

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

576-04231-21

20211086c2

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 that such misdemeanor is 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 defining terms; authorizing heads of certain entities
16 to establish temporary protection zones in certain
17 water bodies for certain purposes; providing
18 protection zone requirements; prohibiting the
19 restriction of vessel movement within the Florida
20 Intracoastal Waterway except under certain
21 circumstances; requiring the heads of certain entities
22 to report the establishment of such protection zones
23 to the commission and to the appropriate United States
24 Coast Guard Sector Command; providing requirements for
25 the report; providing applicability; providing
26 criminal penalties; amending s. 327.352, F.S.;
27 revising conditions under which a person commits a
28 misdemeanor of the first degree for refusing to submit
29 to certain tests; amending s. 327.35215, F.S.;

576-04231-21

20211086c2

30 requiring the clerk of the court to notify the
31 Department of Highway Safety and Motor Vehicles of
32 certain final dispositions by electronic transmission;
33 requiring the department to enter such disposition on
34 a person's driving record; amending s. 327.359, F.S.;
35 revising conditions under which a person commits a
36 misdemeanor of the first degree for refusing to submit
37 to certain tests; creating s. 327.371, F.S.; providing
38 circumstances under which a person may operate a
39 human-powered vessel within the boundaries of the
40 marked channel of the Florida Intracoastal Waterway;
41 providing a penalty; amending s. 327.391, F.S.;
42 conforming cross-references; amending s. 327.395,
43 F.S.; revising the types of documentation that a
44 person may use to comply with certain boating safety
45 requirements; removing the authority of the commission
46 to appoint certain entities to administer a boating
47 safety education course or temporary certificate
48 examination and issue certain credentials; exempting
49 certain persons from the requirement to possess
50 certain documents aboard a vessel; removing the
51 specified service fee amount that certain entities
52 that issue boating safety identification cards and
53 temporary certificates may charge and keep; amending
54 s. 327.4107, F.S.; revising the conditions under which
55 officers may determine a vessel is at risk of becoming
56 derelict; authorizing certain officers to provide
57 notice that a vessel is at risk of becoming derelict
58 via body camera recordings; authorizing the commission

576-04231-21

20211086c2

59 or certain officers to relocate at-risk vessels to a
60 certain distance from mangroves or vegetation;
61 providing that the commission or officers are not
62 liable for damages to such vessels; providing an
63 exception; authorizing the commission to establish a
64 derelict vessel prevention program consisting of
65 certain components; authorizing the commission to
66 adopt rules; providing that such program is subject to
67 appropriation by the Legislature; providing for
68 funding; amending s. 327.4108, F.S.; designating
69 Monroe County as an anchoring limitation area subject
70 to certain requirements; requiring the commission to
71 adopt rules; providing construction; requiring the
72 commission to designate a specified area as a priority
73 for the removal of derelict vessels until certain
74 conditions are met; deleting obsolete language;
75 amending s. 327.4109, F.S.; prohibiting the anchoring
76 or mooring of a vessel or floating structure within a
77 certain distance of certain facilities; providing
78 exceptions; amending s. 327.45, F.S.; authorizing the
79 commission to establish protection zones where certain
80 activities are prohibited in or near springs; amending
81 s. 327.46, F.S.; authorizing a county or municipality
82 to establish a boating-restricted area within and
83 around a public mooring field and within certain
84 portions of the Florida Intracoastal Waterway;
85 creating s. 327.463, F.S.; specifying conditions under
86 which a vessel is and is not operating at slow speed,
87 minimum wake; prohibiting a person from operating a

576-04231-21

20211086c2

88 vessel faster than slow speed, minimum wake within a
89 certain distance from other specified vessels;
90 providing requirements for construction vessel or
91 barge flags; exempting a person from being cited for a
92 violation under certain circumstances; providing civil
93 penalties; providing applicability; amending s.
94 327.50, F.S.; authorizing the commission to exempt
95 vessel owners and operators from certain safety
96 equipment requirements; amending s. 327.53, F.S.;
97 requiring the owner or operator of a live-aboard
98 vessel or houseboat equipped with a marine sanitation
99 device to maintain a record of the date and location
100 of each pumpout of the device for a certain period;
101 providing an exception; conforming a cross-reference;
102 making technical changes; amending s. 327.54, F.S.;
103 prohibiting a livery from leasing, hiring, or renting
104 a vessel to a person required to complete a
105 commission-approved boating safety education course
106 unless such person presents certain documentation
107 indicating compliance; amending s. 327.60, F.S.;
108 authorizing a local government to enact and enforce
109 regulations allowing the local law enforcement agency
110 to remove an abandoned or lost vessel affixed to a
111 public mooring; amending s. 327.73, F.S.; providing
112 additional violations that qualify as noncriminal
113 infractions; providing civil penalties; prohibiting
114 conviction of a person cited for a violation relating
115 to possessing proof of boating safety education under
116 certain circumstances; increasing certain civil

576-04231-21

20211086c2

117 penalties; providing that certain vessels shall be
118 declared a public nuisance subject to certain
119 statutory provisions; authorizing the commission or
120 certain officers to relocate or remove public nuisance
121 vessels from the waters of this state; providing that
122 the commission or officers are not liable for damages
123 to such vessels; providing an exception; amending s.
124 328.09, F.S.; prohibiting the Department of Highway
125 Safety and Motor Vehicles from issuing a certificate
126 of title to an applicant for a vessel that has been
127 deemed derelict pursuant to certain provisions;
128 authorizing the department, at a later date, to reject
129 an application for a certificate of title for such a
130 vessel; amending s. 376.15, F.S.; revising unlawful
131 acts relating to derelict vessels; defining the term
132 "leave"; prohibiting an owner or operator whose vessel
133 becomes derelict due to specified accidents or events
134 from being charged with a violation under certain
135 circumstances; providing applicability; conforming
136 provisions to changes made by the act; authorizing a
137 governmental subdivision that has received
138 authorization from a law enforcement officer or agency
139 to direct a contractor to perform vessel storage,
140 destruction, and disposal activities; authorizing the
141 commission to provide local government grants for the
142 storage, destruction, and disposal of derelict
143 vessels; providing for funding; amending s. 705.103,
144 F.S.; providing notice procedures for when a law
145 enforcement officer ascertains that a derelict or

576-04231-21

20211086c2

146 public nuisance vessel is present on the waters of
147 this state; requiring a mailed notice to the owner or
148 party responsible for the vessel to inform him or her
149 of the right to a hearing; providing hearing
150 requirements; authorizing a law enforcement agency to
151 take certain actions if a hearing is not requested or
152 a vessel is determined to be derelict or otherwise in
153 violation of law; revising provisions relating to
154 liability for vessel removal costs and notification of
155 the amount owed; providing criminal penalties for a
156 person who is issued a registration for a vessel or
157 motor vehicle before such costs are paid; requiring
158 persons whose vessel registration and motor vehicle
159 privileges have been revoked for failure to pay
160 certain costs to be reported to the department;
161 prohibiting issuance of a certificate of registration
162 to such persons until such costs are paid; amending s.
163 823.11, F.S.; revising application of definitions;
164 revising the definition of the term "derelict vessel";
165 specifying requirements for a vessel to be considered
166 wrecked, junked, or substantially dismantled;
167 providing construction; revising unlawful acts
168 relating to derelict vessels; defining the term
169 "leave"; prohibiting an owner or operator whose vessel
170 becomes derelict due to specified accidents or events
171 from being charged with a violation under certain
172 circumstances; providing applicability; providing that
173 relocation or removal costs incurred by a governmental
174 subdivision are recoverable against the vessel owner

576-04231-21

20211086c2

175 or the party determined to be legally responsible for
176 the vessel being derelict; providing criminal
177 penalties for a person who is issued a registration
178 for a vessel or motor vehicle before such costs are
179 paid; authorizing a governmental subdivision that has
180 received authorization from a law enforcement officer
181 or agency to direct a contractor to perform vessel
182 relocation or removal activities; providing effective
183 dates.

184

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

186

187 Section 1. Effective October 1, 2021, paragraphs (a) and
188 (c) of subsection (1) of section 316.1932, Florida Statutes, are
189 amended to read:

190 316.1932 Tests for alcohol, chemical substances, or
191 controlled substances; implied consent; refusal.-

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

576-04231-21

20211086c2

204 a law enforcement officer who has reasonable cause to believe
205 such person was driving or was in actual physical control of the
206 motor vehicle within this state while under the influence of
207 alcoholic beverages. The administration of a breath test does
208 not preclude the administration of another type of test. The
209 person shall be told that his or her failure to submit to any
210 lawful test of his or her breath will result in the suspension
211 of the person's privilege to operate a motor vehicle for a
212 period of 1 year for a first refusal, or for a period of 18
213 months if the driving privilege of such person has been
214 previously suspended or if he or she has previously been fined
215 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a
216 test or tests required under this chapter or chapter 327, and
217 shall also be told that if he or she refuses to submit to a
218 lawful test of his or her breath and his or her driving
219 privilege has been previously suspended or if he or she has
220 previously been fined under s. 327.35215 for a prior refusal to
221 submit to a lawful test of his or her breath, urine, or blood as
222 required under this chapter or chapter 327, he or she commits a
223 misdemeanor of the first degree, punishable as provided in s.
224 775.082 or s. 775.083, in addition to any other penalties
225 provided by law. The refusal to submit to a chemical or physical
226 breath test upon the request of a law enforcement officer as
227 provided in this section is admissible into evidence in any
228 criminal proceeding.

229 b. A ~~Any~~ person who accepts the privilege extended by the
230 laws of this state of operating a motor vehicle within this
231 state is, by ~~so~~ operating such vehicle, deemed to have given his
232 or her consent to submit to a urine test for the purpose of

576-04231-21

20211086c2

233 detecting the presence of chemical substances as set forth in s.
234 877.111 or controlled substances if the person is lawfully
235 arrested for any offense allegedly committed while the person
236 was driving or was in actual physical control of a motor vehicle
237 while under the influence of chemical substances or controlled
238 substances. The urine test must be incidental to a lawful arrest
239 and administered at a detention facility or any other facility,
240 mobile or otherwise, which is equipped to administer such tests
241 at the request of a law enforcement officer who has reasonable
242 cause to believe such person was driving or was in actual
243 physical control of a motor vehicle within this state while
244 under the influence of chemical substances or controlled
245 substances. The urine test shall be administered at a detention
246 facility or any other facility, mobile or otherwise, which is
247 equipped to administer such test in a reasonable manner that
248 will ensure the accuracy of the specimen and maintain the
249 privacy of the individual involved. The administration of a
250 urine test does not preclude the administration of another type
251 of test. The person shall be told that his or her failure to
252 submit to any lawful test of his or her urine will result in the
253 suspension of the person's privilege to operate a motor vehicle
254 for a period of 1 year for the first refusal, or for a period of
255 18 months if the driving privilege of such person has been
256 previously suspended or if he or she has previously been fined
257 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a
258 test or tests required under this chapter or chapter 327, and
259 shall also be told that if he or she refuses to submit to a
260 lawful test of his or her urine and his or her driving privilege
261 has been previously suspended or if he or she has previously

576-04231-21

20211086c2

262 been fined under s. 327.35215 for a prior refusal to submit to a
263 lawful test of his or her breath, urine, or blood as required
264 under this chapter or chapter 327, he or she commits a
265 misdemeanor of the first degree, punishable as provided in s.
266 775.082 or s. 775.083, in addition to any other penalties
267 provided by law. The refusal to submit to a urine test upon the
268 request of a law enforcement officer as provided in this section
269 is admissible into evidence in any criminal proceeding.

270 2. The Alcohol Testing Program within the Department of Law
271 Enforcement is responsible for the regulation of the operation,
272 inspection, and registration of breath test instruments utilized
273 under the driving and boating under the influence provisions and
274 related provisions located in this chapter and chapters 322 and
275 327. The program is responsible for the regulation of the
276 individuals who operate, inspect, and instruct on the breath
277 test instruments utilized in the driving and boating under the
278 influence provisions and related provisions located in this
279 chapter and chapters 322 and 327. The program is further
280 responsible for the regulation of blood analysts who conduct
281 blood testing to be utilized under the driving and boating under
282 the influence provisions and related provisions located in this
283 chapter and chapters 322 and 327. The program shall:

284 a. Establish uniform criteria for the issuance of permits
285 to breath test operators, agency inspectors, instructors, blood
286 analysts, and instruments.

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

289 c. Have the authority to discipline and suspend, revoke, or
290 renew the permits of breath test operators, agency inspectors,

576-04231-21

20211086c2

291 instructors, blood analysts, and instruments.

292 d. Establish uniform requirements for instruction and
293 curricula for the operation and inspection of approved
294 instruments.

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

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

299 g. Have the authority to approve or disapprove breath test
300 instruments and accompanying paraphernalia for use pursuant to
301 the driving and boating under the influence provisions and
302 related provisions located in this chapter and chapters 322 and
303 327.

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

309 i. Issue final orders which include findings of fact and
310 conclusions of law and which constitute final agency action for
311 the purpose of chapter 120.

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

314 k. Make recommendations concerning any matter within the
315 purview of this section, this chapter, chapter 322, or chapter
316 327.

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

319 m. Consult and cooperate with other entities for the

576-04231-21

20211086c2

320 purpose of implementing the mandates of this section.

321 n. Have the authority to approve the type of blood test
322 utilized under the driving and boating under the influence
323 provisions and related provisions located in this chapter and
324 chapters 322 and 327.

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

329 p. Have the authority to approve repair facilities for the
330 approved breath test instruments, including the authority to set
331 criteria for approval.

332

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

339 (c) A ~~Any~~ person who accepts the privilege extended by the
340 laws of this state of operating a motor vehicle within this
341 state is, by operating such vehicle, deemed to have given his or
342 her consent to submit to an approved blood test for the purpose
343 of determining the alcoholic content of the blood or a blood
344 test for the purpose of determining the presence of chemical
345 substances or controlled substances as provided in this section
346 if there is reasonable cause to believe the person was driving
347 or in actual physical control of a motor vehicle while under the
348 influence of alcoholic beverages or chemical or controlled

576-04231-21

20211086c2

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

576-04231-21

20211086c2

378 admissible in evidence in any criminal proceeding.

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

381 316.1939 Refusal to submit to testing; penalties.—

382 (1) ~~A~~ Any person who has refused to submit to a chemical or
383 physical test of his or her breath, ~~blood,~~ or urine, as
384 described in s. 316.1932, and whose driving privilege was
385 previously suspended or who was previously fined under s.
386 327.35215 for a prior refusal to submit to a lawful test of his
387 or her breath, urine, or blood required under this chapter or
388 chapter 327, and:

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

394 (b) Who was placed under lawful arrest for a violation of
395 s. 316.193 unless such test was requested pursuant to s.
396 316.1932(1)(c);

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

401 (d) Who was informed that a refusal to submit to a lawful
402 test of his or her breath or urine, ~~or blood,~~ if his or her
403 driving privilege has been previously suspended or if he or she
404 has previously been fined under s. 327.35215 for a prior refusal
405 to submit to a lawful test of his or her breath, urine, or blood
406 as required under this chapter or chapter 327, is a misdemeanor

576-04231-21

20211086c2

407 of the first degree, punishable as provided in s. 775.082 or s.
408 775.083, in addition to any other penalties provided by law; and

409 (e) Who, after having been so informed, refused to submit
410 to any such test when requested to do so by a law enforcement
411 officer or correctional officer commits a misdemeanor of the
412 first degree and is subject to punishment as provided in s.
413 775.082 or s. 775.083.

414 Section 3. Present subsections (18) through (47) of section
415 327.02, Florida Statutes, are redesignated as subsections (19)
416 through (48), respectively, a new subsection (18) is added to
417 that section, and present subsection (31) of that section is
418 amended, to read:

419 327.02 Definitions.—As used in this chapter and in chapter
420 328, unless the context clearly requires a different meaning,
421 the term:

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

426 (32)~~(31)~~ "Navigation rules" means, for vessels on:

427 (a) Waters outside established navigational lines of
428 demarcation as specified in 33 C.F.R. part 80, the International
429 Navigational Rules Act of 1977, 33 U.S.C. s. 1602, as amended,
430 including the appendix and annexes thereto, through December 31,
431 2020 ~~October 1, 2012.~~

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

576-04231-21

20211086c2

436 Section 4. Section 327.04, Florida Statutes, is amended to
437 read:

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

443 Section 5. Section 327.462, Florida Statutes, is created to
444 read:

445 327.462 Temporary protection zones for spaceflight launches
446 and recovery of spaceflight assets.—

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

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

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

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

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

464 (2) The head of a law enforcement agency or entity

576-04231-21

20211086c2

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

473 (a) Five hundred yards of where launch services, reentry
474 services, or spaceflight asset recovery operations are being
475 conducted; or

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

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

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

493 (b) May not restrict vessel movement within the Florida

576-04231-21

20211086c2

494 Intracoastal Waterway, except as necessary during the transport
495 of spaceflight assets to or from port or during exigent
496 circumstances.

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

513 (5) This section applies only to launch services, reentry
514 services, or the recovery of spaceflight assets occurring or
515 originating within spaceport territory, as defined in s.
516 331.304, and to federally licensed or federally authorized
517 launches and reentries occurring or transiting to an end
518 destination upon waters of this state.

519 (6) A person who violates this section or any directive
520 given by a law enforcement officer relating to the establishment
521 of a protection zone under this section after being advised of
522 the establishment of the protection zone commits a misdemeanor

576-04231-21

20211086c2

523 of the second degree, punishable as provided in s. 775.082 or s.
524 775.083.

525 Section 6. Effective October 1, 2021, paragraphs (a) and
526 (c) of subsection (1) of section 327.352, Florida Statutes, are
527 amended to read:

528 327.352 Tests for alcohol, chemical substances, or
529 controlled substances; implied consent; refusal.-

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

576-04231-21

20211086c2

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

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

576-04231-21

20211086c2

581 of the specimen and maintain the privacy of the individual
582 involved. The administration of a urine test does not preclude
583 the administration of another type of test. The person shall be
584 told that his or her failure to submit to any lawful test of his
585 or her urine under this chapter will result in a civil penalty
586 of \$500, and shall also be told that if he or she refuses to
587 submit to a lawful test of his or her urine and he or she has
588 been previously fined under s. 327.35215 or has previously had
589 his or her driver license suspended for refusal to submit to any
590 lawful test of his or her breath, urine, or blood, he or she
591 commits a misdemeanor of the first degree, punishable as
592 provided in s. 775.082 or s. 775.083, in addition to any other
593 penalties provided by law. The refusal to submit to a urine test
594 upon the request of a law enforcement officer as provided in
595 this section is admissible into evidence in any criminal
596 proceeding.

597 (c) A ~~Any~~ person who accepts the privilege extended by the
598 laws of this state of operating a vessel within this state is,
599 by operating such vessel, deemed to have given his or her
600 consent to submit to an approved blood test for the purpose of
601 determining the alcoholic content of the blood or a blood test
602 for the purpose of determining the presence of chemical
603 substances or controlled substances as provided in this section
604 if there is reasonable cause to believe the person was operating
605 a vessel while under the influence of alcoholic beverages or
606 chemical or controlled substances and the person appears for
607 treatment at a hospital, clinic, or other medical facility and
608 the administration of a breath or urine test is impractical or
609 impossible. As used in this paragraph, the term "other medical

576-04231-21

20211086c2

610 facility" includes an ambulance or other medical emergency
611 vehicle. The blood test shall be performed in a reasonable
612 manner. A ~~Any~~ person who is incapable of refusal by reason of
613 unconsciousness or other mental or physical condition is deemed
614 not to have withdrawn his or her consent to such test. A ~~Any~~
615 person who is capable of refusal shall be told that his or her
616 failure to submit to such a blood test will result in a civil
617 penalty of \$500 ~~and that a refusal to submit to a lawful test of~~
618 ~~his or her blood, if he or she has previously been fined for~~
619 ~~refusal to submit to any lawful test of his or her breath,~~
620 ~~urine, or blood, is a misdemeanor.~~ The refusal to submit to a
621 blood test upon the request of a law enforcement officer shall
622 be admissible in evidence in any criminal proceeding.

623 Section 7. Subsection (3) of section 327.35215, Florida
624 Statutes, is amended to read:

625 327.35215 Penalty for failure to submit to test.—

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

576-04231-21

20211086c2

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

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

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

652 (2) Who was placed under lawful arrest for a violation of
653 s. 327.35 unless such test was requested pursuant to s.
654 327.352(1)(c);

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

657 (4) Who was informed that a refusal to submit to a lawful
658 test of his or her breath or, ~~urine, or blood,~~ if he or she has
659 been previously fined under s. 327.35215 or has previously had
660 his or her driver license suspended for refusal to submit to a
661 lawful test of his or her breath, urine, or blood, is a
662 misdemeanor of the first degree, punishable as provided in s.
663 775.082 or s. 775.083; and

664 (5) Who, after having been so informed, refused to submit
665 to any such test when requested to do so by a law enforcement
666 officer or correctional officer commits a misdemeanor of the
667 first degree, punishable ~~and is subject to punishment~~ as

576-04231-21

20211086c2

668 provided in s. 775.082 or s. 775.083.

669 Section 9. Section 327.371, Florida Statutes, is created to
670 read:

671 327.371 Human-powered vessels regulated.-

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

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

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

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

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

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

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

694 327.391 Airboats regulated.-

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

576-04231-21

20211086c2

697 provided with an automotive-style factory muffler, underwater
698 exhaust, or other manufactured device capable of adequately
699 muffling the sound of the exhaust of the engine as described in
700 s. 327.02(31) ~~s. 327.02(30)~~. The use of cutouts or flex pipe as
701 the sole source of muffling is prohibited, except as provided in
702 subsection (4). A ~~Any~~ person who violates this subsection
703 commits a noncriminal infraction, punishable as provided in s.
704 327.73(1).

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

709 1. A photographic identification card.

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

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

718 4. Proof of successful course completion in cardiopulmonary
719 resuscitation and first aid.

720 (b) A person issued a captain's license by the United
721 States Coast Guard is not required to complete a boating safety
722 education course that complies with s. 327.395(2)(a) ~~s.~~
723 ~~327.395(1)(a)~~. Proof of the captain's license must be onboard
724 the airboat when carrying one or more passengers for hire on
725 waters of this ~~the~~ state.

576-04231-21

20211086c2

726 Section 11. Section 327.395, Florida Statutes, is amended
727 to read:

728 327.395 Boating safety education.—

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

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

744 (a) Completed a commission-approved boating safety
745 education course that meets the minimum requirements established
746 by the National Association of State Boating Law Administrators;
747 ~~or~~

748 (b) Passed a temporary certificate examination developed or
749 approved by the commission;

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

751 (d) Completed a boating safety education course or
752 equivalency examination in another state, a United States
753 territory, or Canada which meets or exceeds the minimum
754 requirements established by the National Association of State

576-04231-21

20211086c2

755 Boating Law Administrators.

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

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

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

769 ~~(4) The commission may appoint liveries, marinas, or other~~
770 ~~persons as its agents to administer the course or temporary~~
771 ~~certificate examination and issue identification cards or~~
772 ~~temporary certificates in digital, electronic, or paper format~~
773 ~~under guidelines established by the commission. An agent must~~
774 ~~charge the \$2 examination fee, which must be forwarded to the~~
775 ~~commission with proof of passage of the examination and may~~
776 ~~charge and keep a \$1 service fee.~~

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

576-04231-21

20211086c2

- 784 (6) A person is exempt from subsection (1) if he or she:
- 785 (a) 1. Is licensed by the United States Coast Guard to serve
- 786 as master of a vessel; or
- 787 2. Has been previously licensed by the United States Coast
- 788 Guard to serve as master of a vessel, provides proof of such
- 789 licensure to the commission, and requests that a boating safety
- 790 identification card be issued in his or her name.
- 791 (b) Operates a vessel only on a private lake or pond.
- 792 (c) Is accompanied in the vessel by a person who is exempt
- 793 from this section or who holds a boating safety identification
- 794 card in compliance with this section, who is 18 years of age or
- 795 older, and who is attendant to the operation of the vessel and
- 796 responsible for the safe operation of the vessel and for any
- 797 violation that occurs during the operation of the vessel.
- 798 (d) Is a nonresident who has in his or her possession
- 799 photographic identification and proof that he or she has
- 800 completed a boating safety education course or equivalency
- 801 examination in another state or a United States territory which
- 802 meets or exceeds the minimum requirements established by the
- 803 National Association of State Boating Law Administrators.
- 804 (e) Is operating a vessel within 90 days after the purchase
- 805 of that vessel and has available for inspection aboard that
- 806 vessel a bill of sale meeting the requirements of s. 328.46(1).
- 807 (f) Is operating a vessel within 90 days after completing a
- 808 boating safety education course in accordance with paragraph
- 809 (2) (a) the requirements of paragraph (1) (a) and has a
- 810 photographic identification card and a boating safety education
- 811 certificate available for inspection as proof of having
- 812 completed a boating safety education course. The boating safety

576-04231-21

20211086c2

813 education certificate must provide, at a minimum, the student's
814 first and last name, the student's date of birth, and the date
815 that he or she passed the course examination.

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

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

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

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

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

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

840 Section 12. Present subsection (5) of section 327.4107,
841 Florida Statutes, is redesignated as subsection (6), a new

576-04231-21

20211086c2

842 subsection (5) and subsection (7) are added to that section, and
843 paragraphs (d) and (e) of subsection (2) of that section are
844 amended, to read:

845 327.4107 Vessels at risk of becoming derelict on waters of
846 this state.—

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

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

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

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

576-04231-21

20211086c2

871 held harmless for all damages to the at-risk vessel resulting
872 from such relocation unless the damage results from gross
873 negligence or willful misconduct as these terms are defined in
874 s. 823.11.

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

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

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

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

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

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

895
896 The commission may adopt rules to implement this subsection.
897 Implementation of the derelict vessel prevention program shall
898 be subject to appropriation by the Legislature and shall be
899 funded by the Marine Resources Conservation Trust Fund or the

576-04231-21

20211086c2

900 Florida Coastal Protection Trust Fund.

901 Section 13. Section 327.4108, Florida Statutes, is amended
902 to read:

903 327.4108 Anchoring of vessels in anchoring limitation
904 areas.—

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

912 (a) The section of Middle River lying between Northeast
913 21st Court and the Intracoastal Waterway in Broward County.

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

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

917 1. Rivo Alto Island and Di Lido Island.

918 2. San Marino Island and San Marco Island.

919 3. San Marco Island and Biscayne Island.

920 (2) (a) Monroe County is designated as an anchoring
921 limitation area within which a vessel on waters of the state may
922 only be anchored in the same location for a maximum of 90 days.

923 The commission shall adopt rules to implement this subsection.

924 (b) The anchoring limitations in this subsection do not
925 apply to approved and permitted moorings or mooring fields.

926 (c) Notwithstanding the commission rules adopted pursuant
927 to this section, this section is not effective for Monroe County
928 until the county approves, permits, and opens new moorings for

576-04231-21

20211086c2

929 public use, including at least 250 moorings within 1 mile of the
930 Key West Bight City Dock and at least 50 moorings within the Key
931 West Garrison Bight Mooring Field. Until such time, the
932 commission shall designate the area within 1 mile of the Key
933 West Bight City Dock as a priority for the investigation and
934 removal of derelict vessels.

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

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

943 (a) If the vessel suffers a mechanical failure that poses
944 an unreasonable risk of harm to the vessel or the persons
945 onboard unless the vessel anchors. The vessel may anchor for 3
946 business days or until the vessel is repaired, whichever occurs
947 first.

948 (b) If imminent or existing weather conditions in the
949 vicinity of the vessel pose an unreasonable risk of harm to the
950 vessel or the persons onboard unless the vessel anchors. The
951 vessel may anchor until weather conditions no longer pose such
952 risk. During a hurricane or tropical storm, weather conditions
953 are deemed to no longer pose an unreasonable risk of harm when
954 the hurricane or tropical storm warning affecting the area has
955 expired.

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

576-04231-21

20211086c2

958 performances, local government waterfront activities, or
959 fireworks displays. A vessel may anchor for the lesser of the
960 duration of the special event or 3 days.

961 (4) This section does not apply to:

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

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

965 (c) Vessels actively engaged in commercial fishing.

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

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

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

976 1. Anchors the vessel in violation of this section within
977 12 hours after being issued the citation; or

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

980 (c) A law enforcement officer or agency acting under this
981 subsection to remove or impound a vessel, or to cause such
982 removal or impoundment, shall be held harmless for any damage to
983 the vessel resulting from such removal or impoundment unless the
984 damage results from gross negligence or willful misconduct.

985 (d) A contractor performing removal or impoundment services
986 at the direction of a law enforcement officer or agency pursuant

576-04231-21

20211086c2

987 to this subsection must:

988 1. Be licensed in accordance with United States Coast Guard
989 regulations, as applicable.

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

994 3. Be properly equipped to perform such services.

995 (e) In addition to the civil penalty imposed under s.
996 327.73(1)(z), the operator of a vessel that is removed and
997 impounded pursuant to paragraph (b) must pay all removal and
998 storage fees before the vessel is released. A vessel removed
999 pursuant to paragraph (b) may not be impounded for longer than
1000 48 hours.

1001 (6) A violation of this section is punishable as provided
1002 in s. 327.73(1)(z).

1003 ~~(7) This section shall remain in effect notwithstanding the~~
1004 ~~Legislature's adoption of the commission's recommendations for~~
1005 ~~the regulation of mooring vessels outside of public mooring~~
1006 ~~fields pursuant to s. 327.4105.~~

1007 Section 14. Paragraph (a) of subsection (1) and subsection
1008 (2) of section 327.4109, Florida Statutes, are amended to read:

1009 327.4109 Anchoring or mooring prohibited; exceptions;
1010 penalties.—

1011 (1)(a) The owner or operator of a vessel or floating
1012 structure may not anchor or moor such that the nearest approach
1013 of the anchored or moored vessel or floating structure is:

1014 1. Within 150 feet of any public or private marina, boat
1015 ramp, boatyard, or other public vessel launching or loading

576-04231-21

20211086c2

1016 facility;

1017 2. Within 500 ~~300~~ feet of a superyacht repair facility. For
1018 purposes of this subparagraph, the term "superyacht repair
1019 facility" means a facility that services or repairs a yacht with
1020 a water line of 120 feet or more in length; or

1021 3. Within 100 feet outward from the marked boundary of a
1022 public mooring field or a lesser distance if approved by the
1023 commission upon request of a local government within which the
1024 mooring field is located. The commission may adopt rules to
1025 implement this subparagraph.

1026 (2) Notwithstanding subsection (1), an owner or operator of
1027 a vessel may anchor or moor within 150 feet of any public or
1028 private marina, boat ramp, boatyard, or other public vessel
1029 launching or loading facility; within 500 ~~300~~ feet of a
1030 superyacht repair facility; or within 100 feet outward from the
1031 marked boundary of a public mooring field if:

1032 (a) The vessel suffers a mechanical failure that poses an
1033 unreasonable risk of harm to the vessel or the persons onboard
1034 such vessel. The owner or operator of the vessel may anchor or
1035 moor for 5 business days or until the vessel is repaired,
1036 whichever occurs first.

1037 (b) Imminent or existing weather conditions in the vicinity
1038 of the vessel pose an unreasonable risk of harm to the vessel or
1039 the persons onboard such vessel. The owner or operator of the
1040 vessel may anchor or moor until weather conditions no longer
1041 pose such risk. During a hurricane or tropical storm, weather
1042 conditions are deemed to no longer pose an unreasonable risk of
1043 harm when the hurricane or tropical storm warning affecting the
1044 area has expired.

576-04231-21

20211086c2

1045 Section 15. Subsection (2) of section 327.45, Florida
1046 Statutes, is amended to read:

1047 327.45 Protection zones for springs.—

1048 (2) The commission may establish by rule protection zones
1049 that restrict the speed and operation of vessels, or that
1050 prohibit the anchoring, mooring, beaching, or grounding of
1051 vessels, to protect and prevent harm to first, second, and third
1052 magnitude springs and springs groups, including their associated
1053 spring runs, as determined by the commission using the most
1054 recent Florida Geological Survey springs bulletin. This harm
1055 includes negative impacts to water quality, water quantity,
1056 hydrology, wetlands, and aquatic and wetland-dependent species.

1057 Section 16. Paragraph (b) of subsection (1) of section
1058 327.46, Florida Statutes, is amended to read:

1059 327.46 Boating-restricted areas.—

1060 (1) Boating-restricted areas, including, but not limited
1061 to, restrictions of vessel speeds and vessel traffic, may be
1062 established on the waters of this state for any purpose
1063 necessary to protect the safety of the public if such
1064 restrictions are necessary based on boating accidents,
1065 visibility, hazardous currents or water levels, vessel traffic
1066 congestion, or other navigational hazards or to protect
1067 seagrasses on privately owned submerged lands.

1068 (b) Municipalities and counties ~~may have the authority to~~
1069 establish the following boating-restricted areas by ordinance,
1070 including, notwithstanding the prohibition in s. 327.60(2)(c),
1071 within the portion of the Florida Intracoastal Waterway within
1072 their jurisdiction:

1073 1. An ordinance establishing an idle speed, no wake

576-04231-21

20211086c2

1074 boating-restricted area, if the area is:

1075 a. Within 500 feet of any boat ramp, hoist, marine railway,
1076 or other launching or landing facility available for use by the
1077 general boating public on waterways more than 300 feet in width
1078 or within 300 feet of any boat ramp, hoist, marine railway, or
1079 other launching or landing facility available for use by the
1080 general boating public on waterways not exceeding 300 feet in
1081 width.

1082 b. Within 500 feet of fuel pumps or dispensers at any
1083 marine fueling facility that sells motor fuel to the general
1084 boating public on waterways more than 300 feet in width or
1085 within 300 feet of the fuel pumps or dispensers at any licensed
1086 terminal facility that sells motor fuel to the general boating
1087 public on waterways not exceeding 300 feet in width.

1088 c. Inside or within 300 feet of any lock structure.

1089 2. An ordinance establishing a slow speed, minimum wake
1090 boating-restricted area if the area is:

1091 a. Within 300 feet of any bridge fender system.

1092 b. Within 300 feet of any bridge span presenting a vertical
1093 clearance of less than 25 feet or a horizontal clearance of less
1094 than 100 feet.

1095 c. On a creek, stream, canal, or similar linear waterway if
1096 the waterway is less than 75 feet in width from shoreline to
1097 shoreline.

1098 d. On a lake or pond of less than 10 acres in total surface
1099 area.

1100 e. Within the boundaries of a permitted public mooring
1101 field and a buffer around the mooring field of up to 100 feet.

1102 3. An ordinance establishing a vessel-exclusion zone if the

576-04231-21

20211086c2

1103 area is:

1104 a. Accessible by land, open to the general public, and
1105 designated as a public bathing beach or swim area, except that
1106 such areas may not be established within the Florida
1107 Intracoastal Waterway.

1108 b. Within 300 feet of a dam, spillway, or flood control
1109 structure.

1110 Section 17. Section 327.463, Florida Statutes, is created
1111 to read:

1112 327.463 Special hazards.—

1113 (1) For purposes of this section, a vessel:

1114 (a) Is operating at slow speed, minimum wake only if it is:

1115 1. Fully off plane and completely settled into the water;

1116 and

1117 2. Proceeding without wake or with minimum wake.

1118

1119 A vessel that is required to operate at slow speed, minimum wake
1120 may not proceed at a speed greater than a speed that is
1121 reasonable and prudent to avoid the creation of an excessive
1122 wake or other hazardous condition under the existing
1123 circumstances.

1124 (b) Is not proceeding at slow speed, minimum wake if it is:

1125 1. Operating on plane;

1126 2. In the process of coming off plane and settling into the
1127 water or getting on plane; or

1128 3. Operating at a speed that creates a wake that
1129 unreasonably or unnecessarily endangers other vessels.

1130 (2) A person may not operate a vessel faster than slow
1131 speed, minimum wake within 300 feet of any emergency vessel,

576-04231-21

20211086c2

1132 including, but not limited to, a law enforcement vessel, United
1133 States Coast Guard vessel, or firefighting vessel, when such
1134 emergency vessel's emergency lights are activated.

1135 (3) (a) A person may not operate a vessel faster than slow
1136 speed, minimum wake within 300 feet of any construction vessel
1137 or barge when the vessel or barge is displaying an orange flag
1138 from a pole extending:

1139 1. At least 10 feet above the tallest portion of the vessel
1140 or barge, indicating that the vessel or barge is actively
1141 engaged in construction operations; or

1142 2. At least 5 feet above any superstructure permanently
1143 installed upon the vessel or barge, indicating that the vessel
1144 or barge is actively engaged in construction operations.

1145 (b) A flag displayed on a construction vessel or barge
1146 pursuant to this subsection must:

1147 1. Be at least 2 feet by 3 feet in size.

1148 2. Have a wire or other stiffener or be otherwise
1149 constructed to ensure that the flag remains fully unfurled and
1150 extended in the absence of a wind or breeze.

1151 3. Be displayed so that the visibility of the flag is not
1152 obscured in any direction.

1153 (c) In periods of low visibility, including any time
1154 between 30 minutes after sunset and 30 minutes before sunrise, a
1155 person may not be cited for a violation of this subsection
1156 unless the orange flag is illuminated and visible from a
1157 distance of at least 2 nautical miles. Such illumination does
1158 not relieve the construction vessel or barge from complying with
1159 all navigation rules.

1160 (4) (a) A person operating a vessel in violation of this

576-04231-21

20211086c2

1161 section commits a noncriminal infraction, punishable as provided
1162 in s. 327.73.

1163 (b) The owner of, or party who is responsible for, a
1164 construction vessel or barge who displays an orange flag on the
1165 vessel or barge when it is not actively engaged in construction
1166 operations commits a noncriminal infraction, punishable as
1167 provided in s. 327.73.

1168 (5) The speed and penalty provisions of this section do not
1169 apply to a law enforcement, firefighting, or rescue vessel that
1170 is owned or operated by a governmental entity.

1171 Section 18. Paragraph (a) of subsection (1) of section
1172 327.50, Florida Statutes, is amended to read:

1173 327.50 Vessel safety regulations; equipment and lighting
1174 requirements.-

1175 (1) (a) The owner and operator of every vessel on the waters
1176 of this state shall carry, store, maintain, and use safety
1177 equipment in accordance with current United States Coast Guard
1178 safety equipment requirements as specified in the Code of
1179 Federal Regulations, unless expressly exempted by the commission
1180 department.

1181 Section 19. Paragraph (a) of subsection (6) and subsection
1182 (7) of section 327.53, Florida Statutes, are amended, and
1183 subsection (8) is added to that section, to read:

1184 327.53 Marine sanitation.-

1185 (6) (a) A violation of this section is a noncriminal
1186 infraction, punishable as provided in s. 327.73. Each violation
1187 shall be a separate offense. The owner and operator of any
1188 vessel shall be jointly and severally liable for the civil
1189 penalty imposed pursuant to this section.

576-04231-21

20211086c2

1190 (7) ~~A~~ Any vessel or floating structure operated or occupied
1191 on the waters of this ~~the~~ state in violation of this section is
1192 declared a nuisance and a hazard to public safety and health.
1193 The owner or operator of a ~~any~~ vessel or floating structure
1194 cited for violating this section shall, within 30 days following
1195 the issuance of the citation, correct the violation for which
1196 the citation was issued or remove the vessel or floating
1197 structure from the waters of this ~~the~~ state. If the violation is
1198 not corrected within the 30 days and the vessel or floating
1199 structure remains on the waters of this ~~the~~ state in violation
1200 of this section, law enforcement officers charged with the
1201 enforcement of this chapter under s. 327.70 shall apply to the
1202 appropriate court in the county in which the vessel or floating
1203 structure is located, ~~to~~ order or otherwise cause the removal of
1204 such vessel or floating structure from the waters of this ~~the~~
1205 state at the owner's expense. If the owner cannot be found or
1206 otherwise fails to pay the removal costs, the provisions of s.
1207 328.17 shall apply. If the proceeds under s. 328.17 are not
1208 sufficient to pay all removal costs, funds appropriated from the
1209 Marine Resources Conservation Trust Fund pursuant to paragraph
1210 (6) (b) or s. 328.72(15) (c) ~~s. 328.72(16)~~ may be used.

1211 (8) The owner or operator of a live-aboard vessel as
1212 defined in s. 327.02(23), or a houseboat as defined in s.
1213 327.02(17), that is equipped with a marine sanitation device
1214 must maintain a record of the date of each pumpout of the marine
1215 sanitation device and the location of the pumpout station or
1216 waste reception facility. Each record must be maintained for 1
1217 year after the date of the pumpout. This subsection does not
1218 apply to marine compost toilets that process and manage human

576-04231-21

20211086c2

1219 waste using marine compost toilet technologies that comply with
1220 United States Coast Guard requirements.

1221 Section 20. Subsection (2) of section 327.54, Florida
1222 Statutes, is amended to read:

1223 327.54 Liveries; safety regulations; penalty.—

1224 (2) A livery may not knowingly lease, hire, or rent a any
1225 vessel ~~powered by a motor of 10 horsepower or greater to a any~~
1226 person who is required to comply with s. 327.395~~7~~, unless such
1227 person presents to the livery the documentation required by s.
1228 327.395(2) for the operation of a vessel ~~photographic~~
1229 ~~identification and a valid boater safety identification card as~~
1230 ~~required under s. 327.395(1)7~~, or meets the exemption provided
1231 under s. 327.395(6) (f).

1232 Section 21. Subsection (5) of section 327.60, Florida
1233 Statutes, is amended to read:

1234 327.60 Local regulations; limitations.—

1235 (5) A local government may enact and enforce regulations to
1236 implement the procedures for abandoned or lost property that
1237 allow the local law enforcement agency to remove a vessel
1238 affixed to a public dock or mooring within its jurisdiction that
1239 is abandoned or lost property pursuant to s. 705.103(1). Such
1240 regulation must require the local law enforcement agency to post
1241 a written notice at least 24 hours before removing the vessel.

1242 Section 22. Paragraphs (q), (s), and (aa) of subsection (1)
1243 of section 327.73, Florida Statutes, are amended, and paragraphs
1244 (cc) and (dd) are added to that subsection, to read:

1245 327.73 Noncriminal infractions.—

1246 (1) Violations of the following provisions of the vessel
1247 laws of this state are noncriminal infractions:

576-04231-21

20211086c2

1248 (q) Section 327.53(1), (2), ~~and (3)~~, and (8), relating to
1249 marine sanitation.

1250 (s) Section 327.395, relating to boater safety education.
1251 However, a person cited for violating the requirements of s.
1252 327.395 relating to failure to have required proof of boating
1253 safety education in his or her possession may not be convicted
1254 if, before or at the time of a county court hearing, the person
1255 produces proof of the boating safety education identification
1256 card or temporary certificate for verification by the hearing
1257 officer or the court clerk and the identification card or
1258 temporary certificate was valid at the time the person was
1259 cited.

1260 (aa) Section 327.4107, relating to vessels at risk of
1261 becoming derelict on waters of this state, for which the civil
1262 penalty is:

- 1263 1. For a first offense, \$100 ~~\$50~~.
- 1264 2. For a second offense occurring 30 days or more after a
1265 first offense, \$250 ~~\$100~~.
- 1266 3. For a third or subsequent offense occurring 30 days or
1267 more after a previous offense, \$500 ~~\$250~~.

1268
1269 A vessel that is the subject of three or more violations issued
1270 pursuant to the same paragraph of s. 327.4107(2) within an 18-
1271 month period which result in dispositions other than acquittal
1272 or dismissal shall be declared to be a public nuisance and
1273 subject to ss. 705.103(2) and (4) and 823.11(3). The commission,
1274 an officer of the commission, or a law enforcement agency or
1275 officer specified in s. 327.70 may relocate, remove, or cause to
1276 be relocated or removed such public nuisance vessels from waters

576-04231-21

20211086c2

1277 of this state. The commission, an officer of the commission, or
1278 a law enforcement agency or officer acting pursuant to this
1279 paragraph upon waters of this state shall be held harmless for
1280 all damages to the vessel resulting from such relocation or
1281 removal unless the damage results from gross negligence or
1282 willful misconduct as these terms are defined in s. 823.11.

1283 (cc) Section 327.463(4) (a) and (b), relating to vessels
1284 creating special hazards, for which the penalty is:

1285 1. For a first offense, \$50.

1286 2. For a second offense occurring within 12 months after a
1287 prior offense, \$100.

1288 3. For a third offense occurring within 36 months after a
1289 prior offense, \$250.

1290 (dd) Section 327.371, relating to the regulation of human-
1291 powered vessels.

1292
1293 Any person cited for a violation of any provision of this
1294 subsection shall be deemed to be charged with a noncriminal
1295 infraction, shall be cited for such an infraction, and shall be
1296 cited to appear before the county court. The civil penalty for
1297 any such infraction is \$50, except as otherwise provided in this
1298 section. Any person who fails to appear or otherwise properly
1299 respond to a uniform boating citation shall, in addition to the
1300 charge relating to the violation of the boating laws of this
1301 state, be charged with the offense of failing to respond to such
1302 citation and, upon conviction, be guilty of a misdemeanor of the
1303 second degree, punishable as provided in s. 775.082 or s.
1304 775.083. A written warning to this effect shall be provided at
1305 the time such uniform boating citation is issued.

576-04231-21

20211086c2

1306 Section 23. Subsection (4) of section 328.09, Florida
1307 Statutes, is amended to read:

1308 328.09 Refusal to issue and authority to cancel a
1309 certificate of title or registration.-

1310 (4) The department may not issue a certificate of title to
1311 an ~~any~~ applicant for a ~~any~~ vessel that has been deemed derelict
1312 by a law enforcement officer under s. 376.15 or s. 823.11. A law
1313 enforcement officer must inform the department in writing, which
1314 may be provided by facsimile, electronic mail, or other
1315 electronic means, of the vessel's derelict status and supply the
1316 department with the vessel title number or vessel identification
1317 number. The department may issue a certificate of title once a
1318 law enforcement officer has verified in writing, which may be
1319 provided by facsimile, electronic mail, or other electronic
1320 means, that the vessel is no longer a derelict vessel.

1321 Section 24. Effective July 1, 2023, paragraph (e) of
1322 subsection (3) of section 328.09, Florida Statutes, as amended
1323 by section 12 of chapter 2019-76, Laws of Florida, is amended to
1324 read:

1325 328.09 Refusal to issue and authority to cancel a
1326 certificate of title or registration.-

1327 (3) Except as otherwise provided in subsection (4), the
1328 department may reject an application for a certificate of title
1329 only if:

1330 (e) The application is for a vessel that has been deemed
1331 derelict by a law enforcement officer under s. 376.15 or s.
1332 823.11. In such case, a law enforcement officer must inform the
1333 department in writing, which may be provided by facsimile, e-
1334 mail, or other electronic means, of the vessel's derelict status

576-04231-21

20211086c2

1335 and supply the department with the vessel title number or vessel
1336 identification number. The department may issue a certificate of
1337 title once a law enforcement officer has verified in writing,
1338 which may be provided by facsimile, e-mail, or other electronic
1339 means, that the vessel is no longer a derelict vessel.

1340 Section 25. Section 376.15, Florida Statutes, is amended to
1341 read:

1342 376.15 Derelict vessels; relocation or removal from ~~public~~
1343 waters of this state.-

1344 (1) As used in this section, the term:

1345 (a) "Commission" means the Fish and Wildlife Conservation
1346 Commission.

1347 (b) "Gross negligence" means conduct so reckless or wanting
1348 in care that it constitutes a conscious disregard or
1349 indifference to the safety of the property exposed to such
1350 conduct.

1351 (c) "Willful misconduct" means conduct evidencing
1352 carelessness or negligence of such a degree or recurrence as to
1353 manifest culpability, wrongful intent, or evil design or to show
1354 an intentional and substantial disregard of the interests of the
1355 vessel owner.

1356 (2) (a) It is unlawful for any person, firm, or corporation
1357 to ~~store, leave, or abandon~~ any derelict vessel as defined in s.
1358 823.11 upon the waters of in this state. For purposes of this
1359 paragraph, the term "leave" means to allow a vessel to remain
1360 occupied or unoccupied on the waters of this state for more than
1361 24 hours.

1362 (b) Notwithstanding paragraph (a), a person who owns or
1363 operates a vessel that becomes derelict upon the waters of this

576-04231-21

20211086c2

1364 state solely as a result of a boating accident that is reported
1365 to law enforcement in accordance with s. 327.301 or otherwise
1366 reported to law enforcement; a hurricane; or another sudden
1367 event outside of his or her control may not be charged with a
1368 violation if:

1369 1. The individual documents for law enforcement the
1370 specific event that led to the vessel being derelict upon the
1371 waters of this state; and

1372 2. The vessel has been removed from the waters of this
1373 state or has been repaired or addressed such that it is no
1374 longer derelict upon the waters of this state:

1375 a. For a vessel that has become derelict as a result of a
1376 boating accident or other sudden event outside of his or her
1377 control, within 7 days after such accident or event; or

1378 b. Within 45 days after the hurricane has passed over this
1379 state.

1380 (c) This subsection does not apply to a vessel that was
1381 derelict upon the waters of this state before the stated
1382 accident or event.

1383 (3) (a) The commission, an officer ~~officers~~ of the
1384 commission, or a ~~and any~~ law enforcement agency or officer
1385 specified in s. 327.70 may ~~are authorized and empowered to~~
1386 relocate, remove, store, destroy, or dispose of or cause to be
1387 relocated, ~~or~~ removed, stored, destroyed, or disposed of a ~~any~~
1388 derelict vessel as defined in s. 823.11 from public waters of
1389 this state as defined in s. 327.02. All costs, including costs
1390 owed to a third party, incurred by the commission or other law
1391 enforcement agency in the relocation, ~~or~~ removal, storage,
1392 destruction, or disposal of any abandoned or derelict vessel are

576-04231-21

20211086c2

1393 recoverable against the owner of the vessel or the party
1394 determined to be legally responsible for the vessel being upon
1395 the waters of this state in a derelict condition. The Department
1396 of Legal Affairs shall represent the commission in actions to
1397 recover such costs.

1398 (b) The commission, an officer ~~officers~~ of the commission,
1399 or a ~~and any other~~ law enforcement agency or officer specified
1400 in s. 327.70 acting pursuant to ~~under~~ this section to relocate,
1401 remove, store, destroy, or dispose of or cause to be relocated,
1402 ~~or removed, stored, destroyed, or disposed of~~ a derelict vessel
1403 from ~~public~~ waters of this state as defined in s. 327.02 shall
1404 be held harmless for all damages to the derelict vessel
1405 resulting from such action ~~relocation or removal~~ unless the
1406 damage results from gross negligence or willful misconduct as
1407 these terms are defined in s. 823.11.

1408 (c) A contractor performing relocation or removal
1409 activities at the direction of the commission, an officer
1410 ~~officers~~ of the commission, ~~or~~ a law enforcement agency or
1411 officer, or a governmental subdivision, when the governmental
1412 subdivision has received authorization for the relocation or
1413 removal from a law enforcement officer or agency pursuant to
1414 this section, must be licensed in accordance with applicable
1415 United States Coast Guard regulations where required; obtain and
1416 carry in full force and effect a policy from a licensed
1417 insurance carrier in this state to insure against any accident,
1418 loss, injury, property damage, or other casualty caused by or
1419 resulting from the contractor's actions; and be properly
1420 equipped to perform the services to be provided.

1421 (d) The commission may establish a program to provide

576-04231-21

20211086c2

1422 grants to local governments for the removal, storage,
1423 destruction, and disposal of derelict vessels from the ~~public~~
1424 waters of this the state as defined in s. 327.02. The program
1425 shall be funded from the Marine Resources Conservation Trust
1426 Fund or the Florida Coastal Protection Trust Fund.
1427 Notwithstanding ~~the provisions in~~ s. 216.181(11), funds
1428 available for grants may only be authorized by appropriations
1429 acts of the Legislature. In a given fiscal year, if all funds
1430 appropriated pursuant to this paragraph are not requested by and
1431 granted to local governments for the removal, storage,
1432 destruction, and disposal of derelict vessels by the end of the
1433 third quarter, the Fish and Wildlife Conservation Commission may
1434 use the remainder of the funds to remove, store, destroy, and
1435 dispose of, or to pay private contractors to remove, store,
1436 destroy, and dispose of, derelict vessels.

1437 (e) The commission shall adopt by rule procedures for
1438 submitting a grant application and criteria for allocating
1439 available funds. Such criteria shall include, but not be limited
1440 to, the following:

1441 1. The number of derelict vessels within the jurisdiction
1442 of the applicant.

1443 2. The threat posed by such vessels to public health or
1444 safety, the environment, navigation, or the aesthetic condition
1445 of the general vicinity.

1446 3. The degree of commitment of the local government to
1447 maintain waters free of abandoned and derelict vessels and to
1448 seek legal action against those who abandon vessels in the
1449 waters of this the state as defined in s. 327.02.

1450 (f) This section constitutes the authority for such removal

576-04231-21

20211086c2

1451 but is not intended to be in contravention of any applicable
1452 federal act.

1453 Section 26. Subsections (2) and (4) of section 705.103,
1454 Florida Statutes, are amended to read:

1455 705.103 Procedure for abandoned or lost property.—

1456 (2) (a)1. Whenever a law enforcement officer ascertains
1457 that:

1458 a. An article of lost or abandoned property other than a
1459 derelict vessel or a vessel declared a public nuisance pursuant
1460 to s. 327.73(1)(aa) is present on public property and is of such
1461 nature that it cannot be easily removed, the officer shall cause
1462 a notice to be placed upon such article in substantially the
1463 following form:

1464
1465 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1466 PROPERTY. This property, to wit: ...(setting forth brief
1467 description)... is unlawfully upon public property known as
1468 ...(setting forth brief description of location)... and must be
1469 removed within 5 days; otherwise, it will be removed and
1470 disposed of pursuant to chapter 705, Florida Statutes. The owner
1471 will be liable for the costs of removal, storage, and
1472 publication of notice. Dated this: ...(setting forth the date of
1473 posting of notice)..., signed: ...(setting forth name, title,
1474 address, and telephone number of law enforcement officer)....

1475
1476 b. A derelict vessel or a vessel declared a public nuisance
1477 pursuant to s. 327.73(1)(aa) is present on the waters of this
1478 state, the officer shall cause a notice to be placed upon such
1479 vessel in substantially the following form:

576-04231-21

20211086c2

1480
1481 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1482 VESSEL. This vessel, to wit: ...(setting forth brief
1483 description)... has been determined to be (derelict or a public
1484 nuisance) and is unlawfully upon waters of this state
1485 ...(setting forth brief description of location)... and must be
1486 removed within 21 days; otherwise, it will be removed and
1487 disposed of pursuant to chapter 705, Florida Statutes. The owner
1488 and other interested parties have the right to a hearing to
1489 challenge the determination that this vessel is derelict or
1490 otherwise in violation of the law. Please contact ...(contact
1491 information for person who can arrange for a hearing in
1492 accordance with this section).... The owner or the party
1493 determined to be legally responsible for the vessel being upon
1494 the waters of this state in a derelict condition will be liable
1495 for the costs of removal, destruction, and disposal if this
1496 vessel is not removed by the owner. Dated this: ...(setting
1497 forth the date of posting of notice)..., signed: ...(setting
1498 forth name, title, address, and telephone number of law
1499 enforcement officer)....

1500 2. The notices required under subparagraph 1. may Such
1501 ~~notice shall be~~ not be less than 8 inches by 10 inches and shall
1502 be sufficiently weatherproof to withstand normal exposure to the
1503 elements. In addition to posting, the law enforcement officer
1504 shall make a reasonable effort to ascertain the name and address
1505 of the owner. If such is reasonably available to the officer,
1506 she or he shall mail a copy of such notice to the owner on or
1507 before the date of posting. If the property is a motor vehicle
1508 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,

576-04231-21

20211086c2

1509 the law enforcement agency shall contact the Department of
1510 Highway Safety and Motor Vehicles in order to determine the name
1511 and address of the owner and any person who has filed a lien on
1512 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
1513 328.15(1). On receipt of this information, the law enforcement
1514 agency shall mail a copy of the notice by certified mail, return
1515 receipt requested, to the owner and to the lienholder, if any,
1516 except that a law enforcement officer who has issued a citation
1517 for a violation of s. 376.15 or s. 823.11 to the owner of a
1518 derelict vessel is not required to mail a copy of the notice by
1519 certified mail, return receipt requested, to the owner. For a
1520 derelict vessel or a vessel declared a public nuisance pursuant
1521 to s. 327.73(1)(aa), the mailed notice must inform the owner or
1522 responsible party that he or she has a right to a hearing to
1523 dispute the determination that the vessel is derelict or
1524 otherwise in violation of the law. If a request for a hearing is
1525 made, a state agency shall follow the processes set forth in s.
1526 120.569. Local governmental entities shall follow the processes
1527 set forth in s. 120.569, except that a local judge, magistrate,
1528 or code enforcement officer may be designated to conduct such a
1529 hearing. If, at the end of 5 days after posting the notice in
1530 sub-subparagraph 1.a., or at the end of 21 days after posting
1531 the notice in sub-subparagraph 1.b., and mailing such notice, if
1532 required, the owner or any person interested in the lost or
1533 abandoned article or articles described has not removed the
1534 article or articles from public property or shown reasonable
1535 cause for failure to do so, and, in the case of a derelict
1536 vessel or a vessel declared a public nuisance pursuant to s.
1537 327.73(1)(aa), has not requested a hearing in accordance with

576-04231-21

20211086c2

1538 this section, the following shall apply:

1539 a. ~~(a)~~ For abandoned property other than a derelict vessel
1540 or a vessel declared a public nuisance pursuant to s.
1541 327.73(1) (aa), the law enforcement agency may retain any or all
1542 of the property for its own use or for use by the state or unit
1543 of local government, trade such property to another unit of
1544 local government or state agency, donate the property to a
1545 charitable organization, sell the property, or notify the
1546 appropriate refuse removal service.

1547 b. For a derelict vessel or a vessel declared a public
1548 nuisance pursuant to s. 327.73(1) (aa), the law enforcement
1549 agency or its designee may:

1550 (I) Remove the vessel from the waters of this state and
1551 destroy and dispose of the vessel or authorize another
1552 governmental entity or its designee to do so; or

1553 (II) Authorize the vessel's use as an artificial reef in
1554 accordance with s. 379.249 if all necessary federal, state, and
1555 local authorizations are received.

1556
1557 A law enforcement agency or its designee may also take action as
1558 described in this sub-subparagraph if, following a hearing
1559 pursuant to this section, the judge, magistrate, administrative
1560 law judge, or hearing officer has determined the vessel to be
1561 derelict as provided in s. 823.11 or otherwise in violation of
1562 the law in accordance with s. 327.73(1) (aa) and a final order
1563 has been entered or the case is otherwise closed.

1564 (b) For lost property, the officer shall take custody and
1565 the agency shall retain custody of the property for 90 days. The
1566 agency shall publish notice of the intended disposition of the

576-04231-21

20211086c2

1567 property, as provided in this section, during the first 45 days
1568 of this time period.

1569 1. If the agency elects to retain the property for use by
1570 the unit of government, donate the property to a charitable
1571 organization, surrender such property to the finder, sell the
1572 property, or trade the property to another unit of local
1573 government or state agency, notice of such election shall be
1574 given by an advertisement published once a week for 2
1575 consecutive weeks in a newspaper of general circulation in the
1576 county where the property was found if the value of the property
1577 is more than \$100. If the value of the property is \$100 or less,
1578 notice shall be given by posting a description of the property
1579 at the law enforcement agency where the property was turned in.
1580 The notice must be posted for not less than 2 consecutive weeks
1581 in a public place designated by the law enforcement agency. The
1582 notice must describe the property in a manner reasonably
1583 adequate to permit the rightful owner of the property to claim
1584 it.

1585 2. If the agency elects to sell the property, it must do so
1586 at public sale by competitive bidding. Notice of the time and
1587 place of the sale shall be given by an advertisement of the sale
1588 published once a week for 2 consecutive weeks in a newspaper of
1589 general circulation in the county where the sale is to be held.
1590 The notice shall include a statement that the sale shall be
1591 subject to any and all liens. The sale must be held at the
1592 nearest suitable place to that where the lost or abandoned
1593 property is held or stored. The advertisement must include a
1594 description of the goods and the time and place of the sale. The
1595 sale may take place no earlier than 10 days after the final

576-04231-21

20211086c2

1596 publication. If there is no newspaper of general circulation in
1597 the county where the sale is to be held, the advertisement shall
1598 be posted at the door of the courthouse and at three other
1599 public places in the county at least 10 days prior to sale.
1600 Notice of the agency's intended disposition shall describe the
1601 property in a manner reasonably adequate to permit the rightful
1602 owner of the property to identify it.

1603 (4) The owner of any abandoned or lost property, or in the
1604 case of a derelict vessel, the owner or other party determined
1605 to be legally responsible for the vessel being upon the waters
1606 of this state in a derelict condition, who, after notice as
1607 provided in this section, does not remove such property within
1608 the specified period shall be liable to the law enforcement
1609 agency, other governmental entity, or the agency's or entity's
1610 designee for all costs of removal, storage, and destruction of
1611 such property, less any salvage value obtained by disposal of
1612 the property. Upon final disposition of the property, the law
1613 enforcement officer or representative of the law enforcement
1614 agency or other governmental entity shall notify the owner, if
1615 known, of the amount owed. In the case of an abandoned vessel or
1616 motor vehicle, any person who neglects or refuses to pay such
1617 amount is not entitled to be issued a certificate of
1618 registration for such vessel or motor vehicle, or any other
1619 vessel or motor vehicle, until such costs have been paid. A
1620 person who has neglected or refused to pay all costs of removal,
1621 storage, disposal, and destruction of a vessel or motor vehicle
1622 as provided in this section, after having been provided written
1623 notice via certified mail that such costs are owed, and who
1624 applies for and is issued a registration for a vessel or motor

576-04231-21

20211086c2

1625 vehicle before such costs have been paid in full commits a
 1626 misdemeanor of the first degree, punishable as provided in s.
 1627 775.082 or s. 775.083. The law enforcement officer or
 1628 representative of the law enforcement agency or other
 1629 governmental entity shall supply the Department of Highway
 1630 Safety and Motor Vehicles with a list of persons whose vessel
 1631 registration privileges and ~~or whose~~ motor vehicle privileges
 1632 have been revoked under this subsection. ~~Neither~~ The department
 1633 or a nor any other person acting as an agent of the department
 1634 may not thereof shall issue a certificate of registration to a
 1635 person whose vessel and ~~or~~ motor vehicle registration privileges
 1636 have been revoked, as provided by this subsection, until such
 1637 costs have been paid.

1638 Section 27. Effective July 1, 2023, subsection (2) of
 1639 section 705.103, Florida Statutes, as amended by section 29 of
 1640 chapter 2019-76, Laws of Florida, is amended to read:

1641 705.103 Procedure for abandoned or lost property.—

1642 (2) (a)1. Whenever a law enforcement officer ascertains
 1643 that:

1644 a. An article of lost or abandoned property other than a
 1645 derelict vessel or a vessel declared a public nuisance pursuant
 1646 to s. 327.73(1)(aa) is present on public property and is of such
 1647 nature that it cannot be easily removed, the officer shall cause
 1648 a notice to be placed upon such article in substantially the
 1649 following form:

1650
 1651 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 1652 PROPERTY. This property, to wit: ... (setting forth brief
 1653 description)... is unlawfully upon public property known as

576-04231-21

20211086c2

1654 ... (setting forth brief description of location)... and must be
1655 removed within 5 days; otherwise, it will be removed and
1656 disposed of pursuant to chapter 705, Florida Statutes. The owner
1657 will be liable for the costs of removal, storage, and
1658 publication of notice. Dated this: ... (setting forth the date of
1659 posting of notice)..., signed: ... (setting forth name, title,
1660 address, and telephone number of law enforcement officer)....
1661

1662 b. A derelict vessel or a vessel declared a public nuisance
1663 pursuant to s. 327.73(1)(aa) is present on the waters of this
1664 state, the officer shall cause a notice to be placed upon such
1665 vessel in substantially the following form:
1666

1667 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1668 VESSEL. This vessel, to wit: ... (setting forth brief description
1669 of location)... has been determined to be (derelict or a public
1670 nuisance) and is unlawfully upon the waters of this state
1671 ... (setting forth brief description of location)... and must be
1672 removed within 21 days; otherwise, it will be removed and
1673 disposed of pursuant to chapter 705, Florida Statutes. The owner
1674 and other interested parties have the right to a hearing to
1675 challenge the determination that this vessel is derelict or
1676 otherwise in violation of the law. Please contact ... (contact
1677 information for person who can arrange for a hearing in
1678 accordance with this section)... The owner or the party
1679 determined to be legally responsible for the vessel being upon
1680 the waters of this state in a derelict condition will be liable
1681 for the costs of removal, destruction, and disposal if this
1682 vessel is not removed by the owner. Dated this: ... (setting

576-04231-21

20211086c2

1683 forth the date of posting of notice)..., signed: ...(setting
1684 forth name, title, address, and telephone number of law
1685 enforcement officer)....

1686
1687 2. The notices required under subparagraph 1. may ~~Such~~
1688 ~~notice shall be~~ not be less than 8 inches by 10 inches and shall
1689 be sufficiently weatherproof to withstand normal exposure to the
1690 elements. In addition to posting, the law enforcement officer
1691 shall make a reasonable effort to ascertain the name and address
1692 of the owner. If such is reasonably available to the officer,
1693 she or he shall mail a copy of such notice to the owner on or
1694 before the date of posting. If the property is a motor vehicle
1695 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,
1696 the law enforcement agency shall contact the Department of
1697 Highway Safety and Motor Vehicles in order to determine the name
1698 and address of the owner and any person who has filed a lien on
1699 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
1700 328.15. On receipt of this information, the law enforcement
1701 agency shall mail a copy of the notice by certified mail, return
1702 receipt requested, to the owner and to the lienholder, if any,
1703 except that a law enforcement officer who has issued a citation
1704 for a violation of s. 376.15 or s. 823.11 to the owner of a
1705 derelict vessel is not required to mail a copy of the notice by
1706 certified mail, return receipt requested, to the owner. For a
1707 derelict vessel or a vessel declared a public nuisance pursuant
1708 to s. 327.73(1)(aa), the mailed notice must inform the owner or
1709 responsible party that he or she has a right to a hearing to
1710 dispute the determination that the vessel is derelict or
1711 otherwise in violation of the law. If a request for a hearing is

576-04231-21

20211086c2

1712 made, a state agency shall follow the processes as set forth in
1713 s. 120.569. Local governmental entities shall follow the
1714 processes set forth in s. 120.569, except that a local judge,
1715 magistrate, or code enforcement officer may be designated to
1716 conduct such a hearing. If, at the end of 5 days after posting
1717 the notice in sub-subparagraph 1.a., or at the end of 21 days
1718 after posting the notice in sub-subparagraph 1.b., and mailing
1719 such notice, if required, the owner or any person interested in
1720 the lost or abandoned article or articles described has not
1721 removed the article or articles from public property or shown
1722 reasonable cause for failure to do so, and, in the case of a
1723 derelict vessel or a vessel declared a public nuisance pursuant
1724 to s. 327.73(1)(aa), has not requested a hearing in accordance
1725 with this section, the following shall apply:

1726 a. ~~(a)~~ For abandoned property other than a derelict vessel
1727 or a vessel declared a public nuisance pursuant to s.
1728 327.73(1)(aa), the law enforcement agency may retain any or all
1729 of the property for its own use or for use by the state or unit
1730 of local government, trade such property to another unit of
1731 local government or state agency, donate the property to a
1732 charitable organization, sell the property, or notify the
1733 appropriate refuse removal service.

1734 b. For a derelict vessel or a vessel declared a public
1735 nuisance pursuant to s. 327.73(1)(aa), the law enforcement
1736 agency or its designee may:

1737 (I) Remove the vessel from the waters of this state and
1738 destroy and dispose of the vessel or authorize another
1739 governmental entity or its designee to do so; or

1740 (II) Authorize the vessel's use as an artificial reef in

576-04231-21

20211086c2

1741 accordance with s. 379.249 if all necessary federal, state, and
1742 local authorizations are received.

1743

1744 A law enforcement agency or its designee may also take action as
1745 described in this sub-subparagraph if, following a hearing
1746 pursuant to this section, the judge, magistrate, administrative
1747 law judge, or hearing officer has determined the vessel to be
1748 derelict as provided in s. 823.11 or otherwise in violation of
1749 the law in accordance with s. 327.73(1)(aa) and a final order
1750 has been entered or the case is otherwise closed.

1751 (b) For lost property, the officer shall take custody and
1752 the agency shall retain custody of the property for 90 days. The
1753 agency shall publish notice of the intended disposition of the
1754 property, as provided in this section, during the first 45 days
1755 of this time period.

1756 1. If the agency elects to retain the property for use by
1757 the unit of government, donate the property to a charitable
1758 organization, surrender such property to the finder, sell the
1759 property, or trade the property to another unit of local
1760 government or state agency, notice of such election shall be
1761 given by an advertisement published once a week for 2
1762 consecutive weeks in a newspaper of general circulation in the
1763 county where the property was found if the value of the property
1764 is more than \$100. If the value of the property is \$100 or less,
1765 notice shall be given by posting a description of the property
1766 at the law enforcement agency where the property was turned in.
1767 The notice must be posted for not less than 2 consecutive weeks
1768 in a public place designated by the law enforcement agency. The
1769 notice must describe the property in a manner reasonably

576-04231-21

20211086c2

1770 adequate to permit the rightful owner of the property to claim
1771 it.

1772 2. If the agency elects to sell the property, it must do so
1773 at public sale by competitive bidding. Notice of the time and
1774 place of the sale shall be given by an advertisement of the sale
1775 published once a week for 2 consecutive weeks in a newspaper of
1776 general circulation in the county where the sale is to be held.
1777 The notice shall include a statement that the sale shall be
1778 subject to any and all liens. The sale must be held at the
1779 nearest suitable place to that where the lost or abandoned
1780 property is held or stored. The advertisement must include a
1781 description of the goods and the time and place of the sale. The
1782 sale may take place no earlier than 10 days after the final
1783 publication. If there is no newspaper of general circulation in
1784 the county where the sale is to be held, the advertisement shall
1785 be posted at the door of the courthouse and at three other
1786 public places in the county at least 10 days prior to sale.
1787 Notice of the agency's intended disposition shall describe the
1788 property in a manner reasonably adequate to permit the rightful
1789 owner of the property to identify it.

1790 Section 28. Subsections (1), (2), and (3) of section
1791 823.11, Florida Statutes, are amended to read:

1792 823.11 Derelict vessels; relocation or removal; penalty.—

1793 (1) As used in this section and s. 376.15, the term:

1794 (a) "Commission" means the Fish and Wildlife Conservation
1795 Commission.

1796 (b) "Derelict vessel" means a vessel, as defined in s.
1797 327.02, that is ~~left, stored, or abandoned~~:

1798 1. In a wrecked, junked, or substantially dismantled

576-04231-21

20211086c2

1799 condition upon any ~~public~~ waters of this state.

1800 a. A vessel is wrecked if it is sunken or sinking; aground
1801 without the ability to extricate itself absent mechanical
1802 assistance; or remaining after a marine casualty, including, but
1803 not limited to, a boating accident, extreme weather, or a fire.

1804 b. A vessel is junked if it has been substantially stripped
1805 of vessel components, if vessel components have substantially
1806 degraded or been destroyed, or if the vessel has been discarded
1807 by the owner or operator. Attaching an outboard motor to a
1808 vessel that is otherwise junked will not cause the vessel to no
1809 longer be junked if such motor is not an effective means of
1810 propulsion as required by s. 327.4107(2) (e) and associated
1811 rules.

1812 c. A vessel is substantially dismantled if at least two of
1813 the three following vessel systems or components are missing,
1814 compromised, incomplete, inoperable, or broken:

1815 (I) The steering system;

1816 (II) The propulsion system; or

1817 (III) The exterior hull integrity.

1818
1819 Attaching an outboard motor to a vessel that is otherwise
1820 substantially dismantled will not cause the vessel to no longer
1821 be substantially dismantled if such motor is not an effective
1822 means of propulsion as required by s. 327.4107(2) (e) and
1823 associated rules.

1824 2. At a port in this state without the consent of the
1825 agency having jurisdiction thereof.

1826 3. Docked, grounded, or beached upon the property of
1827 another without the consent of the owner of the property.

576-04231-21

20211086c2

1828 (c) "Gross negligence" means conduct so reckless or wanting
1829 in care that it constitutes a conscious disregard or
1830 indifference to the safety of the property exposed to such
1831 conduct.

1832 (d) "Willful misconduct" means conduct evidencing
1833 carelessness or negligence of such a degree or recurrence as to
1834 manifest culpability, wrongful intent, or evil design or to show
1835 an intentional and substantial disregard of the interests of the
1836 vessel owner.

1837 (2) (a) It is unlawful for A person, firm, or corporation
1838 may not to store, leave, or abandon any derelict vessel upon
1839 waters of in this state. For purposes of this paragraph, the
1840 term "leave" means to allow a vessel to remain occupied or
1841 unoccupied on the waters of this state for more than 24 hours.

1842 (b) Notwithstanding paragraph (a), a person who owns or
1843 operates a vessel that becomes derelict upon the waters of this
1844 state solely as a result of a boating accident that is reported
1845 to law enforcement in accordance with s. 327.301 or otherwise
1846 reported to law enforcement; a hurricane; or another sudden
1847 event outside of his or her control may not be charged with a
1848 violation if:

1849 1. The individual documents for law enforcement the
1850 specific event that led to the vessel being derelict upon the
1851 waters of this state; and

1852 2. The vessel has been removed from the waters of this
1853 state or has been repaired or addressed such that it is no
1854 longer derelict upon the waters of this state:

1855 a. For a vessel that has become derelict as a result of a
1856 boating accident or other sudden event outside of his or her

576-04231-21

20211086c2

1857 control, within 7 days after such accident or event; or

1858 b. Within 45 days after the hurricane has passed over the
1859 state.

1860 (c) This subsection does not apply to a vessel that was
1861 derelict upon the waters of this state before the stated
1862 accident or event.

1863 (3) The commission, an officer ~~officers~~ of the commission,
1864 or a ~~and any~~ law enforcement agency or officer specified in s.
1865 327.70 may ~~are authorized and empowered to~~ relocate, remove,
1866 store, destroy, or dispose of or cause to be relocated, ~~or~~
1867 removed, stored, destroyed, or disposed of a derelict vessel
1868 from ~~public~~ waters of this state as defined in s. 327.02 if the
1869 derelict vessel obstructs or threatens to obstruct navigation or
1870 in any way constitutes a danger to the environment, property, or
1871 persons. The commission, an officer ~~officers~~ of the commission,
1872 or any other law enforcement agency or officer acting pursuant
1873 to ~~under~~ this subsection to relocate, remove, store, destroy,
1874 dispose of or cause to be relocated, ~~or~~ removed, stored,
1875 destroyed, or disposed of a derelict vessel from ~~public~~ waters
1876 of this state shall be held harmless for all damages to the
1877 derelict vessel resulting from such action ~~relocation or removal~~
1878 unless the damage results from gross negligence or willful
1879 misconduct.

1880 (a) Removal of derelict vessels under this subsection may
1881 be funded by grants provided in ss. 206.606 and 376.15. The
1882 commission shall implement a plan for the procurement of any
1883 available federal disaster funds and use such funds for the
1884 removal of derelict vessels.

1885 (b) All costs, including costs owed to a third party,

576-04231-21

20211086c2

1886 incurred by the commission, another ~~or other~~ law enforcement
1887 agency, or a governmental subdivision, when the governmental
1888 subdivision has received authorization from a law enforcement
1889 officer or agency, in the relocation, ~~or~~ removal, storage,
1890 destruction, or disposal of a derelict vessel are recoverable
1891 against the vessel owner or the party determined to be legally
1892 responsible for the vessel being upon the waters of this state
1893 in a derelict condition. The Department of Legal Affairs shall
1894 represent the commission in actions to recover such costs. As
1895 provided in s. 705.103(4), a person who neglects or refuses to
1896 pay such costs may not be issued a certificate of registration
1897 for such vessel or for any other vessel or motor vehicle until
1898 such costs have been paid. A person who has neglected or refused
1899 to pay all costs of removal, storage, destruction, or disposal
1900 of a derelict vessel as provided in this section, after having
1901 been provided written notice via certified mail that such costs
1902 are owed, and who applies for and is issued a registration for a
1903 vessel or motor vehicle before such costs have been paid in full
1904 commits a misdemeanor of the first degree, punishable as
1905 provided in s. 775.082 or s. 775.083.

1906 (c) A contractor performing such ~~relocation or removal~~
1907 activities at the direction of the commission, an officer
1908 ~~officers~~ of the commission, ~~or~~ a law enforcement agency or
1909 officer, or a governmental subdivision, when the governmental
1910 subdivision has received authorization for the relocation or
1911 removal from a law enforcement officer or agency, pursuant to
1912 this section must be licensed in accordance with applicable
1913 United States Coast Guard regulations where required; obtain and
1914 carry in full force and effect a policy from a licensed

576-04231-21

20211086c2

1915 insurance carrier in this state to insure against any accident,
1916 loss, injury, property damage, or other casualty caused by or
1917 resulting from the contractor's actions; and be properly
1918 equipped to perform the services to be provided.

1919 Section 29. Except as otherwise expressly provided in this
1920 act, this act shall take effect July 1, 2021.