

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. 327.35215, F.S.; authorizing the  
27 | electronic transmission of certain final dispositions;  
28 | requiring the Department of Highway Safety and Motor  
29 | Vehicles to enter such dispositions on driving  
30 | records; creating s. 327.371, F.S.; providing  
31 | circumstances under which a person may operate a  
32 | human-powered vessel within the boundaries of the  
33 | marked channel of the Florida Intracoastal Waterway;  
34 | providing a penalty; amending s. 327.391, F.S.;  
35 | conforming cross-references; amending s. 327.395,  
36 | F.S.; revising the types of documentation that a  
37 | person may use to comply with certain boating safety  
38 | requirements; removing authority of the commission to  
39 | appoint certain entities to administer a boating  
40 | safety education course or temporary certificate  
41 | examination and issue certain credentials; exempting  
42 | certain persons from the requirement to possess  
43 | certain documents aboard a vessel; amending s.  
44 | 327.4107, F.S.; removing provisions authorizing  
45 | certain vessels to be determined at risk of becoming  
46 | derelict; authorizing certain officers to provide  
47 | notice that a vessel is at risk of becoming derelict  
48 | via body camera recordings; authorizing the commission  
49 | or certain officers to relocate at-risk vessels to a  
50 | certain distance from mangroves or vegetation;

51 providing that the commission or officers are not  
52 liable for damages to such vessels; providing an  
53 exception; authorizing the commission to establish a  
54 derelict vessel prevention program consisting of  
55 certain components; authorizing the commission to  
56 adopt rules; providing that such program is subject to  
57 appropriation by the Legislature; providing for  
58 funding; amending s. 327.4109, F.S.; prohibiting the  
59 anchoring or mooring of a vessel or floating structure  
60 within a certain distance of certain facilities;  
61 providing exceptions; amending s. 327.45, F.S.;  
62 including specified spring groups and runs in spring  
63 protection zones; authorizing the commission to  
64 establish by rule spring protection zones that  
65 prohibit the anchoring, mooring, beaching, or  
66 grounding of vessels; amending s. 327.46, F.S.;  
67 authorizing a county or municipality to establish a  
68 boating-restricted area within and around a public  
69 mooring field and within certain portions of the  
70 Florida Intracoastal Waterway; creating s. 327.463,  
71 F.S.; specifying conditions under which a vessel is  
72 and is not operating at slow speed, minimum wake;  
73 prohibiting a person from operating a vessel faster  
74 than slow speed, minimum wake within a certain  
75 distance from other specified vessels; exempting a

76 person from being cited for a violation under certain  
77 circumstances; providing penalties; providing  
78 applicability; amending s. 327.50, F.S.; authorizing  
79 the commission to exempt vessel owners and operators  
80 from certain safety equipment requirements; creating  
81 s. 327.521, F.S.; providing that, upon approval by the  
82 United States Environmental Protection Agency,  
83 specified waters are designated as no-discharge zones;  
84 prohibiting the discharge of sewage within no-  
85 discharge zones; declaring vessels and floating  
86 structures that discharge sewage within no-discharge  
87 zones as nuisances and hazards to public safety;  
88 providing penalties; providing a definition; providing  
89 for the removal of certain vessels and floating  
90 structures; directing the commission to maintain and  
91 make available on its website a list of marine sewage  
92 pump-out facilities and provide the list with  
93 specified information to all counties for certain  
94 distribution; amending s. 327.53, F.S.; requiring the  
95 owner or operator of a live-aboard vessel or houseboat  
96 equipped with certain sanitation devices to maintain a  
97 record of the date and location of each pumpout of the  
98 device for a certain period; providing applicability;  
99 amending s. 327.54, F.S.; prohibiting a livery from  
100 leasing, hiring, or renting a vessel to a person

101 required to complete a commission-approved boating  
102 safety education course unless such person presents  
103 certain documentation indicating compliance; amending  
104 s. 327.60, F.S.; authorizing a local government to  
105 enact and enforce regulations allowing the local law  
106 enforcement agency to remove an abandoned or lost  
107 vessel affixed to a public mooring; amending s.  
108 327.73, F.S.; providing additional violations that  
109 qualify as noncriminal infractions; providing civil  
110 penalties; prohibiting conviction of a person cited  
111 for a violation relating to possessing proof of  
112 boating safety education under certain circumstances;  
113 increasing certain civil penalties; providing that  
114 certain vessels shall be declared a public nuisance  
115 subject to certain statutory provisions; authorizing  
116 the commission or certain officers to relocate or  
117 remove public nuisance vessels from the waters of this  
118 state; providing that the commission or officers are  
119 not liable for damages to such vessels; providing an  
120 exception; amending s. 328.09, F.S.; prohibiting the  
121 Department of Highway Safety and Motor Vehicles from  
122 issuing a certificate of title to an applicant for a  
123 vessel that has been deemed derelict pursuant to  
124 certain provisions; authorizing the department, at a  
125 later date, to reject an application for a certificate

126 of title for such a vessel; amending s. 376.15, F.S.;

127 revising unlawful acts relating to derelict vessels;

128 defining the term "leave"; prohibiting an owner or

129 operator whose vessel becomes derelict due to

130 specified accidents or events from being charged with

131 a violation under certain circumstances; providing

132 applicability; conforming provisions to changes made

133 by the act; authorizing a governmental subdivision

134 that has received authorization from a law enforcement

135 officer or agency to direct a contractor to perform

136 vessel storage, destruction, and disposal activities;

137 authorizing the commission to provide local government

138 grants for the storage, destruction, and disposal of

139 derelict vessels; providing for funding; amending s.

140 705.103, F.S.; providing notice procedures for when a

141 law enforcement officer ascertains that a derelict or

142 public nuisance vessel is present on the waters of

143 this state; requiring a mailed notice to the owner or

144 party responsible for the vessel to inform him or her

145 of the right to a hearing; providing hearing

146 requirements; authorizing a law enforcement agency to

147 take certain actions if a hearing is not requested or

148 a vessel is determined to be derelict or otherwise in

149 violation of law; revising provisions relating to

150 liability for vessel removal costs and notification of

151 the amount owed; providing penalties for a person who  
152 is issued a registration for a vessel or motor vehicle  
153 before such costs are paid; requiring persons whose  
154 vessel registration and motor vehicle privileges have  
155 been revoked for failure to pay certain costs to be  
156 reported to the department; prohibiting issuance of a  
157 certificate of registration to such persons until such  
158 costs are paid; amending s. 823.11, F.S.; revising  
159 application of definitions; revising the definition of  
160 the term "derelict vessel"; specifying requirements  
161 for a vessel to be considered wrecked, junked, or  
162 substantially dismantled; providing construction;  
163 revising unlawful acts relating to derelict vessels;  
164 defining the term "leave"; prohibiting an owner or  
165 operator whose vessel becomes derelict due to  
166 specified accidents or events from being charged with  
167 a violation under certain circumstances; providing  
168 applicability; providing that relocation or removal  
169 costs incurred by a governmental subdivision are  
170 recoverable against the vessel owner or the party  
171 determined to be legally responsible for the vessel  
172 being derelict; providing penalties for a person who  
173 is issued a registration for a vessel or motor vehicle  
174 before such costs are paid; authorizing a governmental  
175 subdivision that has received authorization from a law

176 enforcement officer or agency to direct a contractor  
 177 to perform vessel relocation or removal activities;  
 178 providing effective dates.

179  
 180 Be It Enacted by the Legislature of the State of Florida:

181  
 182 Section 1. Effective October 1, 2021, paragraphs (a) and  
 183 (c) of subsection (1) of section 316.1932, Florida Statutes, are  
 184 amended to read:

185 316.1932 Tests for alcohol, chemical substances, or  
 186 controlled substances; implied consent; refusal.—

187 (1)(a)1.a. A ~~Any~~ person who accepts the privilege extended  
 188 by the laws of this state of operating a motor vehicle within  
 189 this state is, by ~~se~~ operating such vehicle, deemed to have  
 190 given his or her consent to submit to an approved chemical test  
 191 or physical test including, but not limited to, an infrared  
 192 light test of his or her breath for the purpose of determining  
 193 the alcoholic content of his or her blood or breath if the  
 194 person is lawfully arrested for any offense allegedly committed  
 195 while the person was driving or was in actual physical control  
 196 of a motor vehicle while under the influence of alcoholic  
 197 beverages. The chemical or physical breath test must be  
 198 incidental to a lawful arrest and administered at the request of  
 199 a law enforcement officer who has reasonable cause to believe  
 200 such person was driving or was in actual physical control of the



201 motor vehicle within this state while under the influence of  
202 alcoholic beverages. The administration of a breath test does  
203 not preclude the administration of another type of test. The  
204 person shall be told that his or her failure to submit to any  
205 lawful test of his or her breath will result in the suspension  
206 of the person's privilege to operate a motor vehicle for a  
207 period of 1 year for a first refusal, or for a period of 18  
208 months if the driving privilege of such person has been  
209 previously suspended or if he or she has previously been fined  
210 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a  
211 test or tests required under this chapter or chapter 327, and  
212 shall also be told that if he or she refuses to submit to a  
213 lawful test of his or her breath and his or her driving  
214 privilege has been previously suspended or if he or she has  
215 previously been fined under s. 327.35215 for a prior refusal to  
216 submit to a lawful test of his or her breath, urine, or blood as  
217 required under this chapter or chapter 327, he or she commits a  
218 misdemeanor of the first degree, punishable as provided in s.  
219 775.082 or s. 775.083, in addition to any other penalties  
220 provided by law. The refusal to submit to a chemical or physical  
221 breath test upon the request of a law enforcement officer as  
222 provided in this section is admissible into evidence in any  
223 criminal proceeding.

224 b. A ~~Any~~ person who accepts the privilege extended by the  
225 laws of this state of operating a motor vehicle within this

226 | state is, by ~~se~~ operating such vehicle, deemed to have given his  
227 | or her consent to submit to a urine test for the purpose of  
228 | detecting the presence of chemical substances as set forth in s.  
229 | 877.111 or controlled substances if the person is lawfully  
230 | arrested for any offense allegedly committed while the person  
231 | was driving or was in actual physical control of a motor vehicle  
232 | while under the influence of chemical substances or controlled  
233 | substances. The urine test must be incidental to a lawful arrest  
234 | and administered at a detention facility or any other facility,  
235 | mobile or otherwise, which is equipped to administer such tests  
236 | at the request of a law enforcement officer who has reasonable  
237 | cause to believe such person was driving or was in actual  
238 | physical control of a motor vehicle within this state while  
239 | under the influence of chemical substances or controlled  
240 | substances. The urine test shall be administered at a detention  
241 | facility or any other facility, mobile or otherwise, which is  
242 | equipped to administer such test in a reasonable manner that  
243 | will ensure the accuracy of the specimen and maintain the  
244 | privacy of the individual involved. The administration of a  
245 | urine test does not preclude the administration of another type  
246 | of test. The person shall be told that his or her failure to  
247 | submit to any lawful test of his or her urine will result in the  
248 | suspension of the person's privilege to operate a motor vehicle  
249 | for a period of 1 year for the first refusal, or for a period of  
250 | 18 months if the driving privilege of such person has been

251 | previously suspended or if he or she has previously been fined  
252 | under s. 327.35215 as a result of a refusal to submit to ~~such~~ a  
253 | test or tests required under this chapter or chapter 327, and  
254 | shall also be told that if he or she refuses to submit to a  
255 | lawful test of his or her urine and his or her driving privilege  
256 | has been previously suspended or if he or she has previously  
257 | been fined under s. 327.35215 for a prior refusal to submit to a  
258 | lawful test of his or her breath, urine, or blood as required  
259 | under this chapter or chapter 327, he or she commits a  
260 | misdemeanor of the first degree, punishable as provided in s.  
261 | 775.082 or s. 775.083, in addition to any other penalties  
262 | provided by law. The refusal to submit to a urine test upon the  
263 | request of a law enforcement officer as provided in this section  
264 | is admissible into evidence in any criminal proceeding.

265 |       2. The Alcohol Testing Program within the Department of  
266 | Law Enforcement is responsible for the regulation of the  
267 | operation, inspection, and registration of breath test  
268 | instruments utilized under the driving and boating under the  
269 | influence provisions and related provisions located in this  
270 | chapter and chapters 322 and 327. The program is responsible for  
271 | the regulation of the individuals who operate, inspect, and  
272 | instruct on the breath test instruments utilized in the driving  
273 | and boating under the influence provisions and related  
274 | provisions located in this chapter and chapters 322 and 327. The  
275 | program is further responsible for the regulation of blood

276 analysts who conduct blood testing to be utilized under the  
277 driving and boating under the influence provisions and related  
278 provisions located in this chapter and chapters 322 and 327. The  
279 program shall:

280 a. Establish uniform criteria for the issuance of permits  
281 to breath test operators, agency inspectors, instructors, blood  
282 analysts, and instruments.

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

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

288 d. Establish uniform requirements for instruction and  
289 curricula for the operation and inspection of approved  
290 instruments.

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

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

295 g. Have the authority to approve or disapprove breath test  
296 instruments and accompanying paraphernalia for use pursuant to  
297 the driving and boating under the influence provisions and  
298 related provisions located in this chapter and chapters 322 and  
299 327.

300 h. With the approval of the executive director of the  
 301 Department of Law Enforcement, make and enter into contracts and  
 302 agreements with other agencies, organizations, associations,  
 303 corporations, individuals, or federal agencies as are necessary,  
 304 expedient, or incidental to the performance of duties.

305 i. Issue final orders which include findings of fact and  
 306 conclusions of law and which constitute final agency action for  
 307 the purpose of chapter 120.

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

310 k. Make recommendations concerning any matter within the  
 311 purview of this section, this chapter, chapter 322, or chapter  
 312 327.

313 l. Adopt ~~Promulgate~~ rules for the administration and  
 314 implementation of this section, including definitions of terms.

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

317 n. Have the authority to approve the type of blood test  
 318 utilized under the driving and boating under the influence  
 319 provisions and related provisions located in this chapter and  
 320 chapters 322 and 327.

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

325 p. Have the authority to approve repair facilities for the  
326 approved breath test instruments, including the authority to set  
327 criteria for approval.

328  
329 Nothing in this section shall be construed to supersede  
330 provisions in this chapter and chapters 322 and 327. The  
331 specifications in this section are derived from the power and  
332 authority previously and currently possessed by the Department  
333 of Law Enforcement and are enumerated to conform with the  
334 mandates of chapter 99-379, Laws of Florida.

335 (c) A ~~Any~~ person who accepts the privilege extended by the  
336 laws of this state of operating a motor vehicle within this  
337 state is, by operating such vehicle, deemed to have given his or  
338 her consent to submit to an approved blood test for the purpose  
339 of determining the alcoholic content of the blood or a blood  
340 test for the purpose of determining the presence of chemical  
341 substances or controlled substances as provided in this section  
342 if there is reasonable cause to believe the person was driving  
343 or in actual physical control of a motor vehicle while under the  
344 influence of alcoholic beverages or chemical or controlled  
345 substances and the person appears for treatment at a hospital,  
346 clinic, or other medical facility and the administration of a  
347 breath or urine test is impractical or impossible. As used in  
348 this paragraph, the term "other medical facility" includes an  
349 ambulance or other medical emergency vehicle. The blood test

350 shall be performed in a reasonable manner. A ~~Any~~ person who is  
351 incapable of refusal by reason of unconsciousness or other  
352 mental or physical condition is deemed not to have withdrawn his  
353 or her consent to such test. A blood test may be administered  
354 whether or not the person is told that his or her failure to  
355 submit to such a blood test will result in the suspension of the  
356 person's privilege to operate a motor vehicle upon the public  
357 highways of this state and that a refusal to submit to a lawful  
358 test of his or her blood, if his or her driving privilege has  
359 been previously suspended for refusal to submit to a lawful test  
360 of his or her breath, urine, or blood, is a misdemeanor. A ~~Any~~  
361 person who is capable of refusal shall be told that his or her  
362 failure to submit to such a blood test will result in the  
363 suspension of the person's privilege to operate a motor vehicle  
364 for a period of 1 year for a first refusal, or for a period of  
365 18 months if the driving privilege of the person has been  
366 suspended previously or if he or she has previously been fined  
367 under s. 327.35215 as a result of a refusal to submit to ~~such a~~  
368 ~~test or tests~~ required under this chapter or chapter 327, ~~and~~  
369 ~~that a refusal to submit to a lawful test of his or her blood,~~  
370 ~~if his or her driving privilege has been previously suspended~~  
371 ~~for a prior refusal to submit to a lawful test of his or her~~  
372 ~~breath, urine, or blood, is a misdemeanor.~~ The refusal to submit  
373 to a blood test upon the request of a law enforcement officer is  
374 admissible in evidence in any criminal proceeding.

375 Section 2. Effective October 1, 2021, subsection (1) of  
 376 section 316.1939, Florida Statutes, is amended to read:

377 316.1939 Refusal to submit to testing; penalties.—

378 (1) A ~~Any~~ person who has refused to submit to a chemical  
 379 or physical test of his or her breath, ~~blood,~~ or urine, as  
 380 described in s. 316.1932, and whose driving privilege was  
 381 previously suspended or who was previously fined under s.  
 382 327.35215 for a prior refusal to submit to a lawful test of his  
 383 or her breath, urine, or blood required under this chapter or  
 384 chapter 327, and:

385 (a) Who the arresting law enforcement officer had probable  
 386 cause to believe was driving or in actual physical control of a  
 387 motor vehicle in this state while under the influence of  
 388 alcoholic beverages, chemical substances, or controlled  
 389 substances;

390 (b) Who was placed under lawful arrest for a violation of  
 391 s. 316.193 unless such test was requested pursuant to s.  
 392 316.1932(1)(c);

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

397 (d) Who was informed that a refusal to submit to a lawful  
 398 test of his or her breath or, urine, ~~or blood,~~ if his or her  
 399 driving privilege has been previously suspended or if he or she



400 has previously been fined under s. 327.35215 for a prior refusal  
401 to submit to a lawful test of his or her breath, urine, or blood  
402 as required under this chapter or chapter 327, is a misdemeanor  
403 of the first degree, punishable as provided in s. 775.082 or s.  
404 775.083, in addition to any other penalties provided by law; and

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

408

409 commits a misdemeanor of the first degree and is subject to  
410 punishment as provided in s. 775.082 or s. 775.083.

411 Section 3. Subsections (18) through (47) of section  
412 327.02, Florida Statutes, are renumbered as subsections (19)  
413 through (48), respectively, present subsection (31) of that  
414 section is amended, and a new subsection (18) is added to that  
415 section, to read:

416 327.02 Definitions.—As used in this chapter and in chapter  
417 328, unless the context clearly requires a different meaning,  
418 the term:

419 (18) "Human-powered vessel" means a vessel powered only by  
420 its occupant or occupants, including, but not limited to, a  
421 vessel powered only by the occupants' hands or feet, oars, or  
422 paddles.

423 (32)~~(31)~~ "Navigation rules" means, for vessels on:

424 (a) Waters outside established navigational lines of  
 425 demarcation as specified in 33 C.F.R. part 80, the International  
 426 Navigational Rules Act of 1977, 33 U.S.C. s. 1602, as amended,  
 427 including the appendix and annexes thereto, through December 31,  
 428 2020 ~~October 1, 2012~~.

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

433 Section 4. Section 327.04, Florida Statutes, is amended to  
 434 read:

435 327.04 Rules.—The commission may ~~has authority to~~ adopt  
 436 rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~  
 437 ~~provisions of this chapter,~~ the provisions of chapter 705  
 438 relating to vessels, and ss. 376.15 and 823.11 conferring powers  
 439 or duties upon it.

440 Section 5. Section 327.462, Florida Statutes, is created  
 441 to read:

442 327.462 Temporary protection zones for spaceflight  
 443 launches and recovery of spaceflight assets.—

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

445 (a) "Launch services" means the conduct of a launch and  
 446 activities involved in the preparation of a launch vehicle,  
 447 payload, government astronaut, commercial astronaut, or  
 448 spaceflight participant for such launch.

449        (b) "Reentry services" means the conduct of a reentry and  
450 activities involved in the preparation of a reentry vehicle,  
451 payload, government astronaut, commercial astronaut, or  
452 spaceflight participant for such reentry.

453        (c) "Spaceflight assets" means any item, or any part of an  
454 item, owned by a spaceflight entity which is used in launch  
455 services or reentry services, including crewed and uncrewed  
456 spacecraft, launch vehicles, parachutes and other landing aids,  
457 and any spacecraft or ancillary equipment that was attached to  
458 the launch vehicle during launch, orbit, or reentry.

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

461        (2) The head of a law enforcement agency or entity  
462 identified in s. 327.70(1), or his or her designee, may, upon  
463 waters of this state within the law enforcement agency's or  
464 entity's jurisdiction, when necessary for preparations in  
465 advance of a launch service or reentry service or for the  
466 recovery of spaceflight assets before or after a launch service  
467 or reentry service, temporarily establish a protection zone  
468 requiring vessels to leave, or prohibiting vessels from  
469 entering, water bodies within:

470        (a) Five hundred yards of where launch services, reentry  
471 services, or spaceflight asset recovery operations are being  
472 conducted; or

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

477 (3) A protection zone established under subsection (2) may  
478 remain in effect only as long as necessary to ensure security  
479 around the launch and recovery areas and to recover spaceflight  
480 assets and any personnel being transported within a spacecraft  
481 following the launch or reentry activity. Such protection zone  
482 may not be in place more than 72 hours before or 72 hours after  
483 the launch. The head of a law enforcement agency or entity  
484 identified in s. 327.70(1), or his or her designee:

485 (a) May also restrict vessels from operating within up to  
486 500 yards of any vessel transporting recovered spaceflight  
487 assets following a spaceflight launch or reentry while such  
488 vessel is continuously underway transporting such assets to a  
489 location for removal from the waters of this state.

490 (b) May not restrict vessel movement within the Atlantic  
491 Intracoastal Waterway, except as necessary during the transport  
492 of spaceflight assets to or from port or during exigent  
493 circumstances.

494 (4) The head of a law enforcement agency or entity  
495 establishing a protection zone under this section, or his or her  
496 designee, must report the establishment of such protection zone  
497 via e-mail to the commission's Division of Law Enforcement,

498 Boating and Waterways Section, and to the appropriate United  
499 States Coast Guard Sector Command having responsibility over the  
500 water body, at least 72 hours before establishment of the  
501 protection zone. Such report must include the reasons for the  
502 protection zone, the portion of the water body or water bodies  
503 that will be included in the protection zone, and the duration  
504 of the protection zone. No later than 72 hours after the end of  
505 the protection zone period, the head of the law enforcement  
506 agency or entity, or his or her designee, must report via e-mail  
507 to the commission's Division of Law Enforcement, Boating and  
508 Waterways Section, the details of all citations issued for  
509 violating the protection zone.

510 (5) This section applies only to launch services, reentry  
511 services, or the recovery of spaceflight assets occurring or  
512 originating within spaceport territory, as defined in s.  
513 331.304, and to federally licensed or federally authorized  
514 launches and reentries occurring or transiting to an end  
515 destination upon waters of this state.

516 (6) A person who violates this section or any directive  
517 given by a law enforcement officer relating to the establishment  
518 of a protection zone under this section after being advised of  
519 the establishment of the protection zone commits a misdemeanor  
520 of the second degree, punishable as provided in s. 775.082 or s.  
521 775.083.

522 Section 6. Effective October 1, 2021, paragraphs (a) and

523 (c) of subsection (1) of section 327.352, Florida Statutes, are  
524 amended to read:

525 327.352 Tests for alcohol, chemical substances, or  
526 controlled substances; implied consent; refusal.—

527 (1)(a)1. The Legislature declares that the operation of a  
528 vessel is a privilege that must be exercised in a reasonable  
529 manner. In order to protect the public health and safety, it is  
530 essential that a lawful and effective means of reducing the  
531 incidence of boating while impaired or intoxicated be  
532 established. Therefore, a ~~any~~ person who accepts the privilege  
533 extended by the laws of this state of operating a vessel within  
534 this state is, by ~~so~~ operating such vessel, deemed to have given  
535 his or her consent to submit to an approved chemical test or  
536 physical test including, but not limited to, an infrared light  
537 test of his or her breath for the purpose of determining the  
538 alcoholic content of his or her blood or breath if the person is  
539 lawfully arrested for any offense allegedly committed while the  
540 person was operating a vessel while under the influence of  
541 alcoholic beverages. The chemical or physical breath test must  
542 be incidental to a lawful arrest and administered at the request  
543 of a law enforcement officer who has reasonable cause to believe  
544 such person was operating the vessel within this state while  
545 under the influence of alcoholic beverages. The administration  
546 of a breath test does not preclude the administration of another  
547 type of test. The person shall be told that his or her failure

548 to submit to any lawful test of his or her breath under this  
549 chapter will result in a civil penalty of \$500, and shall also  
550 be told that if he or she refuses to submit to a lawful test of  
551 his or her breath and he or she has been previously fined under  
552 s. 327.35215 or has previously had his or her driver license  
553 suspended for refusal to submit to any lawful test of his or her  
554 breath, urine, or blood, he or she commits a misdemeanor of the  
555 first degree, punishable as provided in s. 775.082 or s.  
556 775.083, in addition to any other penalties provided by law. The  
557 refusal to submit to a chemical or physical breath test upon the  
558 request of a law enforcement officer as provided in this section  
559 is admissible into evidence in any criminal proceeding.

560 2. A ~~Any~~ person who accepts the privilege extended by the  
561 laws of this state of operating a vessel within this state is,  
562 by ~~so~~ operating such vessel, deemed to have given his or her  
563 consent to submit to a urine test for the purpose of detecting  
564 the presence of chemical substances as set forth in s. 877.111  
565 or controlled substances if the person is lawfully arrested for  
566 any offense allegedly committed while the person was operating a  
567 vessel while under the influence of chemical substances or  
568 controlled substances. The urine test must be incidental to a  
569 lawful arrest and administered at a detention facility or any  
570 other facility, mobile or otherwise, which is equipped to  
571 administer such tests at the request of a law enforcement  
572 officer who has reasonable cause to believe such person was

573 | operating a vessel within this state while under the influence  
574 | of chemical substances or controlled substances. The urine test  
575 | shall be administered at a detention facility or any other  
576 | facility, mobile or otherwise, which is equipped to administer  
577 | such test in a reasonable manner that will ensure the accuracy  
578 | of the specimen and maintain the privacy of the individual  
579 | involved. The administration of a urine test does not preclude  
580 | the administration of another type of test. The person shall be  
581 | told that his or her failure to submit to any lawful test of his  
582 | or her urine under this chapter will result in a civil penalty  
583 | of \$500, and shall also be told that if he or she refuses to  
584 | submit to a lawful test of his or her urine and he or she has  
585 | been previously fined under s. 327.35215 or has previously had  
586 | his or her driver license suspended for refusal to submit to any  
587 | lawful test of his or her breath, urine, or blood, he or she  
588 | commits a misdemeanor of the first degree, punishable as  
589 | provided in s. 775.082 or s. 775.083, in addition to any other  
590 | penalties provided by law. The refusal to submit to a urine test  
591 | upon the request of a law enforcement officer as provided in  
592 | this section is admissible into evidence in any criminal  
593 | proceeding.

594 | (c) A ~~Any~~ person who accepts the privilege extended by the  
595 | laws of this state of operating a vessel within this state is,  
596 | by operating such vessel, deemed to have given his or her  
597 | consent to submit to an approved blood test for the purpose of



598 determining the alcoholic content of the blood or a blood test  
599 for the purpose of determining the presence of chemical  
600 substances or controlled substances as provided in this section  
601 if there is reasonable cause to believe the person was operating  
602 a vessel while under the influence of alcoholic beverages or  
603 chemical or controlled substances and the person appears for  
604 treatment at a hospital, clinic, or other medical facility and  
605 the administration of a breath or urine test is impractical or  
606 impossible. As used in this paragraph, the term "other medical  
607 facility" includes an ambulance or other medical emergency  
608 vehicle. The blood test shall be performed in a reasonable  
609 manner. A ~~Any~~ person who is incapable of refusal by reason of  
610 unconsciousness or other mental or physical condition is deemed  
611 not to have withdrawn his or her consent to such test. A ~~Any~~  
612 person who is capable of refusal shall be told that his or her  
613 failure to submit to such a blood test will result in a civil  
614 penalty of \$500 ~~and that a refusal to submit to a lawful test of~~  
615 ~~his or her blood, if he or she has previously been fined for~~  
616 ~~refusal to submit to any lawful test of his or her breath,~~  
617 ~~urine, or blood, is a misdemeanor.~~ The refusal to submit to a  
618 blood test upon the request of a law enforcement officer shall  
619 be admissible in evidence in any criminal proceeding.

620 Section 7. Effective October 1, 2021, subsection (3) of  
621 section 327.35215, Florida Statutes, is amended to read:

622 327.35215 Penalty for failure to submit to test.—

623 (3) A person who has been advised of the penalties  
624 pursuant to subsection (2) may, within 30 days afterwards,  
625 request a hearing before a county court judge. A request for a  
626 hearing tolls the period for payment of the civil penalty, and,  
627 if assessment of the civil penalty is sustained by the hearing  
628 and any subsequent judicial review, the civil penalty must be  
629 paid within 30 days after final disposition. The clerk of the  
630 court shall notify the Department of Highway Safety and Motor  
631 Vehicles of the final disposition of all actions filed under  
632 this section by electronic transmission in a format prescribed  
633 by the department. Upon receiving a final disposition, the  
634 Department of Highway Safety and Motor Vehicles shall enter the  
635 disposition on the driving record.

636 Section 8. Effective October 1, 2021, section 327.359,  
637 Florida Statutes, is amended to read:

638 327.359 Refusal to submit to testing; penalties.—A ~~Any~~  
639 person who has refused to submit to a chemical or physical test  
640 of his or her breath, ~~blood,~~ or urine, as described in s.  
641 327.352, and who has been previously fined under s. 327.35215 or  
642 has previously had his or her driver license suspended for  
643 refusal to submit to a lawful test of his or her breath, urine,  
644 or blood, and:

645 (1) Who the arresting law enforcement officer had probable  
646 cause to believe was operating or in actual physical control of

647 a vessel in this state while under the influence of alcoholic  
 648 beverages, chemical substances, or controlled substances;

649 (2) Who was placed under lawful arrest for a violation of  
 650 s. 327.35 unless such test was requested pursuant to s.  
 651 327.352(1)(c);

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

654 (4) Who was informed that a refusal to submit to a lawful  
 655 test of his or her breath ~~or~~ urine, ~~or blood~~, if he or she has  
 656 been previously fined under s. 327.35215 or has previously had  
 657 his or her driver license suspended for refusal to submit to a  
 658 lawful test of his or her breath, urine, or blood, is a  
 659 misdemeanor of the first degree, punishable as provided in s.  
 660 775.082 or s. 775.083; and

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

664  
 665 commits a misdemeanor of the first degree, punishable ~~and is~~  
 666 ~~subject to punishment~~ as provided in s. 775.082 or s. 775.083.

667 Section 9. Section 327.371, Florida Statutes, is created  
 668 to read:

669 327.371 Human-powered vessels regulated.-

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

673       (a) When the marked channel is the only navigable portion  
674 of the waterway available due to vessel congestion or  
675 obstructions on the water. The operator of the human-powered  
676 vessel shall proceed with diligence to a location where he or  
677 she may safely operate the vessel outside the marked channel of  
678 the Florida Intracoastal Waterway.

679       (b) When crossing the marked channel, provided that the  
680 crossing is done in the most direct, continuous, and expeditious  
681 manner possible and does not interfere with other vessel traffic  
682 in the channel.

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

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

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

689       Section 10. Subsection (1) and paragraphs (a) and (b) of  
690 subsection (5) of section 327.391, Florida Statutes, are amended  
691 to read:

692       327.391 Airboats regulated.—

693       (1) The exhaust of every internal combustion engine used  
694 on any airboat operated on the waters of this state shall be

695 provided with an automotive-style factory muffler, underwater  
 696 exhaust, or other manufactured device capable of adequately  
 697 muffling the sound of the exhaust of the engine as described in  
 698 s. 327.02 ~~s. 327.02(30)~~. The use of cutouts or flex pipe as the  
 699 sole source of muffling is prohibited, except as provided in  
 700 subsection (4). A ~~Any~~ person who violates this subsection  
 701 commits a noncriminal infraction, punishable as provided in s.  
 702 327.73(1).

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

707 1. A photographic identification card.

708 2. Proof of completion of a boater education course that  
 709 complies with s. 327.395(2) (a) ~~s. 327.395(1) (a)~~. Except as  
 710 provided in paragraph (b), no operator is exempt from this  
 711 requirement, regardless of age or the exemptions provided under  
 712 s. 327.395.

713 3. Proof of successful completion of a commission-approved  
 714 airboat operator course that meets the minimum standards  
 715 established by commission rule.

716 4. Proof of successful course completion in  
 717 cardiopulmonary resuscitation and first aid.

718 (b) A person issued a captain's license by the United  
 719 States Coast Guard is not required to complete a boating safety

720 education course that complies with s. 327.395(2)(a) ~~s.~~  
721 ~~327.395(1)(a)~~. Proof of the captain's license must be onboard  
722 the airboat when carrying one or more passengers for hire on  
723 waters of this ~~the~~ state.

724 Section 11. Section 327.395, Florida Statutes, is amended  
725 to read:

726 327.395 Boating safety education.—

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

731 (2) While operating a vessel, a person identified under  
732 subsection (1) must have in his or her possession aboard the  
733 vessel photographic identification and a Florida boating safety  
734 identification card issued by the commission, a state-issued  
735 identification card or driver license indicating possession of  
736 the Florida boating safety identification card, or photographic  
737 identification and a temporary certificate issued or approved by  
738 the commission, an International Certificate of Competency, a  
739 boating safety card or certificate from another state or United  
740 States territory, or a Canadian Pleasure Craft Operator Card,  
741 which shows that he or she has:

742 (a) Completed a commission-approved boating safety  
743 education course that meets the minimum requirements established

744 by the National Association of State Boating Law Administrators;  
 745 ~~or~~

746 (b) Passed a temporary certificate examination developed  
 747 or approved by the commission;

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

749 (d) Completed a boating safety education course or  
 750 equivalency examination in another state, a United States  
 751 territory, or Canada that meets or exceeds the minimum  
 752 requirements established by the National Association of State  
 753 Boating Law Administrators.

754 (3) (a) ~~(2) (a)~~ A person may obtain a Florida boating safety  
 755 identification card by successfully completing a boating safety  
 756 education course that meets the requirements of this section and  
 757 rules adopted by the commission pursuant to this section.

758 (b) A person may obtain a temporary certificate by passing  
 759 a temporary certificate examination that meets the requirements  
 760 of this section and rules adopted by the commission pursuant to  
 761 this section.

762 (4) ~~(3)~~ ~~A~~ Any commission-approved boating safety education  
 763 course or temporary certificate examination developed or  
 764 approved by the commission must include a component regarding  
 765 diving vessels, awareness of divers in the water, divers-down  
 766 warning devices, and the requirements of s. 327.331.

767 ~~(4) The commission may appoint liveries, marinas, or other~~  
 768 ~~persons as its agents to administer the course or temporary~~

769 ~~certificate examination and issue identification cards or~~  
770 ~~temporary certificates in digital, electronic, or paper format~~  
771 ~~under guidelines established by the commission. An agent must~~  
772 ~~charge the \$2 examination fee, which must be forwarded to the~~  
773 ~~commission with proof of passage of the examination and may~~  
774 ~~charge and keep a \$1 service fee.~~

775 (5) A boating safety identification card issued to a  
776 person who has completed a boating safety education course is  
777 valid for life. A temporary certificate issued to a person who  
778 has passed a temporary certification examination is valid for 90  
779 days after the date of issuance. The commission may issue either  
780 the boating safety identification card or the temporary  
781 certificate in a digital, electronic, or paper format.

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

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

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

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

790 (c) Is accompanied in the vessel by a person who is exempt  
791 from this section or who holds a boating safety identification  
792 card in compliance with this section, who is 18 years of age or  
793 older, and who is attendant to the operation of the vessel and



794 responsible for the safe operation of the vessel and for any  
795 violation that occurs during the operation of the vessel.

796 (d) Is a nonresident who has in his or her possession  
797 photographic identification and proof that he or she has  
798 completed a boating safety education course or equivalency  
799 examination in another state or a United States territory that  
800 ~~which~~ meets or exceeds the minimum requirements established by  
801 the National Association of State Boating Law Administrators.

802 (e) Is operating a vessel within 90 days after the  
803 purchase of that vessel and has available for inspection aboard  
804 that vessel a bill of sale meeting the requirements of s.  
805 328.46(1).

806 (f) Is operating a vessel within 90 days after completing  
807 a boating safety education course in accordance with paragraph  
808 (2)(a) ~~the requirements of paragraph (1)(a)~~ and has a  
809 photographic identification card and a boating safety education  
810 certificate available for inspection as proof of having  
811 completed a boating safety education course. The boating safety  
812 education certificate must provide, at a minimum, the student's  
813 first and last name, the student's date of birth, and the date  
814 that he or she passed the course examination.

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

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

819 (8) The commission shall institute and coordinate a  
 820 statewide program of boating safety instruction and  
 821 certification to ensure that boating safety courses and  
 822 examinations are available in each county of this ~~the~~ state. The  
 823 commission may appoint agents to administer the boating safety  
 824 education course or temporary certificate examination and may  
 825 authorize the agents to issue temporary certificates in digital,  
 826 electronic, or paper format. An agent ~~The agents~~ shall charge  
 827 and collect the \$2 fee required in subsection (9) for each  
 828 temporary certificate requested of the commission by that agent,  
 829 which must be forwarded to the commission. The agent may charge  
 830 and keep a \$1 service fee.

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

834 (10) The commission shall design forms and adopt rules  
 835 pursuant to chapter 120 to implement ~~the provisions of~~ this  
 836 section.

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

839 Section 12. Subsection (5) of section 327.4107, Florida  
 840 Statutes, is renumbered as subsection (6), paragraphs (d) and  
 841 (e) of subsection (2) of that section are amended, and new  
 842 subsections (5) and (7) are added to that section, to read:

843 327.4107 Vessels at risk of becoming derelict on waters of  
844 this state.—

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

849 (d) ~~The vessel is left or stored aground unattended in~~  
850 ~~such a state that would prevent the vessel from getting~~  
851 ~~underway, is listing due to water intrusion, or is sunk or~~  
852 ~~partially sunk.~~

853 (e) The vessel does not have an effective means of  
854 propulsion for safe navigation within 72 hours after the vessel  
855 owner or operator receives telephonic notice, in-person notice  
856 recorded on an agency-approved body camera, or written notice,  
857 which may be provided by facsimile, electronic mail, or other  
858 electronic means, stating such from an officer, and the vessel  
859 owner or operator is unable to provide a receipt, proof of  
860 purchase, or other documentation of having ordered necessary  
861 parts for vessel repair. The commission may adopt rules to  
862 implement this paragraph.

863 (5) The commission, an officer of the commission, or a law  
864 enforcement agency or officer specified in s. 327.70 may  
865 relocate or cause to be relocated an at-risk vessel found to be  
866 in violation of this section to a distance greater than 20 feet  
867 from a mangrove or upland vegetation. The commission, an officer

868 of the commission, or a law enforcement agency or officer acting  
869 pursuant to this subsection upon waters of this state shall be  
870 held harmless for all damages to the at-risk vessel resulting  
871 from such relocation unless the damage results from gross  
872 negligence or willful misconduct as these terms are defined in  
873 s. 823.11.

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

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

881 (b) Creation of a vessel turn-in program allowing the  
882 owner of a vessel determined by law enforcement to be at risk of  
883 becoming derelict in accordance with this section to turn his or  
884 her vessel and vessel title over to the commission to be  
885 destroyed without penalty.

886 (c) Providing for removal and destruction of an abandoned  
887 vessel for which an owner cannot be identified or the owner of  
888 which is deceased and no heir is interested in acquiring the  
889 vessel.

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

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

894  
 895 The derelict vessel prevention program created pursuant to this  
 896 subsection may include other preventative efforts and methods as  
 897 determined appropriate and necessary by the commission. The  
 898 commission may adopt rules to implement this subsection.  
 899 Implementation of the derelict vessel prevention program shall  
 900 be subject to appropriation by the Legislature and shall be  
 901 funded by the Marine Resources Conservation Trust Fund or the  
 902 Florida Coastal Protection Trust Fund.

903           Section 13. Paragraph (a) of subsection (1) and subsection  
 904 (2) of section 327.4109, Florida Statutes, are amended to read:

905           327.4109 Anchoring or mooring prohibited; exceptions;  
 906 penalties.—

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

910           1. Within 150 feet of any public or private marina, boat  
 911 ramp, boatyard, or other public vessel launching or loading  
 912 facility;

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

917           3. Within 100 feet outward from the marked boundary of a  
918 public mooring field or a lesser distance if approved by the  
919 commission upon request of a local government within which the  
920 mooring field is located. The commission may adopt rules to  
921 implement this subparagraph.

922           (2) Notwithstanding subsection (1), an owner or operator  
923 of a vessel may anchor or moor within 150 feet of any public or  
924 private marina, boat ramp, boatyard, or other public vessel  
925 launching or loading facility; within 500 ~~300~~ feet of a  
926 superyacht repair facility; or within 100 feet outward from the  
927 marked boundary of a public mooring field if:

928           (a) The vessel suffers a mechanical failure that poses an  
929 unreasonable risk of harm to the vessel or the persons onboard  
930 such vessel. The owner or operator of the vessel may anchor or  
931 moor for 5 business days or until the vessel is repaired,  
932 whichever occurs first.

933           (b) Imminent or existing weather conditions in the  
934 vicinity of the vessel pose an unreasonable risk of harm to the  
935 vessel or the persons onboard such vessel. The owner or operator  
936 of the vessel may anchor or moor until weather conditions no  
937 longer pose such risk. During a hurricane or tropical storm,  
938 weather conditions are deemed to no longer pose an unreasonable  
939 risk of harm when the hurricane or tropical storm warning  
940 affecting the area has expired.

941           Section 14. Subsection (2) of section 327.45, Florida

942 Statutes, is amended to read:

943 327.45 Protection zones for springs.—

944 (2) The commission may establish by rule protection zones  
 945 that restrict the speed and operation of vessels or prohibit the  
 946 anchoring, mooring, beaching, or grounding of vessels to protect  
 947 and prevent harm to first, second, and third magnitude springs  
 948 and spring groups, including their associated spring runs, as  
 949 determined by the commission using the most recent Florida  
 950 Geological Survey springs bulletin. This harm includes negative  
 951 impacts to water quality, water quantity, hydrology, wetlands,  
 952 and aquatic and wetland-dependent species.

953 Section 15. Paragraph (b) of subsection (1) of section  
 954 327.46, Florida Statutes, is amended to read:

955 327.46 Boating-restricted areas.—

956 (1) Boating-restricted areas, including, but not limited  
 957 to, restrictions of vessel speeds and vessel traffic, may be  
 958 established on the waters of this state for any purpose  
 959 necessary to protect the safety of the public if such  
 960 restrictions are necessary based on boating accidents,  
 961 visibility, hazardous currents or water levels, vessel traffic  
 962 congestion, or other navigational hazards or to protect  
 963 seagrasses on privately owned submerged lands.

964 (b) Municipalities and counties may ~~have the authority to~~  
 965 establish within their jurisdiction, including those portions of  
 966 the Florida Intracoastal Waterway, notwithstanding the

967 prohibition in s. 327.60(2)(c), the following boating-restricted  
968 areas by ordinance:

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

971 a. Within 500 feet of any boat ramp, hoist, marine  
972 railway, or other launching or landing facility available for  
973 use by the general boating public on waterways more than 300  
974 feet in width or within 300 feet of any boat ramp, hoist, marine  
975 railway, or other launching or landing facility available for  
976 use by the general boating public on waterways not exceeding 300  
977 feet in width.

978 b. Within 500 feet of fuel pumps or dispensers at any  
979 marine fueling facility that sells motor fuel to the general  
980 boating public on waterways more than 300 feet in width or  
981 within 300 feet of the fuel pumps or dispensers at any licensed  
982 terminal facility that sells motor fuel to the general boating  
983 public on waterways not exceeding 300 feet in width.

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

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

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

988 b. Within 300 feet of any bridge span presenting a  
989 vertical clearance of less than 25 feet or a horizontal  
990 clearance of less than 100 feet.



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

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

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

998 3. An ordinance establishing a vessel-exclusion zone if  
 999 the area is:

1000 a. Designated as a public bathing beach or swim area.

1001 b. Within 300 feet of a dam, spillway, or flood control  
 1002 structure.

1003 Section 16. Section 327.463, Florida Statutes, is created  
 1004 to read:

1005 327.463 Special hazards.—

1006 (1) For purposes of this section, a vessel:

1007 (a) Is operating at slow speed, minimum wake only if it  
 1008 is:

1009 1. Fully off plane and completely settled into the water;

1010 and

1011 2. Proceeding without wake or with minimum wake.

1012  
 1013 A vessel that is operating at slow speed, minimum wake may not  
 1014 proceed at a speed greater than a speed that is reasonable and

1015 prudent to avoid the creation of an excessive wake or other  
 1016 hazardous condition under the existing circumstances.

1017 (b) Is not proceeding at slow speed, minimum wake if it  
 1018 is:

1019 1. Operating on plane;

1020 2. In the process of coming off plane and settling into  
 1021 the water or getting on plane; or

1022 3. Operating at a speed that creates a wake that  
 1023 unreasonably or unnecessarily endangers other vessels.

1024 (2) A person may not operate a vessel faster than slow  
 1025 speed, minimum wake within 300 feet of any emergency vessel,  
 1026 including, but not limited to, a law enforcement vessel, United  
 1027 States Coast Guard vessel, or firefighting vessel, when such  
 1028 emergency vessel's emergency lights are activated.

1029 (3) (a) A person may not operate a vessel faster than slow  
 1030 speed, minimum wake within 300 feet of any construction vessel  
 1031 or barge when the vessel or barge is displaying an orange flag  
 1032 from a pole extending:

1033 1. At least 10 feet above the tallest portion of the  
 1034 vessel or barge, indicating that the vessel or barge is actively  
 1035 engaged in construction operations; or

1036 2. At least 5 feet above any superstructure permanently  
 1037 installed upon the vessel or barge, indicating that the vessel  
 1038 or barge is actively engaged in construction operations.

1039 (b) A flag displayed on a construction vessel or barge  
1040 pursuant to this subsection must:

1041 1. Be at least 2 feet by 3 feet in size.

1042 2. Have a wire or other stiffener or be otherwise  
1043 constructed to ensure that the flag remains fully unfurled and  
1044 extended in the absence of a wind or breeze.

1045 3. Be displayed so that the visibility of the flag is not  
1046 obscured in any direction.

1047 (c) In periods of low visibility, including any time  
1048 between 30 minutes after sunset and 30 minutes before sunrise, a  
1049 person may not be cited for a violation of this subsection  
1050 unless the orange flag is illuminated and visible from a  
1051 distance of at least 2 nautical miles. Such illumination does  
1052 not relieve the construction vessel or barge from complying with  
1053 all navigation rules.

1054 (4) (a) A person operating a vessel in violation of this  
1055 section commits a noncriminal infraction, punishable as provided  
1056 in s. 327.73.

1057 (b) The owner of, or party who is responsible for, a  
1058 construction vessel or barge who displays an orange flag on the  
1059 vessel or barge when it is not actively engaged in construction  
1060 operations commits a noncriminal infraction, punishable as  
1061 provided in s. 327.73.

1062 (5) The speed and penalty provisions of this section do  
1063 not apply to a law enforcement, firefighting, or rescue vessel

1064 that is owned or operated by a governmental entity.

1065 Section 17. Paragraph (a) of subsection (1) of section  
1066 327.50, Florida Statutes, is amended to read:

1067 327.50 Vessel safety regulations; equipment and lighting  
1068 requirements.—

1069 (1) (a) The owner and operator of every vessel on the  
1070 waters of this state shall carry, store, maintain, and use  
1071 safety equipment in accordance with current United States Coast  
1072 Guard safety equipment requirements as specified in the Code of  
1073 Federal Regulations, unless expressly exempted by the commission  
1074 ~~department~~.

1075 Section 18. Section 327.521, Florida Statutes, is created  
1076 to read:

1077 327.521 No-discharge zones.—

1078 (1) (a) Effective immediately upon approval by the United  
1079 States Environmental Protection Agency of a no-discharge zone  
1080 determination for the waters of the United States within the  
1081 boundaries of aquatic preserves identified in s. 258.39 and  
1082 waters of the United States within shellfish harvesting areas  
1083 identified by rule of the Department of Agriculture and Consumer  
1084 Services, all waters of this state within such areas are  
1085 designated no-discharge zones.

1086 (b) Effective December 31, 2022, all waters of this state  
1087 are designated no-discharge zones, contingent upon approval of  
1088 the United States Environmental Protection Agency of a no-

1089 discharge zone determination for all waters of the United States  
1090 within the territorial limits of this state.

1091 (c) Effective July 1, 2021, the commission shall  
1092 immediately begin the process of seeking approval of the United  
1093 States Environmental Protection Agency for a no-discharge zone  
1094 determination as described under this subsection.

1095 (2) A person may not discharge sewage of any type, treated  
1096 or untreated, from a vessel or floating structure into waters of  
1097 this state within a no-discharge zone. A vessel or floating  
1098 structure in violation of this section is declared a nuisance  
1099 and a hazard to public safety and health.

1100 (3) A person who violates this section commits a  
1101 noncriminal infraction, punishable by a civil penalty of up to  
1102 \$250. If any discharge prohibited by this section is ongoing or  
1103 continuous, the person may be assessed a penalty of up to \$250  
1104 for each day the violation continues.

1105 (4) (a) The owner or operator of a vessel or floating  
1106 structure convicted a second time for violating this section  
1107 shall, within 30 days after the conviction, remove the vessel or  
1108 floating structure from the waters of this state. For purposes  
1109 of this section, the term "conviction" means a disposition other  
1110 than acquittal or dismissal.

1111 (b) If the vessel or floating structure remains on the  
1112 waters of this state in violation of this subsection, law  
1113 enforcement officers charged with the enforcement of this

1114 chapter under s. 327.70 shall apply to the appropriate court in  
1115 the county in which the vessel or floating structure is located  
1116 to order or otherwise cause the removal of such vessel or  
1117 floating structure from the waters of this state at the owner's  
1118 expense.

1119 (c) If the owner cannot be found or otherwise fails to pay  
1120 the removal costs, the provisions of s. 328.17 shall apply. If  
1121 the proceeds under s. 328.17 are not sufficient to pay all  
1122 removal costs, funds appropriated from the Marine Resources  
1123 Conservation Trust Fund pursuant to s. 327.53(6)(b) or s.  
1124 328.72(15)(c) may be used.

1125 (5) The commission shall maintain a list of marine sewage  
1126 pump-out facilities throughout the state and make the list  
1127 available on its website, and provide the list with information  
1128 about the Department of Environmental Protection's Clean Marina  
1129 Program to all counties for distribution to public and private  
1130 marinas.

1131 Section 19. Paragraph (a) of subsection (6) and subsection  
1132 (7) of section 327.53, Florida Statutes, are amended, and  
1133 subsection (8) is added to that section, to read:

1134 327.53 Marine sanitation.—

1135 (6) (a) A violation of this section is a noncriminal  
1136 infraction, punishable as provided in s. 327.73. Each violation  
1137 shall be a separate offense. The owner and operator of any

1138 vessel shall be jointly and severally liable for the civil  
 1139 penalty imposed pursuant to this section.

1140 (7) A ~~Any~~ vessel or floating structure operated or  
 1141 occupied on the waters of this ~~the~~ state in violation of this  
 1142 section is declared a nuisance and a hazard to public safety and  
 1143 health. The owner or operator of a ~~any~~ vessel or floating  
 1144 structure cited for violating this section shall, within 30 days  
 1145 following the issuance of the citation, correct the violation  
 1146 for which the citation was issued or remove the vessel or  
 1147 floating structure from the waters of this ~~the~~ state. If the  
 1148 violation is not corrected within the 30 days and the vessel or  
 1149 floating structure remains on the waters of this ~~the~~ state in  
 1150 violation of this section, law enforcement officers charged with  
 1151 the enforcement of this chapter under s. 327.70 shall apply to  
 1152 the appropriate court in the county in which the vessel or  
 1153 floating structure is located, ~~to~~ order or otherwise cause the  
 1154 removal of such vessel or floating structure from the waters of  
 1155 this ~~the~~ state at the owner's expense. If the owner cannot be  
 1156 found or otherwise fails to pay the removal costs, the  
 1157 provisions of s. 328.17 shall apply. If the proceeds under s.  
 1158 328.17 are not sufficient to pay all removal costs, funds  
 1159 appropriated from the Marine Resources Conservation Trust Fund  
 1160 pursuant to paragraph (6) (b) or s. 328.72(15)(c) ~~s. 328.72(16)~~  
 1161 may be used.

1162 (8) The owner or operator of a live-aboard vessel or a

1163 houseboat as defined in s. 327.02 that is equipped with a marine  
 1164 sanitation device certified by the United States Coast Guard  
 1165 must maintain a record of the date of each pumpout of the device  
 1166 and the location of the pumpout station or waste reception  
 1167 facility. Each record must be maintained for 1 year after the  
 1168 date of the pumpout. This subsection does not apply to marine  
 1169 compost toilets that process and manage human waste using  
 1170 currently accepted marine compost toilet technologies that  
 1171 comply with United States Coast Guard requirements.

1172 Section 20. Subsection (2) of section 327.54, Florida  
 1173 Statutes, is amended to read:

1174 327.54 Liveries; safety regulations; penalty.—

1175 (2) A livery may not knowingly lease, hire, or rent a ~~any~~  
 1176 vessel ~~powered by a motor of 10 horsepower or greater to a~~ any  
 1177 person who is required to comply with s. 327.395~~7~~, unless such  
 1178 person presents to the livery the documentation ~~photographic~~  
 1179 ~~identification and a valid boater safety identification card as~~  
 1180 ~~required under s. 327.395(2) for operation of a vessel s.~~  
 1181 ~~327.395(1)7~~, or meets the exemption provided under s.  
 1182 327.395(6) (f).

1183 Section 21. Subsection (5) of section 327.60, Florida  
 1184 Statutes, is amended to read:

1185 327.60 Local regulations; limitations.—

1186 (5) A local government may enact and enforce regulations  
 1187 to implement the procedures for abandoned or lost property that



1188 allow the local law enforcement agency to remove a vessel  
1189 affixed to a public dock or mooring within its jurisdiction that  
1190 is abandoned or lost property pursuant to s. 705.103(1). Such  
1191 regulation must require the local law enforcement agency to post  
1192 a written notice at least 24 hours before removing the vessel.

1193 Section 22. Paragraphs (q), (s), and (aa) of subsection  
1194 (1) of section 327.73, Florida Statutes, are amended, and  
1195 paragraphs (cc), (dd), and (ee) are added to that subsection, to  
1196 read:

1197 327.73 Noncriminal infractions.—

1198 (1) Violations of the following provisions of the vessel  
1199 laws of this state are noncriminal infractions:

1200 (q) Section 327.53(1), (2), ~~and~~ (3), and (8), relating to  
1201 marine sanitation.

1202 (s) Section 327.395, relating to boater safety education.  
1203 However, a person cited for violating the requirements of s.  
1204 327.395 relating to failure to have required proof of boating  
1205 safety education in his or her possession may not be convicted  
1206 if, before or at the time of a county court hearing, the person  
1207 produces proof of the boating safety education identification  
1208 card or temporary certificate for verification by the hearing  
1209 officer or the court clerk and the identification card or  
1210 temporary certificate was valid at the time the person was  
1211 cited.

1212 (aa) Section 327.4107, relating to vessels at risk of  
 1213 becoming derelict on waters of this state, for which the civil  
 1214 penalty is:

1215 1. For a first offense, \$100 ~~\$50~~.

1216 2. For a second offense occurring 30 days or more after a  
 1217 first offense, \$250 ~~\$100~~.

1218 3. For a third or subsequent offense occurring 30 days or  
 1219 more after a previous offense, \$500 ~~\$250~~.

1220  
 1221 A vessel that is the subject of three or more violations issued  
 1222 pursuant to the same paragraph of s. 327.4107(2) within an 18-  
 1223 month period which result in dispositions other than acquittal  
 1224 or dismissal shall be declared to be a public nuisance and  
 1225 subject to ss. 705.103(2) and (4) and 823.11(3). The commission,  
 1226 an officer of the commission, or a law enforcement agency or  
 1227 officer specified in s. 327.70 may relocate, remove, or cause to  
 1228 be relocated or removed such public nuisance vessels from waters  
 1229 of this state. The commission, an officer of the commission, or  
 1230 a law enforcement agency or officer acting pursuant to this  
 1231 paragraph upon waters of this state shall be held harmless for  
 1232 all damages to the vessel resulting from such relocation or  
 1233 removal unless the damage results from gross negligence or  
 1234 willful misconduct as these terms are defined in s. 823.11.

1235 (cc) Section 327.463(4) (a) and (b), relating to vessels  
 1236 creating special hazards, for which the penalty is:

- 1237           1. For a first offense, \$50.
- 1238           2. For a second offense occurring within 12 months after a  
 1239 prior offense, \$100.
- 1240           3. For a third offense occurring within 36 months after a  
 1241 prior offense, \$250.
- 1242           (dd) Section 327.371, relating to the regulation of human-  
 1243 powered vessels.
- 1244           (ee) Section 327.521, relating to no-discharge zones, for  
 1245 which the penalty is up to \$250 for each offense.

1246

1247 Any person cited for a violation of any provision of this  
 1248 subsection shall be deemed to be charged with a noncriminal  
 1249 infraction, shall be cited for such an infraction, and shall be  
 1250 cited to appear before the county court. The civil penalty for  
 1251 any such infraction is \$50, except as otherwise provided in this  
 1252 section. Any person who fails to appear or otherwise properly  
 1253 respond to a uniform boating citation shall, in addition to the  
 1254 charge relating to the violation of the boating laws of this  
 1255 state, be charged with the offense of failing to respond to such  
 1256 citation and, upon conviction, be guilty of a misdemeanor of the  
 1257 second degree, punishable as provided in s. 775.082 or s.  
 1258 775.083. A written warning to this effect shall be provided at  
 1259 the time such uniform boating citation is issued.

1260           Section 23. Subsection (4) of section 328.09, Florida  
 1261 Statutes, is amended to read:

1262           328.09 Refusal to issue and authority to cancel a  
1263 certificate of title or registration.—

1264           (4) The department may not issue a certificate of title to  
1265 an ~~any~~ applicant for a ~~any~~ vessel that has been deemed derelict  
1266 by a law enforcement officer under s. 376.15 or s. 823.11. A law  
1267 enforcement officer must inform the department in writing, which  
1268 may be provided by facsimile, electronic mail, or other  
1269 electronic means, of the vessel's derelict status and supply the  
1270 department with the vessel title number or vessel identification  
1271 number. The department may issue a certificate of title once a  
1272 law enforcement officer has verified in writing, which may be  
1273 provided by facsimile, electronic mail, or other electronic  
1274 means, that the vessel is no longer a derelict vessel.

1275           Section 24. Effective July 1, 2023, paragraph (e) of  
1276 subsection (3) of section 328.09, Florida Statutes, as amended  
1277 by section 12 of chapter 2019-76, Laws of Florida, is amended to  
1278 read:

1279           328.09 Refusal to issue and authority to cancel a  
1280 certificate of title or registration.—

1281           (3) Except as otherwise provided in subsection (4), the  
1282 department may reject an application for a certificate of title  
1283 only if:

1284           (e) The application is for a vessel that has been deemed  
1285 derelict by a law enforcement officer under s. 376.15 or s.  
1286 823.11. In such case, a law enforcement officer must inform the

1287 department in writing, which may be provided by facsimile, e-  
 1288 mail, or other electronic means, of the vessel's derelict status  
 1289 and supply the department with the vessel title number or vessel  
 1290 identification number. The department may issue a certificate of  
 1291 title once a law enforcement officer has verified in writing,  
 1292 which may be provided by facsimile, e-mail, or other electronic  
 1293 means, that the vessel is no longer a derelict vessel.

1294 Section 25. Section 376.15, Florida Statutes, is amended  
 1295 to read:

1296 376.15 Derelict vessels; relocation or removal from ~~public~~  
 1297 waters of this state.-

1298 (1) As used in this section, the term:

1299 (a) "Commission" means the Fish and Wildlife Conservation  
 1300 Commission.

1301 (b) "Gross negligence" means conduct so reckless or  
 1302 wanting in care that it constitutes a conscious disregard or  
 1303 indifference to the safety of the property exposed to such  
 1304 conduct.

1305 (c) "Willful misconduct" means conduct evidencing  
 1306 carelessness or negligence of such a degree or recurrence as to  
 1307 manifest culpability, wrongful intent, or evil design or to show  
 1308 an intentional and substantial disregard of the interests of the  
 1309 vessel owner.

1310 (2) (a) It is unlawful for any person, firm, or corporation  
 1311 to ~~store, leave, or abandon~~ any derelict vessel as defined in s.

1312 823.11 upon the waters of ~~in~~ this state. For purposes of this  
1313 paragraph, the term "leave" means to allow a vessel to remain  
1314 occupied or unoccupied on the waters of this state for more than  
1315 24 hours.

1316 (b) Notwithstanding paragraph (a), a person who owns or  
1317 operates a vessel that becomes derelict upon the waters of this  
1318 state solely as a result of a boating accident that is reported  
1319 to law enforcement in accordance with s. 327.301 or otherwise  
1320 reported to law enforcement; a hurricane; or another sudden  
1321 event outside of his or her control may not be charged with a  
1322 violation if:

1323 1. The person documents for law enforcement the specific  
1324 event that led to the vessel being derelict upon the waters of  
1325 this state; and

1326 2. The vessel has been removed from the waters of this  
1327 state or has been repaired or addressed and is no longer  
1328 derelict upon the waters of this state:

1329 a. Within 7 days after a boating accident or other sudden  
1330 event outside of his or her control; or

1331 b. Within 45 days after a hurricane has passed over this  
1332 state.

1333 (c) This subsection does not apply to a vessel that was  
1334 derelict upon the waters of this state before the stated  
1335 accident or event.

1336 (3) (a) The commission, an officer ~~officers~~ of the  
1337 commission, or a ~~and any~~ law enforcement agency or officer  
1338 specified in s. 327.70 may ~~are authorized and empowered to~~  
1339 relocate, remove, store, destroy, or dispose of or cause to be  
1340 relocated, ~~or~~ removed, stored, destroyed, or disposed of a ~~any~~  
1341 derelict vessel as defined in s. 823.11 from ~~public~~ waters of  
1342 this state as defined in s. 327.02. All costs, including costs  
1343 owed to a third party, incurred by the commission or other law  
1344 enforcement agency in the relocation, ~~or~~ removal, storage,  
1345 destruction, or disposal of any abandoned or derelict vessel are  
1346 recoverable against the owner of the vessel or the party  
1347 determined to be legally responsible for the vessel being upon  
1348 the waters of this state in a derelict condition. The Department  
1349 of Legal Affairs shall represent the commission in actions to  
1350 recover such costs.

1351 (b) The commission, an officer ~~officers~~ of the commission,  
1352 or a ~~and any other~~ law enforcement agency or officer specified  
1353 in s. 327.70 acting pursuant to ~~under~~ this section to relocate,  
1354 remove, store, destroy, or dispose of, or cause to be relocated,  
1355 ~~or~~ removed, stored, destroyed, or disposed of, a derelict vessel  
1356 from ~~public~~ waters of this state as defined in s. 327.02 shall  
1357 be held harmless for all damages to the derelict vessel  
1358 resulting from such action ~~relocation or removal~~ unless the  
1359 damage results from gross negligence or willful misconduct as  
1360 these terms are defined in s. 823.11.

1361 (c) A contractor performing relocation, ~~or~~ removal,  
 1362 storage, destruction, or disposal activities at the direction of  
 1363 the commission, an officer ~~officers~~ of the commission, ~~or~~ a law  
 1364 enforcement agency or officer, or a governmental subdivision,  
 1365 when the governmental subdivision has received authorization  
 1366 from a law enforcement officer or agency, pursuant to this  
 1367 section must be licensed in accordance with applicable United  
 1368 States Coast Guard regulations where required; obtain and carry  
 1369 in full force and effect a policy from a licensed insurance  
 1370 carrier in this state to insure against any accident, loss,  
 1371 injury, property damage, or other casualty caused by or  
 1372 resulting from the contractor's actions; and be properly  
 1373 equipped to perform the services to be provided.

1374 (d) The commission may establish a program to provide  
 1375 grants to local governments for the removal, storage,  
 1376 destruction, and disposal of derelict vessels from the ~~public~~  
 1377 waters of this the state as defined in s. 327.02. The program  
 1378 shall be funded from the Marine Resources Conservation Trust  
 1379 Fund or the Florida Coastal Protection Trust Fund.  
 1380 Notwithstanding ~~the provisions in~~ s. 216.181(11), funds  
 1381 available for grants may only be authorized by appropriations  
 1382 acts of the Legislature. In a given fiscal year, if all funds  
 1383 appropriated pursuant to this paragraph are not requested by and  
 1384 granted to local governments for the removal, storage,  
 1385 destruction, and disposal of derelict vessels by the end of the



1386 | third quarter, the Fish and Wildlife Conservation Commission may  
1387 | use the remainder of the funds to remove, store, destroy, and  
1388 | dispose of, or to pay private contractors to remove, store,  
1389 | destroy, and dispose of, derelict vessels.

1390 |         (e) The commission shall adopt by rule procedures for  
1391 | submitting a grant application and criteria for allocating  
1392 | available funds. Such criteria shall include, but not be limited  
1393 | to, the following:

1394 |             1. The number of derelict vessels within the jurisdiction  
1395 | of the applicant.

1396 |             2. The threat posed by such vessels to public health or  
1397 | safety, the environment, navigation, or the aesthetic condition  
1398 | of the general vicinity.

1399 |             3. The degree of commitment of the local government to  
1400 | maintain waters free of abandoned and derelict vessels and to  
1401 | seek legal action against those who abandon vessels in the  
1402 | waters of this ~~the~~ state as defined in s. 327.02.

1403 |         (f) This section constitutes the authority for such  
1404 | removal but is not intended to be in contravention of any  
1405 | applicable federal act.

1406 |         Section 26. Subsections (2) and (4) of section 705.103,  
1407 | Florida Statutes, are amended to read:

1408 |             705.103 Procedure for abandoned or lost property.—

1409 |             (2) (a)1. Whenever a law enforcement officer ascertains  
1410 | that:

1411        a. An article of lost or abandoned property other than a  
1412 derelict vessel or a vessel declared a public nuisance pursuant  
1413 to s. 327.73(1)(aa) is present on public property and is of such  
1414 nature that it cannot be easily removed, the officer shall cause  
1415 a notice to be placed upon such article in substantially the  
1416 following form:

1417  
1418 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
1419 PROPERTY. This property, to wit: ...(setting forth brief  
1420 description)... is unlawfully upon public property known as  
1421 ...(setting forth brief description of location)... and must be  
1422 removed within 5 days; otherwise, it will be removed and  
1423 disposed of pursuant to chapter 705, Florida Statutes. The owner  
1424 will be liable for the costs of removal, storage, and  
1425 publication of notice. Dated this: ...(setting forth the date of  
1426 posting of notice)..., signed: ...(setting forth name, title,  
1427 address, and telephone number of law enforcement officer)....

1428  
1429        b. A derelict vessel or a vessel declared a public  
1430 nuisance pursuant to s. 327.73(1)(aa) is present on the waters  
1431 of this state, the officer shall cause a notice to be placed  
1432 upon such vessel in substantially the following form:

1433  
1434 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
1435 VESSEL. This vessel, to wit: ...(setting forth brief

1436 description)... has been determined to be (derelict or a public  
1437 nuisance) and is unlawfully upon the waters of this state  
1438 ...(setting forth brief description of location)... and must be  
1439 removed within 21 days; otherwise, it will be removed and  
1440 disposed of pursuant to chapter 705, Florida Statutes. The owner  
1441 and other interested parties have the right to a hearing to  
1442 challenge the determination that this vessel is derelict or  
1443 otherwise in violation of the law. Please contact ...(contact  
1444 information for person who can arrange for a hearing in  
1445 accordance with this section).... The owner or the party  
1446 determined to be legally responsible for the vessel being upon  
1447 the waters of this state in a derelict condition will be liable  
1448 for the costs of removal, destruction, and disposal if this  
1449 vessel is not removed by the owner. Dated this: ...(setting  
1450 forth the date of posting of notice)...., signed: ...(setting  
1451 forth name, title, address, and telephone number of law  
1452 enforcement officer)....

1453 2. A ~~Such~~ notice required under subparagraph 1. may ~~shall~~  
1454 be not be less than 8 inches by 10 inches and shall be  
1455 sufficiently weatherproof to withstand normal exposure to the  
1456 elements. In addition to posting, the law enforcement officer  
1457 shall make a reasonable effort to ascertain the name and address  
1458 of the owner. If such is reasonably available to the officer,  
1459 she or he shall mail a copy of such notice to the owner on or  
1460 before the date of posting. If the property is a motor vehicle

1461 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,  
1462 the law enforcement agency shall contact the Department of  
1463 Highway Safety and Motor Vehicles in order to determine the name  
1464 and address of the owner and any person who has filed a lien on  
1465 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.  
1466 328.15(1). On receipt of this information, the law enforcement  
1467 agency shall mail a copy of the notice by certified mail, return  
1468 receipt requested, to the owner and to the lienholder, if any,  
1469 except that a law enforcement officer who has issued a citation  
1470 for a violation of s. 376.15 or s. 823.11 to the owner of a  
1471 derelict vessel is not required to mail a copy of the notice by  
1472 certified mail, return receipt requested, to the owner. For a  
1473 derelict vessel or a vessel declared a public nuisance pursuant  
1474 to s. 327.73(1)(aa), the mailed notice must inform the owner or  
1475 responsible party that he or she has a right to a hearing to  
1476 dispute the determination that the vessel is derelict or  
1477 otherwise in violation of the law. If a request for a hearing is  
1478 made, a state agency shall follow the processes set forth in s.  
1479 120.569. Local governmental entities shall follow the processes  
1480 set forth in s. 120.569, except that a local judge, magistrate,  
1481 or code enforcement officer may be designated to conduct such a  
1482 hearing. If, at the end of 5 days after posting the notice in  
1483 sub-subparagraph 1.a., or at the end of 21 days after posting  
1484 the notice in sub-subparagraph 1.b., and mailing such notice, if  
1485 required, the owner or any person interested in the lost or

1486 abandoned article or articles described has not removed the  
 1487 article or articles from public property or shown reasonable  
 1488 cause for failure to do so, and, in the case of a derelict  
 1489 vessel or a vessel declared a public nuisance pursuant to s.  
 1490 327.73(1)(aa), has not requested a hearing in accordance with  
 1491 this section, the following shall apply:

1492 a.~~(a)~~ For abandoned property other than a derelict vessel  
 1493 or a vessel declared a public nuisance pursuant to s.  
 1494 327.73(1)(aa), the law enforcement agency may retain any or all  
 1495 of the property for its own use or for use by the state or unit  
 1496 of local government, trade such property to another unit of  
 1497 local government or state agency, donate the property to a  
 1498 charitable organization, sell the property, or notify the  
 1499 appropriate refuse removal service.

1500 b. For a derelict vessel or a vessel declared a public  
 1501 nuisance pursuant to s. 327.73(1)(aa), the law enforcement  
 1502 agency or its designee may:

1503 (I) Remove the vessel from the waters of this state and  
 1504 destroy and dispose of the vessel or authorize another  
 1505 governmental entity or its designee to do so; or

1506 (II) Authorize the vessel's use as an artificial reef in  
 1507 accordance with s. 379.249 if all necessary federal, state, and  
 1508 local authorizations are received.

1509

1510 A law enforcement agency or its designee may also take action as  
1511 described in this sub-subparagraph if, following a hearing  
1512 pursuant to this section, the judge, magistrate, administrative  
1513 law judge, or hearing officer has determined the vessel to be  
1514 derelict as provided in s. 823.11 or otherwise in violation of  
1515 the law in accordance with s. 327.73(1)(aa) and a final order  
1516 has been entered or the case is otherwise closed.

1517 (b) For lost property, the officer shall take custody and  
1518 the agency shall retain custody of the property for 90 days. The  
1519 agency shall publish notice of the intended disposition of the  
1520 property, as provided in this section, during the first 45 days  
1521 of this time period.

1522 1. If the agency elects to retain the property for use by  
1523 the unit of government, donate the property to a charitable  
1524 organization, surrender such property to the finder, sell the  
1525 property, or trade the property to another unit of local  
1526 government or state agency, notice of such election shall be  
1527 given by an advertisement published once a week for 2  
1528 consecutive weeks in a newspaper of general circulation in the  
1529 county where the property was found if the value of the property  
1530 is more than \$100. If the value of the property is \$100 or less,  
1531 notice shall be given by posting a description of the property  
1532 at the law enforcement agency where the property was turned in.  
1533 The notice must be posted for not less than 2 consecutive weeks  
1534 in a public place designated by the law enforcement agency. The

1535 notice must describe the property in a manner reasonably  
 1536 adequate to permit the rightful owner of the property to claim  
 1537 it.

1538         2. If the agency elects to sell the property, it must do  
 1539 so at public sale by competitive bidding. Notice of the time and  
 1540 place of the sale shall be given by an advertisement of the sale  
 1541 published once a week for 2 consecutive weeks in a newspaper of  
 1542 general circulation in the county where the sale is to be held.  
 1543 The notice shall include a statement that the sale shall be  
 1544 subject to any and all liens. The sale must be held at the  
 1545 nearest suitable place to that where the lost or abandoned  
 1546 property is held or stored. The advertisement must include a  
 1547 description of the goods and the time and place of the sale. The  
 1548 sale may take place no earlier than 10 days after the final  
 1549 publication. If there is no newspaper of general circulation in  
 1550 the county where the sale is to be held, the advertisement shall  
 1551 be posted at the door of the courthouse and at three other  
 1552 public places in the county at least 10 days prior to sale.  
 1553 Notice of the agency's intended disposition shall describe the  
 1554 property in a manner reasonably adequate to permit the rightful  
 1555 owner of the property to identify it.

1556         (4) The owner of any abandoned or lost property, or in the  
 1557 case of a derelict vessel, the owner or other party determined  
 1558 to be legally responsible for the vessel being upon the waters  
 1559 of this state in a derelict condition, who, after notice as

1560 provided in this section, does not remove such property within  
1561 the specified period shall be liable to the law enforcement  
1562 agency, other governmental entity, or the agency's or entity's  
1563 designee for all costs of removal, storage, and destruction of  
1564 such property, less any salvage value obtained by disposal of  
1565 the property. Upon final disposition of the property, the law  
1566 enforcement officer or representative of the law enforcement  
1567 agency or other governmental entity shall notify the owner, if  
1568 known, of the amount owed. In the case of an abandoned vessel or  
1569 motor vehicle, any person who neglects or refuses to pay such  
1570 amount is not entitled to be issued a certificate of  
1571 registration for such vessel or motor vehicle, or any other  
1572 vessel or motor vehicle, until such costs have been paid. A  
1573 person who has neglected or refused to pay all costs of removal,  
1574 storage, disposal, and destruction of a vessel or motor vehicle  
1575 as provided in this section, after having been provided written  
1576 notice via certified mail that such costs are owed, and who  
1577 applies for and is issued a registration for a vessel or motor  
1578 vehicle before such costs have been paid in full commits a  
1579 misdemeanor of the first degree, punishable as provided in s.  
1580 775.082 or s. 775.083. The law enforcement officer or  
1581 representative of the law enforcement agency or other  
1582 governmental entity shall supply the Department of Highway  
1583 Safety and Motor Vehicles with a list of persons whose vessel  
1584 registration privileges and ~~or whose~~ motor vehicle privileges



1585 | have been revoked under this subsection. ~~Neither~~ The department  
 1586 | or a nor any other person acting as an agent of the department  
 1587 | may not thereof shall issue a certificate of registration to a  
 1588 | person whose vessel and ~~or~~ motor vehicle registration privileges  
 1589 | have been revoked, as provided by this subsection, until such  
 1590 | costs have been paid.

1591 | Section 27. Effective July 1, 2023, subsection (2) of  
 1592 | section 705.103, Florida Statutes, as amended by section 29 of  
 1593 | chapter 2019-76, Laws of Florida, is amended to read:

1594 | 705.103 Procedure for abandoned or lost property.—

1595 | (2) (a)1. Whenever a law enforcement officer ascertains  
 1596 | that:

1597 | a. An article of lost or abandoned property other than a  
 1598 | derelict vessel or a vessel declared a public nuisance pursuant  
 1599 | to s. 327.73(1)(aa) is present on public property and is of such  
 1600 | nature that it cannot be easily removed, the officer shall cause  
 1601 | a notice to be placed upon such article in substantially the  
 1602 | following form:

1603 |  
 1604 | NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 1605 | PROPERTY. This property, to wit: ...(setting forth brief  
 1606 | description)... is unlawfully upon public property known as  
 1607 | ...(setting forth brief description of location)... and must be  
 1608 | removed within 5 days; otherwise, it will be removed and  
 1609 | disposed of pursuant to chapter 705, Florida Statutes. The owner

1610 will be liable for the costs of removal, storage, and  
1611 publication of notice. Dated this: ...(setting forth the date of  
1612 posting of notice)..., signed: ...(setting forth name, title,  
1613 address, and telephone number of law enforcement officer)....

1614  
1615 b. A derelict vessel or a vessel declared a public  
1616 nuisance pursuant to s. 327.73(1)(aa) is present on the waters  
1617 of this state, the officer shall cause a notice to be placed  
1618 upon such vessel in substantially the following form:

1619  
1620 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
1621 VESSEL. This vessel, to wit: ...(setting forth brief description  
1622 of location)... has been determined to be (derelict or a public  
1623 nuisance) and is unlawfully upon the waters of this state  
1624 ...(setting forth brief description of location)... and must be  
1625 removed within 21 days; otherwise, it will be removed and  
1626 disposed of pursuant to chapter 705, Florida Statutes. The owner  
1627 and other interested parties have the right to a hearing to  
1628 challenge the determination that this vessel is derelict or  
1629 otherwise in violation of the law. Please contact ...(contact  
1630 information for person who can arrange for a hearing in  
1631 accordance with this section).... The owner or the party  
1632 determined to be legally responsible for the vessel being upon  
1633 the waters of this state in a derelict condition will be liable  
1634 for the costs of removal, destruction, and disposal if this

1635 vessel is not removed by the owner. Dated this: ...(setting  
1636 forth the date of posting of notice)..., signed: ...(setting  
1637 forth name, title, address, and telephone number of law  
1638 enforcement officer)....

1639  
1640 2. A ~~Such~~ notice required under subparagraph 1. ~~may shall~~  
1641 be not be less than 8 inches by 10 inches and shall be  
1642 sufficiently weatherproof to withstand normal exposure to the  
1643 elements. In addition to posting, the law enforcement officer  
1644 shall make a reasonable effort to ascertain the name and address  
1645 of the owner. If such is reasonably available to the officer,  
1646 she or he shall mail a copy of such notice to the owner on or  
1647 before the date of posting. If the property is a motor vehicle  
1648 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,  
1649 the law enforcement agency shall contact the Department of  
1650 Highway Safety and Motor Vehicles in order to determine the name  
1651 and address of the owner and any person who has filed a lien on  
1652 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.  
1653 328.15. On receipt of this information, the law enforcement  
1654 agency shall mail a copy of the notice by certified mail, return  
1655 receipt requested, to the owner and to the lienholder, if any,  
1656 except that a law enforcement officer who has issued a citation  
1657 for a violation of s. 376.15 or s. 823.11 to the owner of a  
1658 derelict vessel is not required to mail a copy of the notice by  
1659 certified mail, return receipt requested, to the owner. For a

1660 derelict vessel or a vessel declared a public nuisance pursuant  
1661 to s. 327.73(1)(aa), the mailed notice must inform the owner or  
1662 responsible party that he or she has a right to a hearing to  
1663 dispute the determination that the vessel is derelict or  
1664 otherwise in violation of the law. If a request for a hearing is  
1665 made, a state agency shall follow the processes as set forth in  
1666 s. 120.569. Local governmental entities shall follow the  
1667 processes set forth in s. 120.569, except that a local judge,  
1668 magistrate, or code enforcement officer may be designated to  
1669 conduct such hearings. If, at the end of 5 days after posting  
1670 the notice in sub-subparagraph 1.a., or at the end of 21 days  
1671 after posting the notice in sub-subparagraph 1.b., and mailing  
1672 such notice, if required, the owner or any person interested in  
1673 the lost or abandoned article or articles described has not  
1674 removed the article or articles from public property or shown  
1675 reasonable cause for failure to do so, and, in the case of a  
1676 derelict vessel or a vessel declared a public nuisance pursuant  
1677 to s. 327.73(1)(aa), has not requested a hearing in accordance  
1678 with this section, the following shall apply:

1679 a.~~(a)~~ For abandoned property other than a derelict vessel  
1680 or a vessel declared a public nuisance pursuant to s.  
1681 327.73(1)(aa), the law enforcement agency may retain any or all  
1682 of the property for its own use or for use by the state or unit  
1683 of local government, trade such property to another unit of  
1684 local government or state agency, donate the property to a

1685 charitable organization, sell the property, or notify the  
1686 appropriate refuse removal service.

1687 b. For a derelict vessel or a vessel declared a public  
1688 nuisance pursuant to s. 327.73(1)(aa), the law enforcement  
1689 agency or its designee may:

1690 (I) Remove the vessel from the waters of this state and  
1691 destroy and dispose of the vessel or authorize another  
1692 governmental entity or its designee to do so; or

1693 (II) Authorize the vessel's use as an artificial reef in  
1694 accordance with s. 379.249 if all necessary federal, state, and  
1695 local authorizations are received.

1696  
1697 A law enforcement agency or its designee may also take action as  
1698 described in this sub-subparagraph if, following a hearing  
1699 pursuant to this section, the judge, magistrate, administrative  
1700 law judge, or hearing officer has determined the vessel to be  
1701 derelict as provided in s. 823.11 or otherwise in violation of  
1702 the law in accordance with s. 327.73(1)(aa) and a final order  
1703 has been entered or the case is otherwise closed.

1704 (b) For lost property, the officer shall take custody and  
1705 the agency shall retain custody of the property for 90 days. The  
1706 agency shall publish notice of the intended disposition of the  
1707 property, as provided in this section, during the first 45 days  
1708 of this time period.

1709           1. If the agency elects to retain the property for use by  
1710 the unit of government, donate the property to a charitable  
1711 organization, surrender such property to the finder, sell the  
1712 property, or trade the property to another unit of local  
1713 government or state agency, notice of such election shall be  
1714 given by an advertisement published once a week for 2  
1715 consecutive weeks in a newspaper of general circulation in the  
1716 county where the property was found if the value of the property  
1717 is more than \$100. If the value of the property is \$100 or less,  
1718 notice shall be given by posting a description of the property  
1719 at the law enforcement agency where the property was turned in.  
1720 The notice must be posted for not less than 2 consecutive weeks  
1721 in a public place designated by the law enforcement agency. The  
1722 notice must describe the property in a manner reasonably  
1723 adequate to permit the rightful owner of the property to claim  
1724 it.

1725           2. If the agency elects to sell the property, it must do  
1726 so at public sale by competitive bidding. Notice of the time and  
1727 place of the sale shall be given by an advertisement of the sale  
1728 published once a week for 2 consecutive weeks in a newspaper of  
1729 general circulation in the county where the sale is to be held.  
1730 The notice shall include a statement that the sale shall be  
1731 subject to any and all liens. The sale must be held at the  
1732 nearest suitable place to that where the lost or abandoned  
1733 property is held or stored. The advertisement must include a

1734 description of the goods and the time and place of the sale. The  
 1735 sale may take place no earlier than 10 days after the final  
 1736 publication. If there is no newspaper of general circulation in  
 1737 the county where the sale is to be held, the advertisement shall  
 1738 be posted at the door of the courthouse and at three other  
 1739 public places in the county at least 10 days prior to sale.  
 1740 Notice of the agency's intended disposition shall describe the  
 1741 property in a manner reasonably adequate to permit the rightful  
 1742 owner of the property to identify it.

1743 Section 28. Subsections (1), (2), and (3) of section  
 1744 823.11, Florida Statutes, are amended to read:

1745 823.11 Derelict vessels; relocation or removal; penalty.-

1746 (1) As used in this section and s. 376.15, the term:

1747 (a) "Commission" means the Fish and Wildlife Conservation  
 1748 Commission.

1749 (b) "Derelict vessel" means a vessel, as defined in s.  
 1750 327.02, that is ~~left, stored, or abandoned~~:

1751 1. In a wrecked, junked, or substantially dismantled  
 1752 condition upon any ~~public~~ waters of this state.

1753 a. A vessel is wrecked if it is sunken or sinking; aground  
 1754 without the ability to extricate itself absent mechanical  
 1755 assistance; or remaining after a marine casualty, including, but  
 1756 not limited to, a boating accident, extreme weather, or a fire.

1757 b. A vessel is junked if it has been substantially  
 1758 stripped of vessel components, if vessel components have

1759 substantially degraded or been destroyed, or if the vessel has  
1760 been discarded by the owner or operator. Attaching an outboard  
1761 motor to a vessel that is otherwise junked will not cause the  
1762 vessel to no longer be junked if such motor is not an effective  
1763 means of propulsion as required by s. 327.4107(2)(e) and  
1764 associated rules.

1765 c. A vessel is substantially dismantled if at least two of  
1766 the three following vessel systems or components are missing,  
1767 compromised, incomplete, inoperable, or broken:

- 1768 (I) The steering system;  
1769 (II) The propulsion system; or  
1770 (III) The exterior hull integrity.

1771  
1772 Attaching an outboard motor to a vessel that is otherwise  
1773 substantially dismantled will not cause the vessel to no longer  
1774 be substantially dismantled if such motor is not an effective  
1775 means of propulsion as required by s. 327.4107(2)(e) and  
1776 associated rules.

1777 2. At a port in this state without the consent of the  
1778 agency having jurisdiction thereof.

1779 3. Docked, grounded, or beached upon the property of  
1780 another without the consent of the owner of the property.

1781 (c) "Gross negligence" means conduct so reckless or  
1782 wanting in care that it constitutes a conscious disregard or



1783 indifference to the safety of the property exposed to such  
 1784 conduct.

1785 (d) "Willful misconduct" means conduct evidencing  
 1786 carelessness or negligence of such a degree or recurrence as to  
 1787 manifest culpability, wrongful intent, or evil design or to show  
 1788 an intentional and substantial disregard of the interests of the  
 1789 vessel owner.

1790 (2) (a) ~~It is unlawful for~~ A person, firm, or corporation  
 1791 may not ~~to store, leave, or abandon~~ any derelict vessel upon  
 1792 waters of ~~in~~ this state. For purposes of this paragraph, the  
 1793 term "leave" means to allow a vessel to remain occupied or  
 1794 unoccupied on the waters of this state for more than 24 hours.

1795 (b) Notwithstanding paragraph (a), a person who owns or  
 1796 operates a vessel that becomes derelict upon the waters of this  
 1797 state solely as a result of a boating accident that is reported  
 1798 to law enforcement in accordance with s. 327.301 or otherwise  
 1799 reported to law enforcement; a hurricane; or another sudden  
 1800 event outside of his or her control may not be charged with a  
 1801 violation if:

1802 1. The person documents for law enforcement the specific  
 1803 event that led to the vessel being derelict upon the waters of  
 1804 this state; and

1805 2. The vessel has been removed from the waters of this  
 1806 state or has been repaired or addressed and is no longer  
 1807 derelict upon the waters of this state:

1808 a. Within 7 days after a boating accident or other sudden  
 1809 event outside of his or her control; or

1810 b. Within 45 days after a hurricane has passed over the  
 1811 state.

1812 (c) This subsection does not apply to a vessel that was  
 1813 derelict upon the waters of this state before the stated  
 1814 accident or event.

1815 (3) The commission, an officer ~~officers~~ of the commission,  
 1816 or a ~~and any~~ law enforcement agency or officer specified in s.  
 1817 327.70 may ~~are authorized and empowered to~~ relocate, remove,  
 1818 store, destroy, or dispose of, or cause to be relocated, ~~or~~  
 1819 removed, stored, destroyed, or disposed of, a derelict vessel  
 1820 from ~~public~~ waters of this state as defined in s. 327.02 if the  
 1821 derelict vessel obstructs or threatens to obstruct navigation or  
 1822 in any way constitutes a danger to the environment, property, or  
 1823 persons. The commission, an officer ~~officers~~ of the commission,  
 1824 or any other law enforcement agency or officer acting pursuant  
 1825 to ~~under~~ this subsection to relocate, remove, store, destroy,  
 1826 dispose of, or cause to be relocated, ~~or~~ removed, stored,  
 1827 destroyed, or disposed of, a derelict vessel from ~~public~~ waters  
 1828 of this state shall be held harmless for all damages to the  
 1829 derelict vessel resulting from such action ~~relocation or removal~~  
 1830 unless the damage results from gross negligence or willful  
 1831 misconduct.

1832           (a) Removal, storage, destruction, and disposal of  
 1833 derelict vessels under this subsection may be funded by grants  
 1834 provided in ss. 206.606 and 376.15. The commission shall  
 1835 implement a plan for the procurement of any available federal  
 1836 disaster funds and use such funds for the removal, storage,  
 1837 destruction, and disposal of derelict vessels.

1838           (b) All costs, including costs owed to a third party,  
 1839 incurred by the commission, another ~~or other~~ law enforcement  
 1840 agency, or a governmental subdivision, when the governmental  
 1841 subdivision has received authorization from a law enforcement  
 1842 officer or agency, for in the relocation, ~~or~~ removal, storage,  
 1843 destruction, or disposal of a derelict vessel are recoverable  
 1844 against the vessel owner or the party determined to be legally  
 1845 responsible for the vessel being upon the waters of this state  
 1846 in a derelict condition. The Department of Legal Affairs shall  
 1847 represent the commission in actions to recover such costs. As  
 1848 provided in s. 705.103(4), a person who neglects or refuses to  
 1849 pay such costs may not be issued a certificate of registration  
 1850 for such vessel or for any other vessel or motor vehicle until  
 1851 such costs have been paid. A person who has neglected or refused  
 1852 to pay all costs of removal, storage, destruction, or disposal  
 1853 of a derelict vessel as provided in this section, after having  
 1854 been provided written notice via certified mail that such costs  
 1855 are owed, and who applies for and is issued a registration for a  
 1856 vessel or motor vehicle before such costs have been paid in full

1857 commits a misdemeanor of the first degree, punishable as  
 1858 provided in s. 775.082 or s. 775.083.

1859 (c) A contractor performing relocation, ~~or~~ removal,  
 1860 storage, destruction, or disposal activities at the direction of  
 1861 the commission, an officer ~~officers~~ of the commission, ~~or~~ a law  
 1862 enforcement agency or officer, or a governmental subdivision,  
 1863 when the governmental subdivision has received authorization  
 1864 from a law enforcement officer or agency, pursuant to this  
 1865 section must be licensed in accordance with applicable United  
 1866 States Coast Guard regulations where required; obtain and carry  
 1867 in full force and effect a policy from a licensed insurance  
 1868 carrier in this state to insure against any accident, loss,  
 1869 injury, property damage, or other casualty caused by or  
 1870 resulting from the contractor's actions; and be properly  
 1871 equipped to perform the services to be provided.

1872 Section 29. Except as otherwise expressly provided in this  
 1873 act, this act shall take effect July 1, 2021.