be legally responsible for the vessel being upon the waters  
 1569 of this state in a derelict condition, who, after notice as  
 1570 provided in this section, does not remove such property within  
 1571 the specified period shall be liable to the law enforcement  
 1572 agency, other governmental entity, or the agency's or entity's  
 1573 designee for all costs of removal, storage, and destruction of  
 1574 such property, less any salvage value obtained by disposal of  
 1575 the property. Upon final disposition of the property, the law  
 1576 enforcement officer or representative of the law enforcement  
 1577 agency or other governmental entity shall notify the owner, if  
 1578 known, of the amount owed. In the case of an abandoned vessel or  
 1579 motor vehicle, any person who neglects or refuses to pay such  
 1580 amount is not entitled to be issued a certificate of  
 1581 registration for such vessel or motor vehicle, or any other  
 1582 vessel or motor vehicle, until such costs have been paid. A  
 1583 person who has neglected or refused to pay all costs of removal,  
 1584 storage, disposal, and destruction of a vessel or motor vehicle  
 1585 as provided in this section, after having been provided written  
 1586 notice via certified mail that such costs are owed, and who  
 1587 applies for and is issued a registration for a vessel or motor

1588 vehicle before such costs have been paid in full commits a  
 1589 misdemeanor of the first degree, punishable as provided in s.  
 1590 775.082 or s. 775.083. The law enforcement officer or  
 1591 representative of the law enforcement agency or other  
 1592 governmental entity shall supply the Department of Highway  
 1593 Safety and Motor Vehicles with a list of persons whose vessel  
 1594 registration privileges and ~~or whose~~ motor vehicle privileges  
 1595 have been revoked under this subsection. ~~Neither~~ The department  
 1596 or a ~~nor any other~~ person acting as an agent of the department  
 1597 may not ~~thereof shall~~ issue a certificate of registration to a  
 1598 person whose vessel and ~~or~~ motor vehicle registration privileges  
 1599 have been revoked, as provided by this subsection, until such  
 1600 costs have been paid.

1601 Section 26. Effective July 1, 2023, subsection (2) of  
 1602 section 705.103, Florida Statutes, as amended by section 29 of  
 1603 chapter 2019-76, Laws of Florida, is amended to read:

1604 705.103 Procedure for abandoned or lost property.—

1605 (2) (a)1. Whenever a law enforcement officer ascertains  
 1606 that:

1607 a. An article of lost or abandoned property other than a  
 1608 derelict vessel or a vessel declared a public nuisance pursuant  
 1609 to s. 327.73(1)(aa) is present on public property and is of such  
 1610 nature that it cannot be easily removed, the officer shall cause  
 1611 a notice to be placed upon such article in substantially the  
 1612 following form:

1613  
 1614 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 1615 PROPERTY. This property, to wit: ...(setting forth brief  
 1616 description)... is unlawfully upon public property known as  
 1617 ...(setting forth brief description of location)... and must be  
 1618 removed within 5 days; otherwise, it will be removed and  
 1619 disposed of pursuant to chapter 705, Florida Statutes. The owner  
 1620 will be liable for the costs of removal, storage, and  
 1621 publication of notice. Dated this: ...(setting forth the date of  
 1622 posting of notice)..., signed: ...(setting forth name, title,  
 1623 address, and telephone number of law enforcement officer)....

1624  
 1625 b. A derelict vessel or a vessel declared a public  
 1626 nuisance pursuant to s. 327.73(1)(aa) is present on the waters  
 1627 of this state, the officer shall cause a notice to be placed  
 1628 upon such vessel in substantially the following form:

1629  
 1630 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 1631 VESSEL. This vessel, to wit: ...(setting forth brief description  
 1632 of location)... has been determined to be (derelict or a public  
 1633 nuisance) and is unlawfully upon the waters of this state  
 1634 ...(setting forth brief description of location)... and must be  
 1635 removed within 21 days; otherwise, it will be removed and  
 1636 disposed of pursuant to chapter 705, Florida Statutes. The owner  
 1637 and other interested parties have the right to a hearing to

1638 challenge the determination that this vessel is derelict or  
 1639 otherwise in violation of the law. Please contact ... (contact  
 1640 information for person who can arrange for a hearing in  
 1641 accordance with this section).... The owner or the party  
 1642 determined to be legally responsible for the vessel being upon  
 1643 the waters of this state in a derelict condition will be liable  
 1644 for the costs of removal, destruction, and disposal if this  
 1645 vessel is not removed by the owner. Dated this: ... (setting  
 1646 forth the date of posting of notice)...., signed: ... (setting  
 1647 forth name, title, address, and telephone number of law  
 1648 enforcement officer)....

1650 2. A ~~Such~~ notice required under subparagraph 1. may ~~shall~~  
 1651 be not ~~be~~ less than 8 inches by 10 inches and shall be  
 1652 sufficiently weatherproof to withstand normal exposure to the  
 1653 elements. In addition to posting, the law enforcement officer  
 1654 shall make a reasonable effort to ascertain the name and address  
 1655 of the owner. If such is reasonably available to the officer,  
 1656 she or he shall mail a copy of such notice to the owner on or  
 1657 before the date of posting. If the property is a motor vehicle  
 1658 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,  
 1659 the law enforcement agency shall contact the Department of  
 1660 Highway Safety and Motor Vehicles in order to determine the name  
 1661 and address of the owner and any person who has filed a lien on  
 1662 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.

1663 328.15. On receipt of this information, the law enforcement  
 1664 agency shall mail a copy of the notice by certified mail, return  
 1665 receipt requested, to the owner and to the lienholder, if any,  
 1666 except that a law enforcement officer who has issued a citation  
 1667 for a violation of s. 376.15 or s. 823.11 to the owner of a  
 1668 derelict vessel is not required to mail a copy of the notice by  
 1669 certified mail, return receipt requested, to the owner. For a  
 1670 derelict vessel or a vessel declared a public nuisance pursuant  
 1671 to s. 327.73(1)(aa), the mailed notice must inform the owner or  
 1672 responsible party that he or she has a right to a hearing to  
 1673 dispute the determination that the vessel is derelict or  
 1674 otherwise in violation of the law. If a request for a hearing is  
 1675 made, a state agency shall follow the processes as set forth in  
 1676 s. 120.569. Local governmental entities shall follow the  
 1677 processes set forth in s. 120.569, except that a local judge,  
 1678 magistrate, or code enforcement officer may be designated to  
 1679 conduct such hearings. If, at the end of 5 days after posting  
 1680 the notice in sub-subparagraph 1.a., or at the end of 21 days  
 1681 after posting the notice in sub-subparagraph 1.b., and mailing  
 1682 such notice, if required, the owner or any person interested in  
 1683 the lost or abandoned article or articles described has not  
 1684 removed the article or articles from public property or shown  
 1685 reasonable cause for failure to do so, and, in the case of a  
 1686 derelict vessel or a vessel declared a public nuisance pursuant

1687 to s. 327.73(1)(aa), has not requested a hearing in accordance  
 1688 with this section, the following shall apply:

1689 a. ~~(a)~~ For abandoned property other than a derelict vessel  
 1690 or a vessel declared a public nuisance pursuant to s.  
 1691 327.73(1)(aa), the law enforcement agency may retain any or all  
 1692 of the property for its own use or for use by the state or unit  
 1693 of local government, trade such property to another unit of  
 1694 local government or state agency, donate the property to a  
 1695 charitable organization, sell the property, or notify the  
 1696 appropriate refuse removal service.

1697 b. For a derelict vessel or a vessel declared a public  
 1698 nuisance pursuant to s. 327.73(1)(aa), the law enforcement  
 1699 agency or its designee may:

1700 (I) Remove the vessel from the waters of this state and  
 1701 destroy and dispose of the vessel or authorize another  
 1702 governmental entity or its designee to do so; or

1703 (II) Authorize the vessel's use as an artificial reef in  
 1704 accordance with s. 379.249 if all necessary federal, state, and  
 1705 local authorizations are received.

1706  
 1707 A law enforcement agency or its designee may also take action as  
 1708 described in this sub-subparagraph if, following a hearing  
 1709 pursuant to this section, the judge, magistrate, administrative  
 1710 law judge, or hearing officer has determined the vessel to be  
 1711 derelict as provided in s. 823.11 or otherwise in violation of

1712 the law in accordance with s. 327.73(1)(aa) and a final order  
 1713 has been entered or the case is otherwise closed.

1714 (b) For lost property, the officer shall take custody and  
 1715 the agency shall retain custody of the property for 90 days. The  
 1716 agency shall publish notice of the intended disposition of the  
 1717 property, as provided in this section, during the first 45 days  
 1718 of this time period.

1719 1. If the agency elects to retain the property for use by  
 1720 the unit of government, donate the property to a charitable  
 1721 organization, surrender such property to the finder, sell the  
 1722 property, or trade the property to another unit of local  
 1723 government or state agency, notice of such election shall be  
 1724 given by an advertisement published once a week for 2  
 1725 consecutive weeks in a newspaper of general circulation in the  
 1726 county where the property was found if the value of the property  
 1727 is more than \$100. If the value of the property is \$100 or less,  
 1728 notice shall be given by posting a description of the property  
 1729 at the law enforcement agency where the property was turned in.  
 1730 The notice must be posted for not less than 2 consecutive weeks  
 1731 in a public place designated by the law enforcement agency. The  
 1732 notice must describe the property in a manner reasonably  
 1733 adequate to permit the rightful owner of the property to claim  
 1734 it.

1735 2. If the agency elects to sell the property, it must do  
 1736 so at public sale by competitive bidding. Notice of the time and

1737 place of the sale shall be given by an advertisement of the sale  
 1738 published once a week for 2 consecutive weeks in a newspaper of  
 1739 general circulation in the county where the sale is to be held.  
 1740 The notice shall include a statement that the sale shall be  
 1741 subject to any and all liens. The sale must be held at the  
 1742 nearest suitable place to that where the lost or abandoned  
 1743 property is held or stored. The advertisement must include a  
 1744 description of the goods and the time and place of the sale. The  
 1745 sale may take place no earlier than 10 days after the final  
 1746 publication. If there is no newspaper of general circulation in  
 1747 the county where the sale is to be held, the advertisement shall  
 1748 be posted at the door of the courthouse and at three other  
 1749 public places in the county at least 10 days prior to sale.  
 1750 Notice of the agency's intended disposition shall describe the  
 1751 property in a manner reasonably adequate to permit the rightful  
 1752 owner of the property to identify it.

1753 Section 27. Subsections (1), (2), and (3) of section  
 1754 823.11, Florida Statutes, are amended to read:

1755 823.11 Derelict vessels; relocation or removal; penalty.—

1756 (1) As used in this section and s. 376.15, the term:

1757 (a) "Commission" means the Fish and Wildlife Conservation  
 1758 Commission.

1759 (b) "Derelict vessel" means a vessel, as defined in s.  
 1760 327.02, that is ~~left, stored, or abandoned~~:

1761 1. In a wrecked, junked, or substantially dismantled  
 1762 condition upon any ~~public~~ waters of this state.

1763 a. A vessel is wrecked if it is sunken or sinking; aground  
 1764 without the ability to extricate itself absent mechanical  
 1765 assistance; or remaining after a marine casualty, including, but  
 1766 not limited to, a boating accident, extreme weather, or a fire.

1767 b. A vessel is junked if it has been substantially  
 1768 stripped of vessel components, if vessel components have  
 1769 substantially degraded or been destroyed, or if the vessel has  
 1770 been discarded by the owner or operator. Attaching an outboard  
 1771 motor to a vessel that is otherwise junked will not cause the  
 1772 vessel to no longer be junked if such motor is not an effective  
 1773 means of propulsion as required by s. 327.4107(2) (e) and  
 1774 associated rules.

1775 c. A vessel is substantially dismantled if at least two of  
 1776 the three following vessel systems or components are missing,  
 1777 compromised, incomplete, inoperable, or broken:

- 1778 (I) The steering system;
- 1779 (II) The propulsion system; or
- 1780 (III) The exterior hull integrity.

1781  
 1782 Attaching an outboard motor to a vessel that is otherwise  
 1783 substantially dismantled will not cause the vessel to no longer  
 1784 be substantially dismantled if such motor is not an effective

1785 means of propulsion as required by s. 327.4107(2)(e) and  
 1786 associated rules.

1787 2. At a port in this state without the consent of the  
 1788 agency having jurisdiction thereof.

1789 3. Docked, grounded, or beached upon the property of  
 1790 another without the consent of the owner of the property.

1791 (c) "Gross negligence" means conduct so reckless or  
 1792 wanting in care that it constitutes a conscious disregard or  
 1793 indifference to the safety of the property exposed to such  
 1794 conduct.

1795 (d) "Willful misconduct" means conduct evidencing  
 1796 carelessness or negligence of such a degree or recurrence as to  
 1797 manifest culpability, wrongful intent, or evil design or to show  
 1798 an intentional and substantial disregard of the interests of the  
 1799 vessel owner.

1800 (2)(a) ~~It is unlawful for~~ A person, firm, or corporation  
 1801 may not to store, leave, or abandon any derelict vessel upon  
 1802 waters of in this state. For purposes of this paragraph, the  
 1803 term "leave" means to allow a vessel to remain occupied or  
 1804 unoccupied on the waters of this state for more than 24 hours.

1805 (b) Notwithstanding paragraph (a), a person who owns or  
 1806 operates a vessel that becomes derelict upon the waters of this  
 1807 state solely as a result of a boating accident that is reported  
 1808 to law enforcement in accordance with s. 327.301 or otherwise  
 1809 reported to law enforcement; a hurricane; or another sudden

1810 event outside of his or her control may not be charged with a  
 1811 violation if:

1812 1. The person documents for law enforcement the specific  
 1813 event that led to the vessel being derelict upon the waters of  
 1814 this state; and

1815 2. The vessel has been removed from the waters of this  
 1816 state or has been repaired or addressed and is no longer  
 1817 derelict upon the waters of this state:

1818 a. Within 7 days after a boating accident or other sudden  
 1819 event outside of his or her control; or

1820 b. Within 45 days after a hurricane has passed over the  
 1821 state.

1822 (c) This subsection does not apply to a vessel that was  
 1823 derelict upon the waters of this state before the stated  
 1824 accident or event.

1825 (3) The commission, an officer ~~officers~~ of the commission,  
 1826 or a ~~and any~~ law enforcement agency or officer specified in s.  
 1827 327.70 may ~~are authorized and empowered to~~ relocate, remove,  
 1828 store, destroy, or dispose of, or cause to be relocated, ~~or~~  
 1829 removed, stored, destroyed, or disposed of, a derelict vessel  
 1830 from ~~public~~ waters of this state as defined in s. 327.02 if the  
 1831 derelict vessel obstructs or threatens to obstruct navigation or  
 1832 in any way constitutes a danger to the environment, property, or  
 1833 persons. The commission, an officer ~~officers~~ of the commission,  
 1834 or any other law enforcement agency or officer acting pursuant

1835 to under this subsection to relocate, remove, store, destroy,  
1836 dispose of, or cause to be relocated, ~~or~~ removed, stored,  
1837 destroyed, or disposed of, a derelict vessel from ~~public~~ waters  
1838 of this state shall be held harmless for all damages to the  
1839 derelict vessel resulting from such action ~~relocation or removal~~  
1840 unless the damage results from gross negligence or willful  
1841 misconduct.

1842 (a) Removal, storage, destruction, and disposal of  
1843 derelict vessels under this subsection may be funded by grants  
1844 provided in ss. 206.606 and 376.15. The commission shall  
1845 implement a plan for the procurement of any available federal  
1846 disaster funds and use such funds for the removal, storage,  
1847 destruction, and disposal of derelict vessels.

1848 (b) All costs, including costs owed to a third party,  
1849 incurred by the commission, another ~~or other~~ law enforcement  
1850 agency, or a governmental subdivision, when the governmental  
1851 subdivision has received authorization from a law enforcement  
1852 officer or agency, for ~~in~~ the relocation, ~~or~~ removal, storage,  
1853 destruction, or disposal of a derelict vessel are recoverable  
1854 against the vessel owner or the party determined to be legally  
1855 responsible for the vessel being upon the waters of this state  
1856 in a derelict condition. The Department of Legal Affairs shall  
1857 represent the commission in actions to recover such costs. As  
1858 provided in s. 705.103(4), a person who neglects or refuses to  
1859 pay such costs may not be issued a certificate of registration

1860 for such vessel or for any other vessel or motor vehicle until  
 1861 such costs have been paid. A person who has neglected or refused  
 1862 to pay all costs of removal, storage, destruction, or disposal  
 1863 of a derelict vessel as provided in this section, after having  
 1864 been provided written notice via certified mail that such costs  
 1865 are owed, and who applies for and is issued a registration for a  
 1866 vessel or motor vehicle before such costs have been paid in full  
 1867 commits a misdemeanor of the first degree, punishable as  
 1868 provided in s. 775.082 or s. 775.083.

1869 (c) A contractor performing relocation, ~~or~~ removal,  
 1870 storage, destruction, or disposal activities at the direction of  
 1871 the commission, an officer ~~officers~~ of the commission, ~~or~~ a law  
 1872 enforcement agency or officer, or a governmental subdivision,  
 1873 when the governmental subdivision has received authorization  
 1874 from a law enforcement officer or agency, pursuant to this  
 1875 section must be licensed in accordance with applicable United  
 1876 States Coast Guard regulations where required; obtain and carry  
 1877 in full force and effect a policy from a licensed insurance  
 1878 carrier in this state to insure against any accident, loss,  
 1879 injury, property damage, or other casualty caused by or  
 1880 resulting from the contractor's actions; and be properly  
 1881 equipped to perform the services to be provided.

1882 Section 28. Except as otherwise expressly provided in this  
 1883 act, this act shall take effect July 1, 2021.