

# FINAL REPORT

// 2021 LEGISLATIVE SESSION

**+ MARINE INDUSTRIES ASSOCIATION OF FLORIDA**

MAY 16, 2020



# // FINAL REPORT

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Anchoring Limitation Areas

The 2021 Session is over, and though they did not settle the gaming issues they did finish on time. Of the 3,096 bills filed, 275 passed both chambers. The Governor has signed 11 bills and most of his priorities passed during the 2021 session:

- Imposing fines and penalties on social media companies that remove users
- Restricting mail-in voting
- The “anti-riot” legislation
- A bill to ban businesses, government and schools from requiring “vaccine passports”
- A ban on transgender athletes from competing in girls and women’s sports

The top 10 issues of the legislative session:

**BUDGET:** Due to federal stimulus money and rebounding state tax revenues, lawmakers passed a record \$101.5 billion budget. The budget includes bonuses for first responders, providing services for people with developmental and intellectual disabilities, and the effects of rising sea levels. Lawmakers did not pass the proposed cuts in Medicaid funding for hospitals and nursing homes.

**COVID-19:** Lawmakers passed a measure aimed at shielding businesses and health-care providers from lawsuits related to people getting sick or dying from COVID-19. Also, they approved making permanent a ban on COVID-19 vaccine “passports.”

**EDUCATION:** Republicans worked to expand school choice, and passed an overhaul of school-voucher programs. The plan would increase an income threshold so that a family of four making nearly \$100,000 a year could qualify for vouchers. In higher education, the attempt to change and cut the Bright Futures scholarship program was not passed due to the outcry from the public.

**ELECTIONS:** The Republicans passed a few elections bills that include placing new restrictions on voting by mail.

**INSURANCE:** The legislature passed legislation ending Florida’s no-fault auto insurance system. Motorists would no longer be required to carry personal-injury protection (PIP) coverage. They



will have to carry bodily-injury coverage. Lawmakers passed legislation that made changes to property-insurance, including allowing larger annual rate increases for customers of the state-backed Citizens Property Insurance Corp.

**PROTESTS:** DeSantis quickly signed a controversial law-and-order measure that was sparked by nationwide protests last year after the death of George Floyd in Minneapolis. The law creates a new crime of “mob intimidation,” enhances riot-related penalties and makes it harder for local officials to reduce spending on law enforcement.

**SOCIAL MEDIA:** The legislature passed a plan to crack down on social-media companies, barring social-media companies from removing political candidates from the companies’ platforms and threatens hefty fines.

**TAXES:** The legislature passed a plan that will require out-of-state online retailers to collect sales taxes on purchases made by Floridians. The \$1 billion a year generated by the change will be used to replenish a depleted unemployment trust fund. Later, it will be used to offset a cut in a commercial rent tax.

**TOLL ROADS:** Two years after then-Senate President Bill Galvano pushed through a law to build and expand toll roads, the legislature this year decimated the original plan. The legislature killed the idea of building a toll road from Collier County to Polk County, but will be moving forward with projects extending Florida’s Turnpike west from Wildwood to connect with the Suncoast Parkway.

**TRANSGENDER ATHLETES:** In the final days of session the legislature passed a bill that would ban transgender female athletes from competing on high-school girls’ and college women’s sports teams.

They **did not** pass abortion restrictions, an alimony overhaul, restriction to bright futures scholarships, data privacy, limitation of THC potency for medical marijuana, closure of the state pension system, term limits for school board members, increasing unemployment benefits, union dues, or restriction of vacation rentals. These bills were considered top priorities for the legislature or the governor’s office.

### **Anchoring - CS/SB 1946 and CS/HB 1515**

As expected, the House bill was laid on the table so that the House could take up Senate Bill 1946. SB 1946 passed the House of Representatives 116 yeas and 1 nay. The bill has been ordered enrolled and will be sent to the Governor.

### **FWC Bill a.k.a. and “FWC’s Boating Bill” - SB 1086 and HB 639**

Senate Bill 1086 was amended on the Senate floor and passed unanimously. This bill is improved from the originally filed version and bounced between both twice. Senate Bill 1086 passed the House 114 yeas and 1 nay, and has been ordered enrolled and sent to the Governor.

### **Racketeering - SB 776 and HB 783**

We would like to remind you that the Senate bill passed on the Senate floor and was sent to the House, where it passed unanimously. It has been ordered enrolled and will be sent to the governor for approval.

The Enrolled version of SB 776 is included for your information. Yet again, this is an example of a bill that was made difficult in dealing in negotiations with FWC this Session.

### **Budget**

The conference report on SB 2500 was officially filed and distributed to members at 12:06 p.m. on Tuesday, April 27, starting the mandatory 72-hour “cooling off” period before the report could be adopted by both chambers. The conference reports for the budget were accepted and passed out of both chambers.

This conference report is the resulting product of the budget conference process and once signed or vetoed by the governor, will become the state's budget for the 2021-22 Fiscal Year.

The Florida Senate was the host for the Budget Conference process this year. The final Appropriations Conference Report has a Senate bill number, SB 2500. The House of Representatives will host the Budget Conference next year. The House and Senate alternate being host every year.

#### Senate Bill 2500

1708 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY  
CLEAN MARINA

FROM FEDERAL GRANTS TRUST FUND . . . 500,000

1767 SPECIAL CATEGORIES BOATING SAFETY EDUCATION PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 625,650

1768 FIXED CAPITAL OUTLAY DERELICT VESSEL REMOVAL PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 2,204,849

1769 FIXED CAPITAL OUTLAY BOATING INFRASTRUCTURE

FROM FEDERAL GRANTS TRUST FUND . . . 3,900,000

1769A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY  
DERELICT VESSEL REMOVAL PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 1,369,345

1770 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY  
FLORIDA BOATING IMPROVEMENT PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 627,993

FROM STATE GAME TRUST FUND . . . . . 1,250,000

Thank you again for allowing us to represent you in Tallahassee. This week, the Florida Legislature will head into Special Session focused specifically on the issue of gaming.



Margaret "Missy" Timmins  
President  
Timmins Consulting, LLC

## // CIVIL LIABILITY FOR DAMAGES RELATING TO COVID-19

**Senate Bill 72 // Sen. Jeff Brandes // Referred to: Judiciary; Commerce and Tourism; Rules**

**House Bill 7 // Rep. Lawrence McClure // Referred to: Civil Justice & Property Rights Subcommittee; Pandemics & Public Emergencies Committee; Judiciary Committee**

HOUSE/SENATE BILL RELATIONSHIP: *SIMILAR*

**Senate Bill 72:** CS/SB 72 is a combination of SB 72 and SB 74, with some additional changes. SB 72 creates civil liability protections for individuals, businesses, governmental entities, and other organizations against COVID-19-related claims. SB 74 provides lesser liability protections to health care providers, who are defined in the bill, and provides procedures for civil actions against them.

### Liability Protections for COVID-19-Related Claims

The bill defines a COVID-19-related claim, against a person, business, or other entity, but generally not a health care provider, as a claim that arises from or is related to COVID-19. For claims against a person other than a health care provider, the bill establishes preliminary requirements that a plaintiff must complete before the case is allowed to proceed. A court must determine whether:

- The complaint was pled with particularity.
- A physician's affidavit was simultaneously submitted stating that, within a reasonable degree of medical certainty, the physician believed that the defendant caused, through acts or omissions, the plaintiff's damages, injury, or death. If the plaintiff did not meet these requirements, the court must dismiss the action, but the plaintiff is not barred from correcting the deficiencies and refiling the claim.
- The defendant made a good faith effort to substantially comply with authoritative or controlling health standards when the action accrued. If the court determines that the defendant made the requisite good faith effort, the defendant is immune from civil liability. If, in contrast, the court determines that the defendant did not make the requisite good faith effort, the action may proceed.

If a plaintiff meets these preliminary requirements, then he or she bears the burden of proving that the defendant did not make the good faith effort. Additionally, the plaintiff must meet the heightened standard of proving that the defendant's acts or omissions were grossly negligent by the clear and convincing evidence standard.

### Liability Protections for Health Care Providers

The liability protections for COVID-19-related claims against a health care provider mainly relate to claims:

- Arising from the diagnosis or treatment of a person for COVID-19;
- The provision of a novel or experimental COVID-19 treatment;
- The transmission of COVID-19; and

- The delay or cancellation of a surgery or medical procedure.

However, a claim by a person other than a patient or resident alleging that the health care provider caused the person to contract COVID-19 may be pursued under the provisions of the bill that primarily relate to claims against persons other than a health care provider.

A COVID-19-related lawsuit against any defendant must be brought within 1 year after a cause of action accrues unless the cause of action occurred before the effective date of the bill. However, if a cause accrues before the effective date of the bill, the plaintiff has 1 year from the effective date of the act to bring the claim.

The bill takes effect upon becoming a law and applies retroactively. However, the bill does not apply in a civil action against a particular defendant if the suit is filed before the bill's effective date.

**Most Recent Action:** Read Third Time; Passed (Vote: 83 Yeas / 31 Nays); Immediately Certified; Signed by Officers and presented to Governor; Approved by Governor; Chapter No. 2021-001

**CS/House Bill 7:** In the face of the COVID-19 outbreak in Florida, Governor Ron DeSantis declared a state of emergency and issued a series of executive orders directing Floridians to stay at home, with exceptions for essential services and activities. While some of the executive orders eventually expired or were modified, the Governor has continued to extend the state of emergency, with the most recent extension occurring on December 29, 2020.

As COVID-19 spread across the world, the United States, and the State of Florida, information about the virus evolved at a rapid pace. Official guidance came from multiple sources and sometimes changed on a daily basis. Business owners, schools, government leaders, religious organizations, and other entities scrambled to make the best decisions possible based on their knowledge at the time.

CS/HB 7 provides several COVID-19-related liability protections for businesses, educational institutions, government entities, religious organizations, and other entities. Under the bill, a covered entity that makes a good faith effort to substantially comply with applicable COVID-19 guidance is immune from civil liability from a COVID-19-related civil action. The bill also provides that for any COVID-19-related civil action against a covered entity, a plaintiff must:

- Plead his or her complaint with particularity.
- Submit, at the time of filing suit, a physician's affidavit confirming the physician's belief that the plaintiff's COVID-19-related injury occurred because of the defendant's conduct.
- Prove, by clear and convincing evidence, that the defendant was at least grossly negligent.

The bill's liability protections do not apply to a health care provider, such as a hospital, nursing home, assisted living facility, or other health care-related entity. The bill provides a one-year statute of limitations for COVID-19-related claims. For a plaintiff whose cause of action has already

accrued, the one-year period does not begin to run until the bill becomes effective.

**Most Recent Action:** Read Third Time; Passed (Vote: 83 Yeas / 31 Nays); In Messages; Received; Referred to Rules

*Attached documents: SB 72 (Enrolled) + Senate Bill Summary*

## // MARINA EVACUATIONS

**Senate Bill 578 // Sen. Tom Wright // Referred to: Environment and Natural Resources; Transportation; Rules**

**House Bill 223 // Rep. Rene Plasencia // Referred to: Environment, Agriculture & Flooding Subcommittee; Pandemics & Public Emergencies Committee; State Affairs Committee**

RELATIONSHIP: *SIMILAR*

**Senate Bill 578:** SB 578 prohibits, upon the issuance of a hurricane watch that affects the waters of marinas located in a deepwater seaport, vessels under 500 gross tons from remaining in the waters of such marinas that have been deemed not suitable for refuge during a hurricane. The bill requires that vessel owners promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport.

If the Coast Guard Captain of the Port sets the port condition to “Yankee”1 and a vessel owner has failed to remove his or her vessel from the waterway, a marina owner, operator, employee, or agent, is required to remove the vessel, if reasonable, from its slip. The marina owner may charge the vessel owner a reasonable fee for the service of removing the vessel.

The bill provides that a marina owner, operator, employee, or agent may not be held liable for any damage incurred to the vessel from a hurricane and is held harmless from removing the vessel from the waterways. However, the bill does not provide immunity to the marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence when removing a vessel.

The bill provides that after a watch has been issued, if an owner or operator has not removed the vessel pursuant to an order from the seaport, the owner or operator may be subject to a fine, in an amount not exceeding three times the cost associated with removing the vessel from the waterway.

**Most Recent Action:** Read Second Time; Substituted for HB 0223; Laid on Table, Refer to HB 0223

**House Bill 223:** Under Florida law, the term “port” is defined as a port authority or district.

Each port, in agreement with the United States Coast Guard, state pilots, and other ports in its operating port area, is required to adopt guidelines for minimum bottom clearance of each berth and channel, for the movement of vessels, and for radio communications of vessel traffic for all commercial vessels entering and leaving its harbor channels.

There are 14 deepwater seaports in Florida.

A marina is a licensed commercial facility that provides secured public moorings or dry storage for vessels on a leased basis. Vessels that are left in a marina during hurricane and storm conditions can cause problems in the port, including the inability to secure docks, causing potential damage to infrastructure such as piers, and other harm to people or property. Vessels left in the harbor can also pose navigational issues and cause problems and delays in clearing channels.

Some marina docking contracts contain “safe haven” or “hurricane” clauses. These clauses provide that, when a hurricane watch is issued, boat owners must immediately remove their vessels and all personal property from the marina and seek safe haven somewhere else. In 1993, Florida enacted a law designed to prevent marinas from using safe haven clauses as a basis for recovering the costs of property damage from vessel owners after a hurricane.

Upon the issuance of a hurricane watch affecting the waters of marinas located in a deepwater seaport, the bill prohibits vessels under 500 gross tons from remaining in the waters of marinas that have been deemed not suitable for refuge during a hurricane. In addition, the bill requires vessel owners to promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport.

The bill specifies that if the Coast Guard captain of the port sets the port condition to “Yankee” and a vessel owner has failed to remove a vessel from the waterway, the marina owner must remove the vessel and may charge the vessel owner a reasonable fee for the removal. In addition, the bill specifies that a marina owner may not be held liable for any damage incurred to a vessel from a hurricane and is held harmless as a result of such actions to remove the vessel from the waterways, unless the damage was caused by intentional acts or negligence.

Finally, the bill authorizes the deepwater seaport to impose and collect a fine in an amount not to exceed three times the cost associated with removing a vessel from the waterway if, after the hurricane watch has been issued, the owner or operator of a vessel has not removed the vessel from the waterway of the marina pursuant to an order from the deepwater seaport. The bill specifies that a deepwater seaport is not required to issue an order to evacuate vessels or impose and collect fines for failure to remove vessels from its waterways.

**Most Recent Action:** Withdrawn from Rules; Placed on Calendar, on 2nd reading; Substituted for SB 0578; Read Second Time; Read Third Time; Passed (Vote: 40 Yeas / 0 Nays); Immediately certified; Ordered enrolled

*Attached documents: HB 223 (Enrolled) + Staff Analysis + Final Bill Analysis*



## // POWER-DRIVEN VESSEL SAFETY REQUIREMENTS

**Senate Bill 1658 // Sen. Jennifer Bradley // Referred to: Environment and Natural Resources; Community Affairs; Rules**

**House Bill 271 // Rep. Adam Botana // Referred to: Tourism, Infrastructure & Energy Subcommittee; Criminal Justice & Public Safety Subcommittee; Commerce Committee**

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

**Senate Bill 1658:** Citing this act as the “Limb Preservation Act”; prohibiting sitting in a specified manner upon the bow, transom, or gunwale of a power-driven vessel while the vessel is making way; prohibiting a power-driven vessel operator from allowing a person to sit in such a way; providing a noncriminal infraction for violations relating to power-driven vessel safety

**Most Recent Action:** Died in Environment and Natural Resources

**House Bill 271:** The Fish and Wildlife Conservation Commission (FWC) Division of Law Enforcement manages the state’s waterways to ensure boating safety for residents of and visitors to the state. This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, and conducting boating accident investigations.

An operator of a vessel in Florida must operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of another person outside the vessel or due to vessel overloading or excessive speed.

Florida law requires that boat operators born on or after January 1, 1988, must obtain a Florida boating safety identification card if the vessel is powered by an engine of 10 horsepower or more. To obtain a card, a person must complete an approved boating safety course.

Federal law requires boaters to use the installed engine cut-off switch on any motorized boat with 3 or more horsepower that is less than 26 feet in length.

The bill requires that an FWC-approved boating safety education course or temporary certificate examination must include a component regarding:

- The risks associated with a passenger placing any portion of an appendage over the outside edge of the vessel while the vessel is underway.
- The proper use of an engine cutoff switch, as appropriate for certain vessels.

The bill also requires FWC to incorporate these components into boating safety campaigns and education materials, as appropriate.

The bill does not have a fiscal impact on state or local governments.

The bill provides an effective date of July 1, 2021.

**Most Recent Action:** Died in Commerce Committee

*Attached documents: None*

## // MOTORBOAT ENGINE CUTOFF SWITCHES // VESSEL SAFETY EQUIP.

**Senate Bill 1562 // Sen. Joe Gruters // Referred to: Environment and Natural Resources; Criminal Justice; Rules**

**House Bill 1099 // Rep. Fiona McFarland // Referred to: Tourism, Infrastructure & Energy Subcommittee; Environment, Agriculture & Flooding Subcommittee; Commerce Committee**

HOUSE/SENATE BILL RELATIONSHIP: *COMPARE*

**Senate Bill 1562:** Citing this act as the “Ethan’s Law”; requiring the use of an engine cutoff switch when operating certain motorboats that are making way; providing penalties, etc.

**Most Recent Action:** Died in Environment and Natural Resources

**House Bill 1099:** Requires operators of certain motorboats to use engine cutoff switch while motorboat is making way.

**Most Recent Action:** Died in Tourism, Infrastructure & Energy Subcommittee

*Attached documents: None*

## // VESSEL SAFETY // VESSEL COLLISIONS, ACCIDENTS, & CASUALTIES

**Senate Bill 1834 // Sen. Jason Pizzo // Referred to: Environment and Natural Resources; Criminal Justice; Rules**

**House Bill 1275 // Rep. Michael Grieco // Referred to: Criminal Justice & Public Safety Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee**

HOUSE/SENATE BILL RELATIONSHIP: *SIMILAR*

**Senate Bill 1834:** Revising the penalties for persons operating a vessel involved in an accident

or injury who leave the scene of the accident or injury under certain circumstances; providing graduated penalties depending on the level of damage to property or person; providing a mandatory minimum sentence for a person who willfully commits such violation resulting in the death of another while boating under the influence; providing that a person commits boating under the influence manslaughter when their impaired operation of a vessel causes the death of an unborn child; revising the definition of the term “vessel homicide” to include the killing of an unborn child by causing injury to the mother by operation of a vessel in a reckless manner under certain circumstances, etc.

### **Most Recent Action:** Died in Environment and Natural Resources

**House Bill 1275:** Florida’s Fish and Wildlife Conservation Commission (FWC) is responsible for regulating vessel safety throughout the state. FWC’s Division of Law Enforcement enforces boating rules and regulations, coordinates boating safety campaigns and education, manages public waters and access to them, conducts boating accident investigations, identifies and removes derelict vessels, and investigates vessel theft and title fraud.

“Vessel” is synonymous with boat as referenced in the Florida Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, which is used or capable of being used as a means of transportation on water. Chapter 327, F.S., provides various penalties relating to vessel collisions, accidents, and casualties.

The penalties for recklessly or carelessly operating a vessel, boating under the influence (BUI), and vessel homicide are similar to the penalties applicable to recklessly or carelessly operating a motor vehicle, driving under the influence, and vehicular homicide. However, current law protects an unborn child from a person’s unlawful vehicle operation and provides greater penalties for a number of offenses committed by a person driving a motor vehicle than those committed by a person operating a vessel.

HB 1275 amends the criminal penalties and creates new crimes for several vessel operation offenses to more closely mirror the penalties for the same offenses when committed by a person while operating a motor vehicle. The bill creates new crimes for leaving the scene of a boating accident which results in damage, injury, or death. A person who commits such an offense that results in:

- Only property damage, commits a first degree misdemeanor.
- Injury to a person that is not serious bodily injury, commits a third degree felony.
- Serious bodily injury to a person, commits a second degree felony.
- A person’s death, commits a first degree felony, subject to a four year minimum mandatory prison sentence if he or she was under the influence at the time of the offense.

The bill creates the new crime of reckless or careless boating causing serious bodily injury to a person, a third degree felony.

The bill amends the current crime of BUI to include causing the death of an unborn child in the

offense of BUI manslaughter, and subjects a person convicted of BUI manslaughter to a four year minimum mandatory prison sentence. The bill also amends the crime of vessel homicide to include killing an unborn child in the offense.

The bill may have an indeterminate positive impact on prison and jail beds by expanding the misdemeanor and felony offenses relating to unlawfully operating a vessel to more closely mirror the penalties for unlawfully operating a vehicle.

**Most Recent Action:** Died in Justice Appropriations Subcommittee

*Attached documents: None*

## // SEAGRASS MITIGATION BANKS

**Senate Bill 1668 // Sen. Ana Maria Rodriguez // Referred to: Environment and Natural Resources; Community Affairs; Appropriations**

**House Bill 1335 // Rep. Tyler Sirois // Referred to: Environment, Agriculture & Flooding Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee**

**Senate Bill 1668:** CS/SB 1668 authorizes the Board of Trustees of the Internal Improvement Trust Fund to authorize leases for seagrass mitigation banks to:

- Ensure the preservation and regeneration of seagrass; and
- Offset the unavoidable impacts of projects when seagrass banks meet the public interest criteria related to state-owned lands and state parks and preserves.

The bill states that this authorization does not prohibit mitigation for impacts to seagrass or other habitats on sovereignty submerged lands, upon approval of the Board of Trustees.

The bill requires the Department of Environmental Protection to modify rules on mitigation banking to remove any duplicative financial assurance requirements and ensure that permitted seagrass mitigation banks comply with the federal mitigation banking rules.

**Most Recent Action:** Died in Community Affairs

**House Bill 1335:** Seagrasses are grass-like flowering plants that live completely submerged in marine and estuarine waters. Seagrasses occur in protected bays and lagoons as well as in deeper waters along the continental shelf in the Gulf of Mexico. The depth at which seagrasses occur is limited by water clarity because most species require high levels of light. The Board of Trustees of the Internal Improvement Trust Fund (the Board) is responsible for acquiring and managing state-owned lands in a manner that serves the public interest. Among the Board's responsibilities



is the duty to preserve and regenerate seagrass as an essential ecosystem for Florida's oceans, estuaries, and shorelines.

The Department of Environmental Protection (DEP) regulates activities in, on, or over surface waters, as well as any activity that alters surface water flows, through environmental resource permits (ERPs). ERPs are required for development or construction activities typically involving the dredging or filling of surface waters, construction of flood protection facilities, building dams or reservoirs, or any other activities that affect state waters. Environmental impact mitigation is required under certain circumstances to offset the adverse impacts to surface waters resulting from the construction activities allowed by an ERP.

Mitigation banking is a practice in which an environmental enhancement and preservation project is conducted by a public agency or private entity (banker) to provide mitigation for unavoidable environmental impacts within a defined region referred to as a mitigation service area. The bank is the site itself, and the currency sold by the banker to the ERP applicant is a credit. The number of potential credits permitted for the bank and the credit required for ERPs are determined by DEP or a water management district.

Sovereign submerged lands include, but are not limited to, tidal lands, islands, sandbars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally influenced waters. The Board is responsible for determining whether a sale of sovereign submerged lands or a permit related to an activity conducted on sovereign submerged lands is within the public interest on a case by case basis. Before conveying submerged lands, the Board must consider the extent such conveyance would interfere with the conservation of fish, marine life and other wildlife, or other natural resources.

The bill authorizes the Board to establish seagrass mitigation banks to ensure the preservation and regeneration of seagrass and to offset the unavoidable impacts of projects when seagrass banks meet the public interest requirements related to state-owned lands.

**Most Recent Action:** Died in Agriculture & Natural Resources Appropriations Subcommittee

*Attached documents: None*

## // ANCHORING LIMITATION AREAS

**Senate Bill 1652 // Sen. Jason Pizzo // Referred to: Environment and Natural Resources; Community Affairs; Rules**

**House Bill 1337 // Rep. Joe Geller // Referred to: Environment, Agriculture & Flooding Subcommittee; State Affairs Committee**

**Senate Bill 1652:** Designating specified waterways in densely populated urban areas as anchoring limitation areas, etc.

**Most Recent Action:** Died in Environment and Natural Resources

**CS/House Bill 1337:** Designates specified waterways as anchoring limitation areas.

**Most Recent Action:** Died in Environment, Agriculture & Flooding Subcommittee

*Attached documents: None*

## // ANCHORING LIMITATION AREAS

**Senate Bill 1946 // Sen. Tina Polsky // Referred to: Environment and Natural Resources; Community Affairs; Rules**

**House Bill 1515 // Rep. Wyman Duggan // Referred to: Environment, Agriculture & Flooding Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee**

HOUSE/SENATE BILL RELATIONSHIP: *SIMILAR*

**Senate Bill 1946:** The bill provides that, notwithstanding the existing prohibition on local regulation of anchoring vessels outside of the marked boundaries of mooring fields, a county may establish an anchoring limitation area, adjacent to urban areas that have residential docking facilities and significant recreational boating traffic, which meets certain requirements imposed under the bill. The bill requires counties proposing to establish an anchoring limitation area to provide notice to the Fish and Wildlife Conservation Commission (FWC) 30 days before final adoption of an ordinance.

The bill prohibits anchoring a vessel for more than 45 consecutive days in a 6-month period in an anchoring limitation area, except under the exceptions in current law. The bill ensures that, upon an inquiry by a law enforcement officer or agency, a vessel owner or operator has the opportunity to provide proof that the vessel has not exceeded this time limitation.

The bill designates Monroe County as an anchoring limitation area within which a vessel may be anchored for a maximum of 90 days. This anchoring limitation area is not effective until the county approves, permits, and opens at least 250 new moorings for public use within 1 mile of the Key West Bight City Dock and at least 50 moorings within the Key West Garrison Bight Mooring Field. The bill requires FWC to designate the area within 1 mile of the Key West Bight City Dock as a priority for the investigation and removal of derelict vessels until the county approves, permits, and opens the new moorings.

The bill declares a vessel that is the subject of more than three violations within 12 months, which resulted in dispositions other than acquittal or dismissal, as a public nuisance.

The bill expressly grandfathers-in the geographic areas already designated as anchoring

limitation areas in Florida Statutes.

If approved by the Governor, these provisions take effect upon becoming law.

**Most Recent Action:** Read Third Time; Passed (Vote: 116 Yeas / 1 Nay); Ordered enrolled; Enrolled Text (ER) Filed

**House Bill 1515:** Current law designates certain densely populated urban areas that have narrow state waterways, residential docking facilities, and significant boating traffic as anchoring limitation areas. In an anchoring limitation area, a person is prohibited from anchoring a vessel at any time during the period between one half-hour after sunset and one half-hour before sunrise. Anchoring limitation areas are typically enforced by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission (FWC) and its officers, county sheriffs and deputies, and municipal police officers.

The bill specifies that notwithstanding the existing prohibition on local regulation of anchoring of vessels outside of the marked boundaries of mooring fields, a county may establish an anchoring limitation area within densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic. The aggregate total of anchoring limitation areas in a county may not exceed 10 percent of the county's navigable waterways. The bill specifies that existing anchoring limitation areas established in statute are grandfathered-in and exempt from the requirements established in the bill.

The bill requires each anchoring limitation area to be less than 100 acres in size and to be clearly marked with buoys and signs that provide reasonable notice of the duration of time beyond which anchoring is limited to boaters. Additionally, the bill specifies that any ordinance establishing an anchoring limitation area may not take effect until reviewed and approved by FWC.

The bill prohibits a person from anchoring a vessel for more than 30 consecutive days in any six-month period in an anchoring limitation area, unless an exception applies. Upon an inquiry by a law enforcement officer or agency, a vessel owner or operator must be given an opportunity to provide proof that the vessel has not exceeded the 30-day limit. A vessel that is the subject of more than three violations within 12 months that resulted in dispositions other than acquittal or dismissal must be declared a public nuisance.

The bill requires FWC to initiate rulemaking by July 1, 2021, to provide criteria and procedures for reviewing applications by counties to establish anchoring limitation areas and procedures for public notice and participation.

The bill may have an indeterminate fiscal impact on the state and local governments.

**Most Recent Action:** Laid on Table, refer to SB 1946

*Attached documents: SB 1946 (Enrolled) + Senate Bill Summary*

## // OPERATION AND SAFETY OF MOTOR VEHICLES AND VESSELS

**Senate Bill 1086 // Sen. Travis Hutson // Referred to: Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations**

**House Bill 639 // Rep. Tyler Sirois // Referred to: Environment, Agriculture & Flooding Subcommittee; Criminal Justice & Public Safety Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee**

**Senate Bill 1086:** The bill contains numerous changes to existing laws administered by the Fish and Wildlife Conservation Commission (FWC) and other law enforcement entities.

Relating to testing for alcohol, chemical substances, and controlled substances, effective October 1, 2021, the bill revises conditions under which a person operating a motor vehicle or vessel commits a misdemeanor by failing to submit to breath or urine testing. The bill deletes the provisions establishing a misdemeanor for the refusal to submit to blood testing.

Relating to boater safety education, the bill adds certain documents from other states, territories, or countries to the list of acceptable boater safety identification documentation.

Relating to boating restrictions, the bill:

- Defines the term “human-powered vessel” and restricts the operation of such vessels within the boundaries of the Florida Intracoastal Waterway.
- Designates Monroe County as an anchoring limitation area within which a vessel may be anchored for a maximum of 90 days, but provides that the area is not effective until the county approves, permits, and opens a certain number of new moorings for public use.
- Requires FWC to designate the area within 1 mile of the Key West Bight City Dock as a priority for the investigation and removal of derelict vessels.
- Revises boating-restricted areas to include certain areas around public or private marinas, superyacht repair facilities, permitted public mooring fields, and within the Florida Intracoastal Waterway.
- Provides that certain vessel-exclusion zones established by ordinance must be marked with uniform waterway markers permitted by FWC, and not be marked by ropes.
- Authorizes FWC to establish anchoring/mooring/beaching/grounding protection zones for springs.
- Prohibits the operation of vessels faster than slow speed, minimum wake upon approaching certain hazardous conditions.

Relating to derelict vessels, the bill:

- Revises the conditions under which a vessel may be determined to be at risk of becoming derelict.



- Authorizes officers to provide in-person notice that a vessel is at risk of becoming derelict if there is a body camera recording.
- Authorizes law enforcement officers to relocate at-risk vessels to a certain distance from mangroves or vegetation.
- Authorizes FWC to establish a derelict vessel prevention program.

**Most Recent Action:** Received from Messages; Refused to Concur with Amendments (608587,253597); Requested House to recede; In returning messages; Received from Messages; Receded from Amendments (608587,253597); Passed (Vote: 114 Yeas / 1 Nay); Ordered enrolled; Enrolled Text (ER) Filed

**House Bill 639:** CS/CS/HB 639 addresses boating safety by:

- Prohibiting a person, regardless of his or her date of birth, from operating a vessel unless such person has proof he or she has completed, or is exempt from completing, boating safety education.
- Prohibiting a vessel that is operating at slow speed, minimum wake from proceeding at a speed greater than a speed that is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances.
- Revising penalties for failure to submit to impairment tests while operating a vehicle or vessel.

The bill authorizes local governments to adopt an ordinance establishing a slow speed, minimum wake boating-restricted area if the area is within the boundaries of a permitted public mooring field and a buffer around the mooring field of up to 100 feet. The bill also authorizes the Fish and Wildlife Conservation Commission (FWC) to establish protection zones that prohibit certain activities to protect and prevent harm to springs.

The bill addresses derelict vessels by:

- Creating the derelict vessel prevention program.
- Authorizing FWC to relocate an at-risk vessel that is near a mangrove or upland vegetation.
- Requiring a law enforcement officer to provide notice to the owner of a derelict vessel in a certain form.
- Authorizing a law enforcement agency or its designee to remove, destroy, and dispose of a derelict vessel or authorize the vessel's use as an artificial reef under certain circumstances.

The bill establishes limitations on operating a human-powered vessel within the Florida Intracoastal Waterway.

The bill authorizes certain law enforcement entities, when necessary for preparations in advance of a space launch service or reentry service, or for the recovery of spaceflight assets

before or after a space launch service or reentry service, to temporarily establish a protection zone requiring vessels to leave, or prohibiting vessels from entering, waterbodies within certain parameters.

The bill increases and creates certain penalties.

**Most Recent Action:** Laid on Table; refer to SB 1086

*Attached documents: SB 1086 (Enrolled) + Senate Bill Summary*

## // RACKETEERING

**Senate Bill 776 // Sen. George Gainer // Referred to: Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations**

**House Bill 783 // Rep. Jenna Persons-Mulicka // Referred to: Environment, Agriculture & Flooding Subcommittee; Criminal Justice & Public Safety Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee**

HOUSE/SENATE BILL RELATIONSHIP: *SIMILAR*

**Senate Bill 776:** The bill amends the definition of “racketeering activity” in the Florida RICO (Racketeer Influenced and Corrupt Organization) Act to include violations of ch. 379, F.S., and Title 68, F.A.C., relating to the illegal sale, purchase, collection, harvest, capture, or possession of wild animal life, freshwater aquatic life, or marine life, and related crimes. Chapter 379, F.S., and Title 68, F.A.C., are implemented by the Florida Fish and Wildlife Conservation Commission. The effect of this change is that it will allow such unlawful acts to be prosecuted as racketeering if the commission of the acts constitutes racketeering. A criminal violation of the Florida RICO Act is a first degree felony. The Florida RICO Act also provides for civil remedies.

**Most Recent Action:** Read Third Time; Passed (Vote: 116 Yeas / 0 Nays); Ordered enrolled; Enrolled Text (ER) Filed

**House Bill 783:** Chapter 379, F.S., outlines penalties and violations for laws relating to fish and wildlife conservation and provides the Florida Fish and Wildlife Commission (FWC) with rule-making authority. Violations of fish and wildlife laws and FWC rules are organized into a four-level system providing penalties based on the level of offense. The penalties for violating FWC laws and rules range from a noncriminal civil penalty to a third degree felony, which is punishable by up to five years in prison and a \$5,000 fine.

Sections 895.01-895.06, F.S., are also known as the “Florida RICO (Racketeering Influenced and Corrupt Organization) Act.” A person convicted under this section commits a first degree felony,

which is punishable by up to 30 years in prison and a \$10,000 fine. Section 895.03, F.S., provides that it is unlawful for any person:

- To receive, with criminal intent, any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.
- Through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.
- Employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.
- To conspire or endeavor to violate any of the previously-described activity.

The trafficking of plant and animal life is one of the most profitable illegal trades in the world. Under current law, it is difficult to prosecute wildlife, freshwater aquatic life, and marine life traffickers in a manner that will disrupt the criminal enterprise and the activity associated therewith.

CS/CS/HB 783 amends the definition of “racketeering activity” to include violations of FWC laws and rules relating to the illegal sale, purchase, collection, harvest, capture, or possession of wild animal life, freshwater aquatic life, or marine life, and related crimes. Under the bill, any wildlife, freshwater aquatic life, or marine life trafficker convicted of a violation of the Florida RICO Act commits a first degree felony. Prosecuting such violations under the Florida RICO Act will enable the state to pursue asset forfeiture, which may help to undermine profitability of the underlying criminal enterprises.

The bill may have an indeterminate impact on state government.

**Most Recent Action:** Laid on Table, Refer to CS/SB 776

*Attached documents: SB 776 (Enrolled) + Senate Bill Summary*

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1  
2 An act relating to civil liability for damages  
3 relating to COVID-19; creating s. 768.38, F.S.;  
4 providing legislative findings and intent; defining  
5 terms; specifying requirements for civil actions based  
6 on COVID-19-related claims; requiring the court to  
7 make certain determinations in such actions; providing  
8 that plaintiffs have the burden of proof in such  
9 actions; requiring plaintiffs to commence COVID-19-  
10 related claims within specified timeframes; creating  
11 s. 768.381, F.S.; defining terms; providing  
12 preliminary procedures for civil actions based on  
13 COVID-19-related claims; providing the standard of  
14 proof required at trial for such claims; providing  
15 affirmative defenses; requiring COVID-19-related  
16 claims to commence within specified timeframes;  
17 providing applicability; providing construction;  
18 providing severability; providing applicability and  
19 for retroactive application; providing an effective  
20 date.

21  
22 WHEREAS, an outbreak of the disease known as COVID-19,  
23 which is caused by a novel coronavirus that was not previously  
24 found in humans, occurred in Hubei province, China, in late  
25 2019, and has currently been detected in more than 89 countries,  
26 including the United States, and

27 WHEREAS, COVID-19 is a severe respiratory disease that can  
28 result in illness or death and is caused by the person-to-person  
29 spread of the novel coronavirus, and



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WHEREAS, COVID-19, as a viral agent capable of causing extensive loss of life or serious disability, is deadly, and

WHEREAS, the transmission of COVID-19 is a threat to human health in this state, and

WHEREAS, the Secretary of the United States Department of Health and Human Services declared on January 31, 2020, that a public health emergency exists in the United States due to confirmed cases of COVID-19 in this country, and

WHEREAS, on March 1, 2020, the State of Florida Department of Health, in coordination with Governor Ron DeSantis, first declared a public health emergency based on the spread of COVID-19, and

WHEREAS, throughout the declared state of emergency, the Governor's executive orders included industry-specific restrictions to prevent the spread of COVID-19 based on the best information available at the time, allowing and encouraging certain businesses to continue to safely operate, and

WHEREAS, a strong and vibrant economy is essential to ensure that Floridians may continue in their meaningful work and ultimately return to the quality of life they enjoyed before the COVID-19 outbreak, and

WHEREAS, Floridians must be allowed to earn a living and support their families without unreasonable government intrusion, and

WHEREAS, the United States Centers for Disease Control and Prevention has issued health guidance to all state and local governments and all citizens, and

WHEREAS, in March 2020, the Centers for Medicare and Medicaid Services recommended the deferral of nonessential

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surgeries and other procedures, and

WHEREAS, the guidance from the Centers for Medicare and Medicaid Services to defer medical procedures was based in part on its recognition that the conservation of critical health care resources is essential, and

WHEREAS, on March 20, 2020, the Governor issued Executive Order 20-72, which prohibited health care providers "from providing any medically unnecessary, non-urgent or non-emergency procedure or surgery which, if delayed, does not place a patient's immediate health, safety, or well-being at risk, or will, if delayed, not contribute to the worsening of a serious or life-threatening medical condition," and

WHEREAS, on April 29, 2020, the Governor issued Executive Order 20-112, which allowed health care providers to perform procedures prohibited by the earlier order if the health care provider had adequate supplies of personal protective equipment and satisfied other conditions, and

WHEREAS, medical experts have been racing to develop vaccines and to learn how COVID-19 is transmitted and how best to treat those infected with the disease, and

WHEREAS, the Federal Government, along with state and local governments, has sought to slow the spread of COVID-19 through travel bans and restrictions, quarantines, lockdowns, social distancing, and the closure of businesses or limitations on business activities, including limitations on the provision of medical services, and

WHEREAS, health care providers, including hospitals, doctors, nurses, and other health care facilities and workers, have struggled to acquire personal protective equipment and

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88 other supplies to protect against the risk of COVID-19  
89 transmission and medications used in the treatment of the  
90 disease, and

91 WHEREAS, the circumstances of the COVID-19 pandemic have  
92 made it difficult or impossible for health care providers to  
93 maintain ideal levels of staffing, and

94 WHEREAS, health care providers are essential to the  
95 residents of this state's survival of the pandemic, and health  
96 care providers have continued to treat patients despite the  
97 potential, and still not fully known, risks of exposure to  
98 COVID-19, and

99 WHEREAS, while many actions may seem reasonable during the  
100 pandemic, some may attempt to construe these actions differently  
101 in hindsight when calm is restored, and

102 WHEREAS, as the pandemic continues and recovery begins,  
103 health care providers must be able to remain focused on serving  
104 the health care needs of their respective communities and not on  
105 the potential for unfounded lawsuits, and

106 WHEREAS, the Legislature finds that it is an overpowering  
107 public necessity to enact legislation that will deter unfounded  
108 lawsuits against individuals, businesses, health care providers,  
109 and other entities based on COVID-19-related claims, while  
110 allowing meritorious claims to proceed, and

111 WHEREAS, the Legislature finds that the unprecedented and  
112 rare nature of the COVID-19 pandemic, together with the  
113 indefinite legal environment that has followed, requires the  
114 Legislature to act swiftly and decisively, NOW, THEREFORE,

115  
116 Be It Enacted by the Legislature of the State of Florida:

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117  
118       Section 1. Section 768.38, Florida Statutes, is created to  
119 read:

120       768.38 Liability protections for COVID-19-related claims.—

121       (1) The Legislature finds that the COVID-19 outbreak in  
122 this state threatens the continued viability of certain business  
123 entities, educational institutions, governmental entities, and  
124 religious institutions that contribute to the overall well-being  
125 of this state. The threat of unknown and potentially unbounded  
126 liability to such businesses, entities, and institutions, in the  
127 wake of a pandemic that has already left many of these  
128 businesses, entities, and institutions vulnerable, has created  
129 an overpowering public necessity to provide an immediate and  
130 remedial legislative solution. Therefore, the Legislature  
131 intends for certain business entities, educational institutions,  
132 governmental entities, and religious institutions to enjoy  
133 heightened legal protections against liability as a result of  
134 the COVID-19 pandemic. The Legislature also finds that there are  
135 no alternative means to meet this public necessity, especially  
136 in light of the sudden, unprecedented nature of the COVID-19  
137 pandemic. The Legislature finds the public interest as a whole  
138 is best served by providing relief to these businesses,  
139 entities, and institutions so that they may remain viable and  
140 continue to contribute to this state.

141       (2) As used in this section, the term:

142       (a) "Business entity" has the same meaning as provided in  
143 s. 606.03. The term also includes a charitable organization as  
144 defined in s. 496.404 and a corporation not for profit as  
145 defined in s. 617.01401.



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146        (b) "COVID-19-related claim" means a civil liability claim  
147 against a person, including a natural person, a business entity,  
148 an educational institution, a governmental entity, or a  
149 religious institution, which arises from or is related to COVID-  
150 19, otherwise known as the novel coronavirus. The term includes  
151 any such claim for damages, injury, or death. Any such claim, no  
152 matter how denominated, is a COVID-19-related claim for purposes  
153 of this section. The term includes a claim against a health care  
154 provider only if the claim is excluded from the definition of  
155 COVID-19-related claim under s. 768.381, regardless of whether  
156 the health care provider also meets one or more of the  
157 definitions in this subsection.

158        (c) "Educational institution" means a school, including a  
159 preschool, elementary school, middle school, junior high school,  
160 secondary school, career center, or postsecondary school,  
161 whether public or nonpublic.

162        (d) "Governmental entity" means the state or any political  
163 subdivision thereof, including the executive, legislative, and  
164 judicial branches of government; the independent establishments  
165 of the state, counties, municipalities, districts, authorities,  
166 boards, or commissions; or any agencies that are subject to  
167 chapter 286.

168        (e) "Health care provider" means:

169        1. A provider as defined in s. 408.803.

170        2. A clinical laboratory providing services in this state  
171 or services to health care providers in this state, if the  
172 clinical laboratory is certified by the Centers for Medicare and  
173 Medicaid Services under the federal Clinical Laboratory  
174 Improvement Amendments and the federal rules adopted thereunder.

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175       3. A federally qualified health center as defined in 42  
176 U.S.C. s. 1396d(1)(2)(B), as that definition exists on the  
177 effective date of this act.

178       4. Any site providing health care services which was  
179 established for the purpose of responding to the COVID-19  
180 pandemic pursuant to any federal or state order, declaration, or  
181 waiver.

182       5. A health care practitioner as defined in s. 456.001.

183       6. A health care professional licensed under part IV of  
184 chapter 468.

185       7. A home health aide as defined in s. 400.462(15).

186       8. A provider licensed under chapter 394 or chapter 397 and  
187 its clinical and nonclinical staff providing inpatient or  
188 outpatient services.

189       9. A continuing care facility licensed under chapter 651.

190       10. A pharmacy permitted under chapter 465.

191       (f) "Religious institution" has the same meaning as  
192 provided in s. 496.404.

193       (3) In a civil action based on a COVID-19-related claim:

194       (a) The complaint must be pled with particularity.

195       (b) At the same time the complaint is filed, the plaintiff  
196 must submit an affidavit signed by a physician actively licensed  
197 in this state which attests to the physician's belief, within a  
198 reasonable degree of medical certainty, that the plaintiff's  
199 COVID-19-related damages, injury, or death occurred as a result  
200 of the defendant's acts or omissions.

201       (c) The court must determine, as a matter of law, whether:

202       1. The plaintiff complied with paragraphs (a) and (b). If  
203 the plaintiff did not comply with paragraphs (a) and (b), the

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204 court must dismiss the action without prejudice.

205 2. The defendant made a good faith effort to substantially  
206 comply with authoritative or controlling government-issued  
207 health standards or guidance at the time the cause of action  
208 accrued.

209 a. During this stage of the proceeding, admissible evidence  
210 is limited to evidence tending to demonstrate whether the  
211 defendant made such a good faith effort.

212 b. If the court determines that the defendant made such a  
213 good faith effort, the defendant is immune from civil liability.  
214 If more than one source or set of standards or guidance was  
215 authoritative or controlling at the time the cause of action  
216 accrued, the defendant's good faith effort to substantially  
217 comply with any one of those sources or sets of standards or  
218 guidance confers such immunity from civil liability.

219 c. If the court determines that the defendant did not make  
220 such a good faith effort, the plaintiff may proceed with the  
221 action. However, absent at least gross negligence proven by  
222 clear and convincing evidence, the defendant is not liable for  
223 any act or omission relating to a COVID-19-related claim.

224 (d) The burden of proof is upon the plaintiff to  
225 demonstrate that the defendant did not make a good faith effort  
226 under subparagraph (c)2.

227 (4) A plaintiff must commence a civil action for a COVID-  
228 19-related claim within 1 year after the cause of action accrues  
229 or within 1 year after the effective date of this act if the  
230 cause of action accrued before the effective date of this act.

231 Section 2. Section 768.381, Florida Statutes, is created to  
232 read:

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768.381 COVID-19-related claims against health care providers.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Authoritative guidance" means nonbinding instructions or recommendations from a federal, state, or local governmental entity, a clinical professional organization, or another authoritative source of clinical guidance.

(b) "COVID-19" means the novel coronavirus identified as SARS-CoV-2; any disease caused by SARS-CoV-2, its viral fragments, or a virus mutating therefrom; and all conditions associated with the disease which are caused by SARS-CoV-2, its viral fragments, or a virus mutating therefrom.

(c) "COVID-19 emergency" means a public health emergency relating to COVID-19 which is declared by an emergency declaration of the Federal Government or an emergency order of the State Surgeon General or a state of emergency due to COVID-19 declared by executive order of the Governor.

(d) "COVID-19-related claim" means a civil liability claim against a health care provider which arises from the:

1. Diagnosis or treatment of, or failure to diagnose or treat, a person for COVID-19;
2. Provision of a novel or experimental COVID-19 treatment;
3. Transmission of COVID-19;
4. Delay or cancellation of a surgery or a delay or cancellation of a medical procedure, a test, or an appointment based on a health care provider's interpretation or application of government-issued health standards or authoritative guidance specifically relating to the COVID-19 emergency;
5. An act or omission with respect to an emergency medical

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condition as defined in s. 395.002, and which act or omission  
was the result of a lack of resources directly caused by the  
COVID-19 pandemic; or

6. The provision of treatment to a patient diagnosed with  
COVID-19 whose injuries were directly related to an exacerbation  
of the patient's preexisting conditions by COVID-19.

The term does not include a claim alleging that an act or  
omission by a health care provider caused a person to contract  
COVID-19 or a derivative claim to such claim unless the person  
was a resident or patient of the health care provider or a  
person seeking care or treatment from the health care provider.

(e) "Government-issued health standards" means federal,  
state, or local laws, rules, regulations, or orders that  
describe the manner in which a health care provider must  
operate.

(f) "Health care provider" means any of the following:

1. A provider as defined in s. 408.803.

2. A clinical laboratory providing services in this state  
or services to health care providers in this state, if the  
clinical laboratory is certified by the Centers for Medicare and  
Medicaid Services under the federal Clinical Laboratory  
Improvement Amendments and the federal rules adopted thereunder.

3. A federally qualified health center as defined in 42  
U.S.C. s. 1396d(1)(2)(B), as that definition existed on the  
effective date of this act.

4. Any site providing health care services which was  
established for the purpose of responding to the COVID-19  
pandemic pursuant to any federal or state order, declaration, or



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waiver.

5. A health care practitioner as defined in s. 456.001.

6. A health care professional licensed under part IV of chapter 468.

7. A home health aide as defined in s. 400.462(15).

8. A provider licensed under chapter 394 or chapter 397 and its clinical and nonclinical staff providing inpatient or outpatient services.

9. A continuing care facility licensed under chapter 651.

10. A pharmacy permitted under chapter 465.

(2) PRELIMINARY PROCEDURES.—

(a) In any civil action against a health care provider based on a COVID-19-related claim, the complaint must be pled with particularity by alleging facts in sufficient detail to support each element of the claim. An affidavit of a physician is not required as part of the pleading.

(b) If the complaint is not pled with particularity, the court must dismiss the action.

(3) STANDARD OF PROOF.—A plaintiff who brings an action for a COVID-19-related claim against a health care provider must prove by the greater weight of the evidence that the health care provider was grossly negligent or engaged in intentional misconduct.

(4) AFFIRMATIVE DEFENSES.—If a health care provider proves by the greater weight of the evidence the existence of an affirmative defense that applies to a specific COVID-19-related claim, the health care provider has no liability for that claim. The affirmative defenses that may apply to a COVID-19-related claim against a health care provider include, in addition to any

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other affirmative defenses recognized by law, the health care provider's:

(a) Substantial compliance with government-issued health standards specifically relating to COVID-19 or other relevant standards, including standards relating to the preservation or prioritization of supplies, materials, or equipment;

(b) Substantial compliance with government-issued health standards specific to infectious diseases in the absence of standards specifically applicable to COVID-19;

(c) Substantial compliance with government-issued health standards relating to COVID-19 or other relevant standards was not possible due to the widespread shortages of necessary supplies, materials, equipment, or personnel;

(d) Substantial compliance with any applicable government-issued health standards relating to COVID-19 or other relevant standards if the applicable standards were in conflict; or

(e) Substantial compliance with government-issued health standards relating to COVID-19 or other relevant standards was not possible because there was insufficient time to implement the standards.

(5) LIMITATIONS PERIOD.—

(a) An action for a COVID-19-related claim against a health care provider which arises out of the transmission, diagnosis, or treatment of COVID-19 must commence within 1 year after the later of the date of death due to COVID-19, hospitalization related to COVID-19, or the first diagnosis of COVID-19 which forms the basis of the action.

(b) An action for a COVID-19-related claim against a health care provider which does not arise out of the transmission,

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349 diagnosis, or treatment of COVID-19, such as a claim arising out  
350 of a delayed or canceled procedure, must commence within 1 year  
351 after the cause of action accrues.

352 (c) Notwithstanding paragraph (a) or paragraph (b), an  
353 action for a COVID-19-related claim that accrued before the  
354 effective date of this act must commence within 1 year after the  
355 effective date of this act.

356 (6) APPLICATION PERIOD.—This section applies to claims that  
357 have accrued before the effective date of this act and within 1  
358 year after the effective date of this act.

359 (7) INTERACTION WITH OTHER LAWS.—

360 (a) This section does not create a new cause of action but  
361 instead applies in addition to any other applicable provisions  
362 of law, including, but not limited to, chapters 400, 429, 766,  
363 and 768. This section controls over any conflicting provision of  
364 law, but only to the extent of the conflict.

365 (b) This section does not apply to claims governed by  
366 chapter 440.

367 Section 3. If any provision of this act or its application  
368 to any person or circumstance is held invalid, the invalidity  
369 does not affect other provisions or applications of the act  
370 which can be given effect without the invalid provision or  
371 application, and to this end the provisions of this act are  
372 severable.

373 Section 4. This act applies retroactively and  
374 prospectively. However, this act does not apply in a civil  
375 action against a particular named defendant which is commenced  
376 before the effective date of this act.

377 Section 5. This act shall take effect upon becoming a law.

THE FLORIDA SENATE  
2021 SUMMARY OF LEGISLATION PASSED  
**Committee on Judiciary**

**CS/SB 72 — Civil Liability for Damages Relating to COVID-19**

by Rules Committee and Senators Brandes, Perry, Baxley, and Hutson

The bill (Chapter 2021-1, L.O.F.) creates civil liability protections for individuals, businesses, governmental entities, and other organizations against COVID-19-related claims. The bill provides lesser liability protections to health care providers, who are defined in the bill, and provides procedures for civil actions against them.

***Liability Protections for COVID-19-Related Claims***

For a claim against a person, business, or other entity, but generally not a health care provider, the bill establishes preliminary requirements that a plaintiff must complete before the case may proceed. A court must determine whether:

- The complaint was pled with particularity.
- The complaint is supported by a physician's affidavit attesting to the physician's belief, within a reasonable degree of medical certainty, that the defendant caused, through acts of omissions, the plaintiff's damages, injury, or death. If the plaintiff did not meet these requirements, the court must dismiss the action, but the plaintiff may correct the deficiencies and refile the claim.
- The defendant made a good faith effort to substantially comply with authoritative or controlling health standards when the actions accrued.

If the court determines that the defendant made the requisite good faith effort, the defendant is immune from civil liability. However, if the court determines that the defendant did not make the requisite good faith effort, the lawsuit may proceed.

If the defendant is not immune, the plaintiff must meet the heightened standard of proving that the defendant's acts or omissions were grossly negligent by the clear and convincing evidence standard.

***Liability Protections for Health Care Providers***

The liability protections for COVID-19-related claims against a health care provider mainly relate to claims:

- Arising from the diagnosis or treatment of a person for COVID-19;
- The provision of a novel or experimental COVID-19 treatment;
- The transmission of COVID-19; and
- The delay or cancellation of a surgery or medical procedure.

To prevail in a claim against a health care provider, the plaintiff must plead the claim with particularity and generally must prove by the greater weight of the evidence that the health care provider was grossly negligent or engaged in intentional misconduct.

A COVID-19-related lawsuit against any type of defendant must be brought within 1 year after a cause of action accrues unless the cause of action occurred before the effective date of the bill. However, if a cause accrues before the effective date of the bill, the plaintiff has 1 year from the effective date of the act to bring the claim.

While the bill takes effect upon becoming a law, it applies retroactively. However, the bill does not apply in a civil action against a particular named defendant to a suit filed before the bill's effective date.

These provisions became law upon approval by the Governor on March 29, 2021.

*Vote: Senate 24-15; House 83-31*



ENROLLED

CS/CS/HB 223

2021 Legislature

1  
2       An act relating to marina evacuations; amending s.  
3       327.59, F.S.; prohibiting vessels under a specified  
4       weight from remaining in certain marinas that have  
5       been deemed unsuitable for refuge during a hurricane  
6       after the issuance of a hurricane watch; requiring a  
7       marina owner, operator, employee, or agent to remove  
8       specified vessels under certain circumstances;  
9       providing that such owner, operator, employee, or  
10      agent may charge the vessel owner a reasonable fee for  
11      such removal and may not be held liable for any  
12      damages as a result of such removal; providing that  
13      the owners or operators of certain vessels may be  
14      subject to a fine that the deepwater seaport issuing  
15      an evacuation order may impose and collect; providing  
16      construction; providing a definition; providing an  
17      effective date.

18  
19   Be It Enacted by the Legislature of the State of Florida:

20  
21       Section 1. Subsection (1) of section 327.59, Florida  
22   Statutes, is amended, and subsection (5) is added to that  
23   section, to read:

24       327.59 Marina evacuations.—

25       (1) Except as provided in this section ~~After June 1, 1994,~~

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26 marinas may not adopt, maintain, or enforce policies pertaining  
27 to evacuation of vessels which require vessels to be removed  
28 from marinas following the issuance of a hurricane watch or  
29 warning, in order to ensure that protecting the lives and safety  
30 of vessel owners is placed before interests of protecting  
31 property.

32       (5) Upon the issuance of a hurricane watch affecting the  
33 waters of marinas located in a deepwater seaport, vessels under  
34 500 gross tons may not remain in the waters of such marinas that  
35 have been deemed not suitable for refuge during a hurricane.  
36 Vessel owners shall promptly remove their vessels from the  
37 waterways upon issuance of an evacuation order by the deepwater  
38 seaport. If the United States Coast Guard captain of the port  
39 sets the port condition to "Yankee" and a vessel owner has  
40 failed to remove a vessel from the waterway, the marina owner,  
41 operator, employee, or agent, regardless of any existing  
42 contractual provisions between the marina owner and the vessel  
43 owner, shall remove the vessel, or cause the vessel to be  
44 removed, if reasonable, from its slip and may charge the vessel  
45 owner a reasonable fee for any such services rendered. A marina  
46 owner, operator, employee, or agent may not be held liable for  
47 any damage incurred to a vessel from a hurricane and is held  
48 harmless as a result of such actions to remove the vessel from  
49 the waterways. After the hurricane watch has been issued, the  
50 owner or operator of any vessel that has not been removed from

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51   the waterway of the marina, pursuant to an order from the  
52   deepwater seaport, may be subject to a fine, which may be  
53   imposed and collected by the deepwater seaport that issued the  
54   evacuation order if assessed, in an amount not exceeding three  
55   times the cost associated with removing the vessel from the  
56   waterway. This section does not provide immunity to a marina  
57   owner, operator, employee, or agent for any damage caused by  
58   intentional acts or negligence when removing a vessel pursuant  
59   to this section; require a deepwater seaport to issue an order  
60   to evacuate vessels; or require a deepwater seaport to impose  
61   and collect fines for failure to remove vessels from its  
62   waterways. For purposes of this subsection, the term "deepwater  
63   seaport" means the port waters, dredged material management  
64   sites, port harbors, navigation channels, turning basins, and  
65   harbor berths used for deepwater commercial navigation.

66       Section 2.   This act shall take effect July 1, 2021.

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/CS/HB 223 Marina Evacuations

**SPONSOR(S):** State Affairs Committee; Pandemics & Public Emergencies Committee; Plasencia and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 578

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**FINAL HOUSE FLOOR ACTION:** 116 Y's

0 N's

**GOVERNOR'S ACTION:** Pending

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### SUMMARY ANALYSIS

CS/CS/HB 223 passed the House on April 1, 2021, and subsequently passed the Senate on April 14, 2021.

Under Florida law, the term "port" is defined as a port authority or district. Each port, in agreement with the United States Coast Guard, state pilots, and other ports in its operating port area, is required to adopt guidelines for minimum bottom clearance of each berth and channel, for the movement of vessels, and for radio communications of vessel traffic for all commercial vessels entering and leaving its harbor channels. There are 14 deepwater seaports in Florida.

A marina is a licensed commercial facility that provides secured public moorings or dry storage for vessels on a leased basis. Vessels that are left in a marina during hurricane and storm conditions can cause problems in the port, including the inability to secure docks, causing potential damage to infrastructure such as piers, and other harm to people or property.

Some marina docking contracts contain "safe haven" or "hurricane" clauses. These clauses provide that, when a hurricane watch is issued, boat owners must immediately remove their vessels and all personal property from the marina and seek safe haven somewhere else. In 1993, Florida enacted a law designed to prevent marinas from using safe haven clauses as a basis for recovering the costs of property damage from vessel owners after a hurricane.

Upon the issuance of a hurricane watch affecting the waters of marinas located in a deepwater seaport, the bill prohibits vessels under 500 gross tons from remaining in the waters of marinas that have been deemed not suitable for refuge during a hurricane. In addition, the bill requires vessel owners to promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport.

The bill specifies that if the Coast Guard captain of the port sets the port condition to "Yankee" and a vessel owner has failed to remove a vessel from the waterway, the marina owner must remove the vessel and may charge the vessel owner a reasonable fee for the removal. In addition, the bill specifies that a marina owner may not be held liable for any damage incurred to a vessel from a hurricane and is held harmless as a result of such actions to remove the vessel from the waterways, unless the damage was caused by intentional acts or negligence.

Finally, the bill authorizes the deepwater seaport to impose and collect a fine in an amount not to exceed three times the cost associated with removing a vessel from the waterway if, after the hurricane watch has been issued, the owner or operator of a vessel has not removed the vessel from the waterway of the marina pursuant to an order from the deepwater seaport.

The bill may have an indeterminate positive fiscal impact on local governments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2021.

## I. SUBSTANTIVE INFORMATION

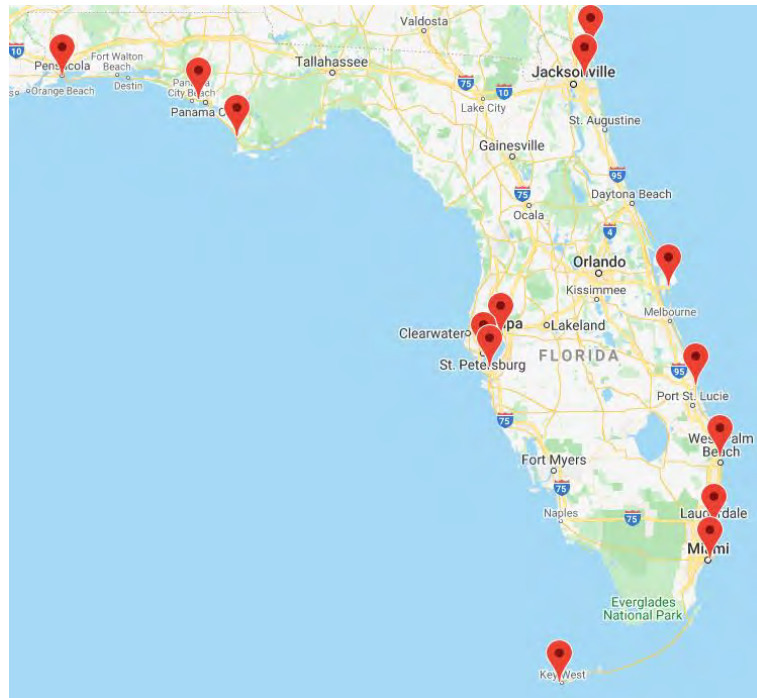
### A. EFFECT OF CHANGES:

#### Background

##### Deepwater Seaports

Under Florida law, the term “port” is defined as a port authority or district.<sup>1</sup> Ports are created by and given authority under general or special law. Each port, in agreement with the United States Coast Guard (Coast Guard), state pilots, and other ports in its operating port area, is required to adopt guidelines for minimum bottom clearance of each berth and channel, for the movement of vessels, and for radio communications of vessel traffic for all commercial vessels entering and leaving its harbor channels.<sup>2</sup>

There are 14 deepwater seaports in Florida, which are depicted in the following map:<sup>3</sup>



Deepwater seaports serve as maritime facilities that consist of one or more marinas where ships can dock to load and discharge cargo, such as gasoline and other petroleum products, and cruise passengers.<sup>4</sup> These seaports also serve as hubs for small businesses such as restaurants, retail facilities, and charter boats.<sup>5</sup> Currently, Florida’s deepwater seaports support nearly 900,000 jobs and contribute \$117.6 billion in economic value through cargo and cruise activities.<sup>6</sup>

<sup>1</sup> Section 313.21, F.S.; see also s. 315.02, F.S. “Port authority” means a port authority in Florida created by or pursuant to the provisions of any general or special law or any district or board of county commissioners acting as a port authority under or pursuant to the provisions of any general or special law. “Port district” means any district created by or pursuant to the provisions of any general or special law and authorized to own or operate any port facilities.

<sup>2</sup> Section 313.23, F.S.

<sup>3</sup> Florida Ports Council, *Seaports*, available at <https://flaports.org/seaports/> (last visited Mar. 5, 2021).

<sup>4</sup> U.S. Department of Transportation, *Frequently Asked Questions*, available at <https://www.maritime.dot.gov/ports/deepwater-ports-and-licensing/frequently-asked-questions> (last visited Mar. 5, 2021).

<sup>5</sup> Port Canaveral, *About Us*, available at <https://www.portcanaveral.com/About> (last visited Mar. 5, 2021).

<sup>6</sup> Florida Ports Council, *Seaports*, available at <https://flaports.org/about/the-florida-system-of-seaports/> (last visited Mar. 5, 2021).



### Vessel Movements and Penalties for Delay

Pursuant to s. 313.22(1), F.S., each port may regulate vessel movements within its jurisdiction, whether involving public or private facilities or areas, by:

- Scheduling vessels for use of berths, anchorages, or other facilities at the port.
- Ordering and enforcing a vessel, at its own expense and risk, to vacate or change position at a berth, anchorage, or facility, whether public or private, in order to facilitate navigation, commerce, protection of other vessels or property, or dredging of channels or berths.
- Designating port facilities for the loading or discharging of vessels.
- Assigning berths at wharves for arriving vessels.<sup>7</sup>

Ports are also authorized to establish fees and compensation for the services regulating vessel movements provided by the port.<sup>8</sup> Additionally, a port may impose and collect a penalty from a vessel that unnecessarily delays moving under an order to vacate or change position. This penalty may not exceed \$1,000 per hour or fraction thereof, plus 150 percent of the demurrage costs incurred by a waiting vessel, until the order is complied with.<sup>9</sup>

### Marina Evacuations

A marina is a licensed commercial facility that provides secured public moorings or dry storage for vessels on a leased basis.<sup>10</sup> When hurricanes and storm conditions threaten the coast, marinas and vessels are vulnerable to catastrophic damage from the high winds, storm surges, wave action, and heavy rainfall these storms bring.<sup>11</sup> Vessels that are left in a marina during hurricane and storm conditions can also cause problems in the port, including the inability to secure docks, causing potential damage to infrastructure such as piers, and other harm to people or property. Storm conditions can also force a vessel into another object, propel objects into the vessel, or sink or damage a vessel.<sup>12</sup> Storm surges can even lift entire floating docks above their pilings or knock boats off their cradles.<sup>13</sup> Vessels left in the harbor can also pose navigational issues and cause problems and delays in clearing channels.<sup>14</sup>

### Safe Haven

Some marina docking contracts contain “safe haven” or “hurricane” clauses. These clauses provide that, when a hurricane watch is issued, boat owners must immediately remove their vessels and all personal property from the marina and seek safe haven somewhere else. Failure to comply with this requirement, according to the clauses, results in the boat owner’s liability for all damage to docks, piers, other vessels, or any other property damage directly caused by the owner’s vessel or resulting from its presence in the marina.<sup>15</sup>

In 1993, Florida enacted a law designed to prevent marinas from using safe haven clauses as a basis for recovering the costs of property damage from vessel owners after a hurricane, emphasizing the protection of life over property by prohibiting marinas from requiring vessel owners to remove their vessels from a marina following the issuance of a hurricane watch or warning.<sup>16</sup>

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<sup>7</sup> Section 313.22(1), F.S.

<sup>8</sup> Section 313.22(2), F.S.

<sup>9</sup> Section 313.22(3), F.S.

<sup>10</sup> Section 327.02(25), F.S.

<sup>11</sup> University of Florida (UF), *Hurricane Manual for Marine Interests*, available at [https://sfyl.ifas.ufl.edu/media/sfylifasufledu/miami-dade/documents/disaster-preparation/hurricane-and-disaster/HurricaneManual1-\(2\).pdf](https://sfyl.ifas.ufl.edu/media/sfylifasufledu/miami-dade/documents/disaster-preparation/hurricane-and-disaster/HurricaneManual1-(2).pdf) (last visited Mar. 5, 2021).

<sup>12</sup> *Id.*; Florida Keys National Marine Sanctuary, *Protect your Boat in a Hurricane: Making a Plan (Part I)*, available at <https://floridakeys.noaa.gov/whatsnew/around/2015/boathurricane1.html> (last visited Mar. 5, 2021).

<sup>13</sup> *Id.*

<sup>14</sup> UF, *Hurricane Manual for Marine Interests*, available at [https://sfyl.ifas.ufl.edu/media/sfylifasufledu/miami-dade/documents/disaster-preparation/hurricane-and-disaster/HurricaneManual1-\(2\).pdf](https://sfyl.ifas.ufl.edu/media/sfylifasufledu/miami-dade/documents/disaster-preparation/hurricane-and-disaster/HurricaneManual1-(2).pdf) (last visited Mar. 5, 2021).

<sup>15</sup> Mercante, James, *Hurricanes and Act of God: When the Best Defense is a Good Offense*, 18 U.S.F. MAR. L.J. (2006).

<sup>16</sup> Chapter 93-211, s. 22, Laws of Fla.; s. 327.59(1), F.S.

However, after a tropical storm or hurricane watch has been issued, a marina owner or operator, or their employee or agent, is authorized to take reasonable actions to further secure a vessel within the marina to minimize damage to the vessel and to protect marina property, private property, and the environment. The owner or operator may charge a reasonable fee for securing the vessel, which can be included in a contractual agreement with the vessel owner.<sup>17</sup> While marina owners may not be held liable for damage to a vessel from a storm or hurricane, they may be still be held liable for damage due to intentional acts or negligence when removing or securing a vessel.<sup>18</sup>

#### Hurricane Season Port Conditions and Categories

Port conditions, which are set by the Coast Guard captain of the port of a particular sector, or regulated area, are indicated in the table below.<sup>19</sup>

Port Condition	Storm Status	Port Status
Whiskey	Gale force winds <sup>20</sup> are predicted to arrive within 72 hours	Open to all commercial and recreational traffic
X-Ray	Gale force winds are predicted to arrive within 48 hours	Open to all commercial and recreational traffic
Yankee	Gale force winds are predicted to arrive within 24 hours	Closed to inbound traffic and vessel traffic control measures in effect on vessel movements within the port
Zulu	Gale force winds are predicted to arrive within 12 hours	Closed to all inbound and outbound traffic
Recovery	The storm is no longer a threat to the area, but response and recovery operations may be in progress to address damage	Reopened to outbound traffic at completion of port survey; vessel traffic control measures remain in effect on vessel movements within the port

#### **Effect of the Bill**

Upon the issuance of a hurricane watch affecting the waters of marinas located in a deepwater seaport, the bill prohibits vessels under 500 gross tons from remaining in the waters of such marinas that have been deemed not suitable for refuge during a hurricane. In addition, the bill requires vessel owners to promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport.

The bill specifies that if the Coast Guard captain of the port sets the port condition to “Yankee” and a vessel owner has failed to remove a vessel from the waterway, the marina owner, operator, employee, or agent, regardless of any existing contractual provisions between the marina owner and the vessel owner, must remove the vessel, or cause the vessel to be removed, if reasonable, from its slip and may charge the vessel owner a reasonable fee for any such services rendered.

The bill authorizes the deepwater seaport to impose and collect a fine in an amount not to exceed three times the cost associated with removing a vessel from the waterway if, after the hurricane watch has been issued, the owner or operator of a vessel has not removed the vessel from the waterway of the marina pursuant to an order from the deepwater seaport. The bill specifies that a deepwater seaport is not required to issue an order to evacuate vessels or impose and collect fines for failure to remove vessels from its waterways.

<sup>17</sup> Chapter 2006-309, s. 2, Laws of Fla.; s. 327.59(2)-(3), F.S.

<sup>18</sup> Section 327.59(4), F.S.

<sup>19</sup> 33 C.F.R. s. 165.720; 33 C.F.R. 165.781; *See also* Brazos Pilots Association, *Hurricane Season Port Conditions and Categories*, available at <http://www.brazospilots.com/Hurricane-Season.pdf> (last visited Mar. 5, 2021).

<sup>20</sup> “Gale force winds” mean winds of 34 knots or 39 miles per hour. National Oceanic and Atmospheric Administration, *Beaufort Wind Scale*, available at <https://www.spc.noaa.gov/faq/tornado/beaufort.html> (last visited Mar. 5, 2021).

The bill specifies that a marina owner, operator, employee, or agent may not be held liable for any damage incurred to a vessel from a hurricane and is held harmless as a result of such actions to remove the vessel from the waterways. However, the bill clarifies that this provision does not provide immunity to a marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence when removing a vessel.

The bill defines the term “deepwater seaport” to mean the port waters, dredged material management sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

The bill may have an indeterminate positive fiscal impact on the local governments because deepwater seaports may impose and collect fines from vessel owners that do not comply with a movement order. In addition, the seaports may have to spend less on repairing damage to seaport facilities and infrastructure.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The bill may have an indeterminate negative fiscal impact on vessel owners due to the costs associated with moving their vessels pursuant to a movement order, the fees charged by a marina owner for the service of moving a vessel, or the fines incurred from noncompliance with a movement order.

### **D. FISCAL COMMENTS:**

None.

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1  
2 An act relating to anchoring limitation areas;  
3 amending s. 327.4108, F.S.; providing that certain  
4 areas are grandfathered-in anchoring limitation areas;  
5 authorizing certain counties to establish anchoring  
6 limitation areas that meet certain requirements;  
7 defining the term "navigable-in-fact waterways";  
8 specifying size requirements for the anchoring  
9 limitation areas; requiring the anchoring limitation  
10 areas to be marked with signs and buoys that meet  
11 certain requirements; prohibiting vessels from  
12 anchoring in such areas for longer than a specified  
13 time; requiring counties to provide notice to the Fish  
14 and Wildlife Conservation Commission within a  
15 specified timeframe before introducing an ordinance to  
16 establish an anchoring limitation area; requiring the  
17 commission to publish notice of the proposed ordinance  
18 on its website and distribute an e-mail notice;  
19 designating Monroe County as an anchoring limitation  
20 area; providing requirements for such area; requiring  
21 the commission to adopt rules; providing  
22 applicability; prohibiting Monroe County from  
23 establishing an anchoring limitation area until the  
24 county meets certain requirements; requiring the  
25 commission to designate a specified area as a priority  
26 for the investigation and removal of derelict vessels  
27 until certain conditions are met; requiring owners or  
28 operators in certain anchoring limitation areas to be  
29 allowed to provide specified proof of compliance with

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30 certain provisions; authorizing law enforcement  
31 officers or agencies to issue citations for violations  
32 under certain circumstances; providing that vessels  
33 with a specified number of repeat offenses within a  
34 specified timeframe shall be declared public nuisances  
35 and subject to certain provisions; removing  
36 applicability provisions relating to the commission's  
37 recommendations; reenacting s. 327.73(1)(z), F.S.,  
38 relating to noncriminal infractions, to incorporate  
39 the amendment made to s. 327.4108, F.S., in a  
40 reference thereto; providing an effective date.

41  
42 Be It Enacted by the Legislature of the State of Florida:

43  
44 Section 1. Section 327.4108, Florida Statutes, is amended  
45 to read:

46 327.4108 Anchoring of vessels in anchoring limitation  
47 areas.—

48 (1)(a) The following densely populated urban areas, which  
49 have narrow state waterways, residential docking facilities, and  
50 significant recreational boating traffic, are designated as and  
51 shall be considered to be grandfathered-in anchoring limitation  
52 areas:

53 1.~~(a)~~ The section of Middle River lying between Northeast  
54 21st Court and the Intracoastal Waterway in Broward County.

55 2.~~(b)~~ Sunset Lake in Miami-Dade County.

56 3.~~(c)~~ The sections of Biscayne Bay in Miami-Dade County  
57 lying between:

58 a.~~1.~~ Rivo Alto Island and Di Lido Island.

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59        ~~b.2.~~ San Marino Island and San Marco Island.

60        ~~c.3.~~ San Marco Island and Biscayne Island.

61        ~~(b)(2)~~ To promote the public's use and enjoyment of the  
62 designated waterway, except as provided in subsections ~~(4)~~ ~~(3)~~  
63 and ~~(5)~~ ~~(4)~~, a person may not anchor a vessel at any time during  
64 the period between one-half hour after sunset and one-half hour  
65 before sunrise in an anchoring limitation area designated under  
66 this subsection.

67        (2)(a) Notwithstanding s. 327.60(2)(f), a county, except  
68 for Monroe County, may establish, in accordance with this  
69 subsection, an anchoring limitation area adjacent to urban areas  
70 that have residential docking facilities and significant  
71 recreational boating traffic. The aggregate total of anchoring  
72 limitation areas in a county may not exceed 10 percent of the  
73 county's delineated navigable-in-fact waterways. As used in this  
74 subsection, the term "navigable-in-fact waterways" means  
75 waterways that are navigable in their natural or unimproved  
76 condition over which useful commerce or public recreation of a  
77 substantial and permanent character is or may be conducted in  
78 the customary mode of trade and travel on water. The term does  
79 not include lakes or streams that are theoretically navigable;  
80 have a potential for navigability; or are temporary, precarious,  
81 and unprofitable, but the term does include lakes or streams  
82 that have practical usefulness to the public as highways for  
83 transportation. Each anchoring limitation area must meet all of  
84 the following requirements:

85        1. Be less than 100 acres in size. For purposes of this  
86 subsection, the calculated size of the anchoring limitation area  
87 does not include any portion of the marked channel of the



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88 Florida Intracoastal Waterway contiguous to the anchoring  
89 limitation area;

90 2. Not include any mooring field or marina; and

91 3. Be clearly marked with all of the following:

92 a. Signs that provide reasonable notice to boaters  
93 identifying the duration of time beyond which anchoring is  
94 limited and identifying the county ordinance by which the  
95 anchoring limitation area was created.

96 b. Buoys. The county that has created an anchoring  
97 limitation area shall install and maintain buoys marking the  
98 boundary of the anchoring limitation area.

99  
100 The signs and buoys must be permitted and installed in  
101 accordance with ss. 327.40 and 327.41 and commission rule.

102 (b) Except as provided in subsections (4) and (5), a person  
103 may not anchor a vessel for more than 45 consecutive days in any  
104 6-month period in an anchoring limitation area established  
105 pursuant to this subsection.

106 (c) A county proposing establishment of an anchoring  
107 limitation area in accordance with this subsection shall provide  
108 notice to the commission at least 30 days before introducing an  
109 ordinance to establish the anchoring limitation area. The  
110 commission shall publish notice of the proposed ordinance on its  
111 website and distribute such notice through the commission's  
112 Boating and Waterways Section e-mail distribution list for  
113 ordinances.

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

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117 The commission shall adopt rules to implement this subsection.

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

120 (c) Notwithstanding the commission rules adopted pursuant  
121 to this subsection, this section is not effective for Monroe  
122 County until the county approves, permits, and opens new  
123 moorings for public use, including at least 250 moorings within  
124 1 mile of the Key West Bight City Dock and at least 50 moorings  
125 within the Key West Garrison Bight Mooring Field. Until such  
126 time, the commission shall designate the area within 1 mile of  
127 the Key West Bight City Dock as a priority for the investigation  
128 and removal of derelict vessels.

129 (4)(3) Notwithstanding subsections (1), ~~subsection~~ (2), and  
130 (3), a person may anchor a vessel in an anchoring limitation  
131 area:

132 (a) If the vessel suffers a mechanical failure that poses  
133 an unreasonable risk of harm to the vessel or the persons  
134 onboard unless the vessel anchors. The vessel may anchor for 3  
135 business days or until the vessel is repaired, whichever occurs  
136 first.

137 (b) If imminent or existing weather conditions in the  
138 vicinity of the vessel pose an unreasonable risk of harm to the  
139 vessel or the persons onboard unless the vessel anchors. The  
140 vessel may anchor until weather conditions no longer pose such  
141 risk. During a hurricane or tropical storm, weather conditions  
142 are deemed to no longer pose an unreasonable risk of harm when  
143 the hurricane or tropical storm warning affecting the area has  
144 expired.

145 (c) During events described in s. 327.48 or other special

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events, including, but not limited to, public music performances, local government waterfront activities, or fireworks displays. A vessel may anchor for the lesser of the duration of the special event or 3 days.

(5)~~(4)~~ This section does not apply to:

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

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

(c) Vessels actively engaged in commercial fishing.

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

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

(b)1. For a vessel in an anchoring limitation area established pursuant to subsection (2), upon an inquiry by a law enforcement officer or agency, a vessel owner or operator must be given an opportunity to provide proof that the vessel has not exceeded the limitations described in subsection (2). Such proof may include any of the following:

a. Documentation showing that the vessel was in another location at least 1 mile away within a period of less than 45 days before the inquiry.

b. Electronic evidence, including, but not limited to, navigational devices or tracking devices that show the vessel was in another location at least 1 mile away within a period of less than 45 days before the inquiry.

2. If a vessel owner or operator fails or refuses to provide proof that the vessel has not exceeded the limitations

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described in subsection (2), the law enforcement officer or agency may issue a citation for a violation of this section.

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

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

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

(d) A vessel that is the subject of more than three violations within 12 months which result in dispositions other than acquittal or dismissal shall be declared to be a public nuisance and subject to s. 705.103, or for a derelict vessel, subject to s. 823.11.

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

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

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

2. Obtain and carry a current policy issued by a licensed insurance carrier in this state to insure against any accident, loss, injury, property damage, or other casualty caused by or

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204 resulting from the contractor's actions.

205 3. Be properly equipped to perform such services.

206 (g)~~(e)~~ In addition to the civil penalty imposed under s.  
207 327.73(1)(z), the operator of a vessel that is removed and  
208 impounded pursuant to paragraph (c) ~~(b)~~ must pay all removal and  
209 storage fees before the vessel is released. A vessel removed  
210 pursuant to paragraph (c) ~~(b)~~ may not be impounded for longer  
211 than 48 hours.

212 (7)~~(6)~~ A violation of this section is punishable as  
213 provided in s. 327.73(1)(z).

214 ~~(7) This section shall remain in effect notwithstanding the~~  
215 ~~Legislature's adoption of the commission's recommendations for~~  
216 ~~the regulation of mooring vessels outside of public mooring~~  
217 ~~fields pursuant to s. 327.4105.~~

218 Section 2. For the purpose of incorporating the amendment  
219 made by this act to section 327.4108, Florida Statutes, in a  
220 reference thereto, paragraph (z) of subsection (1) of section  
221 327.73, Florida Statutes, is reenacted to read:

222 327.73 Noncriminal infractions.—

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

225 (z) Section 327.4108, relating to the anchoring of vessels  
226 in anchoring limitation areas, for which the penalty is:

227 1. For a first offense, up to a maximum of \$50.

228 2. For a second offense, up to a maximum of \$100.

229 3. For a third or subsequent offense, up to a maximum of  
230 \$250.

231  
232 Any person cited for a violation of any provision of this

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

Section 3. This act shall take effect upon becoming a law.

## Committee on Environment and Natural Resources

### **CS/CS/CS/SB 1946 — Anchoring Limitation Areas**

by Rules Committee; Community Affairs Committee; Environment and Natural Resources Committee; and Senators Polsky and Bean

The bill provides that, notwithstanding the existing prohibition on local regulation of anchoring vessels outside of the marked boundaries of mooring fields, a county may establish an anchoring limitation area, adjacent to urban areas that have residential docking facilities and significant recreational boating traffic, which meets certain requirements imposed under the bill. The bill requires counties proposing to establish an anchoring limitation area to provide notice to the Fish and Wildlife Conservation Commission (FWC) 30 days before final adoption of an ordinance.

The bill prohibits anchoring a vessel for more than 45 consecutive days in a 6-month period in an anchoring limitation area, except under the exceptions in current law. The bill ensures that, upon an inquiry by a law enforcement officer or agency, a vessel owner or operator has the opportunity to provide proof that the vessel has not exceeded this time limitation.

The bill designates Monroe County as an anchoring limitation area within which a vessel may be anchored for a maximum of 90 days. This anchoring limitation area is not effective until the county approves, permits, and opens at least 250 new moorings for public use within 1 mile of the Key West Bight City Dock and at least 50 moorings within the Key West Garrison Bight Mooring Field. The bill requires FWC to designate the area within 1 mile of the Key West Bight City Dock as a priority for the investigation and removal of derelict vessels until the county approves, permits, and opens the new moorings.

The bill declares a vessel that is the subject of more than three violations within 12 months, which resulted in dispositions other than acquittal or dismissal, as a public nuisance.

The bill expressly grandfathers-in the geographic areas already designated as anchoring limitation areas in Florida Statutes.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 116-1*

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1  
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.;



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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

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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

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vessel faster than slow speed, minimum wake within a  
certain distance from other specified vessels;  
providing requirements for construction vessel or  
barge flags; exempting a person from being cited for a  
violation under certain circumstances; providing civil  
penalties; providing applicability; amending s.  
327.50, F.S.; authorizing the commission to exempt  
vessel owners and operators from certain safety  
equipment requirements; creating s. 327.521, F.S.;  
designating waters of this state within aquatic  
preserves as no-discharge zones upon approval by the  
United States Environmental Protection Agency;  
prohibiting discharge of sewage from a vessel or  
floating structure into such waters; providing civil  
penalties; providing increased penalties for each day  
the violation continues; requiring the owner or  
operator to remove such vessel or structure within a  
specified timeframe from the waters of this state upon  
a second conviction; defining the term "conviction";  
providing requirements for removal and sale of such  
vessel or structure under certain circumstances;  
requiring the commission to maintain and make  
available to the public a list of marine sewage  
pumpout facilities; amending s. 327.53, F.S.;  
requiring the owner or operator of a live-aboard  
vessel or houseboat equipped with a marine sanitation  
device to maintain a record of the date and location  
of each pumpout of the device for a certain period;  
providing an exception; conforming a cross-reference;

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117 making technical changes; amending s. 327.54, F.S.;

118 prohibiting a livery from leasing, hiring, or renting

119 a vessel to a person required to complete a

120 commission-approved boating safety education course

121 unless such person presents certain documentation

122 indicating compliance; amending s. 327.60, F.S.;

123 authorizing a local government to enact and enforce

124 regulations allowing the local law enforcement agency

125 to remove an abandoned or lost vessel affixed to a

126 public mooring; amending s. 327.73, F.S.; providing

127 additional violations that qualify as noncriminal

128 infractions; providing civil penalties; prohibiting

129 conviction of a person cited for a violation relating

130 to possessing proof of boating safety education under

131 certain circumstances; increasing certain civil

132 penalties; providing that certain vessels shall be

133 declared a public nuisance subject to certain

134 statutory provisions; authorizing the commission or

135 certain officers to relocate or remove public nuisance

136 vessels from the waters of this state; providing that

137 the commission or officers are not liable for damages

138 to such vessels; providing an exception; amending s.

139 328.09, F.S.; prohibiting the Department of Highway

140 Safety and Motor Vehicles from issuing a certificate

141 of title to an applicant for a vessel that has been

142 deemed derelict pursuant to certain provisions;

143 authorizing the department, at a later date, to reject

144 an application for a certificate of title for such a

145 vessel; amending s. 376.15, F.S.; revising unlawful

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acts relating to derelict vessels; defining the term  
"leave"; prohibiting an owner or operator whose vessel  
becomes derelict due to specified accidents or events  
from being charged with a violation under certain  
circumstances; providing applicability; conforming  
provisions to changes made by the act; authorizing a  
governmental subdivision that has received  
authorization from a law enforcement officer or agency  
to direct a contractor to perform vessel storage,  
destruction, and disposal activities; authorizing the  
commission to provide local government grants for the  
storage, destruction, and disposal of derelict  
vessels; providing for funding; amending s. 705.103,  
F.S.; providing notice procedures for when a law  
enforcement officer ascertains that a derelict or  
public nuisance vessel is present on the waters of  
this state; requiring a mailed notice to the owner or  
party responsible for the vessel to inform him or her  
of the right to a hearing; providing hearing  
requirements; authorizing a law enforcement agency to  
take certain actions if a hearing is not requested or  
a vessel is determined to be derelict or otherwise in  
violation of law; revising provisions relating to  
liability for vessel removal costs and notification of  
the amount owed; providing criminal penalties for a  
person who is issued a registration for a vessel or  
motor vehicle before such costs are paid; requiring  
persons whose vessel registration and motor vehicle  
privileges have been revoked for failure to pay

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certain costs to be reported to the department;  
prohibiting issuance of a certificate of registration  
to such persons until such costs are paid; amending s.  
823.11, F.S.; revising application of definitions;  
revising the definition of the term "derelict vessel";  
specifying requirements for a vessel to be considered  
wrecked, junked, or substantially dismantled;  
providing construction; revising unlawful acts  
relating to derelict vessels; defining the term  
"leave"; prohibiting an owner or operator whose vessel  
becomes derelict due to specified accidents or events  
from being charged with a violation under certain  
circumstances; providing applicability; providing that  
relocation or removal costs incurred by a governmental  
subdivision are recoverable against the vessel owner  
or the party determined to be legally responsible for  
the vessel being derelict; providing criminal  
penalties for a person who is issued a registration  
for a vessel or motor vehicle before such costs are  
paid; authorizing a governmental subdivision that has  
received authorization from a law enforcement officer  
or agency to direct a contractor to perform vessel  
relocation or removal activities; providing effective  
dates.

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

Section 1. Effective October 1, 2021, paragraphs (a) and  
(c) of subsection (1) of section 316.1932, Florida Statutes, are

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amended to read:

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

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

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lawful test of his or her breath and his or her driving  
privilege has been previously suspended or if he or she has  
previously been fined under s. 327.35215 for a prior refusal to  
submit to a lawful test of his or her breath, urine, or blood as  
required under this chapter or chapter 327, he or she commits a  
misdemeanor of the first degree, punishable as provided in s.  
775.082 or s. 775.083, in addition to any other penalties  
provided by law. The refusal to submit to a chemical or physical  
breath test upon the request of a law enforcement officer as  
provided in this section is admissible into evidence in any  
criminal proceeding.

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



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262 equipped to administer such test in a reasonable manner that  
263 will ensure the accuracy of the specimen and maintain the  
264 privacy of the individual involved. The administration of a  
265 urine test does not preclude the administration of another type  
266 of test. The person shall be told that his or her failure to  
267 submit to any lawful test of his or her urine will result in the  
268 suspension of the person's privilege to operate a motor vehicle  
269 for a period of 1 year for the first refusal, or for a period of  
270 18 months if the driving privilege of such person has been  
271 previously suspended or if he or she has previously been fined  
272 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a  
273 test or tests required under this chapter or chapter 327, and  
274 shall also be told that if he or she refuses to submit to a  
275 lawful test of his or her urine and his or her driving privilege  
276 has been previously suspended or if he or she has previously  
277 been fined under s. 327.35215 for a prior refusal to submit to a  
278 lawful test of his or her breath, urine, or blood as required  
279 under this chapter or chapter 327, he or she commits a  
280 misdemeanor of the first degree, punishable as provided in s.  
281 775.082 or s. 775.083, in addition to any other penalties  
282 provided by law. The refusal to submit to a urine test upon the  
283 request of a law enforcement officer as provided in this section  
284 is admissible into evidence in any criminal proceeding.

285       2. The Alcohol Testing Program within the Department of Law  
286 Enforcement is responsible for the regulation of the operation,  
287 inspection, and registration of breath test instruments utilized  
288 under the driving and boating under the influence provisions and  
289 related provisions located in this chapter and chapters 322 and  
290 327. The program is responsible for the regulation of the

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individuals who operate, inspect, and instruct on the breath test instruments utilized in the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is further responsible for the regulation of blood analysts who conduct blood testing to be utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program shall:

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

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

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

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

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

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

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

h. With the approval of the executive director of the

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Department of Law Enforcement, make and enter into contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as are necessary, expedient, or incidental to the performance of duties.

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

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

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

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

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

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

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

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

Nothing in this section shall be construed to supersede

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provisions in this chapter and chapters 322 and 327. The specifications in this section are derived from the power and authority previously and currently possessed by the Department of Law Enforcement and are enumerated to conform with the mandates of chapter 99-379, Laws of Florida.

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

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378 been previously suspended for refusal to submit to a lawful test  
379 of his or her breath, urine, or blood, is a misdemeanor. ~~A~~ Any  
380 person who is capable of refusal shall be told that his or her  
381 failure to submit to such a blood test will result in the  
382 suspension of the person's privilege to operate a motor vehicle  
383 for a period of 1 year for a first refusal, or for a period of  
384 18 months if the driving privilege of the person has been  
385 suspended previously or if he or she has previously been fined  
386 under s. 327.35215 as a result of a refusal to submit to ~~such a~~  
387 ~~test or tests required under this chapter or chapter 327, and~~  
388 ~~that a refusal to submit to a lawful test of his or her blood,~~  
389 ~~if his or her driving privilege has been previously suspended~~  
390 ~~for a prior refusal to submit to a lawful test of his or her~~  
391 ~~breath, urine, or blood, is a misdemeanor.~~ The refusal to submit  
392 to a blood test upon the request of a law enforcement officer is  
393 admissible in evidence in any criminal proceeding.

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

396 316.1939 Refusal to submit to testing; penalties.—

397 (1) ~~A~~ Any person who has refused to submit to a chemical or  
398 physical test of his or her breath, ~~blood~~, or urine, as  
399 described in s. 316.1932, and whose driving privilege was  
400 previously suspended or who was previously fined under s.  
401 327.35215 for a prior refusal to submit to a lawful test of his  
402 or her breath, urine, or blood required under this chapter or  
403 chapter 327, and:

404 (a) Who the arresting law enforcement officer had probable  
405 cause to believe was driving or in actual physical control of a  
406 motor vehicle in this state while under the influence of

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alcoholic beverages, chemical substances, or controlled substances;

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

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

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

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

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

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

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the term:

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

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

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

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

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

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

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

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

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

(a) "Launch services" means the conduct of a launch and activities involved in the preparation of a launch vehicle,

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465 payload, government astronaut, commercial astronaut, or  
466 spaceflight participant for such launch.

467 (b) "Reentry services" means the conduct of a reentry and  
468 activities involved in the preparation of a reentry vehicle,  
469 payload, government astronaut, commercial astronaut, or  
470 spaceflight participant for such reentry.

471 (c) "Spaceflight assets" means any item, or any part of an  
472 item, owned by a spaceflight entity which is used in launch  
473 services or reentry services, including crewed and uncrewed  
474 spacecraft, launch vehicles, parachutes and other landing aids,  
475 and any spacecraft or ancillary equipment that was attached to  
476 the launch vehicle during launch, orbit, or reentry.

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

479 (2) The head of a law enforcement agency or entity  
480 identified in s. 327.70(1), or his or her designee, may, upon  
481 waters of this state within the law enforcement agency's or  
482 entity's jurisdiction, when necessary for preparations in  
483 advance of a launch service or reentry service or for the  
484 recovery of spaceflight assets before or after a launch service  
485 or reentry service, temporarily establish a protection zone  
486 requiring vessels to leave, or prohibiting vessels from  
487 entering, water bodies within:

488 (a) Five hundred yards of where launch services, reentry  
489 services, or spaceflight asset recovery operations are being  
490 conducted; or

491 (b) A distance greater than provided in paragraph (a) if  
492 the head of such law enforcement agency or entity, or his or her  
493 designee, determines such greater distance is in the best



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494 interest of public safety.

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

503 (a) May also restrict vessels from operating within up to  
504 500 yards of any vessel transporting recovered spaceflight  
505 assets following a spaceflight launch or reentry while such  
506 vessel is continuously underway transporting such assets to a  
507 location for removal from the waters of this state; and

508 (b) May not restrict vessel movement within the Florida  
509 Intracoastal Waterway, except as necessary during the transport  
510 of spaceflight assets to or from port or during exigent  
511 circumstances.

512 (4) The head of a law enforcement agency or entity  
513 establishing a protection zone under this section, or his or her  
514 designee, must report the establishment of such protection zone  
515 via e-mail to the commission's Division of Law Enforcement,  
516 Boating and Waterways Section, and to the appropriate United  
517 States Coast Guard Sector Command having responsibility over the  
518 water body, at least 72 hours before establishment of the  
519 protection zone. Such report must include the reasons for the  
520 protection zone, the portion of the water body or water bodies  
521 which will be included in the protection zone, and the duration  
522 of the protection zone. No later than 72 hours after the end of

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the protection zone period, the head of the law enforcement agency or entity, or his or her designee, must report via e-mail to the commission's Division of Law Enforcement, Boating and Waterways Section, the details of all citations issued for violating the protection zone.

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

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

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

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

(1)(a)1. The Legislature declares that the operation of a vessel is a privilege that must be exercised in a reasonable manner. In order to protect the public health and safety, it is essential that a lawful and effective means of reducing the incidence of boating while impaired or intoxicated be established. Therefore, a ~~any~~ person who accepts the privilege extended by the laws of this state of operating a vessel within

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this state is, by ~~se~~ operating such vessel, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was operating the vessel within this state while under the influence of alcoholic beverages. The administration of a breath test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath under this chapter will result in a civil penalty of \$500, and shall also be told that if he or she refuses to submit to a lawful test of his or her breath and he or she has been previously fined under s. 327.35215 or has previously had his or her driver license suspended for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

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

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consent to submit to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of chemical substances or controlled substances. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was operating a vessel within this state while under the influence of chemical substances or controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such test in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of a urine test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her urine under this chapter will result in a civil penalty of \$500, and shall also be told that if he or she refuses to submit to a lawful test of his or her urine and he or she has been previously fined under s. 327.35215 or has previously had his or her driver license suspended for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in

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this section is admissible into evidence in any criminal proceeding.

(c) A ~~Any~~ person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was operating a vessel while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. A ~~Any~~ person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. A ~~Any~~ person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in a civil penalty of \$500 ~~and that a refusal to submit to a lawful test of his or her blood, if he or she has previously been fined for refusal to submit to any lawful test of his or her breath, urine, or blood, is a misdemeanor.~~ The refusal to submit to a blood test upon the request of a law enforcement officer shall be admissible in evidence in any criminal proceeding.

Section 7. Subsection (3) of section 327.35215, Florida

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Statutes, is amended to read:

327.35215 Penalty for failure to submit to test.—

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

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

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

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

(2) Who was placed under lawful arrest for a violation of

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s. 327.35 unless such test was requested pursuant to s.  
327.352(1)(c);

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

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

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

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

327.371 Human-powered vessels regulated.—

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

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

(b) When crossing the marked channel, provided that the

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crossing is done in the most direct, continuous, and expeditious manner possible and does not interfere with other vessel traffic in the channel.

(c) During an emergency endangering life or limb.

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

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

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

327.391 Airboats regulated.—

(1) The exhaust of every internal combustion engine used on any airboat operated on the waters of this state shall be provided with an automotive-style factory muffler, underwater exhaust, or other manufactured device capable of adequately muffling the sound of the exhaust of the engine as described in s. 327.02(31) ~~s. 327.02(30)~~. The use of cutouts or flex pipe as the sole source of muffling is prohibited, except as provided in subsection (4). A ~~Any~~ person who violates this subsection commits a noncriminal infraction, punishable as provided in s. 327.73(1).

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

1. A photographic identification card.

2. Proof of completion of a boater education course that



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complies with s. 327.395(2)(a) ~~s. 327.395(1)(a)~~. Except as provided in paragraph (b), no operator is exempt from this requirement, regardless of age or the exemptions provided under s. 327.395.

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

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

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

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

327.395 Boating safety education.—

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

(2) While operating a vessel, a person identified under subsection (1) must have in his or her possession aboard the vessel photographic identification and a Florida boating safety identification card issued by the commission; ~~7~~ a state-issued identification card or driver license indicating possession of the Florida boating safety identification card; ~~7~~ or photographic identification and a temporary certificate issued or approved by

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the commission, an International Certificate of Competency, a boating safety card or certificate from another state or United States territory, or a Canadian Pleasure Craft Operator Card, which shows that he or she has:

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

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

(c) A valid International Certificate of Competency; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) Is exempted by rule of the commission.

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

(8) The commission shall institute and coordinate a statewide program of boating safety instruction and certification to ensure that boating safety courses and examinations are available in each county of this ~~the~~ state. The commission may appoint agents to administer the boating safety education course or temporary certificate examination and may authorize the agents to issue temporary certificates in digital,

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842 electronic, or paper format. An agent ~~The agents~~ shall charge  
843 and collect the \$2 fee required in subsection (9) for each  
844 temporary certificate requested of the commission by that agent,  
845 which must be forwarded to the commission. The agent may charge  
846 and keep a ~~\$1~~ service fee.

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

850 (10) The commission shall design forms and adopt rules  
851 pursuant to chapter 120 to implement ~~the provisions of this~~  
852 section.

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

855 Section 12. Present subsection (5) of section 327.4107,  
856 Florida Statutes, is redesignated as subsection (6), a new  
857 subsection (5) and subsection (7) are added to that section, and  
858 paragraphs (d) and (e) of subsection (2) of that section are  
859 amended, to read:

860 327.4107 Vessels at risk of becoming derelict on waters of  
861 this state.—

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

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

869 (e) The vessel does not have an effective means of  
870 propulsion for safe navigation within 72 hours after the vessel

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owner or operator receives telephonic notice, in-person notice  
recorded on an agency-approved body camera, or written notice,  
which may be provided by facsimile, electronic mail, or other  
electronic means, stating such from an officer, and the vessel  
owner or operator is unable to provide a receipt, proof of  
purchase, or other documentation of having ordered necessary  
parts for vessel repair. The commission may adopt rules to  
implement this paragraph.

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

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

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

(b) Creation of a vessel turn-in program allowing the owner  
of a vessel determined by law enforcement to be at risk of  
becoming derelict in accordance with this section to turn his or

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her vessel and vessel title over to the commission to be  
destroyed without penalty.

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

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

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

The commission may adopt rules to implement this subsection.  
Implementation of the derelict vessel prevention program shall  
be subject to appropriation by the Legislature and shall be  
funded by the Marine Resources Conservation Trust Fund or the  
Florida Coastal Protection Trust Fund.

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

327.4108 Anchoring of vessels in anchoring limitation  
areas.—

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

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

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(b) Sunset Lake in Miami-Dade County.

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

1. Rivo Alto Island and Di Lido Island.

2. San Marino Island and San Marco Island.

3. San Marco Island and Biscayne Island.

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

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

(c) Notwithstanding the commission rules adopted pursuant to this section, this section is not effective for Monroe County until the county approves, permits, and opens new moorings for public use, including at least 250 moorings within 1 mile of the Key West Bight City Dock and at least 50 moorings within the Key West Garrison Bight Mooring Field. Until such time, the commission shall designate the area within 1 mile of the Key West Bight City Dock as a priority for the investigation and removal of derelict vessels.

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

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



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

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

(c) During events described in s. 327.48 or other special events, including, but not limited to, public music performances, local government waterfront activities, or fireworks displays. A vessel may anchor for the lesser of the duration of the special event or 3 days.

(4) This section does not apply to:

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

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

(c) Vessels actively engaged in commercial fishing.

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

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

(b) A law enforcement officer or agency may remove a vessel

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from an anchoring limitation area and impound the vessel for up to 48 hours, or cause such removal and impoundment, if the vessel operator, after being issued a citation for a violation of this section:

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

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

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

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

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

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

3. Be properly equipped to perform such services.

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

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

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

Section 14. Paragraph (a) of subsection (1) and subsection (2) of section 327.4109, Florida Statutes, are amended to read:  
327.4109 Anchoring or mooring prohibited; exceptions; penalties.—

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

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

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

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

(2) Notwithstanding subsection (1), an owner or operator of a vessel may anchor or moor within 150 feet of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility; within 500 ~~300~~ feet of a

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superyacht repair facility; or within 100 feet outward from the marked boundary of a public mooring field if:

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

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

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

327.45 Protection zones for springs.—

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

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

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327.46 Boating-restricted areas.—

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

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

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

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

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

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1103 c. Inside or within 300 feet of any lock structure.  
1104 2. An ordinance establishing a slow speed, minimum wake  
1105 boating-restricted area if the area is:  
1106 a. Within 300 feet of any bridge fender system.  
1107 b. Within 300 feet of any bridge span presenting a vertical  
1108 clearance of less than 25 feet or a horizontal clearance of less  
1109 than 100 feet.  
1110 c. On a creek, stream, canal, or similar linear waterway if  
1111 the waterway is less than 75 feet in width from shoreline to  
1112 shoreline.  
1113 d. On a lake or pond of less than 10 acres in total surface  
1114 area.  
1115 e. Within the boundaries of a permitted public mooring  
1116 field and a buffer around the mooring field of up to 100 feet.  
1117 3. An ordinance establishing a vessel-exclusion zone if the  
1118 area is:  
1119 a. Designated as a public bathing beach or swim area.  
1120 b. Within 300 feet of a dam, spillway, or flood control  
1121 structure.  
1122  
1123 Vessel exclusion zones created pursuant to this subparagraph  
1124 must be marked with uniform waterway markers permitted by the  
1125 commission in accordance with this chapter. Such zones may not  
1126 be marked by ropes.  
1127 Section 17. Section 327.463, Florida Statutes, is created  
1128 to read:  
1129 327.463 Special hazards.—  
1130 (1) For purposes of this section, a vessel:  
1131 (a) Is operating at slow speed, minimum wake only if it is:

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- 1132 1. Fully off plane and completely settled into the water;  
1133 and  
1134 2. Proceeding without wake or with minimum wake.

1135  
1136 A vessel that is required to operate at slow speed, minimum wake  
1137 may not proceed at a speed greater than a speed that is  
1138 reasonable and prudent to avoid the creation of an excessive  
1139 wake or other hazardous condition under the existing  
1140 circumstances.

- 1141 (b) Is not proceeding at slow speed, minimum wake if it is:  
1142 1. Operating on plane;  
1143 2. In the process of coming off plane and settling into the  
1144 water or getting on plane; or  
1145 3. Operating at a speed that creates a wake that  
1146 unreasonably or unnecessarily endangers other vessels.

1147 (2) A person may not operate a vessel faster than slow  
1148 speed, minimum wake within 300 feet of any emergency vessel,  
1149 including, but not limited to, a law enforcement vessel, United  
1150 States Coast Guard vessel, or firefighting vessel, when such  
1151 emergency vessel's emergency lights are activated.

1152 (3)(a) A person may not operate a vessel faster than slow  
1153 speed, minimum wake within 300 feet of any construction vessel  
1154 or barge when the vessel or barge is displaying an orange flag  
1155 from a pole extending:

- 1156 1. At least 10 feet above the tallest portion of the vessel  
1157 or barge, indicating that the vessel or barge is actively  
1158 engaged in construction operations; or  
1159 2. At least 5 feet above any superstructure permanently  
1160 installed upon the vessel or barge, indicating that the vessel

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or barge is actively engaged in construction operations.

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

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

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

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

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

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

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

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

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



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327.50 Vessel safety regulations; equipment and lighting requirements.—

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

Section 19. Section 327.521, Florida Statutes, is created to read:

327.521 No-discharge zones.—

(1) Effective immediately upon approval by the United States Environmental Protection Agency of a no-discharge zone determination for the waters of the United States within the boundaries of aquatic preserves identified in s. 258.39, all waters of this state within such areas are designated no-discharge zones within which a person may not discharge sewage of any type, whether treated or untreated, from any vessel or floating structure.

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

(3)(a) The owner or operator of a vessel or floating structure convicted a second time for violating this section shall, within 30 days after the conviction, remove the vessel or floating structure from the waters of this state. For purposes of this paragraph, the term "conviction" means a disposition

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1219 other than acquittal or dismissal.

1220 (b) If the vessel or floating structure remains on the  
1221 waters of this state in violation of this subsection, law  
1222 enforcement officers charged with the enforcement of this  
1223 chapter under s. 327.70 shall apply to the appropriate court in  
1224 the county in which the vessel or floating structure is located  
1225 to order or otherwise cause the removal of such vessel or  
1226 floating structure from the waters of this state at the owner's  
1227 expense.

1228 (c) If the owner cannot be found or otherwise fails to pay  
1229 the removal costs, s. 328.17 shall apply. If the proceeds under  
1230 s. 328.17 are not sufficient to pay all removal costs, funds  
1231 appropriated from the Marine Resources Conservation Trust Fund  
1232 pursuant to s. 327.53(6)(b) or s. 328.72(15)(c) may be used.

1233 (4) The commission shall maintain a list of marine sewage  
1234 pumpout facilities throughout this state, make the list  
1235 available on its website, and provide the list with information  
1236 about the Department of Environmental Protection's Clean Marina  
1237 Program to all counties for distribution to public and private  
1238 marinas.

1239 Section 20. Paragraph (a) of subsection (6) and subsection  
1240 (7) of section 327.53, Florida Statutes, are amended, and  
1241 subsection (8) is added to that section, to read:

1242 327.53 Marine sanitation.—

1243 (6)(a) A violation of this section is a noncriminal  
1244 infraction, punishable as provided in s. 327.73. Each violation  
1245 shall be a separate offense. The owner and operator of any  
1246 vessel shall be jointly and severally liable for the civil  
1247 penalty imposed pursuant to this section.

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1248 (7) ~~A~~ Any vessel or floating structure operated or occupied  
1249 on the waters of this ~~the~~ state in violation of this section is  
1250 declared a nuisance and a hazard to public safety and health.  
1251 The owner or operator of ~~a~~ any vessel or floating structure  
1252 cited for violating this section shall, within 30 days following  
1253 the issuance of the citation, correct the violation for which  
1254 the citation was issued or remove the vessel or floating  
1255 structure from the waters of this ~~the~~ state. If the violation is  
1256 not corrected within the 30 days and the vessel or floating  
1257 structure remains on the waters of this ~~the~~ state in violation  
1258 of this section, law enforcement officers charged with the  
1259 enforcement of this chapter under s. 327.70 shall apply to the  
1260 appropriate court in the county in which the vessel or floating  
1261 structure is located, to order or otherwise cause the removal of  
1262 such vessel or floating structure from the waters of this ~~the~~  
1263 state at the owner's expense. If the owner cannot be found or  
1264 otherwise fails to pay the removal costs, the provisions of s.  
1265 328.17 shall apply. If the proceeds under s. 328.17 are not  
1266 sufficient to pay all removal costs, funds appropriated from the  
1267 Marine Resources Conservation Trust Fund pursuant to paragraph  
1268 (6)(b) or s. 328.72(15)(c) ~~s. 328.72(16)~~ may be used.

1269 (8) The owner or operator of a live-aboard vessel as  
1270 defined in s. 327.02(23), or a houseboat as defined in s.  
1271 327.02(17), that is equipped with a marine sanitation device  
1272 must maintain a record of the date of each pumpout of the marine  
1273 sanitation device and the location of the pumpout station or  
1274 waste reception facility. Each record must be maintained for 1  
1275 year after the date of the pumpout. This subsection does not  
1276 apply to marine compost toilets that process and manage human

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

Section 21. Subsection (2) of section 327.54, Florida  
Statutes, is amended to read:

327.54 Liveries; safety regulations; penalty.—

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

Section 22. Subsection (5) of section 327.60, Florida  
Statutes, is amended to read:

327.60 Local regulations; limitations.—

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

Section 23. Paragraphs (q), (s), and (aa) of subsection (1)  
of section 327.73, Florida Statutes, are amended, and paragraphs  
(cc) and (dd) are added to that subsection, to read:

327.73 Noncriminal infractions.—

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

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

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

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

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

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

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

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

1. For a first offense, \$50.

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

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

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

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

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Section 24. Subsection (4) of section 328.09, Florida Statutes, is amended to read:

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

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

Section 25. Effective July 1, 2023, paragraph (e) of subsection (3) of section 328.09, Florida Statutes, as amended by section 12 of chapter 2019-76, Laws of Florida, is amended to read:

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

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

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

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

Section 26. Section 376.15, Florida Statutes, is amended to read:

376.15 Derelict vessels; relocation or removal from ~~public~~ waters of this state.—

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

(d) The commission may establish a program to provide

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

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

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

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

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

(f) This section constitutes the authority for such removal

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

Section 27. Subsections (2) and (4) of section 705.103, Florida Statutes, are amended to read:

705.103 Procedure for abandoned or lost property.—

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

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

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

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

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1538  
1539 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
1540 VESSEL. This vessel, to wit: ...(setting forth brief  
1541 description)... has been determined to be (derelict or a public  
1542 nuisance) and is unlawfully upon waters of this state  
1543 ...(setting forth brief description of location)... and must be  
1544 removed within 21 days; otherwise, it will be removed and  
1545 disposed of pursuant to chapter 705, Florida Statutes. The owner  
1546 and other interested parties have the right to a hearing to  
1547 challenge the determination that this vessel is derelict or  
1548 otherwise in violation of the law. Please contact ...(contact  
1549 information for person who can arrange for a hearing in  
1550 accordance with this section).... The owner or the party  
1551 determined to be legally responsible for the vessel being upon  
1552 the waters of this state in a derelict condition will be liable  
1553 for the costs of removal, destruction, and disposal if this  
1554 vessel is not removed by the owner. Dated this: ...(setting  
1555 forth the date of posting of notice)..., signed: ...(setting  
1556 forth name, title, address, and telephone number of law  
1557 enforcement officer)....

1558 2. The notices required under subparagraph 1. may ~~Such~~  
1559 ~~notice shall be~~ not be less than 8 inches by 10 inches and shall  
1560 be sufficiently weatherproof to withstand normal exposure to the  
1561 elements. In addition to posting, the law enforcement officer  
1562 shall make a reasonable effort to ascertain the name and address  
1563 of the owner. If such is reasonably available to the officer,  
1564 she or he shall mail a copy of such notice to the owner on or  
1565 before the date of posting. If the property is a motor vehicle  
1566 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,

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

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this section, the following shall apply:

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

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

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

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

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

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

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

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

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



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

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

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

Section 28. Effective July 1, 2023, subsection (2) of  
section 705.103, Florida Statutes, as amended by section 29 of  
chapter 2019-76, Laws of Florida, is amended to read:

705.103 Procedure for abandoned or lost property.—

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

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

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

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

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

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

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1741 forth the date of posting of notice)...., signed: ...(setting  
1742 forth name, title, address, and telephone number of law  
1743 enforcement officer)....  
1744

1745 2. The notices required under subparagraph 1. may ~~Such~~  
1746 ~~notice shall be~~ not be less than 8 inches by 10 inches and shall  
1747 be sufficiently weatherproof to withstand normal exposure to the  
1748 elements. In addition to posting, the law enforcement officer  
1749 shall make a reasonable effort to ascertain the name and address  
1750 of the owner. If such is reasonably available to the officer,  
1751 she or he shall mail a copy of such notice to the owner on or  
1752 before the date of posting. If the property is a motor vehicle  
1753 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,  
1754 the law enforcement agency shall contact the Department of  
1755 Highway Safety and Motor Vehicles in order to determine the name  
1756 and address of the owner and any person who has filed a lien on  
1757 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.  
1758 328.15. On receipt of this information, the law enforcement  
1759 agency shall mail a copy of the notice by certified mail, return  
1760 receipt requested, to the owner and to the lienholder, if any,  
1761 except that a law enforcement officer who has issued a citation  
1762 for a violation of s. 376.15 or s. 823.11 to the owner of a  
1763 derelict vessel is not required to mail a copy of the notice by  
1764 certified mail, return receipt requested, to the owner. For a  
1765 derelict vessel or a vessel declared a public nuisance pursuant  
1766 to s. 327.73(1)(aa), the mailed notice must inform the owner or  
1767 responsible party that he or she has a right to a hearing to  
1768 dispute the determination that the vessel is derelict or  
1769 otherwise in violation of the law. If a request for a hearing is

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

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

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

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

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

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1799 accordance with s. 379.249 if all necessary federal, state, and  
1800 local authorizations are received.

1801  
1802 A law enforcement agency or its designee may also take action as  
1803 described in this sub-subparagraph if, following a hearing  
1804 pursuant to this section, the judge, magistrate, administrative  
1805 law judge, or hearing officer has determined the vessel to be  
1806 derelict as provided in s. 823.11 or otherwise in violation of  
1807 the law in accordance with s. 327.73(1)(aa) and a final order  
1808 has been entered or the case is otherwise closed.

1809 (b) For lost property, the officer shall take custody and  
1810 the agency shall retain custody of the property for 90 days. The  
1811 agency shall publish notice of the intended disposition of the  
1812 property, as provided in this section, during the first 45 days  
1813 of this time period.

1814 1. If the agency elects to retain the property for use by  
1815 the unit of government, donate the property to a charitable  
1816 organization, surrender such property to the finder, sell the  
1817 property, or trade the property to another unit of local  
1818 government or state agency, notice of such election shall be  
1819 given by an advertisement published once a week for 2  
1820 consecutive weeks in a newspaper of general circulation in the  
1821 county where the property was found if the value of the property  
1822 is more than \$100. If the value of the property is \$100 or less,  
1823 notice shall be given by posting a description of the property  
1824 at the law enforcement agency where the property was turned in.  
1825 The notice must be posted for not less than 2 consecutive weeks  
1826 in a public place designated by the law enforcement agency. The  
1827 notice must describe the property in a manner reasonably

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

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

Section 29. Subsections (1), (2), and (3) of section 823.11, Florida Statutes, are amended to read:

823.11 Derelict vessels; relocation or removal; penalty.—

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

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

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

1. In a wrecked, junked, or substantially dismantled

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

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

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

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

(I) The steering system;

(II) The propulsion system; or

(III) The exterior hull integrity.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1973 insurance carrier in this state to insure against any accident,  
1974 loss, injury, property damage, or other casualty caused by or  
1975 resulting from the contractor's actions; and be properly  
1976 equipped to perform the services to be provided.

1977 Section 30. Except as otherwise expressly provided in this  
1978 act, this act shall take effect July 1, 2021.

## Committee on Environment and Natural Resources

### **CS/CS/SB 1086 — Operation and Safety of Motor Vehicles and Vessels**

by Appropriations Committee; Environment and Natural Resources Committee; and Senator Hutson

The bill contains numerous changes to existing laws administered by the Fish and Wildlife Conservation Commission (FWC) and other law enforcement entities.

Relating to testing for alcohol, chemical substances, and controlled substances, effective October 1, 2021, the bill revises conditions under which a person operating a motor vehicle or vessel commits a misdemeanor by failing to submit to breath or urine testing. The bill deletes the provisions establishing a misdemeanor for the refusal to submit to blood testing.

Relating to boater safety education, the bill adds certain documents from other states, territories, or countries to the list of acceptable boater safety identification documentation.

Relating to boating restrictions, the bill:

- Defines the term “human-powered vessel” and restricts the operation of such vessels within the boundaries of the Florida Intracoastal Waterway.
- Designates Monroe County as an anchoring limitation area within which a vessel may be anchored for a maximum of 90 days, but provides that the area is not effective until the county approves, permits, and opens a certain number of new moorings for public use.
- Requires FWC to designate the area within 1 mile of the Key West Bight City Dock as a priority for the investigation and removal of derelict vessels.
- Revises boating-restricted areas to include certain areas around public or private marinas, superyacht repair facilities, permitted public mooring fields, and within the Florida Intracoastal Waterway.
- Provides that certain vessel-exclusion zones established by ordinance must be marked with uniform waterway markers permitted by FWC, and not be marked by ropes.
- Authorizes FWC to establish anchoring/mooring/beaching/grounding protection zones for springs.
- Prohibits the operation of vessels faster than slow speed, minimum wake upon approaching certain hazardous conditions.

Relating to derelict vessels, the bill:

- Revises the conditions under which a vessel may be determined to be at risk of becoming derelict.
- Authorizes officers to provide in-person notice that a vessel is at risk of becoming derelict if there is a body camera recording.
- Authorizes law enforcement officers to relocate at-risk vessels to a certain distance from mangroves or vegetation.
- Authorizes FWC to establish a derelict vessel prevention program.

- Authorizes local governments to enact and enforce regulations to remove an abandoned or lost vessel affixed to a public mooring.
- Prohibits the Department of Highway Safety and Motor Vehicles (DHSMV) from issuing a certificate of title to an applicant for a vessel that has been deemed derelict, and beginning in 2023, authorizes DHSMV to reject an application for a certificate of title for a vessel that has been deemed derelict.
- Authorizes FWC to provide local government grants for the removal, destruction, and disposal of derelict vessels.
- Revises provisions relating to the removal of derelict vessels and public nuisance vessels, and creates specific procedures for such vessels, including notice and hearing requirements and liability for removal costs.
- Authorizes FWC, law enforcement agencies, and authorized governmental subdivisions to perform relocation, removal, storage, destruction, and disposal activities.

Relating to no discharge zones, the bill:

- Creates a no-discharge zone within statutorily designated aquatic preserves upon approval by the United States Environmental Protection Agency, where the discharge of treated or untreated sewage from a vessel or floating structure is prohibited.
- Provides that a violation is a noncriminal infraction, punishable by a civil penalty of up to \$250. The bill provides for vessel removal after a second violation.
- Requires FWC to maintain and provide a list of state marine sewage pumpout facilities.

Relating to marine sanitation devices, the bill requires the owner/operator of a live-aboard vessel or houseboat equipped with a marine sanitation device, excluding certain marine compost toilets, to maintain records of each pumpout.

Relating to spaceflight, the bill authorizes FWC to establish temporary protective zones in certain water bodies in preparation for a launch service or reentry service, or for the recovery of spaceflight assets before or after a launch service or reentry service.

The bill revises penalties for vessels deemed at risk of becoming derelict and creates penalties for vessels creating special hazards as specified in the bill. The bill creates a noncriminal infraction for violating the prohibitions governing human-powered vessels established under the bill.

If approved by the Governor, these provisions take effect July 1, 2021, except where otherwise provided.

*Vote: Senate 39-0; House 114-1*

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1  
2 An act relating to racketeering; amending s. 895.02,  
3 F.S.; revising the definition of the term  
4 "racketeering activity" to include certain actions  
5 relating to wild animal life, freshwater aquatic life,  
6 or marine life; providing an effective date.  
7

8 Be It Enacted by the Legislature of the State of Florida:  
9

10 Section 1. Paragraph (a) of subsection (8) of section  
11 895.02, Florida Statutes, is amended, and a new paragraph (c) is  
12 added to that subsection, to read:

13 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

14 (8) "Racketeering activity" means to commit, to attempt to  
15 commit, to conspire to commit, or to solicit, coerce, or  
16 intimidate another person to commit:

17 (a) Any crime that is chargeable by petition, indictment,  
18 or information under the following provisions of the Florida  
19 Statutes:

20 1. Section 210.18, relating to evasion of payment of  
21 cigarette taxes.

22 2. Section 316.1935, relating to fleeing or attempting to  
23 elude a law enforcement officer and aggravated fleeing or  
24 eluding.

25 3. Chapter 379, relating to the illegal sale, purchase,  
26 collection, harvest, capture, or possession of wild animal life,  
27 freshwater aquatic life, or marine life, and related crimes.

28 4. Section 403.727(3)(b), relating to environmental  
29 control.

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5.4. Section 409.920 or s. 409.9201, relating to Medicaid fraud.

6.5. Section 414.39, relating to public assistance fraud.

7.6. Section 440.105 or s. 440.106, relating to workers' compensation.

8.7. Section 443.071(4), relating to creation of a fictitious employer scheme to commit reemployment assistance fraud.

9.8. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

10.9. Section 499.0051, relating to crimes involving contraband, adulterated, or misbranded drugs.

11.10. Part IV of chapter 501, relating to telemarketing.

12.11. Chapter 517, relating to sale of securities and investor protection.

13.12. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

14.13. Chapter 550, relating to jai alai frontons.

15.14. Section 551.109, relating to slot machine gaming.

16.15. Chapter 552, relating to the manufacture, distribution, and use of explosives.

17.16. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

18.17. Chapter 562, relating to beverage law enforcement.

19.18. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.



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59       ~~20.19.~~ Section 655.50, relating to reports of currency  
60 transactions, when such violation is punishable as a felony.

61       ~~21.20.~~ Chapter 687, relating to interest and usurious  
62 practices.

63       ~~22.21.~~ Section 721.08, s. 721.09, or s. 721.13, relating to  
64 real estate timeshare plans.

65       ~~23.22.~~ Section 775.13(5)(b), relating to registration of  
66 persons found to have committed any offense for the purpose of  
67 benefiting, promoting, or furthering the interests of a criminal  
68 gang.

69       ~~24.23.~~ Section 777.03, relating to commission of crimes by  
70 accessories after the fact.

71       ~~25.24.~~ Chapter 782, relating to homicide.

72       ~~26.25.~~ Chapter 784, relating to assault and battery.

73       ~~27.26.~~ Chapter 787, relating to kidnapping or human  
74 trafficking.

75       ~~28.27.~~ Chapter 790, relating to weapons and firearms.

76       ~~29.28.~~ Chapter 794, relating to sexual battery, but only if  
77 such crime was committed with the intent to benefit, promote, or  
78 further the interests of a criminal gang, or for the purpose of  
79 increasing a criminal gang member's own standing or position  
80 within a criminal gang.

81       ~~30.29.~~ Former s. 796.03, former s. 796.035, s. 796.04, s.  
82 796.05, or s. 796.07, relating to prostitution.

83       ~~31.30.~~ Chapter 806, relating to arson and criminal  
84 mischief.

85       ~~32.31.~~ Chapter 810, relating to burglary and trespass.

86       ~~33.32.~~ Chapter 812, relating to theft, robbery, and related  
87 crimes.

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~~34.33~~. Chapter 815, relating to computer-related crimes.

~~35.34~~. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, credit card crimes, and patient brokering.

~~36.35~~. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

~~37.36~~. Section 827.071, relating to commercial sexual exploitation of children.

~~38.37~~. Section 828.122, relating to fighting or baiting animals.

~~39.38~~. Chapter 831, relating to forgery and counterfeiting.

~~40.39~~. Chapter 832, relating to issuance of worthless checks and drafts.

~~41.40~~. Section 836.05, relating to extortion.

~~42.41~~. Chapter 837, relating to perjury.

~~43.42~~. Chapter 838, relating to bribery and misuse of public office.

~~44.43~~. Chapter 843, relating to obstruction of justice.

~~45.44~~. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

~~46.45~~. Chapter 849, relating to gambling, lottery, gambling or gaming devices, slot machines, or any of the provisions within that chapter.

~~47.46~~. Chapter 874, relating to criminal gangs.

~~48.47~~. Chapter 893, relating to drug abuse prevention and control.

~~49.48~~. Chapter 896, relating to offenses related to financial transactions.

~~50.49~~. Sections 914.22 and 914.23, relating to tampering

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with or harassing a witness, victim, or informant, and  
retaliation against a witness, victim, or informant.

~~51.50.~~ Sections 918.12 and 918.13, relating to tampering  
with jurors and evidence.

(c) Any violation of Title 68, Florida Administrative Code,  
relating to the illegal sale, purchase, collection, harvest,  
capture, or possession of wild animal life, freshwater aquatic  
life, or marine life, and related crimes.

Section 2. This act shall take effect upon becoming a law.

THE FLORIDA SENATE  
2021 SUMMARY OF LEGISLATION PASSED  
**Committee on Criminal Justice**

**CS/SB 776 — Racketeering**

by Criminal Justice Committee and Senator Gainer

The bill amends the definition of “racketeering activity” in the Florida RICO (Racketeer Influenced and Corrupt Organization) Act to include violations of ch. 379, F.S., and Title 68, F.A.C., relating to the illegal sale, purchase, collection, harvest, capture, or possession of wild animal life, freshwater aquatic life, or marine life, and related crimes. Chapter 379, F.S., and Title 68, F.A.C., are implemented by the Florida Fish and Wildlife Conservation Commission. The effect of this change is that it will allow such unlawful acts to be prosecuted as racketeering if the commission of the acts constitutes racketeering. A criminal violation of the Florida RICO Act is a first degree felony. The Florida RICO Act also provides for civil remedies.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 40-0; House 116-0*

**HB 0007 Civil Liability for Damages Relating to COVID-19** by McClure

Civil Liability for Damages Relating to COVID-19: Provides requirements for civil action based on COVID-19-related claim; provides that plaintiff has burden of proof in such action; provides statute of limitations. Effective Date: upon becoming a law

**Actions**

04/30/2021 SENATE Died in Rules

**HB 0015 Taxation** by Clemons

Taxation: Requires marketplace providers & persons located outside FL to remit discretionary sales surtax; replaces taxation of mail order sales with taxation of remote sales; provides entities making remote sales are dealers for sales & use taxes; requires entities to collect & remit additional fees at time of sale; authorizes marketplace providers & sellers to agree for marketplace sellers to collect taxes & fees; provides relief to persons for liability for tax, penalty, & interest due on remote sales; provides alternative method to calculate unemployment contribution in specified years; provides for deposit of funds in Unemployment Compensation Trust Fund. Effective Date: July 1, 2021

**Actions**

04/07/2021 HOUSE Substituted for SB 0050; Laid on Table, Refer to SB 0050

**SB 0050 Taxation** by Gruters

Taxation; Citing this act as the "Park Randall 'Randy' Miller Act"; revising the definition of the term "retail sale" to include sales facilitated through a marketplace; requiring marketplace providers and persons located outside of this state to remit discretionary sales surtax when delivering tangible personal property to a county imposing a surtax; providing that a marketplace seller, rather than the marketplace provider, is liable for sales tax collection and remittance under certain circumstances; requiring certain amounts to be deposited into the Unemployment Compensation Trust Fund during specified periods, etc. APPROPRIATION: \$353,000 Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2021

**Actions**

04/19/2021 Approved by Governor; Chapter No. 2021-002

**HB 0059 Growth Management** by McClain

Growth Management: Requires comprehensive plans & certain land development regulations of municipalities effective after certain date to incorporate certain development orders; requires local governments to include property rights element in their comprehensive plans; provides statement of rights; requires local government to adopt property rights element within specified timeframe; provides that certain property owners are not required to consent to development agreement changes; provides requirements & procedures for right of first refusal; authorizes certain developments of regional impact agreements to be amended. Effective Date: July 1, 2021

**Actions**

04/08/2021 HOUSE Enrolled Text (ER) Filed

**SB 0072 Civil Liability for Damages Relating to COVID-19** by Brandes

Civil Liability for Damages Relating to COVID-19; Specifying requirements for civil actions based on COVID-19-related claims; requiring the court to make certain determinations in such actions; providing that plaintiffs have the burden of proof in such actions; providing preliminary procedures for civil actions based on COVID-19-related claims; requiring COVID-19-related claims to commence within specified timeframes, etc. Effective Date: Upon becoming a law

**Actions**

**SB 0094 Water Storage North of Lake Okeechobee** by Brodeur

Water Storage North of Lake Okeechobee; Requiring the South Florida Water Management District to request that the United States Army Corps of Engineers seek congressional approval of a project implementation report for the Lake Okeechobee Watershed Restoration Project by a specified date; requiring the district, in partnership with the corps, to expedite the development and implementation of aquifer storage and recovery wells; requiring the district to expedite implementation of the aquifer storage and recovery science plan developed by the district and the corps, etc. Effective Date: Upon becoming a law

**Actions**

04/30/2021 SENATE Died in Appropriations

**HB 0139 Motor Vehicle and Vessel Registration Data** by Fernandez-Barquin

Motor Vehicle and Vessel Registration Data: Requires tax collectors or third parties contracted with tax collectors to enter into memorandum of understanding with DHSMV & make certain determinations; requires DHSMV to ensure certain technology used by tax collectors protects customer privacy & data; authorizes DHSMV to provide certain technology to tax collectors upon request in order to provide data access & uniform interface functionalities for registration renewal transactions; authorizes use of data & functionality for certain purposes; requires development of data access & uniform interface functionalities by certain date. Effective Date: July 1, 2021

**Actions**

04/22/2021 HOUSE Enrolled Text (ER) Filed

**HB 0217 Conservation Area Designations** by Hunschofsky

Conservation Area Designations: Designates Southeast Florida Coral Reef Ecosystem Conservation Area as Kristin Jacobs Coral Reef Ecosystem Conservation Area; directs DEP to erect suitable markers. Effective Date: July 1, 2021

**Actions**

04/07/2021 HOUSE Enrolled Text (ER) Filed

**HB 0223 Marina Evacuations** by Plasencia

Marina Evacuations: Prohibits vessels under specified weight from remaining in certain marinas that have been deemed unsuitable for refuge during hurricane after issuance of hurricane watch; requires marina owner, operator, employee, or agent to remove specified vessels; provides that such owner, operator, employee, or agent may charge vessel owner reasonable fee for such removal & may not be held liable for any damages as result of such removal; provides that owners or operators of certain vessels may be subject to fine that deepwater seaport issuing evacuation order may impose & collect. Effective Date: July 1, 2021

**Actions**

04/14/2021 HOUSE Enrolled Text (ER) Filed

**SB 0256 Discrimination in Labor and Employment** by Stewart

Discrimination in Labor and Employment; Creating the "Senator Helen Gordon Davis Fair Pay Protection Act"; prohibiting an employer from providing less favorable employment opportunities to employees based on their sex; prohibiting an employer from engaging in certain activities relating to wages and benefits; prohibiting an employer from requiring employees to sign certain waivers and documents, etc. Effective Date: 7/1/2021

**Actions**

04/30/2021 SENATE Died in Commerce and Tourism

**HB 0271 Boating Safety Education** by Botana

Boating Safety Education: Requires boating safety education courses & temporary certificate

examinations to include specified information; directs FWCC to include specified information in boating safety campaigns & education materials. Effective Date: July 1, 2021

#### **Actions**

04/30/2021 HOUSE Died in Commerce Committee

#### **HB 0287 Liability of Persons Providing Areas for Public Outdoor Recreational Purposes by Shoaf**

Liability of Persons Providing Areas for Public Outdoor Recreational Purposes: Limits liability for persons who enter into written agreements with state agencies to provide areas for public outdoor recreational purposes without charge. Effective Date: July 1, 2021

#### **Actions**

04/27/2021 HOUSE Laid on Table, refer to CS/CS/SB 920

#### **SB 0302 Small Business Saturday Sales Tax Holiday by Taddeo**

Small Business Saturday Sales Tax Holiday; Defining the term "small business"; providing that small businesses are not required to collect the sales and use tax on the retail sale of certain items of tangible personal property during a specified timeframe; authorizing certain dealers to opt out of participating in the tax holiday, subject to certain requirements; authorizing the Department of Revenue to adopt emergency rules, etc. Effective Date: 7/1/2021

#### **Actions**

04/30/2021 SENATE Died in Appropriations

#### **SB 0304 Wage and Employment Benefits Requirements by Taddeo**

Wage and Employment Benefits Requirements; Repealing provisions relating to restrictions on the establishment of minimum wage and employment benefits requirements by political subdivisions, etc. Effective Date: 7/1/2021

#### **Actions**

04/30/2021 SENATE Died in Commerce and Tourism

#### **HB 0323 Fish and Wildlife Conservation Commission Trust Funds by Drake**

Fish and Wildlife Conservation Commission Trust Funds: Revises sources & use of funds for Florida Panther Research & Management Trust Fund; authorizes FWCC to invest & reinvest funds & interest of Marine Resources Conservation Trust Fund, Nongame Wildlife Trust Fund, State Game Trust Fund, Save Manatee Trust Fund, & Invasive Plant Control Trust Fund; revises use of certain funding sources for Save Manatee Trust Fund. Effective Date: July 1, 2021

#### **Actions**

04/27/2021 HOUSE Laid on Table, refer to SB 524

#### **SB 0342 Vehicle and Vessel Registration by Diaz**

Vehicle and Vessel Registration; Authorizing tax collectors to determine service charges collected by privately owned license plate agents for motor vehicle titles; requiring that additional service charges be itemized and disclosed to the person paying them; requiring a license plate agent to enter into a contract with the tax collector for a certain purpose; requiring tax collectors and approved license plate agents to enter into a memorandum of understanding with the department for a certain purpose, etc. Effective Date: 7/1/2021

#### **Actions**

04/27/2021 SENATE Enrolled Text (ER) Filed

#### **SB 0364 Discrimination on the Basis of Personal Health Information by Gruters**

Discrimination on the Basis of Personal Health Information; Prohibiting business and governmental entities that require individuals to present driver licenses and identification cards for specified purposes

from taking certain actions on the basis of individuals' vaccination status and proof of immunity from any virus; prohibiting public accommodations from discriminating against individuals on the basis of vaccination or immunity status, etc. Effective Date: 7/1/2021

#### **Actions**

04/30/2021 SENATE Died in Commerce and Tourism

#### **SB 0384 Unlawful Employment Practices** by Rodriguez (A)

Unlawful Employment Practices; Expanding the list of unlawful employment practices to include certain actions against employees and job applicants with medical needs related to pregnancy; requiring employers to provide a written notice of certain rights relating to pregnancy to employees and to post such notice in conspicuous places on the premises; requiring the Florida Commission on Human Relations to develop certain education and outreach programs, etc. Effective Date: 7/1/2021

#### **Actions**

04/30/2021 SENATE Died in Commerce and Tourism

#### **SB 0430 Retail Petroleum Fuel Measuring Devices** by Rodriguez (A)

Retail Petroleum Fuel Measuring Devices; Revising the types of certain security measures required to be affixed to or installed onto retail petroleum fuel measuring devices; requiring owners or operators of retail petroleum fuel measuring devices to affix to or install onto the measuring devices certain security measures by a specified date; authorizing the Department of Agriculture and Consumer Services to take certain retail petroleum fuel measuring devices out of service until compliance is restored; preempting the regulation of petroleum fuel measuring devices to the state, etc. Effective Date: 7/1/2021

#### **Actions**

04/23/2021 SENATE Enrolled Text (ER) Filed

#### **SB 0496 Growth Management** by Perry

Growth Management; Specifying requirements for certain comprehensive plans effective, rather than adopted, after a specified date and for associated land development regulations; requiring local governments to include a property rights element in their comprehensive plans; prohibiting a local government's property rights element from conflicting with the statement of rights contained in the act; providing that the consent of certain property owners is not required for development agreement changes under certain circumstances, etc. Effective Date: 7/1/2021

#### **Actions**

04/08/2021 SENATE Read Second Time; Substituted for HB 0059; Laid on Table, Refer to HB 0059

#### **SB 0524 Fish and Wildlife Conservation Commission Trust Funds** by Hooper

Fish and Wildlife Conservation Commission Trust Funds; Revising the sources of funds that may be used for specified purposes for the Florida Panther Research and Management Trust Fund; authorizing the commission to invest and reinvest funds and the interest thereof of the Marine Resources Conservation Trust Fund and the Nongame Wildlife Trust Fund, respectively; revising the use of such funds for the marketing of the license plates; authorizing such funds to be used for commission administrative costs, etc. Effective Date: 7/1/2021

#### **Actions**

04/28/2021 SENATE Enrolled Text (ER) Filed

#### **SB 0578 Marina Evacuations** by Wright

Marina Evacuations; Prohibiting vessels under a specified weight from remaining in certain marinas that have been deemed unsuitable for refuge during a hurricane after the issuance of a hurricane watch; requiring a marina owner, operator, employee, or agent to remove specified vessels under certain circumstances; providing that such owner, operator, employee, or agent may charge the vessel owner a reasonable fee for such removal and may not be held liable for any damages as a result of such removal, etc. Effective Date: 7/1/2021

#### **Actions**



04/14/2021 SENATE Read Second Time; Substituted for HB 0223; Laid on Table, Refer to HB 0223

**SB 0588**

**Conservation Area Designations/Kristin Jacobs Coral Reef Ecosystem Conservation Area by Book**

Conservation Area Designations/Kristin Jacobs Coral Reef Ecosystem Conservation Area; Designating the Southeast Florida Coral Reef Ecosystem Conservation Area as the Kristin Jacobs Coral Reef Ecosystem Conservation Area; directing the Department of Environmental Protection to erect suitable markers, etc. Effective Date: 7/1/2021

**Actions**

04/07/2021 SENATE Read Second Time; Substituted for HB 0217; Laid on Table, Refer to HB 0217

**HB 0669**

**Largemouth Bass by Trabulsy**

Largemouth Bass: Requires FWCC to adopt certain rules; provides for sale of Florida largemouth bass as food fish. Effective Date: July 1, 2021

**Actions**

04/26/2021 HOUSE Laid on Table, Refer to CS/CS/SB 1018

**SB 0854**

**Minimum Wage Rate by Brandes**

Minimum Wage Rate; Proposing an amendment to the State Constitution to authorize the Legislature to provide a reduced minimum wage rate for prisoners in the state correctional system, for employees convicted of a felony, for employees under 21 years of age, and for other hard-to-hire employees, etc.

**Actions**

04/30/2021 SENATE Died in Commerce and Tourism

**HB 0969**

**Consumer Data Privacy by McFarland**

Consumer Data Privacy: Requires collectors to provide notice to consumers about data collection & selling practices; provides consumers right to request data be disclosed, deleted, or corrected & to opt-in or opt-out of sale or sharing of such data; provides nondiscrimination measures, methods for requesting data & opting-in or opting-out of sale or sharing of such data, private cause of action, enforcement, & jurisdiction. Effective Date: July 1, 2022

**Actions**

04/30/2021 HOUSE Died in returning Messages

**HB 0971**

**Pub.Rec./Consumer Data Privacy by McFarland**

Pub.Rec./Consumer Data Privacy: Provides exemption from public records requirements for information relating to investigations by DLA & law enforcement agencies of certain data privacy violations; provides for future legislative review & repeal of exemption; provides statement of public necessity. Effective Date: on the same date that CS/CS/CS/HB 969 or similar legislation takes effect

**Actions**

04/30/2021 HOUSE Died in returning Messages

**SB 1018**

**Largemouth Bass by Boyd**

Largemouth Bass; Requiring the Department of Agriculture and Consumer Services, in consultation with specified entities, to adopt a rule requiring certain facilities to maintain stock acquisition documentation or records of genetic testing related to Florida largemouth bass; authorizing the sale of Florida largemouth bass as food fish under certain circumstances, etc. Effective Date: 7/1/2021

**Actions**

04/27/2021 SENATE Enrolled Text (ER) Filed

**HB 1099**

**Vessel Safety Equipment by McFarland**

Vessel Safety Equipment: Requires operators of certain motorboats to use engine cutoff switch while motorboat is making way. Effective Date: July 1, 2021

#### **Actions**

04/30/2021 HOUSE Died in Tourism, Infrastructure & Energy Subcommittee

#### **SB 1126 Department of Transportation by Harrell**

Department of Transportation; Repealing a provision relating to applications for funding for technical assistance relating to areas in and around a proposed multiuse corridor interchange; clarifying that the Department of Revenue is responsible for a certain transfer from the State Treasury to the General Revenue Fund of a portion of documentary stamp tax distributions credited to the State Transportation Trust Fund; revising a limitation on an annual transfer from the State Transportation Trust Fund to the Right-of-Way Acquisition and Bridge Construction Trust Fund; requiring drivers to change lanes when approaching a road and bridge maintenance or construction vehicle displaying warning lights on the roadside without advance signs and channelizing devices; deleting a requirement that the department provide space and video conference capability at each of the department's district offices as an alternative to physical appearance by a person requesting a hearing before the Commercial Motor Vehicle Review Board within the department, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2021

#### **Actions**

04/28/2021 SENATE Enrolled Text (ER) Filed

#### **HB 1133 Coastal Construction and Preservation by Leek**

Coastal Construction and Preservation: Defines terms for purposes of Dennis L. Jones Beach & Shore Preservation Act; requires DEP to issue permits for certain rigid coastal armoring structures; provides DEP may only order removal of certain public rigid coastal armoring structures. Effective Date: July 1, 2021

#### **Actions**

04/30/2021 HOUSE Died in Environment, Agriculture & Flooding Subcommittee

#### **HB 1225 Implementation of the Recommendations of the Blue-Green Algae Task Force by Goff-Marcil**

Implementation of the Recommendations of the Blue-Green Algae Task Force: Requires DEP to implement stormwater system inspection & monitoring program; requires owners of onsite sewage treatment & disposal systems to have system periodically inspected; requires department to administer inspection program pursuant to certain standards, procedures, & requirements; provides for rulemaking; provides requirements for basin management action plans; provides notices requirements for certain notices of intent to implement pollution reduction measures; provides that verification of certain programs must have been completed by specified date to be presumed to be in compliance with state water quality standards; requires DEP to provide all records promptly & in unadulterated form. Effective Date: July 1, 2021

#### **Actions**

04/30/2021 HOUSE Died in Environment, Agriculture & Flooding Subcommittee

#### **HB 1275 Vessel Collisions, Accidents, and Casualties by Grieco**

Vessel Collisions, Accidents, and Casualties: Provides penalties for vessel operators who leave scene of vessel accident that causes damage, injury, or death without complying with certain requirements, who operate vessel in reckless or careless manner & cause serious bodily injury, or who operate vessel while under influence & cause death of unborn child; provides mandatory minimum sentencing for specified violations. Effective Date: July 1, 2021

#### **Actions**

04/30/2021 HOUSE Died in Justice Appropriations Subcommittee

#### **SB 1324 Digital Driver Licenses and Identification Cards by Harrell**

Digital Driver Licenses and Identification Cards; Requiring the Department of Highway Safety and Motor

Vehicles to establish a secure and uniform system for issuing optional digital proofs of driver licenses and identification cards; authorizing the department to contract with one or more private entities to develop an electronic credentialing system; authorizing the department to enter into contracts with private entities for a specified purpose; prohibiting such private entities from storing, selling, or sharing personal information collected from scanning the digital proofs of driver licenses and identification cards, etc. Effective Date: 7/1/2021

#### **Actions**

04/22/2021 SENATE Read Second Time; Substituted for HB 1313; Laid on Table, Refer to HB 1313

#### **SB 1326 Public Records/Department of Highway Safety and Motor Vehicles by Harrell**

Public Records/Department of Highway Safety and Motor Vehicles; Providing exemptions from public records requirements for secure login credentials, Internet protocol addresses, and geolocation data held by the Department of Highway Safety and Motor Vehicles; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc. Effective Date: On the same date that SB 1324 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law

#### **Actions**

04/22/2021 SENATE Read Second Time; Substituted for HB 1315; Laid on Table, Refer to HB 1315

#### **HB 1335 Seagrass Mitigation Banks by Sirois**

Seagrass Mitigation Banks: Authorizes Board of Trustees of Internal Improvement Trust Fund to establish seagrass mitigation banks under certain conditions. Effective Date: July 1, 2021

#### **Actions**

04/30/2021 HOUSE Died in Agriculture & Natural Resources Appropriations Subcommittee

#### **HB 1337 Anchoring Limitation Areas by Geller**

Anchoring Limitation Areas: Designates specified waterways as anchoring limitation areas. Effective Date: July 1, 2021

#### **Actions**

04/30/2021 HOUSE Died in Environment, Agriculture & Flooding Subcommittee

#### **HB 1385 Department of Transportation by LaMarca**

Department of Transportation: Revises provisions relating to transfer of moneys to & from State Transportation Trust Fund; removes requirements related to deduction of service charges; requires DOT to allow person to appear remotely before Commercial Motor Vehicle Review Board via communications media technology; requires DOT to adopt rules to implement airport zoning provisions; requires department, when proposing certain projects on State Highway System, to provide notice to affected property owners, municipalities, & counties; provides public meeting requirements; removes expiration of provisions authorizing LBC to authorize approval of work program amendments; revises date by which M.P.O. must submit list of project priorities to DOT district. Effective Date: July 1, 2021

#### **Actions**

04/27/2021 HOUSE Laid on Table, refer to CS/SB 1126

#### **SB 1504 Coastal Construction and Preservation by Wright**

Coastal Construction and Preservation; Defining the terms "upland structure," "vulnerable," and "wave runoff" as those terms are used in the Dennis L. Jones Beach and Shore Preservation Act; requiring, rather than authorizing, the Department of Environmental Protection to issue permits for present installations of rigid coastal armoring structures under certain circumstances; providing that the department may only order permitted public structures to be removed under certain circumstances, etc. Effective Date: 7/1/2021

#### **Actions**

04/30/2021 SENATE Died in Environment and Natural Resources

**HB 1515      Anchoring Limitation Areas** by Duggan

Anchoring Limitation Areas: Grandfathers certain areas as anchoring limitation areas; authorizes local governments to establish anchoring limitation areas; revises provisions prohibiting & authorizing anchoring of vessels in anchoring limitation areas; provides for vessel owners & operators to present certain proof that vessel has not exceeded certain anchoring limitations; revises provisions authorizing removal & impoundment of certain vessels from anchoring limitation areas; declaring that certain vessels are public nuisance; directs FWCC to adopt specified rules. Effective Date: upon becoming a law

**Actions**

04/27/2021      HOUSE Laid on Table, refer to CS/CS/CS/SB 1946

**SB 1522      Implementation of the Recommendations of the Blue-Green Algae Task Force** by Stewart

Implementation of the Recommendations of the Blue-Green Algae Task Force; Citing this act as the "Implementation of Governor DeSantis' Blue-Green Algae Task Force Recommendations Act"; requiring owners of onsite sewage treatment and disposal systems to have the system periodically inspected, beginning on a specified date; requiring the Department of Health to administer the inspection program; requiring the department to implement program standards, procedures, and requirements; providing for rulemaking; requiring new or revised basin management action plans to include an identification and prioritization of certain spatially focused projects, etc. Effective Date: 7/1/2021

**Actions**

04/30/2021      SENATE Died in Appropriations

**SB 1550      Public Financing of Potentially At-risk Structures** by Rodriguez (A)

Public Financing of Potentially At-risk Structures; Providing that coastal building zones are areas at risk due to sea level rise and coastal structures within those areas are potentially at-risk structures; requiring state-financed constructors to include certain flood mitigation strategies in sea level impact projection studies, etc. Effective Date: 7/1/2021

**Actions**

04/30/2021      SENATE Died in Community Affairs

**SB 1562      Motorboat Engine Cutoff Switches** by Gruters

Motorboat Engine Cutoff Switches; Citing this act as the "Ethan's Law"; requiring the use of an engine cutoff switch when operating certain motorboats that are making way; providing penalties, etc. Effective Date: 7/1/2021

**Actions**

04/30/2021      SENATE Died in Environment and Natural Resources

**SB 1652      Anchoring Limitation Areas** by Pizzo

Anchoring Limitation Areas; Designating specified waterways in densely populated urban areas as anchoring limitation areas, etc. Effective Date: 7/1/2021

**Actions**

04/30/2021      SENATE Died in Environment and Natural Resources

**SB 1658      Power-driven Vessel Safety Requirements** by Bradley

Power-driven Vessel Safety Requirements; Citing this act as the "Limb Preservation Act"; prohibiting sitting in a specified manner upon the bow, transom, or gunwale of a power-driven vessel while the vessel is making way; prohibiting a power-driven vessel operator from allowing a person to sit in such a way; providing a noncriminal infraction for violations relating to power-driven vessel safety requirements, etc. Effective Date: 7/1/2021

**Actions**

04/30/2021      SENATE Died in Environment and Natural Resources

**SB 1834****Vessel Safety** by Pizzo

Vessel Safety; Revising the penalties for persons operating a vessel involved in an accident or injury who leave the scene of the accident or injury under certain circumstances; providing graduated penalties depending on the level of damage to property or person; providing a mandatory minimum sentence for a person who willfully commits such violation resulting in the death of another while boating under the influence; providing that a person commits boating under the influence manslaughter when their impaired operation of a vessel causes the death of an unborn child; revising the definition of the term “vessel homicide” to include the killing of an unborn child by causing injury to the mother by operation of a vessel in a reckless manner under certain circumstances, etc. Effective Date: 7/1/2021

**Actions**

04/30/2021    SENATE Died in Environment and Natural Resources

**SB 1946****Anchoring Limitation Areas** by Polsky

Anchoring Limitation Areas; Providing that certain areas are grandfathered-in anchoring limitation areas; authorizing certain counties to establish anchoring limitation areas that meet certain requirements; specifying size requirements for the anchoring limitation areas; prohibiting vessels from anchoring in such areas for longer than a specified time; requiring counties to provide notice to the Fish and Wildlife Conservation Commission within a specified timeframe before introducing an ordinance to establish an anchoring limitation area; prohibiting Monroe County from establishing an anchoring limitation area until the county meets certain requirements, etc. Effective Date: Upon becoming a law

**Actions**

04/28/2021    SENATE Enrolled Text (ER) Filed