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

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30 327.46, F.S.; prohibiting municipalities and counties
31 from designating certain waters adjacent to designated
32 public bathing beaches or swim areas as vessel
33 exclusion zones; repealing s. 376.15, F.S., relating
34 to derelict vessels and the relocation and removal of
35 such vessels from the waters of this state; amending
36 s. 379.101, F.S.; revising the definitions of the
37 terms "marine fish" and "saltwater fish"; amending s.
38 705.101, F.S.; revising the definition of the term
39 "abandoned property" to include vessels declared to be
40 a public nuisance; amending s. 705.103, F.S.;
41 clarifying the notice requirements and procedures for
42 vessels declared to be public nuisances; conforming a
43 provision to changes made by the act; amending s.
44 823.11, F.S.; making technical changes; authorizing
45 the commission to establish a program to provide
46 grants to local governments for certain actions
47 regarding derelict vessels and those declared to be a
48 public nuisance; specifying sources for the funds to
49 be used, subject to an appropriation; authorizing the
50 commission to use funds not awarded as grants for
51 certain purposes; requiring the commission to adopt
52 rules for the grant applications and the criteria for
53 allocating the funds; conforming provisions to changes
54 made by the act; amending s. 934.50, F.S.; providing
55 that all employees of the commission or the Florida
56 Forest Service may operate drones for specified
57 purposes; amending ss. 327.04, 328.09, 328.72, and
58 376.11, F.S.; conforming provisions to changes made by

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59 the act; repealing s. 25, chapter 2021-184, Laws of
60 Florida, relating to derelict vessels; reenacting s.
61 327.73(1)(dd), F.S., relating to noncriminal boating
62 infractions, to incorporate the amendment made to s.
63 327.371, F.S., in a reference thereto; reenacting ss.
64 125.01(4) and 379.2412, F.S., relating to powers and
65 duties of legislative and governing bodies of counties
66 and state preemption of the regulating of taking or
67 possessing saltwater fish, respectively, to
68 incorporate the amendment made to s. 379.101, F.S., in
69 references thereto; providing effective dates.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. Paragraphs (a) and (b) of subsection (2) of
74 section 259.105, Florida Statutes, are amended to read:

75 259.105 The Florida Forever Act.—

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

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

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

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88 diminishment of wetlands, forests, working landscapes, and
89 coastal open space.

90 3. The potential development of the state's remaining
91 natural areas and escalation of land values require government
92 efforts to restore, bring under public protection, or acquire
93 lands and water areas to preserve the state's essential
94 ecological functions and invaluable quality of life.

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

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

114 6. The needs of urban, suburban, and small communities in
115 the state for high-quality outdoor recreational opportunities,
116 greenways, trails, and open space have not been fully met by

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117 previous acquisition programs. Through such programs as the
118 Florida Communities Trust and the Florida Recreation Development
119 Assistance Program, the state shall place additional emphasis on
120 acquiring, protecting, preserving, and restoring open space,
121 ecological greenways, and recreation properties within urban,
122 suburban, and rural areas where pristine natural communities or
123 water bodies no longer exist because of the proximity of
124 developed property.

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

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

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

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146 and the restoration of natural water storage, flow, and
147 recharge.

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

159 11. The state must play a major role in the recovery and
160 management of its imperiled species through the acquisition,
161 restoration, enhancement, and management of ecosystems that can
162 support the major life functions of such species. It is the
163 intent of the Legislature to support local, state, and federal
164 programs that result in net benefit to imperiled species habitat
165 by providing public and private land owners meaningful
166 incentives for acquiring, restoring, managing, and repopulating
167 habitats for imperiled species. It is the further intent of the
168 Legislature that public lands, both existing and to be acquired,
169 identified by the lead land managing agency, in consultation
170 with the Fish and Wildlife Conservation Commission for animals
171 or the Department of Agriculture and Consumer Services for
172 plants, as habitat or potentially restorable habitat for
173 imperiled species, be restored, enhanced, managed, and
174 repopulated as habitat for such species to advance the goals and

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175 objectives of imperiled species management for conservation,
176 recreation, or both, consistent with the land management plan
177 without restricting other uses identified in the management
178 plan. It is also the intent of the Legislature that of the
179 proceeds distributed pursuant to subsection (3), additional
180 consideration be given to acquisitions that achieve a
181 combination of conservation goals, including the restoration,
182 enhancement, management, or repopulation of habitat for
183 imperiled species. The council, in addition to the criteria in
184 subsection (9), shall give weight to projects that include
185 acquisition, restoration, management, or repopulation of habitat
186 for imperiled species. The term "imperiled species" as used in
187 this chapter and chapter 253, means plants and animals that are
188 federally listed under the Endangered Species Act, or state-
189 listed by the Fish and Wildlife Conservation Commission or the
190 Department of Agriculture and Consumer Services. As part of the
191 state's role, all state lands that have imperiled species
192 habitat must ~~shall~~ include as a consideration in management plan
193 development the restoration, enhancement, management, and
194 repopulation of such habitats.

195 a. Each lead land managing agency shall:

196 (I) In consultation with the Fish and Wildlife Conservation
197 Commission, consider in the management plan for all state lands
198 under its management which are greater in size than 40
199 contiguous acres the feasibility of using a portion of the
200 property as a gopher tortoise recipient site. If, during
201 consultation with the commission, the lead land managing agency
202 determines that the recipient site management is not in conflict
203 with the primary management objects of the parcel, the

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204 management plan must contain a component or section prepared by
205 a qualified wildlife biologist which assesses the feasibility of
206 managing the site as a recipient site for gopher tortoises,
207 consistent with the rules of the commission.

208 (II) Consult with the commission on feasibility assessments
209 and implementation of gopher tortoise management.

210 b. State lands may be used as gopher tortoise recipient
211 sites only if there are fewer than three permitted private
212 recipient sites available for gopher tortoise relocations which
213 are actively accepting gopher tortoise relocations. The
214 commission shall work with each state land management agency to
215 identify at least nine sites on state lands which are feasible
216 for use as gopher tortoise recipient sites. The lead land
217 management agencies of such identified sites must submit a
218 gopher tortoise recipient site permit application to the
219 commission by December 31, 2022, and the sites must be permitted
220 and ready to accept relocated gopher tortoises by July 1, 2023.
221 If the commission does not approve or deny a complete gopher
222 tortoise recipient site permit application within 45 days after
223 receipt of the application, the application shall be deemed
224 approved.

225 c. ~~In addition,~~ The lead land managing agency of such state
226 lands may use fees received from public or private entities for
227 projects to offset adverse impacts to imperiled species or their
228 habitat in order to restore, enhance, manage, repopulate, or
229 acquire land and to implement land management plans developed
230 under s. 253.034 or a land management prospectus developed and
231 implemented under this chapter. Such fees shall be deposited
232 into a foundation or fund created by each land management agency

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233 under s. 379.223, s. 589.012, or s. 259.032(9)(c), to be used
234 solely to restore, manage, enhance, repopulate, or acquire
235 imperiled species habitat.

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

240 (b) The Legislature recognizes that acquisition of lands in
241 fee simple is only one way to achieve the aforementioned goals
242 and encourages the use of less-than-fee interests, other
243 techniques, and the development of creative partnerships between
244 governmental agencies and private landowners. Such partnerships
245 may include those that advance the restoration, enhancement,
246 management, or repopulation of imperiled species habitat on
247 state lands as provided for in subparagraph (a)11. Easements
248 acquired pursuant to s. 570.71(2)(a) and (b), land protection
249 agreements, and nonstate funded tools such as rural land
250 stewardship areas, sector planning, gopher tortoise recipient
251 sites, and mitigation should be used, where appropriate, to
252 bring environmentally sensitive tracts under an acceptable level
253 of protection at a lower financial cost to the public, and to
254 provide private landowners with the opportunity to enjoy and
255 benefit from their property.

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

258 327.352 Tests for alcohol, chemical substances, or
259 controlled substances; implied consent; refusal.-

260 (1)(a)1. The Legislature declares that the operation of a
261 vessel is a privilege that must be exercised in a reasonable

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262 manner. In order to protect the public health and safety, it is
263 essential that a lawful and effective means of reducing the
264 incidence of boating while impaired or intoxicated be
265 established. Therefore, a person who accepts the privilege
266 extended by the laws of this state of operating a vessel within
267 this state is, by operating such vessel, deemed to have given
268 his or her consent to submit to an approved chemical test or
269 physical test including, but not limited to, an infrared light
270 test of his or her breath for the purpose of determining the
271 alcoholic content of his or her blood or breath if the person is
272 lawfully arrested for any offense allegedly committed while the
273 person was operating a vessel while under the influence of
274 alcoholic beverages. The chemical or physical breath test must
275 be incidental to a lawful arrest and administered at the request
276 of a law enforcement officer who has reasonable cause to believe
277 such person was operating the vessel within this state while
278 under the influence of alcoholic beverages. The administration
279 of a breath test does not preclude the administration of another
280 type of test. The person shall be told that his or her failure
281 to submit to any lawful test of his or her breath under this
282 chapter will result in a civil penalty of \$500, and ~~shall also~~
283 ~~be told~~ that if he or she refuses to submit to a lawful test of
284 his or her breath and he or she has been previously fined under
285 s. 327.35215 or ~~has previously had~~ his or her driving privilege
286 has been previously ~~driver license~~ suspended for refusal to
287 submit to any lawful test of his or her breath, urine, or blood,
288 he or she commits a misdemeanor of the first degree, punishable
289 as provided in s. 775.082 or s. 775.083, in addition to any
290 other penalties provided by law. The refusal to submit to a

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291 chemical or physical breath test upon the request of a law
292 enforcement officer as provided in this section is admissible
293 into evidence in any criminal proceeding.

294 2. A person who accepts the privilege extended by the laws
295 of this state of operating a vessel within this state is, by
296 operating such vessel, deemed to have given his or her consent
297 to submit to a urine test for the purpose of detecting the
298 presence of chemical substances as set forth in s. 877.111 or
299 controlled substances if the person is lawfully arrested for any
300 offense allegedly committed while the person was operating a
301 vessel while under the influence of chemical substances or
302 controlled substances. The urine test must be incidental to a
303 lawful arrest and administered at a detention facility or any
304 other facility, mobile or otherwise, which is equipped to
305 administer such tests at the request of a law enforcement
306 officer who has reasonable cause to believe such person was
307 operating a vessel within this state while under the influence
308 of chemical substances or controlled substances. The urine test
309 must ~~shall~~ be administered at a detention facility or any other
310 facility, mobile or otherwise, which is equipped to administer
311 such test in a reasonable manner that will ensure the accuracy
312 of the specimen and maintain the privacy of the individual
313 involved. The administration of a urine test does not preclude
314 the administration of another type of test. The person shall be
315 told that his or her failure to submit to any lawful test of his
316 or her urine under this chapter will result in a civil penalty
317 of \$500, and ~~shall also be told~~ that if he or she refuses to
318 submit to a lawful test of his or her urine and he or she has
319 been previously fined under s. 327.35215 or ~~has previously had~~

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320 his or her driving privilege has been previously ~~driver license~~
321 suspended for refusal to submit to any lawful test of his or her
322 breath, urine, or blood, he or she commits a misdemeanor of the
323 first degree, punishable as provided in s. 775.082 or s.
324 775.083, in addition to any other penalties provided by law. The
325 refusal to submit to a urine test upon the request of a law
326 enforcement officer as provided in this section is admissible
327 into evidence in any criminal proceeding.

328 (c) A person who accepts the privilege extended by the laws
329 of this state of operating a vessel within this state is, by
330 operating such vessel, deemed to have given his or her consent
331 to submit to an approved blood test for the purpose of
332 determining the alcoholic content of the blood or a blood test
333 for the purpose of determining the presence of chemical
334 substances or controlled substances as provided in this section
335 if there is reasonable cause to believe the person was operating
336 a vessel while under the influence of alcoholic beverages or
337 chemical or controlled substances and the person appears for
338 treatment at a hospital, clinic, or other medical facility and
339 the administration of a breath or urine test is impractical or
340 impossible. As used in this paragraph, the term "other medical
341 facility" includes an ambulance or other medical emergency
342 vehicle. The blood test must ~~shall~~ be performed in a reasonable
343 manner. A person who is incapable of refusal by reason of
344 unconsciousness or other mental or physical condition is deemed
345 not to have withdrawn his or her consent to such test. A person
346 who is capable of refusal shall be told that his or her failure
347 to submit to such a blood test will result in a civil penalty of
348 \$500. The refusal to submit to a blood test upon the request of

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349 a law enforcement officer is ~~shall be~~ admissible in evidence in
350 any criminal proceeding.

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

353 327.35215 Penalty for failure to submit to test.—

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

358 (2) When a person refuses to submit to a blood test, breath
359 test, or urine test pursuant to s. 327.352, a law enforcement
360 officer ~~who is~~ authorized to make arrests for violations of this
361 chapter shall file with the clerk of the court, on a form
362 provided by the commission department, a certified statement
363 that probable cause existed to arrest the person for a violation
364 of s. 327.35 and that the person refused to submit to a test as
365 required by s. 327.352. Along with the statement, the officer
366 shall ~~must~~ also submit a sworn statement on a form provided by
367 the commission department that the person has been advised of
368 both the penalties for failure to submit to the blood, breath,
369 or urine test and the procedure for requesting a hearing.

370 Section 4. Present paragraph (c) of subsection (1) of
371 section 327.371, Florida Statutes, is redesignated as paragraph
372 (d), and a new paragraph (c) is added to that subsection, to
373 read:

374 327.371 Human-powered vessels regulated.—

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

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378 (c) When participating in practices or competitions for
379 interscholastic, intercollegiate, intramural, or club rowing
380 teams affiliated with an educational institution identified in
381 s. 1000.21, s. 1002.01(2), s. 1003.01(2), s. 1005.02(4), or s.
382 1005.03(1)(d), if the adjacent area outside of the marked
383 channel is not suitable for such practice or competition. The
384 teams must use their best efforts to make use of the adjacent
385 area outside of the marked channel. The commission must be
386 notified in writing of the details of any such competition, and
387 the notification must include, but need not be limited to, the
388 date, time, and location of the competition.

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

391 327.4107 Vessels at risk of becoming derelict on waters of
392 this state.—

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

397 (f) The vessel is tied to an unlawful or unpermitted
398 structure or mooring.

399 Section 6. Paragraph (b) of subsection (1) of section
400 327.46, Florida Statutes, is amended to read:

401 327.46 Boating-restricted areas.—

402 (1) Boating-restricted areas, including, but not limited
403 to, restrictions of vessel speeds and vessel traffic, may be
404 established on the waters of this state for any purpose
405 necessary to protect the safety of the public if such
406 restrictions are necessary based on boating accidents,

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407 visibility, hazardous currents or water levels, vessel traffic
408 congestion, or other navigational hazards or to protect
409 seagrasses on privately owned submerged lands.

410 (b) Municipalities and counties may establish the following
411 boating-restricted areas by ordinance, including,
412 notwithstanding the prohibition in s. 327.60(2)(c), within the
413 portion of the Florida Intracoastal Waterway within their
414 jurisdiction:

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

417 a. Within 500 feet of any boat ramp, hoist, marine railway,
418 or other launching or landing facility available for use by the
419 general boating public on waterways more than 300 feet in width
420 or within 300 feet of any boat ramp, hoist, marine railway, or
421 other launching or landing facility available for use by the
422 general boating public on waterways not exceeding 300 feet in
423 width.

424 b. Within 500 feet of fuel pumps or dispensers at any
425 marine fueling facility that sells motor fuel to the general
426 boating public on waterways more than 300 feet in width or
427 within 300 feet of the fuel pumps or dispensers at any licensed
428 terminal facility that sells motor fuel to the general boating
429 public on waterways not exceeding 300 feet in width.

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

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

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

434 b. Within 300 feet of any bridge span presenting a vertical
435 clearance of less than 25 feet or a horizontal clearance of less

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436 than 100 feet.

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

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

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

444 3. An ordinance establishing a vessel-exclusion zone if the
445 area is:

446 a. Designated as a public bathing beach or swim area,
447 except that such areas may not be created on waters that include
448 any portion of the Florida Intracoastal Waterway or that are
449 within 100 feet of the marked channel of the Florida
450 Intracoastal Waterway.

451 b. Within 300 feet of a dam, spillway, or flood control
452 structure.

453
454 Vessel exclusion zones created pursuant to this subparagraph
455 must be marked with uniform waterway markers permitted by the
456 commission in accordance with this chapter. Such zones may not
457 be marked by ropes.

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

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

461 379.101 Definitions.—In construing these statutes, where
462 the context does not clearly indicate otherwise, the word,
463 phrase, or term:

464 (22) "Marine fish" means any saltwater species of finfish

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465 of the classes Agnatha, Chondrichthyes, and Osteichthyes, and
466 marine invertebrates of ~~in~~ the classes Gastropoda and, Bivalvia,
467 the subphylum ~~and~~ Crustacea, or the phylum Echinodermata;
468 however, the term ~~but~~ does not include nonliving shells or
469 echinoderms.

470 (34) "Saltwater fish" means:

471 (a) Any saltwater species of finfish of the classes
472 Agnatha, Chondrichthyes, or Osteichthyes and marine
473 invertebrates of the classes Gastropoda and, Bivalvia, the
474 subphylum ~~or~~ Crustacea, or ~~of~~ the phylum Echinodermata; however,
475 the term ~~but~~ does not include nonliving shells or echinoderms;
476 and

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

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

481 705.101 Definitions.—As used in this chapter:

482 (3) "Abandoned property" means all tangible personal
483 property that does not have an identifiable owner and that has
484 been disposed on public property in a wrecked, inoperative, or
485 partially dismantled condition or has no apparent intrinsic
486 value to the rightful owner. The term includes derelict vessels
487 as defined in s. 823.11 and vessels declared a public nuisance
488 pursuant to s. 327.73(1)(aa).

489 Section 10. Paragraph (a) of subsection (2) and subsection
490 (4) of section 705.103, Florida Statutes, are amended to read:

491 705.103 Procedure for abandoned or lost property.—

492 (2)(a)1. Whenever a law enforcement officer ascertains
493 that:

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

500

501 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
502 PROPERTY. This property, to wit: ...(setting forth brief
503 description)... is unlawfully upon public property known as
504 ...(setting forth brief description of location)... and must be
505 removed within 5 days; otherwise, it will be removed and
506 disposed of pursuant to chapter 705, Florida Statutes. The owner
507 will be liable for the costs of removal, storage, and
508 publication of notice. Dated this: ...(setting forth the date of
509 posting of notice)..., signed: ...(setting forth name, title,
510 address, and telephone number of law enforcement officer)....

511

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

516

517 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
518 VESSEL. This vessel, to wit: ...(setting forth brief
519 description)... has been determined to be ...(derelict or a
520 public nuisance)... and is unlawfully upon waters of this state
521 ...(setting forth brief description of location)... and must be
522 removed within 21 days; otherwise, it will be removed and

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523 disposed of pursuant to chapter 705, Florida Statutes. The owner
524 and other interested parties have the right to a hearing to
525 challenge the determination that this vessel is derelict or
526 otherwise in violation of the law. Please contact ...(contact
527 information for person who can arrange for a hearing in
528 accordance with this section).... The owner or the party
529 determined to be legally responsible for the vessel being upon
530 the waters of this state in a derelict condition or as a public
531 nuisance will be liable for the costs of removal, destruction,
532 and disposal if this vessel is not removed by the owner. Dated
533 this: ...(setting forth the date of posting of notice)...,
534 signed: ...(setting forth name, title, address, and telephone
535 number of law enforcement officer)....

536
537 2. The notices required under subparagraph 1. may not be
538 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently
539 weatherproof to withstand normal exposure to the elements. In
540 addition to posting, the law enforcement officer shall make a
541 reasonable effort to ascertain the name and address of the
542 owner. If such is reasonably available to the officer, she or he
543 shall mail a copy of such notice to the owner on or before the
544 date of posting. If the property is a motor vehicle as defined
545 in s. 320.01(1) or a vessel as defined in s. 327.02, the law
546 enforcement agency shall contact the Department of Highway
547 Safety and Motor Vehicles in order to determine the name and
548 address of the owner and any person who has filed a lien on the
549 vehicle or vessel as provided in s. 319.27(2) or (3) or s.
550 328.15(1). On receipt of this information, the law enforcement
551 agency shall mail a copy of the notice by certified mail, return

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552 receipt requested, to the owner and to the lienholder, if any,
553 except that a law enforcement officer who has issued a citation
554 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a
555 derelict vessel is not required to mail a copy of the notice by
556 certified mail, return receipt requested, to the owner. For a
557 derelict vessel or a vessel declared a public nuisance pursuant
558 to s. 327.73(1)(aa), the mailed notice must inform the owner or
559 responsible party that he or she has a right to a hearing to
560 dispute the determination that the vessel is derelict or
561 otherwise in violation of the law. If a request for a hearing is
562 made, a state agency shall follow the processes set forth in s.
563 120.569. Local governmental entities shall follow the processes
564 set forth in s. 120.569, except that a local judge, magistrate,
565 or code enforcement officer may be designated to conduct such a
566 hearing. If, at the end of 5 days after posting the notice in
567 sub-subparagraph 1.a., or at the end of 21 days after posting
568 the notice in sub-subparagraph 1.b., and mailing such notice, if
569 required, the owner or any person interested in the lost or
570 abandoned article or articles described has not removed the
571 article or articles from public property or shown reasonable
572 cause for failure to do so, and, in the case of a derelict
573 vessel or a vessel declared a public nuisance pursuant to s.
574 327.73(1)(aa), has not requested a hearing in accordance with
575 this section, the following shall apply:

576 a. For abandoned property other than a derelict vessel or a
577 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),
578 the law enforcement agency may retain any or all of the property
579 for its own use or for use by the state or unit of local
580 government, trade such property to another unit of local

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581 government or state agency, donate the property to a charitable
582 organization, sell the property, or notify the appropriate
583 refuse removal service.

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

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

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

593
594 A law enforcement agency or its designee may also take action as
595 described in this sub-subparagraph if, following a hearing
596 pursuant to this section, the judge, magistrate, administrative
597 law judge, or hearing officer has determined the vessel to be
598 derelict as provided in s. 823.11 or otherwise in violation of
599 the law in accordance with s. 327.73(1)(aa) and a final order
600 has been entered or the case is otherwise closed.

601 (4) The owner of any abandoned or lost property, or in the
602 case of a derelict vessel or a vessel declared a public nuisance
603 pursuant to s. 327.73(1)(aa), the owner or other party
604 determined to be legally responsible for the vessel being upon
605 the waters of this state in a derelict condition or as a public
606 nuisance, who, after notice as provided in this section, does
607 not remove such property within the specified period is ~~shall be~~
608 liable to the law enforcement agency, other governmental entity,
609 or the agency's or entity's designee for all costs of removal,

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610 storage, ~~and~~ destruction, and disposal of such property, less
611 any salvage value obtained by disposal of the property. Upon
612 final disposition of the property, the law enforcement officer
613 or representative of the law enforcement agency or other
614 governmental entity shall notify the owner or in the case of a
615 derelict vessel or vessel declared a public nuisance pursuant to
616 s. 327.73(1)(aa), the owner or other party determined to be
617 legally responsible, if known, of the amount owed. In the case
618 of an abandoned vessel or motor vehicle, any person who neglects
619 or refuses to pay such amount is not entitled to be issued a
620 certificate of registration for such vessel or motor vehicle, or
621 any other vessel or motor vehicle, until such costs have been
622 paid. A person who has neglected or refused to pay all costs of
623 removal, storage, disposal, and destruction of a vessel or motor
624 vehicle as provided in this section, after having been provided
625 written notice via certified mail that such costs are owed, and
626 who applies for and is issued a registration for a vessel or
627 motor vehicle before such costs have been paid in full commits a
628 misdemeanor of the first degree, punishable as provided in s.
629 775.082 or s. 775.083. The law enforcement officer or
630 representative of the law enforcement agency or other
631 governmental entity shall supply the Department of Highway
632 Safety and Motor Vehicles with a list of persons whose vessel
633 registration privileges and motor vehicle privileges have been
634 revoked under this subsection. The department or a person acting
635 as an agent of the department may not issue a certificate of
636 registration to a person whose vessel and motor vehicle
637 registration privileges have been revoked, as provided by this
638 subsection, until such costs have been paid.

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

643 705.103 Procedure for abandoned or lost property.—

644 (2) (a) 1. Whenever a law enforcement officer ascertains
645 that:

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

652
653 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
654 PROPERTY. This property, to wit: ... (setting forth brief
655 description) ... is unlawfully upon public property known as
656 ... (setting forth brief description of location) ... and must be
657 removed within 5 days; otherwise, it will be removed and
658 disposed of pursuant to chapter 705, Florida Statutes. The owner
659 will be liable for the costs of removal, storage, and
660 publication of notice. Dated this: ... (setting forth the date of
661 posting of notice) ..., signed: ... (setting forth name, title,
662 address, and telephone number of law enforcement officer)

663
664 b. A derelict vessel or a vessel declared a public nuisance
665 pursuant to s. 327.73(1) (aa) is present on the waters of this
666 state, the officer shall cause a notice to be placed upon such
667 vessel in substantially the following form:

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668
669 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
670 VESSEL. This vessel, to wit: ...(setting forth brief description
671 of location)... has been determined to be ...(derelict or a
672 public nuisance)... and is unlawfully upon the waters of this
673 state ...(setting forth brief description of location)... and
674 must be removed within 21 days; otherwise, it will be removed
675 and disposed of pursuant to chapter 705, Florida Statutes. The
676 owner and other interested parties have the right to a hearing
677 to challenge the determination that this vessel is derelict or
678 otherwise in violation of the law. Please contact ...(contact
679 information for person who can arrange for a hearing in
680 accordance with this section)... The owner or the party
681 determined to be legally responsible for the vessel being upon
682 the waters of this state in a derelict condition or as a public
683 nuisance will be liable for the costs of removal, destruction,
684 and disposal if this vessel is not removed by the owner. Dated
685 this: ...(setting forth the date of posting of notice)...,
686 signed: ...(setting forth name, title, address, and telephone
687 number of law enforcement officer)....

688
689 2. The notices required under subparagraph 1. may not be
690 less than 8 inches by 10 inches and must ~~shall~~ be sufficiently
691 weatherproof to withstand normal exposure to the elements. In
692 addition to posting, the law enforcement officer shall make a
693 reasonable effort to ascertain the name and address of the
694 owner. If such is reasonably available to the officer, she or he
695 shall mail a copy of such notice to the owner on or before the
696 date of posting. If the property is a motor vehicle as defined

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697 in s. 320.01(1) or a vessel as defined in s. 327.02, the law
698 enforcement agency shall contact the Department of Highway
699 Safety and Motor Vehicles in order to determine the name and
700 address of the owner and any person who has filed a lien on the
701 vehicle or vessel as provided in s. 319.27(2) or (3) or s.
702 328.15. On receipt of this information, the law enforcement
703 agency shall mail a copy of the notice by certified mail, return
704 receipt requested, to the owner and to the lienholder, if any,
705 except that a law enforcement officer who has issued a citation
706 for a violation of ~~s. 376.15~~ or s. 823.11 to the owner of a
707 derelict vessel is not required to mail a copy of the notice by
708 certified mail, return receipt requested, to the owner. For a
709 derelict vessel or a vessel declared a public nuisance pursuant
710 to s. 327.73(1)(aa), the mailed notice must inform the owner or
711 responsible party that he or she has a right to a hearing to
712 dispute the determination that the vessel is derelict or
713 otherwise in violation of the law. If a request for a hearing is
714 made, a state agency shall follow the processes as set forth in
715 s. 120.569. Local governmental entities shall follow the
716 processes set forth in s. 120.569, except that a local judge,
717 magistrate, or code enforcement officer may be designated to
718 conduct such a hearing. If, at the end of 5 days after posting
719 the notice in sub-subparagraph 1.a., or at the end of 21 days
720 after posting the notice in sub-subparagraph 1.b., and mailing
721 such notice, if required, the owner or any person interested in
722 the lost or abandoned article or articles described has not
723 removed the article or articles from public property or shown
724 reasonable cause for failure to do so, and, in the case of a
725 derelict vessel or a vessel declared a public nuisance pursuant

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

728 a. For abandoned property other than a derelict vessel or a
729 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),
730 the law enforcement agency may retain any or all of the property
731 for its own use or for use by the state or unit of local
732 government, trade such property to another unit of local
733 government or state agency, donate the property to a charitable
734 organization, sell the property, or notify the appropriate
735 refuse removal service.

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

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

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

745

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

753 Section 12. Present subsections (4), (5), and (6) of
754 section 823.11, Florida Statutes, are redesignated as

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755 subsections (5), (6), and (7), respectively, a new subsection
756 (4) is added to that section, and subsection (1), paragraph (c)
757 of subsection (2), subsection (3), and present subsections (5)
758 and (6) of that section are amended, to read:

759 823.11 Derelict vessels; relocation or removal; penalty.—

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

761 (a) "Commission" means the Fish and Wildlife Conservation
762 Commission.

763 (b) "Derelict vessel" means a vessel, as defined in s.
764 327.02, that is:

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

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

771 b. A vessel is junked if it has been substantially stripped
772 of vessel components, if vessel components have substantially
773 degraded or been destroyed, or if the vessel has been discarded
774 by the owner or operator. Attaching an outboard motor to a
775 vessel that is otherwise junked will not cause the vessel to no
776 longer be junked if such motor is not an effective means of
777 propulsion as required by s. 327.4107(2) (e) and associated
778 rules.

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

782 (I) The steering system;

783 (II) The propulsion system; or

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784 (III) The exterior hull integrity.

785

786 Attaching an outboard motor to a vessel that is otherwise
787 substantially dismantled will not cause the vessel to no longer
788 be substantially dismantled if such motor is not an effective
789 means of propulsion as required by s. 327.4107(2) (e) and
790 associated rules.

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

793 3. Docked, grounded, or beached upon the property of
794 another without the consent of the owner of the property.

795 (c) "Gross negligence" means conduct so reckless or wanting
796 in care that it constitutes a conscious disregard or
797 indifference to the safety of the property exposed to such
798 conduct.

799 (d) "Willful misconduct" means conduct evidencing
800 carelessness or negligence of such a degree or recurrence as to
801 manifest culpability, wrongful intent, or evil design or to show
802 an intentional and substantial disregard of the interests of the
803 vessel owner.

804 (2)

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

811 (3) The commission, an officer of the commission, or a law
812 enforcement agency or officer specified in s. 327.70 may

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813 relocate, remove, and store, ~~destroy, or dispose of~~ or cause to
814 be relocated, removed, and stored, ~~destroyed, or disposed of~~ a
815 derelict vessel from waters of this state as defined in s.
816 327.02 if the derelict vessel obstructs or threatens to obstruct
817 navigation or in any way constitutes a danger to the
818 environment, property, or persons. The commission, an officer of
819 the commission, or any other law enforcement agency or officer
820 acting pursuant to this subsection to relocate, remove, and
821 store, ~~destroy, dispose of~~ or cause to be relocated, removed,
822 and stored, ~~destroyed, or disposed of~~ a derelict vessel from
823 waters of this state shall be held harmless for all damages to
824 the derelict vessel resulting from such action unless the damage
825 results from gross negligence or willful misconduct.

826 ~~(a) Removal of derelict vessels under this subsection may~~
827 ~~be funded by grants provided in ss. 206.606 and 376.15. The~~
828 ~~commission shall implement a plan for the procurement of any~~
829 ~~available federal disaster funds and use such funds for the~~
830 ~~removal of derelict vessels.~~

831 ~~(b)~~ All costs, including costs owed to a third party,
832 incurred by the commission, another law enforcement agency, or a
833 governmental subdivision, when the governmental subdivision has
834 received authorization from a law enforcement officer or agency,
835 in the relocation, removal, storage, destruction, or disposal of
836 a derelict vessel are recoverable against the vessel owner or
837 the party determined to be legally responsible for the vessel
838 being upon the waters of this state in a derelict condition. The
839 Department of Legal Affairs shall represent the commission in
840 actions to recover such costs. As provided in s. 705.103(4), a
841 person who neglects or refuses to pay such costs may not be

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842 issued a certificate of registration for such vessel or for any
843 other vessel or motor vehicle until such costs have been paid. A
844 person who has neglected or refused to pay all costs of removal,
845 storage, destruction, or disposal of a derelict vessel as
846 provided in this section, after having been provided written
847 notice via certified mail that such costs are owed, and who
848 applies for and is issued a registration for a vessel or motor
849 vehicle before such costs have been paid in full commits a
850 misdemeanor of the first degree, punishable as provided in s.
851 775.082 or s. 775.083.

852 (b) ~~(e)~~ A contractor performing such activities at the
853 direction of the commission, an officer of the commission, a law
854 enforcement agency or officer, or a governmental subdivision,
855 when the governmental subdivision has received authorization for
856 the relocation or removal from a law enforcement officer or
857 agency, pursuant to this section must be licensed in accordance
858 with applicable United States Coast Guard regulations where
859 required; obtain and carry in full force and effect a policy
860 from a licensed insurance carrier in this state to insure
861 against any accident, loss, injury, property damage, or other
862 casualty caused by or resulting from the contractor's actions;
863 and be properly equipped to perform the services to be provided.

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

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

869 (c) The commission may establish a program to provide
870 grants to local governments for the removal, storage,

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871 destruction, and disposal of derelict vessels from the waters of
872 this state. This grant funding may also be used for the removal,
873 storage, destruction, and disposal of vessels declared a public
874 nuisance pursuant to s. 327.73(1) (aa). The program must be
875 funded from the Marine Resources Conservation Trust Fund or the
876 Florida Coastal Protection Trust Fund. Notwithstanding s.
877 216.181(11), funds available for these grants may only be
878 authorized by appropriations acts of the Legislature. In a given
879 fiscal year, if all funds appropriated pursuant to this
880 paragraph are not requested by and granted to local governments
881 for the removal, storage, destruction, and disposal of derelict
882 vessels or vessels declared a public nuisance pursuant to s.
883 327.73(1) (aa) by the end of the third quarter, the Fish and
884 Wildlife Conservation Commission may use the remainder of the
885 funds to remove, store, destroy, and dispose of, or to pay
886 private contractors to remove, store, destroy, and dispose of,
887 derelict vessels or vessels declared a public nuisance pursuant
888 to s. 327.73(1) (aa). The commission shall adopt by rule
889 procedures for local governments to submit a grant application
890 and criteria for allocating available funds. Such criteria must
891 include, at a minimum, the following:

892 1. The number of derelict vessels within the jurisdiction
893 of the applicant.

894 2. The threat posed by such vessels to public health or
895 safety, the environment, navigation, or the aesthetic condition
896 of the general vicinity.

897 3. The degree of commitment of the local government to
898 maintain waters free of abandoned and derelict vessels and to
899 seek legal action against those who abandon vessels in the

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900 waters of this state as defined in s. 327.02.

901 (6)~~(5)~~ A person, firm, or corporation violating this
902 section commits a misdemeanor of the first degree and shall be
903 punished as provided by law. A conviction under this section
904 does not bar the assessment and collection of a ~~the~~ civil
905 penalty ~~provided in s. 376.16 for violation of s. 376.15.~~ The
906 court having jurisdiction over the criminal offense,
907 notwithstanding any jurisdictional limitations on the amount in
908 controversy, may order the imposition of such civil penalty in
909 addition to any sentence imposed for the first criminal offense.

910 (7)~~(6)~~ If an owner or a responsible party of a vessel
911 determined to be derelict through an administrative or criminal
912 proceeding has been charged by an officer of the commission or
913 any law enforcement agency or officer as specified in s. 327.70
914 under subsection (6) ~~(5)~~ for a violation of subsection (2) ~~or a~~
915 ~~violation of s. 376.15(2)~~, a person may not reside or dwell on
916 such vessel until the vessel is removed from the waters of the
917 state permanently or returned to the waters of the state in a
918 condition that is no longer derelict.

919 Section 13. Paragraph (p) of subsection (4) of section
920 934.50, Florida Statutes, is amended to read:

921 934.50 Searches and seizure using a drone.—

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

924 (p) By an ~~a non-law enforcement~~ employee of the Fish and
925 Wildlife Conservation Commission or of the Florida Forest
926 Service for the purposes of managing and eradicating invasive
927 exotic plants or animals on public lands and suppressing and
928 mitigating wildfire threats.

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929 Section 14. Section 327.04, Florida Statutes, is amended to
930 read:

931 327.04 Rules.—The commission may adopt rules pursuant to
932 ss. 120.536(1) and 120.54 to implement this chapter, the
933 provisions of chapter 705 relating to vessels, and s. ss. 376.15
934 ~~and~~ 823.11 conferring powers or duties upon it.

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

937 328.09 Refusal to issue and authority to cancel a
938 certificate of title or registration.—

939 (4) The department may not issue a certificate of title to
940 an applicant for a vessel that has been deemed derelict or a
941 public nuisance by a law enforcement officer under s.
942 327.73(1)(aa) or s. 376.15 or s. 823.11. A law enforcement
943 officer must inform the department in writing, which may be
944 provided by facsimile, e-mail ~~electronic mail~~, or other
945 electronic means, of the vessel's derelict or public nuisance
946 status and supply the department with the vessel title number or
947 vessel identification number. The department may issue a
948 certificate of title once a law enforcement officer has verified
949 in writing, which may be provided by facsimile, e-mail
950 ~~electronic mail~~, or other electronic means, that the vessel is
951 no longer a derelict or public nuisance vessel.

952 Section 16. Section 25 of chapter 2021-184, Laws of
953 Florida, is repealed.

954 Section 17. Paragraph (c) of subsection (15) of section
955 328.72, Florida Statutes, is amended to read:

956 328.72 Classification; registration; fees and charges;
957 surcharge; disposition of fees; fines; marine turtle stickers.—

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958 (15) DISTRIBUTION OF FEES.—Except as provided in this
959 subsection, moneys designated for the use of the counties, as
960 specified in subsection (1), shall be distributed by the tax
961 collector to the board of county commissioners for use only as
962 provided in this section. Such moneys to be returned to the
963 counties are for the sole purposes of providing, maintaining, or
964 operating recreational channel marking and other uniform
965 waterway markers, public boat ramps, lifts, and hoists, marine
966 railways, boat piers, docks, mooring buoys, and other public
967 launching facilities; and removing derelict vessels, debris that
968 specifically impedes boat access, not including the dredging of
969 channels, and vessels and floating structures deemed a hazard to
970 public safety and health for failure to comply with s. 327.53.
971 Counties shall demonstrate through an annual detailed accounting
972 report of vessel registration revenues that the registration
973 fees were spent as provided in this subsection. This report
974 shall be provided to the Fish and Wildlife Conservation
975 Commission no later than November 1 of each year. If, before
976 January 1 of each calendar year, the accounting report meeting
977 the prescribed criteria has still not been provided to the
978 commission, the tax collector of that county may not distribute
979 the moneys designated for the use of counties, as specified in
980 subsection (1), to the board of county commissioners but shall,
981 for the next calendar year, remit such moneys to the state for
982 deposit into the Marine Resources Conservation Trust Fund. The
983 commission shall return those moneys to the county if the county
984 fully complies with this section within that calendar year. If
985 the county does not fully comply with this section within that
986 calendar year, the moneys shall remain within the Marine

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987 Resources Trust Fund and may be appropriated for the purposes
988 specified in this subsection.

989 (c) From the vessel registration fees designated for use by
990 the counties in subsection (1), the following amounts shall be
991 remitted to the state for deposit into the Marine Resources
992 Conservation Trust Fund to fund derelict vessel removal grants,
993 as appropriated by the Legislature pursuant to s. 823.11(4)(c)
994 ~~s. 376.15~~:

- 995 1. Class A-2: \$0.25 for each 12-month period registered.
- 996 2. Class 1: \$2.06 for each 12-month period registered.
- 997 3. Class 2: \$9.26 for each 12-month period registered.
- 998 4. Class 3: \$16.45 for each 12-month period registered.
- 999 5. Class 4: \$20.06 for each 12-month period registered.
- 1000 6. Class 5: \$25.46 for each 12-month period registered.

1001 Section 18. Paragraph (h) of subsection (6) of section
1002 376.11, Florida Statutes, is amended to read:

1003 376.11 Florida Coastal Protection Trust Fund.—

1004 (6) Moneys in the Florida Coastal Protection Trust Fund may
1005 be used for the following purposes:

1006 (h) The funding of a grant program to local governments,
1007 pursuant to s. 823.11(4)(c) ~~s. 376.15(3)(d) and (e)~~, for the
1008 removal of derelict and public nuisance vessels from the public
1009 waters of the state.

1010 Section 19. For the purpose of incorporating the amendment
1011 made by this act to section 327.371, Florida Statutes, in a
1012 reference thereto, paragraph (dd) of subsection (1) of section
1013 327.73, Florida Statutes, is reenacted to read:

1014 327.73 Noncriminal infractions.—

1015 (1) Violations of the following provisions of the vessel

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1016 laws of this state are noncriminal infractions:

1017 (dd) Section 327.371, relating to the regulation of human-
1018 powered vessels.

1019

1020 Any person cited for a violation of any provision of this
1021 subsection shall be deemed to be charged with a noncriminal
1022 infraction, shall be cited for such an infraction, and shall be
1023 cited to appear before the county court. The civil penalty for
1024 any such infraction is \$50, except as otherwise provided in this
1025 section. Any person who fails to appear or otherwise properly
1026 respond to a uniform boating citation shall, in addition to the
1027 charge relating to the violation of the boating laws of this
1028 state, be charged with the offense of failing to respond to such
1029 citation and, upon conviction, be guilty of a misdemeanor of the
1030 second degree, punishable as provided in s. 775.082 or s.
1031 775.083. A written warning to this effect shall be provided at
1032 the time such uniform boating citation is issued.

1033 Section 20. For the purpose of incorporating the amendment
1034 made by this act to section 379.101, Florida Statutes, in a
1035 reference thereto, subsection (4) of section 125.01, Florida
1036 Statutes, is reenacted to read:

1037 125.01 Powers and duties.—

1038 (4) The legislative and governing body of a county shall
1039 not have the power to regulate the taking or possession of
1040 saltwater fish, as defined in s. 379.101, with respect to the
1041 method of taking, size, number, season, or species. However,
1042 this subsection does not prohibit a county from prohibiting, for
1043 reasons of protecting the public health, safety, or welfare,
1044 saltwater fishing from real property owned by that county, nor

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1045 does it prohibit the imposition of excise taxes by county
1046 ordinance.

1047 Section 21. For the purpose of incorporating the amendment
1048 made by this act to section 379.101, Florida Statutes, in a
1049 reference thereto, section 379.2412, Florida Statutes, is
1050 reenacted to read:

1051 379.2412 State preemption of power to regulate.—The power
1052 to regulate the taking or possession of saltwater fish, as
1053 defined in s. 379.101, is expressly reserved to the state. This
1054 section does not prohibit a local government from prohibiting,
1055 for reasons of protecting the public health, safety, or welfare,
1056 saltwater fishing from real property owned by that local
1057 government.

1058 Section 22. Except as otherwise expressly provided in this
1059 act, this act shall take effect July 1, 2022.