

WEEK 6 REPORT

// 2016 LEGISLATIVE SESSION

+ MARINE INDUSTRIES ASSOCIATION OF FLORIDA
FEBRUARY 15 - 19, 2016



// WEEK 6 (FEB 15 - 19)

CONTENTS

SB 552 // HB 7005
Environmental Resources

SB 746 // HB 427
Vessel Registration

SB 644 // HB 863
Boating Safety

SB 1168 // HB 989
Implementation of Water
& Land Use Conservation
Amendment

SB 1260 // HB 1051
Recreational Boating Zones

HB 161
Boating Under the Influence

SB 1506 // HB 1273
Manatees

SB 1300 // HB 7025
At-risk Vessels

We are now two-thirds of the way through a nine-week legislative session. With three weeks remaining, the budget conference process will start, committees will wrap up, and floor action and a flurry of floor amendments will dominate our attention. Below are some of the highlights of bills we have been following closely.

The "Anchoring Legislation" is still slowly moving through the process. Senate Bill 1260 passed the Senate Environmental Preservation Committee 5-4 with a strike-everything amendment. The strike-everything amendment changed the name from "recreational boating area" to "anchoring limitation areas", included a 1.5 million population requirement for such areas, and deleted Crab Island. The bill is now a committee substitute. CS/SB 1260 is now slated to be heard in the Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development on February 24th. As of the writing of this report, the agenda for House State Affairs had not been released. House State Affairs meets on February 25th and since the sponsor of the legislation is the chairman, we anticipate the bill being heard. The bills are not identical at this point. We do not know if the House will take the Senate changes.

Also, we must remain vigilant on any and all amendments during the next three weeks. Senator Abruzzo filed an amendment to Senate Bill 846 this week on the floor that would have limited anchoring on Lake Boca Raton - the amendment was withdrawn. We will continue to monitor amendments and ask you pay close attention to your email over the next three weeks as we anticipate more amendments like this to surface and your action will be needed timely.

House Bill 427 relating to Vessel Registration, also known as the "Emergency Position-Industry Radio Beacon," bill passed the House Transportation and Economic Development Appropriations subcommittee on February 16th unanimously. MIAF stood in support of the bill. HB 427 is scheduled to be heard on the House floor February 23rd. As reported last week, the Senate companion, Senate Bill 746, has only one more committee stop before it is available to be heard on the floor. The last stop is Senate Appropriations Committee and this agenda for Senate Appropriations had not been released as of the writing of this report.

At Risk Vessels, a major priority for MIAF, is on Special Order this week in the House and the Senate. This is a priority for MIAF and we will be monitoring closely for anchoring amendments. HB 7025 is on the House Special Order Calendar February 23rd. Senate Bill 1300 passed the Senate Fiscal Policy, on February 17th unanimously. SB 1300 is scheduled to be heard on the Senate floor February 24th. Again - we will monitor closely for anchoring amendments; the sponsor, Senator Dean, voted against the Anchoring bill in committee.

Bills relating to Vessels, HB 703 and Senate Bill 1454, are poised to pass this Session. These are interesting bills, as they revise careless operation of a vessel and establish a safety inspection process and sticker for boats. House Bill 703 is scheduled to be heard on the House floor February 23rd. The Senate Bill, SB 1454, passed the Senate Appropriations Subcommittee on Criminal and Civil Justice on February 17th unanimously. SB 1454 is in its last committee stop, Senate Fiscal Policy on February 24th. After this committee hearing, SB 1454 is ready for the Senate floor. Finally, Senate Bill 1506 and HB 1273 relating to Manatees were not heard in any Senate or House Committee last week.

Again, we thank you for your time and consideration.

In the following pages are just a few of the bills we have highlighted for your information.



// BUDGET

House Budget Proposal Highlights:

1758 SPECIAL CATEGORIES
BOAT RAMP MAINTENANCE CATEGORY
FROM GENERAL REVENUE FUND 750,000
FROM FEDERAL GRANTS TRUST FUND 431,250
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 181,878
FROM STATE GAME TRUST FUND 143,750
From the funds in Specific Appropriation 1758,
\$750,000 in nonrecurring funds from the General
Revenue Fund is allocated as follows:
Lauderdale Lakes Water Pollutant Reduction Boat
Ramp System. 250,000
Niceville Public Landing and Bayou Restoration
Access Facility 500,000

1762 SPECIAL CATEGORIES
BOATING AND WATERWAYS ACTIVITIES
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 1,926,025

1762A SPECIAL CATEGORIES
BOATING AND WATERWAYS GRANTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 50,000

1762B SPECIAL CATEGORIES
DERELICT VESSEL REMOVAL PROGRAM
FROM GENERAL REVENUE FUND 1,500,000

1766 SPECIAL CATEGORIES
BOATING SAFETY EDUCATION PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 850,650

1767 FIXED CAPITAL OUTLAY
BOATING INFRASTRUCTURE
FROM FEDERAL GRANTS TRUST FUND 3,900,000

1768 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES -
FIXED CAPITAL OUTLAY FLORIDA BOATING IMPROVEMENT
PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 592,600
FROM STATE GAME TRUST FUND 1,250,000

Senate Budget Proposal Highlights:

1758 SPECIAL CATEGORIES
BOAT RAMP MAINTENANCE CATEGORY
FROM FEDERAL GRANTS TRUST FUND 431,250
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 111,878
FROM STATE GAME TRUST FUND 143,750

1762 SPECIAL CATEGORIES
BOATING AND WATERWAYS ACTIVITIES
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 1,926,025

1762A SPECIAL CATEGORIES
DERELICT VESSEL REMOVAL PROGRAM
FROM GENERAL REVENUE FUND 1,500,000

1766 SPECIAL CATEGORIES
BOATING SAFETY EDUCATION PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 850,650

1767 FIXED CAPITAL OUTLAY BOATING INFRASTRUCTURE
FROM FEDERAL GRANTS TRUST FUND 3,900,000

1768 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES -
FIXED CAPITAL OUTLAY FLORIDA BOATING IMPROVEMENT
PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND .
. 592,600
FROM STATE GAME TRUST FUND 1,250,000

// ENVIRONMENTAL RESOURCES

Senate Bill 552 // Sen. Charlie Dean // Referred to: Environmental Preservation and Conservation; Appropriations

House Bill 7005 // State Affairs Committee // Referred to: Agriculture & Natural Resources Appropriations Subcommittee

CS/CS/Senate Bill 552 and CS/House Bill 7005 comprise the primary water policy legislation for 2016, and are identical. This week, SB 552 was passed by the Senate and the House, and has been sent to the Governor for his veto or approval. Specifically, SB 552:

- Creates the Florida Springs and Aquifer Protection Act to provide for the protection and restoration of Outstanding Florida Springs (OFSs);
- Codifies the Central Florida Water Initiative (CFWI) and ensures that the appropriate governmental entities continue to develop and implement uniform water supply planning, consumptive use permitting, and resource protection programs for the Central Florida Water Initiative;
- Updates and restructures the Northern Everglades and Estuaries Protection Program (NEEPP) to reflect and build upon the Department of Environmental Protection's (DEP) completion of basin management action plans (BMAPs) for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary, and the Department of Agriculture and Consumer Services' (DACS) implementation of best management practices (BMPs);
- Modifies water supply and resource planning and processes to make them more stringent;
- Requires the Office of Economic and Demographic Research to conduct an annual assessment of water resources and conservation lands;
- Requires the DEP to publish an online, publicly accessible database of conservation lands on which public access is compatible with conservation and recreation purposes;
- Requires the DEP to conduct a feasibility study for creating and maintaining a web-based, interactive map of the state's waterbodies as well as regulatory information about each waterbody;
- Creates a pilot program for alternative water supply in restricted allocation areas and a pilot program for innovative nutrient and sediment reduction and conservation; and
- Revises certain considerations for water resource permits

Senate Bill 552 passed the Environmental Preservation & Conservation Committee on Nov. 4th by a vote of 9-0, and passed the Appropriations Committee on Nov. 19th by a vote of 15-0. It passed the Senate on January 13th by a vote of 37-0, and it passed the House on January 14th.

House Bill 7005 passed the Agriculture & Natural Resources Appropriations Subcommittee on Nov. 18th by a vote of 11-1. HB 7005 was laid on the table in lieu of SB 552 on the House floor.

Upcoming Consideration/Most Recent Action: SB 552ER Approved by Governor (signed into law), Chapter No. 2016-1

// VESSEL REGISTRATION

Senate Bill 746 // Sen. Joe Negron // Referred to: Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

House Bill 427 // Rep. Mary Lynn Magar // Referred to: Highway & Waterway Safety Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee

Senate Bill 746 reduces state vessel registration fees for recreational vessels equipped with an Emergency Position Indicating Radio Beacon or whose owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration in order for the owner to qualify for the reduced registration fee. Annual base vessel registration fees are reduced by a minimum of \$2.55 and a maximum of \$48.60, depending on the length of the vessel. The bill appropriates \$5 million in recurring funds from the General Revenue Fund to the Department of Highway Safety and Motor Vehicles for the 2016-2017 fiscal year to offset the reduction in the base vessel registration fees.

Last Action: (Jan 13) Favorable by Appropriations Subcommittee on Transportation, Tourism, and Economic Development; 9 Yeas, 0 Nays

House Bill 427 reduces state vessel registration fees for recreational vessels equipped with an Emergency Position Indicating Radio Beacon, or for recreational vessels where the owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration in order for the owner to qualify for the reduced registration fee. A person who owns a personal locator beacon and more than one recreational vessel qualifies to pay the reduced fee for only one of their vessels. The reduced registration certificate fees provided in the bill apply to applicable vessels registered in Fiscal Year 2016-2017, between July 1, 2016, and June 30, 2017 only.

As provided in the bill, an Emergency Position-Indicating Radio Beacon means a device installed on the vessel being registered that:

- Transmits distress signals at a frequency between 406.0 and 406.1 MHz;
- Is manufactured by a company approved to manufacture beacons by the International Cospas-Sarsat Programme; and
- Is registered with the United States National Oceanic and Atmospheric Administration.

A Personal Locator Beacon means a device designed to be carried by an individual that:

- Transmits distress signals at a frequency between 406.0 and 406.1 MHz;
- Is manufactured by a company approved to manufacture beacons by the International Cospas-Sarsat Programme; and
- Is registered with the United States National Oceanic and Atmospheric Administration.

The Revenue Estimating Conference (REC) met on October 29, 2015, and determined that the original bill filed will have a negative recurring impact of \$500,000 to the General Revenue Fund. The bill as amended reduces this impact. The REC has not reviewed the bill as amended; however, using the data from the original REC estimate, House staff estimates that the reduced fees in the amended bill will have a negative nonrecurring impact of approximately \$250,000 in Fiscal Year 2016-2017. See fiscal section.

Last Action: Favorable with CS by Transportation & Economic Development Appropriations Subcommittee; 12 Yeas, 0 Nays; Placed on Special Order Calendar, 02/23/16

Attached documents: CS/CS/HB 427 + staff analysis

// BOATING SAFETY

Senate Bill 644 // Sen. Jeremy Ring // Referred to: Environmental Preservation and Conservation; Commerce and Tourism; Rules

House Bill 863 // Rep. Richard Stark // Referred to: Criminal Justice Subcommittee; Highway & Waterway Safety Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Economic Affairs Committee

SB 644 increases the age requirement for operating a personal watercraft on the waters of the state from 14 years of age to 16 years of age. The bill revises the requirements for boating safety identification cards by removing an exemption for a person who is accompanied in the vessel by a person who is otherwise exempt from the boating safety identification card requirements or who holds a valid identification card, is 18 years of age or older, and is attendant to the operation of the vessel and responsible for the vessel's safe operation.

Last Action: Temporarily Postponed by Environmental Preservation and Conservation

House Bill 863 provides requirements for operation of recreational vessels by persons younger than specified age; revises minimum age to operate personal watercraft; removes exemption from photographic identification & boating safety identification card requirement for person

accompanied in vessel by another person who meets certain criteria.

Last Action: Referred to Criminal Justice Subcommittee; Highway & Waterway Safety Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Economic Affairs Committee

// IMPLEMENTATION OF WATER & LAND USE CONSERVATION CONSTITUTIONAL AMENDMENT 1 (2014 BALLOT)

Senate Bill 1168 // Sen. Joe Negron // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations

House Bill 989 // Rep. Gayle Harrell // Referred to: Agriculture & Natural Resources Appropriations Subcommittee; Appropriations Committee

Senate Bill 1168 requires specified minimum distributions from the Land Acquisition Trust Fund to fund Everglades projects that implement the Comprehensive Everglades Restoration Plan, the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program and to fund spring restoration, protection, and management projects.

Last Action: Favorable with CS by Environmental Preservation and Conservation; 8 Yeas, 0 Nays

House Bill 989 - In 2014, the voters of the state of Florida approved an amendment to the Florida Constitution to create Article X, Section 28, which requires that 33 percent of documentary stamp taxes collected be deposited into the Land Acquisition Trust Fund (LATF) and prohibits funds from the LATF from being used for a purpose not specified in the constitution. In 2015, chapter 2015-229, Laws of Florida, became law and amended the relevant statutes to comply with this constitutional requirement. The bill amended section 375.041, F.S., related to the Land Acquisition Trust Fund to require that funds be used for certain debt service obligations and to require that \$32 million be distributed to the South Florida Water Management District for the Long-Term Plan. The section further provides that any remaining moneys in the Land Acquisition Trust Fund that are not distributed as provided above may be appropriated from time to time for the purposes set forth in s. 28, Art. X of the State Constitution.

HB 989 amends s. 375.041, F.S. to provide for the distribution of funds deposited into the Land Acquisition Trust Fund. Of the funds remaining after the payment of certain debt service obligations, the Legislature will be required to appropriate a minimum of the lesser of 25 percent or \$200 million for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), including the Central Everglades Planning Project subject to congressional authorization, the Long-Term Plan, and the Northern Everglades and Estuaries

Protection Program.

The bill requires that from these funds, \$32 million will be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District (SFWMD) for the Long-Term Plan. After deducting the \$32 million, from the funds remaining, a minimum of the lesser of 76.5 percent or \$100 million will be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering and construction of the CERP.

The bill requires the Department of Environmental Protection (DEP) and the SFWMD to give preference to projects that reduce harmful discharges from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner.

The House proposed Fiscal Year 2016-2017 General Appropriations Act fulfills the requirements of the bill by appropriating \$32 million for the Long-Term Plan, \$100 million for the CERP, and \$66 million for northern Everglades and estuaries protection, including \$15 million to the Department of Agriculture and Consumer Services for agricultural projects identified in the Lake Okeechobee Basin Management Action Plan and \$51 million to DEP to implement the Northern Everglades and Estuaries Protection Program.

HB 989 Last Action: Favorable by Appropriations Committee on 02/09/16; 24 Yeas, 0 Nays; Placed on House Calendar, on 2nd reading

// RECREATIONAL BOATING ZONES

Senate Bill 1260 // Sen. Wilton Simpson // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy

House Bill 1051 // Rep. Matt Caldwell // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

CS/Senate Bill 1260 establishes anchoring limitation areas in sections of Broward and Miami-Dade Counties. The bill prohibits a person from anchoring a vessel at any time between the hours from one-half hour after sunset to one-half hour before sunrise in any such anchoring limitation area. The bill authorizes vessels under certain circumstances to anchor overnight in an anchoring limitation area and provides an exemption for certain vessels.

Last Action: On Committee agenda - Appropriations Subcommittee on Transportation, Tourism, and Economic Development, 02/24/16, 1:30 pm

House Bill 1051 - The public may use sovereignty submerged lands for navigation, commerce, fishing, bathing, and other public purposes. These rights are designed to promote the general

welfare and are subject to lawful regulation by the state. The public's right to navigation entitles the public to the reasonable use of navigable waters for legitimate purposes of travel or transportation, boating or sailing for pleasure, carrying persons or property gratuitously for hire, and for uses which are consistent with other uses enjoyed in common. Anchoring is a right incidental to the public's right of navigation, which must be balanced against other public purposes. As such, the right to anchor or moor must not unreasonably obstruct others' navigation rights and does not include the right to anchor indefinitely in a manner that impairs a riparian owner's use and enjoyment of their property.

Riparian owners are entitled to the same rights to use sovereignty submerged lands as the public, but also hold riparian rights, such as the right to access the water, the right to reasonably use the water, the right to accretion and reliction, and the right to an unobstructed view of the water. Riparian rights are necessary for the use and enjoyment of the upland property, but may not be exercised as to injure others in their lawful rights.

The bill creates s. 327.4107, F.S., providing for the anchoring or mooring of vessels in recreational boating zones. The bill prohibits a person from anchoring or mooring a vessel from one-half hour after sunset to one-half hour before sunrise in the following recreational boating zones:

- The section of Middle River lying between Northeast 21st Court and the Intracoastal Waterway in Broward County.
- Sunset Lake in Miami-Dade County.
- The sections of Biscayne Bay in Miami-Dade County lying between:
 - Rivo Alto Island and Di Lido Island;
 - San Marino Island and San Marco Island; and
 - San Marco Island and Biscayne Island.
- Crab Island in Choctawhatchee Bay at the East Pass in Okaloosa County.

The bill provides certain exceptions to the prohibition on anchoring in recreational boating zones and enforcement procedures. The bill also provides for the issuance of a uniform boating citation with tiered penalties and authorizes the removal and impoundment of a vessel for violating the prohibition on anchoring in a recreational boating zone in certain circumstances.

Last Action: Favorable with CS by Agriculture & Natural Resources Subcommittee; 12 Yeas, 0 Nays

Attached documents: CS/SB 1260 + staff analysis

// DRIVING OR BOATING UNDER THE INFLUENCE

House Bill 161 // Rep. Dave Kerner // Referred to: Highway & Waterway Safety Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

House Bill 161 designates act “Naomi Pomerance Victim Safety Act”; provides that person with specified amount of delta 9-tetrahydrocannabinol per milliliter of blood commits offense of driving under influence or boating under influence.

Last Action: Referred to Highway & Waterway Safety Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

// MANATEES

Senate Bill 1506 // Sen. Jeff Brandes // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations

House Bill 1273 // Rep. Larry Ahern // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Senate Bill 1506 - Exempting, until a specified date, certain revenue deposited in the Save the Manatee Trust Fund from a service charge assessed against state trust funds; requiring the Fish and Wildlife Conservation Commission to contract with an independent, qualified party to conduct a manatee speed zone effectiveness study, etc.

Last Action: Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations

House Bill 1273 - Manatees are listed as an endangered species under the Endangered Species Act. Florida’s Manatee Sanctuary Act (Act) declares the state to be a refuge and sanctuary for the manatee. The Act provides that the Florida Fish and Wildlife Conservation Commission (FWC) must adopt rules regulating the operation and speed of motorboat traffic where there are manatee sightings based upon best available scientific information and allows local governments to adopt ordinances regulating the same within its jurisdiction if approved by FWC. FWC has established manatee protection rules restricting the speed and operation of vessels where necessary to protect manatees from harassment and harmful collisions with vessels. FWC also conducts aerial distribution and synoptic surveys to acquire information on manatee distribution, abundance, and use of habitat. The Save the Manatee Trust Fund (STMTF) is administered by FWC and its funds are used for a yearly impartial scientific benchmark census of the manatee population in the state and programs to protect and enhance the recovery of the manatee and

other species of marine mammals.

The bill:

- Requires FWC to contract with an independent, qualified party to conduct a study evaluating the effectiveness of manatee speed zones including if, and to what extent, risks to manatees are reduced by these zones and to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2019, detailing the findings of the study;
- Requires FWC to conduct a statewide manatee distribution and abundance survey and report by July 1, 2018, that achieves a scientifically reliable population estimate, and allows FWC to repeat the survey as necessary to determine best practices until at least July 1, 2026;
- Allows funds from the STMTF to be used for the manatee speed zone effectiveness study and statewide manatee distribution and abundance survey and report to the extent that funding is not available from other sources; and
- Exempts the STMTF from a service charge assessed against state trust funds until July 1, 2026.

The bill may have a negative fiscal impact on the state by exempting the STMTF from the requirement to contribute to the General Revenue Fund.

Last Action: Favorable by Agriculture & Natural Resources Subcommittee; 12 Yeas, 0 Nays

// AT-RISK VESSELS

Senate Bill 1300 // Sen. Charlie Dean // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Fiscal Policy

House Bill 7025 // Highway & Waterway Safety Subcommittee & Rep. Holly Raschein // Referred to: Agriculture & Natural Resources Appropriations Subcommittee; Economic Affairs Committee

SB 1300 creates s. 327.4107, F.S., to prevent vessels in neglected or deteriorating condition from reaching a likely and foreseeable state of disrepair. The bill:

- Prohibits vessels at risk of becoming derelict anchoring on, mooring on, or occupying the waters of the state;
- Provides conditions under which a vessel may be considered at risk of becoming derelict;

- Provides that violations may be enforced by a uniform boating citation mailed to the registered owner of the vessel;
- Provides civil penalties for vessel owners whose vessels are determined to be at risk of becoming derelict; and
- Provides an exemption for vessels that are moored to a private dock or wet slip with the consent of the owner for the purpose of being repaired.

The bill has an insignificant, positive fiscal impact on state funds.

Last Action: Favorable by Fiscal Policy; 11 Yeas, 0 Nays; Placed on Special Order Calendar, 02/24/16

House Bill 7025 - Under current law, the Fish and Wildlife Conservation Commission (FWCC) does not have the authority to require vessel owners to maintain their vessels or otherwise regulate the condition of vessels that occupy the waters of the state, unless the vessel is a hazard to navigation, discharges contaminants, is derelict (wrecked, junked, or substantially dismantled), or is in violation of other vessel safety laws. Additionally, a vessel owner has no duty to maintain their vessel, and can allow a vessel occupying waters of the state to deteriorate until it reaches a derelict condition. Once a vessel is deemed derelict FWCC can remove or relocate the vessel, but it can become much more difficult and expensive once a vessel has deteriorated to the point that it meets the definition of a derelict vessel.

The bill provides the following regulations for vessels that are at risk of becoming derelict on the waters of this state:

- Prohibits a vessel that is at risk of becoming derelict to anchor on, moor on, or occupy the waters of this state.
- Authorizes an officer of the FWCC or law enforcement agency to determine that a vessel is at risk of becoming a derelict vessel if any of the following conditions exist:
 - The vessel is taking on or has taken on water without an effective means to dewater.
 - Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time.
 - The vessel has broken loose or is in danger of breaking loose from its anchor.
 - The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, is listing due to water intrusion, or is sunk or partially sunk.
- Provides that a person who anchors or moors a vessel that is at risk of becoming derelict on the waters of this state or allows such a vessel to occupy the waters of this state commits a noncriminal infraction in which civil penalties may be assessed.
- Provides that a civil penalty for a violation of a vessel that is at risk of becoming derelict

is in addition to other penalties provided by law.

- Provides that the bill would not apply to a vessel that is moored to a private dock or wet slip with the consent of the owner for the purpose of receiving repairs.
- Provides that a uniform boating citation may be mailed to the registered owner of an unattended vessel that is at risk of becoming derelict, which is anchored, aground, or moored on the waters of this state.
- Provides the following civil penalties for a violation of vessel laws relating to a vessel that is at risk of becoming derelict on waters of this state:
 - For a first offense, \$50;
 - For a second offense occurring 30 days or more after a first offense, \$100;
 - For a third or subsequent offense occurring 30 days or more after a previous offense, \$250.

The bill may have an indeterminate positive fiscal impact on state and local government revenues by establishing a new noncriminal infraction relating to vessels at risk of becoming derelict on waters of this state, and may have a negative impact on the private sector resulting from the assessment of these new civil penalties.

Last Action: Favorable by Economic Affairs Committee; 14 Yeas, 0 Nays; Placed on House Calendar, on 2nd Reading

Attached documents: SB 1300 (as filed) + staff analysis

APPENDIX

// VESSEL REGISTRATION

CS/CS/HB 427 + Staff Analysis

// RECREATIONAL BOATING ZONES

CS/SB 1260 + Staff Analysis

// AT-RISK VESSELS

SB 1300 (as filed) + Staff Analysis

// CURRENT BILL TRACKING LIST

1 A bill to be entitled

2 An act relating to recreational vessel registration;
3 amending s. 328.72, F.S.; providing definitions;
4 providing a reduced recreational vessel registration
5 fee schedule for vessels registered during a specified
6 period which are equipped with an emergency position
7 indicating radio beacon or for which the owner of the
8 vessel owns a personal locator beacon; limiting
9 application to one vessel per owner; authorizing the
10 Department of Highway Safety and Motor Vehicles to
11 adopt rules relating to proof of qualification;
12 providing for certain funds to supplement the reduced
13 amounts collected; providing for expiration of the
14 reduced fee schedule; amending s. 328.76, F.S.,
15 relating to the Marine Resources Conservation Trust
16 Fund; providing for use of the supplemental funds;
17 amending s. 328.66, F.S., relating to county and
18 municipality optional registration fees; specifying
19 that the reduced fees do not apply to the limitation
20 on registration fees charged by a county; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsection (1) of section 328.72, Florida
26 Statutes, is amended, and subsection (18) is added to that

27 section, to read:

28 328.72 Classification; registration; fees and charges;
 29 surcharge; disposition of fees; fines; marine turtle stickers.-

30 (1) VESSEL REGISTRATION FEE.-

31 (a) Vessels that are required to be registered shall be
 32 classified for registration purposes according to the following
 33 schedule, ~~and,~~ except as provided in subsection (18), the
 34 registration certificate fee shall be in the following amounts:

35 1. Class A-1-Less than 12 feet in length, and all canoes
 36 to which propulsion motors have been attached, regardless of
 37 length: \$5.50 for each 12-month period registered.

38 2. Class A-2-12 feet or more and less than 16 feet in
 39 length: \$16.25 for each 12-month period registered. ~~(To county):~~
 40 2.85 for each 12-month period registered.

41 3. Class 1-16 feet or more and less than 26 feet in length:
 42 \$28.75 for each 12-month period registered. ~~(To county):~~ 8.85
 43 for each 12-month period registered.

44 4. Class 2-26 feet or more and less than 40 feet in
 45 length: \$78.25 for each 12-month period registered. ~~(To county):~~
 46 32.85 for each 12-month period registered.

47 5. Class 3-40 feet or more and less than 65 feet in
 48 length: \$127.75 for each 12-month period registered. ~~(To~~
 49 ~~county):~~ 56.85 for each 12-month period registered.

50 6. Class 4-65 feet or more and less than 110 feet in
 51 length: \$152.75 for each 12-month period registered. ~~(To~~
 52 ~~county):~~ 68.85 for each 12-month period registered.

53 7. Class 5–110 feet or more in length: \$189.75 for each
 54 12-month period registered. ~~+(To county): 86.85 for each 12-month~~
 55 period registered.

56 8. Dealer registration certificate: \$25.50 for each 12-
 57 month period registered.

58 (b) The county portion of the vessel registration fee is
 59 derived from recreational vessels only.

60 (18) REDUCED VESSEL REGISTRATION FEE.—

61 (a) As used in this subsection, the term:

62 1. "Emergency position-indicating radio beacon" means a
 63 device installed on the vessel being registered that:

64 a. Transmits distress signals at a frequency between 406.0
 65 and 406.1 MHz;

66 b. Is manufactured by a company approved to manufacture
 67 beacons by the International Cospas-Sarsat Programme; and

68 c. Is registered with the United States National Oceanic
 69 and Atmospheric Administration.

70 2. "Full registration fee amount" means the registration
 71 fee as provided in subsection (1) and not the reduced vessel
 72 registration fee specified in this subsection.

73 3. "Personal locator beacon" means a device designed to be
 74 carried by an individual that:

75 a. Transmits distress signals at a frequency between 406.0
 76 and 406.1 MHz;

77 b. Is manufactured by a company approved to manufacture
 78 beacons by the International Cospas-Sarsat Programme; and

79 c. Is registered with the United States National Oceanic
 80 and Atmospheric Administration.

81 (b) The registration certificate fee imposed under
 82 subsection (1) for a recreational vessel equipped with an
 83 emergency position-indicating radio beacon, or for a
 84 recreational vessel the owner of which owns a personal locator
 85 beacon, shall be reduced to the following amounts for each 12-
 86 month period registered:

87 1. Class A-1-\$4.24.

88 2. Class A-2-\$13.77.

89 3. Class 1-\$24.83.

90 4. Class 2-\$68.56.

91 5. Class 3-\$112.31.

92 6. Class 4-\$134.41.

93 7. Class 5-\$167.11.

94 (c) A person who owns a personal locator beacon and who
 95 owns more than one recreational vessel qualifies to pay the
 96 reduced fee under paragraph (b) for only one such vessel.

97 (d) In order to qualify for reduced registration fees
 98 under this subsection, a vessel owner must, at the time of
 99 registration, demonstrate that the vessel is equipped with an
 100 emergency position-indicating radio beacon or that the vessel
 101 owner owns a personal locator beacon. The Department of Highway
 102 Safety and Motor Vehicles may adopt rules specifying what
 103 constitutes sufficient proof to qualify for reduced registration
 104 fees under this subsection, but such proof must contain, at a

105 minimum, the following:

- 106 1. The name of the beacon owner.
- 107 2. The expiration date of the beacon's registration.
- 108 3. The unique identification number of the beacon.
- 109 4. For vessels equipped with an emergency position-
 110 indicating radio beacon, identification of the vessel equipped
 111 with the beacon.

112 (e) For each vessel registration qualifying for reduced
 113 registration fees under this subsection, an amount equal to the
 114 difference between the full registration fee amount and the
 115 actual amount of registration fee paid for such vessel
 116 registration shall be transferred from the General Revenue Fund
 117 to the Department of Highway Safety and Motor Vehicles and shall
 118 be distributed pursuant to s. 328.76.

119 (f) The reduced registration certificate fee amounts
 120 provided in this subsection apply only to applicable vessels
 121 registered during the period beginning July 1, 2016, and ending
 122 June 30, 2017.

123 (g) This subsection expires July 1, 2017.

124 Section 2. Subsection (1) of section 328.76, Florida
 125 Statutes, is amended to read:

126 328.76 Marine Resources Conservation Trust Fund; vessel
 127 registration funds; appropriation and distribution.—

128 (1) Except as otherwise specified in this subsection and
 129 less the amount equal to any administrative costs which shall be
 130 deposited in the Highway Safety Operating Trust Fund, in each

131 fiscal year beginning on or after July 1, 2001, all funds
132 collected from the registration of vessels through the
133 Department of Highway Safety and Motor Vehicles and the tax
134 collectors of the state and funds transferred from the General
135 Revenue Fund pursuant to s. 328.72(18), except for those funds
136 designated as the county portion pursuant to s. 328.72(1), shall
137 be deposited in the Marine Resources Conservation Trust Fund for
138 recreational channel marking; public launching facilities; law
139 enforcement and quality control programs; aquatic weed control;
140 manatee protection, recovery, rescue, rehabilitation, and
141 release; and marine mammal protection and recovery. The funds
142 collected pursuant to s. 328.72(1) shall be transferred as
143 follows:

144 (a) In each fiscal year, an amount equal to \$1.50 for each
145 commercial and recreational vessel registered in this state
146 shall be transferred by the Department of Highway Safety and
147 Motor Vehicles to the Save the Manatee Trust Fund and shall be
148 used only for the purposes specified in s. 379.2431(4).

149 (b) An amount equal to \$2 from each recreational vessel
150 registration fee, except that for class A-1 vessels, shall be
151 transferred by the Department of Highway Safety and Motor
152 Vehicles to the Invasive Plant Control Trust Fund in the Fish
153 and Wildlife Conservation Commission for aquatic weed research
154 and control.

155 (c) An amount equal to 40 percent of the registration fees
156 from commercial vessels shall be transferred by the Department

157 of Highway Safety and Motor Vehicles to the Invasive Plant
 158 Control Trust Fund in the Fish and Wildlife Conservation
 159 Commission for aquatic plant research and control.

160 (d) An amount equal to 40 percent of the registration fees
 161 from commercial vessels shall be transferred by the Department
 162 of Highway Safety and Motor Vehicles, on a monthly basis, to the
 163 General Inspection Trust Fund of the Department of Agriculture
 164 and Consumer Services. These funds shall be used for shellfish
 165 and aquaculture development and quality control programs.

166 (e) After all administrative costs are funded and the
 167 distributions in paragraphs (a)-(d) have been made, up to
 168 \$400,000 shall be transferred by the Department of Highway
 169 Safety and Motor Vehicles to the General Inspection Trust Fund
 170 of the Department of Agriculture and Consumer Services to fund
 171 activities relating to the protection, restoration, and research
 172 of the natural oyster reefs and beds of the state. This
 173 paragraph expires July 1, 2017.

174 (f) After all administrative costs are funded and the
 175 distributions in paragraphs (a)-(d) have been made, up to
 176 \$300,000 may be used by the Fish and Wildlife Conservation
 177 Commission for boating safety education. This paragraph expires
 178 July 1, 2017.

179 Section 3. Subsection (1) of section 328.66, Florida
 180 Statutes, is amended to read:

181 328.66 County and municipality optional registration fee.-

182 (1) Any county may impose an annual registration fee on

183 vessels registered, operated, used, or stored on the waters of
184 this state within its jurisdiction. This fee shall be 50 percent
185 of the applicable state registration fee as provided in s.
186 328.72(1) and not the reduced vessel registration fee specified
187 in s. 328.72(18). However, the first \$1 of every registration
188 imposed under this subsection shall be remitted to the state for
189 deposit in the Save the Manatee Trust Fund created within the
190 Fish and Wildlife Conservation Commission, and shall be used
191 only for the purposes specified in s. 379.2431(4). All other
192 moneys received from such fee shall be expended for the patrol,
193 regulation, and maintenance of the lakes, rivers, and waters and
194 for other boating-related activities of such municipality or
195 county. A municipality that was imposing a registration fee
196 before April 1, 1984, may continue to levy such fee,
197 notwithstanding the provisions of this section.

198 Section 4. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 427 Recreational Vessel Registration

SPONSOR(S): Transportation & Economic Development Appropriations Subcommittee; Magar and others

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	11 Y, 0 N, As CS	Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee	12 Y, 0 N, As CS	Cobb	Davis
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill reduces state vessel registration fees for recreational vessels equipped with an Emergency Position-Indicating Radio Beacon, or for recreational vessels where the owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration in order for the owner to qualify for the reduced registration fee. A person who owns a personal locator beacon and more than one recreational vessel qualifies to pay the reduced fee for only one of their vessels. The reduced registration certificate fees provided in the bill apply to applicable vessels registered in Fiscal Year 2016-2017, between July 1, 2016, and June 30, 2017 only.

As provided in the bill, an **Emergency Position-Indicating Radio Beacon** means a device installed on the vessel being registered that:

- Transmits distress signals at a frequency between 406.0 and 406.1 MHz;
- Is manufactured by a company approved to manufacture beacons by the International Cospas-Sarsat Programme; and
- Is registered with the United States National Oceanic and Atmospheric Administration.

A **Personal Locator Beacon** means a device designed to be carried by an individual that:

- Transmits distress signals at a frequency between 406.0 and 406.1 MHz;
- Is manufactured by a company approved to manufacture beacons by the International Cospas-Sarsat Programme; and
- Is registered with the United States National Oceanic and Atmospheric Administration.

The Revenue Estimating Conference (REC) met on October 29, 2015, and determined that the original bill filed will have a negative recurring impact of \$500,000 to the General Revenue Fund. The bill as amended reduces this impact. The REC has not reviewed the bill as amended; however, using the data from the original REC estimate, House staff estimates that the reduced fees in the amended bill will have a negative nonrecurring impact of approximately \$250,000 in Fiscal Year 2016-2017. See fiscal section.

The bill provides an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Vessel Registration

Vessels operated, used, or stored on the waters of this state must be registered with the Department of Highway Safety and Motor Vehicles (DHSMV) as a commercial or recreational¹ vessel, unless:

- The vessel is operated, used, and stored exclusively on private lakes and ponds;
- The vessel is owned by the U.S. Government;
- The vessel is used exclusively as a ship's lifeboat; or
- The vessel is non-motor-powered and less than 16 feet in length or a non-motor-powered canoe, kayak, racing shell, or rowing scull, regardless of length.²

Vessels are classified by their length which determines the base registration fee. The vessel registration fee for a 12-month period is as follows:

- *Class A-1:* Less than 12 feet in length, and all canoes to which propulsion motors have been attached, regardless of length: \$5.50;
- *Class A-2:* 12 feet or more and less than 16 feet in length: \$16.25;
- *Class 1:* 16 feet or more and less than 26 feet in length: \$28.75;
- *Class 2:* 26 feet or more and less than 40 feet in length: \$78.25;
- *Class 3:* 40 feet or more and less than 65 feet in length: \$127.75;
- *Class 4:* 65 feet or more and less than 110 feet in length: \$152.75;
- *Class 5:* 110 feet or more in length: \$189.75; and
- *Dealer registration certificate:* \$25.50.³

Additionally, any county may impose an annual registration fee on vessels registered, operated, used, or stored on the waters of this state within its jurisdiction. This fee is 50 percent of the applicable state registration fee, however the first \$1 of every registration must be remitted to the state for deposit in the Save the Manatee Trust Fund.⁴ This optional county fee is retained by the county where the vessel is registered and is to be used for patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities within the municipality or county.⁵

NOAA Search and Rescue Satellite Aided Tracking

The National Oceanic and Atmospheric Administration (NOAA) operates the nation's Search and Rescue Satellite Aided Tracking (SARSAT) system to detect mariners, aviators, and others throughout the world using satellites in low-earth and geostationary orbits to detect and locate beacon-users in distress.⁶

The United States and the governments of Canada, France, and Russia have an agreement to provide for long-term operation of the COSPAS-SARSAT⁷ (C-S) Program, which also provides space-based relay of distress signals or alerts from emergency beacons. The program provides alerts to search and rescue authorities internationally.

¹ s. 327.02(37), F.S. defines a "recreational vessel" as a vessel manufactured and used primarily for noncommercial purposes, or a vessel leased, rented, or chartered to a person for his or her noncommercial use.

² s. 328.48(2), F.S.

³ s. 328.72(1), F.S.

⁴ s. 328.66, F.S.

⁵ *Id.*

⁶ NOAA, *Welcome to SARSAT*, <http://www.sarsat.noaa.gov/index.html>. (last visited January 5, 2016).

⁷ COSPAS is a Russian acronym for "Space System for Search of Vessels in Distress." See the SARSAT FAQ website:

<http://www.sarsat.noaa.gov/faq%202.html>. (last visited January 5, 2016).

Ground stations, called Local User Terminals (LUTs), are satellite receiving units. LUTs are fully automated and unmanned. When an LUT receives a distress signal detected by satellite, it is transmitted to the mission control center (MCC) that operates that particular LUT. The MCC collects, stores, and sorts alerts from LUTs and other MCCs and distributes the alerts to search and rescue authorities and other MCCs.⁸

Locator Beacons

The emergency beacons used to detect those in distress operate only in the 406.0 to 406.1 megahertz (MHz) frequency band to transmit digital messages to satellites for transmission to the appropriate LUT. The frequency is restricted to low power satellite emergency position-indicating beacons in the mobile satellite service. According to NOAA, two types of 406 MHz emergency beacons are:

- *Emergency Position-Indicating Radio Beacons*, or EPIRBs:
An EPIRB is an emergency position-indicating radio beacon used in maritime watercraft that can be automatically or manually activated to transmit a distress signal to a satellite. EPIRBs that activate automatically typically have a hydro-static release mechanism that, when immersed, allows the beacon to release from its bracket, float to the surface and start transmitting. The beacon, along with the bracket, has to sink to approximately 3 meters before it will activate automatically. This should be taken into account when mounting an automatic EPIRB; and
- *Personal Locator Beacons*, or PLBs:
A PLB is a personal locator beacon designed to be carried by an individual that can only be activated manually. PLBs can be used by people operating in remote areas.⁹

Registration of Beacons with NOAA

Registration of a 406 MHz emergency beacon, and subsequent updating if the information changes, is free and required by Title 47 of the Code of Federal Regulations, part 80 for EPIRBs and part 95 for PLBs. Information provided in the registration of such a device, along with the distress signal from the device, is used by search and rescue authorities solely to help locate and rescue those in distress. NOAA provides an online system for initial and updated beacon registrations, and registration must be renewed every two years.¹⁰

NOAA indicated, as of October 6, 2015, 12,295 EPIRBs were registered indicating the vessel was registered in Florida, and 26,078 PLBs were registered indicating boat usage with a Florida mailing addresses.¹¹ Based on this data, approximately 10 percent of vessels currently registered in Florida would qualify for the reduced registration fees.

Proposed Change

Section 1 of the bill amends s. 328.72, F.S., reducing state vessel registration fees for recreational vessels equipped with an Emergency Position-Indicating Radio Beacon, or for a recreational vessel where the owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration in order for the owner to qualify for the reduced registration fee. A person who owns a personal locator beacon and more than one recreational vessel qualifies to pay the reduced fee for only one of their vessels. The registration fees are reduced as follows:

Recreational Vessel Registration Fees for Fiscal Year 2016-2017		
<i>Class of Vessel</i>	<i>Current Base Fee</i>	<i>Reduced Base Fee</i>

⁸ Id.

⁹ Id.

¹⁰ Id., NOAA prefers owners register beacons online at www.beaconregistration.noaa.gov, however individuals may also mail or fax signed registration forms.

¹¹ Revenue Estimating Conference, *Analysis of HB 427 – Vessel Registration Location Indicating Devices* (Oct. 29, 2015) available at: http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/_pdf/Impact1029.pdf (last visited January 5, 2016).

Class A-1	\$5.50	\$4.24
Class A-2	\$16.25	\$13.77
Class 1	\$28.75	\$24.83
Class 2	\$78.25	\$68.56
Class 3	\$127.75	\$112.31
Class 4	\$152.75	\$134.41
Class 5	\$189.75	\$167.11

The Department of Highway Safety and Motor Vehicles (DHSMV) may adopt rules specifying what constitutes sufficient proof to qualify for the reduced registration fees, but the proof must contain at least:

- The name of the beacon owner.
- The expiration date of the beacon's registration.
- The unique identification number of the beacon.
- For vessels equipped with an emergency position-indicating radio beacon, identification of the vessel equipped with the beacon.

For each vessel registration qualifying for reduced registration fees, an amount equal to the difference between the full registration fee amount and the actual amount of the registration fee paid for such vessel registration shall be transferred from the General Revenue Fund to the Department of Highway Safety and Motor Vehicles and shall be distributed pursuant to s. 328.76, F.S..

Reduced registration certificate fees provided in subsection 328.72(18), F.S., shall only apply to applicable vessels registered between July 1, 2016, and June 30, 2017. Subsection 328.72(18), F.S., expires July 1, 2017.

Section 2 provides that the funds transferred from the General Revenue Fund shall be deposited as specified in the Marine Resources Conservation Trust Fund.

Section 3 provides that the County Optional Fee for vessel registration remains 50 percent of the applicable state registration fee *without* consideration of the reduced fees.

Section 4 provides that the bill has an effective date of July 1, 2016.

B. SECTION DIRECTORY:

Section 1 Amends s. 328.72, F.S., providing definitions; providing for a reduced recreational vessel registration fee when the vessel is equipped with an emergency position indicating radio beacon or the owner of the vessel owns a personal locator beacon; limiting application to one vessel per owner; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules relating to proof of qualification; providing for certain funds to supplement the reduced amounts collected; providing for a time limitation for a reduced recreational vessel fee and an expiration of provisions.

Section 2 Amends s. 328.76, F.S., relating to the Marine Resources Conservation Trust Fund; providing for use of the supplemental funds.

Section 3 Amends s. 328.66, F.S., relating to county and municipality optional registration fees; specifying that the reduced fees do not apply to the limitation on registration fees charged by a county.

Section 4 Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Revenue Estimating Conference (REC) reviewed the original bill filed on October 29, 2015, and estimated the bill will reduce the total sum of recreational vessel registration fees collected by DHSMV as follows:¹²

Fiscal Year	General Revenue
2016-2017	\$500,000
2017-2018	\$600,000
2018-2019	\$600,000
2019-2020	\$700,000
2020-2021	\$800,000

The amendment to CS/HB 427, which specifically changed the amounts of the reduced fees, will lessen the impact of this bill. The REC has not reviewed the bill as amended; however, using the data from the original REC estimate, House staff estimates that the reduced fees in the amended bill will have a negative nonrecurring impact of approximately \$250,000 in Fiscal Year 2016-2017.

2. Expenditures:

DHSMV estimates 790 programming hours, or the equivalent of \$57,280 in FTE and contracted resources workload, will be required to implement the bill. This will be absorbed within existing resources.¹³

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill reduces recreational vessel registration fees for vessels equipped with or whose owner owns certain registered location beacons.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

¹² Revenue Estimating Conference, *Analysis of HB 427 – Vessel Registration Location Indicating Devices* (Oct. 29, 2015) available at: http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/_pdf/Impact1029.pdf (last visited January 5, 2016).

¹³ Department of Highway Safety and Motor Vehicles, *Agency Analysis of 2016 House Bill 427*, p.5 (October 28, 2015) (On file with the House Highway and Waterway Safety Subcommittee).

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill provides that DHSMV may adopt rules specifying what constitutes sufficient proof to qualify for reduced vessel registration fees. The bill specifies a minimum level of proof requirements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 13, 2016, The Highway and Waterway Safety Subcommittee adopted one amendment to HB 427 and reported the bill favorably as a committee substitute. The amendment:

- Brings the registration discount to a uniform 25% across each class.

On February 16, 2016, the Transportation and Economic Development Appropriations Subcommittee adopted one amendment to CS/HB 427 and reported the bill favorably as a committee substitute. The amendment:

- Changes the registration discount for each vessel registration class.
- Provides a time limitation for a reduced recreational vessel registration fee.
- Provides for an expiration of provisions relating to reduced recreational vessel registration fees.

This analysis is drafted to the committee substitute as reported by the Transportation and Economic Development Appropriations Subcommittee.

By the Committee on Environmental Preservation and Conservation;
and Senator Simpson

592-03733A-16

20161260c1

1 A bill to be entitled

2 An act relating to anchoring limitation areas;
3 creating s. 327.4108, F.S.; prohibiting overnight
4 anchoring or mooring of vessels in specified anchoring
5 limitation areas; providing exceptions; providing for
6 the removal and impoundment of vessels under certain
7 circumstances; providing penalties; amending s.
8 327.70, F.S.; providing for violations to be enforced
9 by the issuance of a uniform boating citation;
10 amending s. 327.73, F.S.; providing penalties;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 327.4108, Florida Statutes, is created
16 to read:

17 327.4108 Anchoring or mooring of vessels in anchoring
18 limitation areas.—

19 (1) The following densely populated urban areas, which have
20 narrow state waterways, residential docking facilities, and
21 significant recreational boating traffic and are located in
22 counties with populations exceeding 1.5 million residents, are
23 designated as anchoring limitation areas:

24 (a) The section of Middle River lying between Northeast
25 21st Court and the Intracoastal Waterway in Broward County.

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

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

29 1. Rivo Alto Island and Di Lido Island.

30 2. San Marino Island and San Marco Island.

31 3. San Marco Island and Biscayne Island.

592-03733A-16

20161260c1

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

37 (3) Notwithstanding subsection (2), a person may anchor a
38 vessel in an anchorage limitation area:

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

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

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

57 (4) This section does not apply to:

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

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

592-03733A-16

20161260c1

61 (c) Vessels actively engaged in commercial fishing.

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

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

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

72 1. Anchors the vessel in violation of this section within
73 12 hours after being issued the citation; or

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

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

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

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

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

592-03733A-16

20161260c1

90 3. Be properly equipped to perform such services.
 91 (e) In addition to the civil penalty imposed under s.
 92 327.73(1)(y), the operator of a vessel that is removed and
 93 impounded pursuant to paragraph (b) must pay all removal and
 94 storage fees before the vessel is released. A vessel removed
 95 pursuant to paragraph (b) may not be impounded for longer than
 96 48 hours.

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

99 Section 2. Paragraph (c) is added to subsection (2) of
 100 section 327.70, Florida Statutes, to read:

101 327.70 Enforcement of this chapter and chapter 328.—

102 (2)

103 (c) A noncriminal violation of s. 327.4108 may be enforced
 104 by a uniform boating citation issued to the operator of a vessel
 105 unlawfully anchored in an anchoring limitation area.

106 Section 3. Paragraph (y) is added to subsection (1) of
 107 section 327.73, Florida Statutes, to read:

108 327.73 Noncriminal infractions.—

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

111 (y) Section 327.4108, relating to the anchoring of vessels
 112 in anchoring limitation areas, for which the penalty is:

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

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

115 3. For a third or subsequent offense, up to a maximum of
 116 \$250.

117
 118 Any person cited for a violation of any provision of this

592-03733A-16

20161260c1

119 subsection shall be deemed to be charged with a noncriminal
120 infraction, shall be cited for such an infraction, and shall be
121 cited to appear before the county court. The civil penalty for
122 any such infraction is \$50, except as otherwise provided in this
123 section. Any person who fails to appear or otherwise properly
124 respond to a uniform boating citation shall, in addition to the
125 charge relating to the violation of the boating laws of this
126 state, be charged with the offense of failing to respond to such
127 citation and, upon conviction, be guilty of a misdemeanor of the
128 second degree, punishable as provided in s. 775.082 or s.
129 775.083. A written warning to this effect shall be provided at
130 the time such uniform boating citation is issued.

131 Section 4. This act shall take effect July 1, 2016.

132

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: CS/SB 1260

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Simpson

SUBJECT: Anchoring Limitation Areas

DATE: February 18, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1260 establishes anchoring limitation areas in sections of Broward and Miami-Dade Counties. The bill prohibits a person from anchoring a vessel at any time between the hours from one-half hour after sunset to one-half hour before sunrise in any such anchoring limitation area. The bill authorizes vessels under certain circumstances to anchor overnight in an anchoring limitation area and provides an exemption for certain vessels.

The effective date of the bill is July 1, 2016.

II. Present Situation:

Article X, section 11 of the Florida Constitution authorizes the private use of portions of sovereign lands, but only if not contrary to the public interest.¹ The term “sovereignty submerged lands” means “those lands including but not limited to, tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters, to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and which have not been heretofore conveyed or alienated.”²

¹ Fla. Admin. Code R 18-21.003(51), defines the term “public interest” as “demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of a proposed action, and which would clearly exceed all demonstrable environmental, social, and economic costs of the proposed action.”

² Fla. Admin. Code R. 18-21.003(61); the Submerged Lands Act, 43 U.S.C. §1301 and 1311(a) (confirmed state ownership).

Riparian rights are those incident to land bordering upon navigable waters.³ Under Florida law, riparian rights specifically include the right to an unobstructed view and the right of ingress to and egress from the water.⁴ The Court in *Hayes v. Bowman* held that this right only extends over an area “as near practicable in the direction” of the Channel so as to distribute equitably the submerged lands between the upland and the Channel.⁵ A riparian owner’s rights are concurrent with that of the public, not superior to that of the public.⁶ A riparian owner’s right to use the navigable waters abutting his or her property may not obstruct or unreasonably impede lawful navigation by others.⁷ The public has the right to use navigable waters for navigation or commerce.⁸ Anchoring is considered to be incidental to the right of navigation.⁹

The anchoring of vessels has created conflicts in some areas of the state related to the use and enjoyment of the waters of this state for many years. These issues include, but are not limited to:

- The locations where anchored vessels accumulate;
- Unattended vessels;
- Anchored vessels that are dragging anchor or not showing proper lighting;
- Vessels that are not maintained properly or become derelict;
- Interpretation of state laws leading to inconsistent regulation of anchoring on state waters and confusion among the boating community; and
- Questions about local governmental authority to regulate anchoring.¹⁰

Balancing the interests of the state, local governments, homeowners, and boaters is complex.¹¹ The policy debate concerning the scope of state and local government regulation of the anchoring of vessels has been ongoing for decades.¹²

State Regulation of the Anchoring or Mooring of Vessels

The Governor and the Cabinet, sitting as the Board of Trustees of Internal Improvement (board), is responsible for administering, controlling, and managing sovereignty submerged lands.¹³ Section 253.03, F.S., authorizes the board to adopt rules governing all uses of sovereignty submerged lands by vessels, floating homes, or any other watercraft. However, the board is limited to adopting regulations for anchoring, mooring, or otherwise attaching to the bottom; the establishment of anchorages; and the discharge of sewage, pump-out requirements, and facilities associated with anchorages.¹⁴ Such regulations are prohibited from interfering with commerce or the transitory operation of vessels through navigable water but are required to control the use of

³ Section 253.141, F.S.

⁴ *Hayes v. Bowman*, 91 So.2d 795 (Fla. 1975).

⁵ *Id.*

⁶ *Harbor Beach Surf Club, Inc. v. Water Taxi of Ft. Lauderdale, Inc.*, 711 So.2d 1230 (Fla. 4th DCA 1998).

⁷ *Id.*

⁸ *Brannon v. Boldt*, 958 So.2d 367, 372 (Fla. 2d DCA 2007).

⁹ Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida*, pg. 2 (Rev. May 2012) available at <http://nsgl.gso.uri.edu/flsgp/flsgpt12001.pdf>.

¹⁰ FWC, *Anchoring and Mooring Pilot Program, Report of Findings and Recommendations*, pg. 3 (Dec. 31, 2013) available at <http://myfwc.com/media/2704721/FindingsRecommendations.pdf>.

¹¹ *Id.* at 1.

¹² *Id.*

¹³ Section 253.03, F.S.

¹⁴ Section 253.03(7)(b), F.S.

sovereignty submerged lands as a place of business or residence.¹⁵ The board has adopted rules requiring a permit for the construction of mooring pilings or docks, but the board has not adopted rules regulating the anchoring of vessels.¹⁶

Section 327.44, F.S., prohibits a person from anchoring a vessel, except in case of emergency, in a manner which unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel. Anchoring under bridges or in or adjacent to heavily traveled channels constitutes interference, if unreasonable under the prevailing circumstances.¹⁷ Interference with navigation is a noncriminal infraction, punishable by a civil penalty of \$50.¹⁸

Local Regulation of the Anchoring or Mooring of Vessels

Local governments by general permit are authorized to construct, operate, and maintain public mooring fields, each for up to 100 vessels.¹⁹ Mooring fields are required to be located where navigational access already exists between the mooring field and the nearest customarily used access channel or navigable waters for which the mooring field is designed to serve.²⁰ Each mooring field must be associated with a land-based support facility that provides amenities and conveniences, such as parking, bathrooms, showers, and laundry facilities.²¹ Major boat repairs and maintenance, fueling activities other than from the land-based support facility, and boat hull scrapping and painting are not authorized within such mooring fields.²²

Local governments are authorized to enact and enforce ordinances that prohibit or restrict the mooring or anchoring of floating structures or live-aboard vessels within their jurisdiction and vessels that are within the marked boundaries of permitted mooring fields.²³ However, local governments are prohibited from enacting, continuing in effect, or enforcing any ordinance or local regulation that regulates the anchoring of vessels other than live-aboard vessels outside the marked boundaries of permitted mooring fields.²⁴

Anchoring and Mooring Pilot Program

In an effort to seek resolution of the policy debate over how much authority should appropriately be granted to local governments with respect to vessels anchoring within their jurisdictions, the

¹⁵ *Id.*

¹⁶ See Fla. Admin. Code Ch. 18-21 for rules regulating the construction of structures used for mooring or accessing vessels.

¹⁷ Section 327.44(2), F.S.

¹⁸ Section 327.73, F.S.

¹⁹ Section 373.118, F.S.; Fla. Admin. Code R. 62-330.420.

²⁰ Fla. Admin. Code R. 62-330.420.

²¹ *Id.*

²² *Id.*

²³ Section 327.60(3), F.S.; s. 327.02, F.S., defines the term “floating structure” to mean a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes, but is not limited to, an entity used as a residence, place of business or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or a mining platform, dredge, dragline, or similar facility or entity represented as such.

²⁴ Section 327.60(2)(f), F.S.; s. 327.02, F.S., defines the term “live-aboard vessel” to mean “a vessel used solely as a residence and not for navigation; a vessel represented as a place of business or a professional or other commercial enterprise; or a vessel for which a declaration of domicile has been filed.” The definition expressly excludes commercial fishing boats.

Legislature in 2009, enacted s. 327.4105, F.S., to create the Anchoring and Mooring Pilot Program.²⁵ The goal of the program is to explore potential options authorizing local governments to regulate the anchoring and mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields.²⁶ The pilot program is directed by the Fish and Wildlife Conservation Commission (FWC) in cooperation with the Department of Environmental Preservation (DEP).²⁷

The following local governments, as participants of the pilot program, are authorized to regulate anchoring and mooring outside the marked boundaries of permitted mooring fields:

- The City of St. Augustine.
- The City of St. Petersburg.
- The City of Sarasota.
- Monroe County in partnership with the cities of Marathon and Key West.
- Martin County in partnership with the City of Stuart.²⁸

The pilot program was set to expire on July 1, 2014. However, the program was extended, on recommendation of the FWC, to provide more time to fully evaluate each pilot program location.²⁹ The pilot program and the local government ordinances developed under the program are set to expire July 1, 2017, unless reenacted by the Legislature.³⁰

FWC Public Survey

The FWC engaged the public through a series of open public meetings to explore potential options for regulating the anchoring of non-live-aboard vessels outside the marked boundaries of public mooring fields.³¹ The following concepts were contemplated in relation to the granting of limited authority to local governments to regulate anchoring within their jurisdiction:

- A setback distance where the anchoring of vessels would be prohibited in the vicinity of public boating access infrastructure, such as boat ramps, hoists, mooring fields and marinas.
 - Sixty-six percent of respondents somewhat or strongly agreed that this concept was appropriate and 44 percent of respondents identified 150 feet as the most appropriate setback distance.
- A setback distance where the anchoring of vessels overnight in close proximity to waterfront residential property would be prohibited.
 - Fifty-one percent of respondents somewhat or strongly agreed that this concept was appropriate and 32 percent of respondents identified 150 feet as the most appropriate setback distance.
- The storing of vessels on the water in deteriorating condition would be prohibited.
 - Eighty-six percent of respondents somewhat or strongly agreed that this concept was appropriate.

²⁵ FWC, *Anchoring and Mooring Pilot Program, Report of Findings and Recommendations*, pg. 1 (Dec. 31, 2013) available at <http://myfwc.com/media/2704721/FindingsRecommendations.pdf>.

²⁶ Chapter 2009-86, s. 48, Laws of Fla.

²⁷ Section 327.4105, F.S.

²⁸ FWC, *Anchoring and Mooring Pilot Program, Report of Findings and Recommendations*, pg. 1 (Dec. 31, 2013) available at <http://myfwc.com/media/2704721/FindingsRecommendations.pdf>.

²⁹ Chapter 2014-136, s. 2, F.S.

³⁰ Section 327.4105(6), F.S.

³¹ FWC, *Stakeholder Survey-Anchoring, Executive Summary*, pg. 1 (Jan. 29, 2015) available at <http://myfwc.com/media/2981012/Anchoring-Survey-Executive-Summary.pdf>.

- The timeframe for storing vessels on the water would be limited unless relocated a specified distance away.
 - Sixty-six percent of respondents somewhat or strongly agreed that this concept was appropriate and 31 percent of the respondents identified 60 days as most appropriate.
- If authority was granted to local governments to regulate anchoring in their jurisdiction, an allowance could be created for other anchoring regulations where need is demonstrated.
 - Forty-eight percent of respondents somewhat or strongly agreed that this concept was appropriate.
- If authority was granted to local governments to regulate anchoring in their jurisdiction, the creation of an online, interactive map to help boat operators know which local areas were covered under local anchoring restrictions.
 - Eighty-eight percent of respondents somewhat or strongly agreed that this concept was appropriate.³²

III. Effect of Proposed Changes:

Section 1 creates s. 327.4108, F.S., to designate the following densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic and which are located in counties with populations exceeding 1.5 million residents as anchoring limitation areas:

- The section of Middle River lying between Northeast 21st Court and the Intracoastal Waterway in Broward County.
- Sunset Lake in Miami-Dade County.
- The sections of Biscayne Bay in Miami-Dade County lying between:
 - Rivo Alto Island and Di Lido Island.
 - San Marino Island and San Marco Island.
 - San Marco Island and Biscayne Island.

The bill prohibits a person from anchoring 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 to promote the public's use and enjoyment of the designated waterways.

The bill authorizes vessels to anchor overnight in an anchoring limitation area under the following circumstances:

- If a vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or persons onboard the vessel unless the vessel anchors.
 - A vessel may anchor for three business days or until the vessel is repaired, whichever occurs first.
- 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 the vessel unless the vessel anchors.
 - A vessel may anchor until weather conditions no longer pose such risk. During a hurricane or a 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.

³² *Id.*

- During events described in s. 327.48, F.S., relating to regattas, races, marine parades, tournaments, and exhibitions, 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 for three days.

The bill exempts the following vessels:

- Vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes.
- Construction or dredging vessels on an active job site.
- Vessels actively engaged in commercial fishing.
- Vessels engaged in recreational fishing, if the persons onboard are actively tending hook and line fishing gear or nets.

The bill authorizes a law enforcement officer or agency to 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:

- Anchors the vessel unlawfully in an anchoring limitation area within 12 hours after being issued the citation; or
- Refuses to leave the anchoring limitation area after being directed to do so by a law enforcement officer or agency.

The bill provides a limitation on liability to a law enforcement officer or agency for any damage to the vessel, other than damage resulting from gross negligence or willful misconduct, resulting from the removal or impoundment of the vessel.

For the purposes of such removal or impoundment, the bill defines the term “law enforcement officer or agency” to mean the following officers or agencies:

- The Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers;
- The sheriffs of the various counties and their deputies;
- The municipal police officers; and
- Any other law enforcement officer described in s. 943.10, F.S.³³

The bill provides the following requirements for contractors performing removal or impoundment services at the direction of a law enforcement officer or agency:

- Be licensed in accordance with United States Coast Guard regulations, as applicable;
- 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; and
- Be properly equipped to perform such services.

³³ Section 943.10, F.S., defines the term “law enforcement officer” as “any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state....”

The bill requires the operator of a vessel that is removed and impounded, in addition to a civil penalty, to pay all removal and storage fees before the vessel may be released.

Section 2 amends s. 327.70, F.S., to authorize a violation of s. 327.4108, F.S., relating to the anchoring of vessels in anchoring limitation areas, to be enforced by a uniform boating citation issued to the operator of a vessel unlawfully anchored in an anchoring limitation area.

Section 3 amends s. 327.73, F.S., to provide the following civil penalties for the unlawful anchoring of vessels in an anchoring limitation area:

- For a first offense, a maximum fine of \$50.
- For a second offense, a maximum fine of \$100.
- For a third or subsequent offense, a maximum fine of \$250.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Article III, section 10 of the Florida Constitution prohibits the Legislature from enacting any special law unless notice is first published or a referendum is conducted. A special law, or “local law” does not apply with geographic uniformity across the state; it operates only upon designated persons or discrete regions, and bears no reasonable relationship to differences in population or other legitimate criteria.³⁴ On the other hand, general laws of local application do not require published notice or referendum.³⁵ A general law of location application applies to a distinct region or set of subdivisions within the state and its classification scheme is based on population or some other reasonable characteristic which distinguishes one locality from another.³⁶ If particular conditions exist in only a portion of the state, enactments with reference thereto nonetheless may be general laws.³⁷ If a law utilizes a classification that is geographical in its term but its purpose is one of

³⁴ *Lawnwood Medical Center, Inc. v. Seeger*, 990 So.2d 503 (Fla. 2008).

³⁵ *Dept. of Business Regulation v. Classic Mile, Inc.*, 541 So.2d 1155 (Fla. 1989).

³⁶ *City of Miami Beach v. Frankel*, 363 So.2d 55 (Fla. 1978).

³⁷ *Schrader v. Florida Keys Aqueduct Authority*, 840 So.2d 1050, 1055 (Fla. 2003).

statewide import and impact, and the classification is reasonably related to the law's purpose, it is a valid general law.³⁸

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FWC or other law enforcement agencies that monitor anchoring in an anchoring limitation area may experience an indeterminate positive fiscal impact resulting from the issuance of boating citations for violations relating to the unlawful anchoring of vessels in an anchoring limitation area. Additionally, the FWC or other law enforcement agencies may experience increased costs as a result of enforcing anchoring in these areas.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 327.4108 of the Florida Statutes.

This bill substantially amends the following sections of the Florida Statutes: 327.70 and 327.73.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation and Conservation on February 17, 2016:

The CS:

- Designates anchoring limitation areas, rather than recreational boating zones, and provides a limitation to areas that are in densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant boating traffic and are located in counties with populations exceeding 1.5 million residents.
- Removes Crab Island in Okaloosa County as a designated area.

³⁸ *Id.* at 1056.

- Authorizes vessels under certain circumstances to anchor overnight in anchoring limitation areas.
- Exempts certain vessels.
- Authorizes law enforcement officers or agencies to remove or cause the removal of vessels from an anchoring limitation area and impound such vessels for up to 48 hours under certain circumstances.
- Provides a limitation on liability for law enforcement officers or agencies that remove or impound a vessel.
- Provides requirements for contractors performing removal or impoundment services.
- Requires a vessel operator to pay all removal and storage fees for removed or impounded vessels.
- Amends s. 327.70, F.S., to authorize violations of s. 327.4108, F.S. to be enforced by a uniform boating citation.
- Revises the penalty for violations to a tiered structure for repeat offenders.

B. Amendments:

None.

By Senator Dean

5-00194A-16

20161300__

1 A bill to be entitled
2 An act relating to at-risk vessels; creating s.
3 327.4107, F.S.; prohibiting a vessel that is at risk
4 of becoming derelict from anchoring on, mooring on, or
5 occupying the waters of this state; authorizing an
6 officer of the Fish and Wildlife Conservation
7 Commission or of specified law enforcement agencies to
8 determine that a vessel is at risk of becoming
9 derelict if certain conditions exist; providing that a
10 person who anchors or moors such a vessel or allows it
11 to occupy waters of this state commits a noncriminal
12 infraction; providing penalties; providing
13 applicability; amending s. 327.70, F.S.; providing for
14 enforcement of such violations by citation mailed to
15 the owner of the vessel; amending s. 327.73, F.S.;
16 providing civil penalties for such violations;
17 providing an effective date.

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

20
21 Section 1. Section 327.4107, Florida Statutes, is created
22 to read:

23 327.4107 Vessels at risk of becoming derelict on waters of
24 this state.-

25 (1) To prevent vessels in neglected or deteriorating
26 condition from reaching a likely and foreseeable state of
27 disrepair, a vessel that is at risk of becoming derelict
28 pursuant to subsection (2) may not anchor on, moor on, or occupy
29 the waters of this state.

30 (2) An officer of the commission or of a law enforcement
31 agency specified in s. 327.70 may determine that a vessel is at
32 risk of becoming derelict if any of the following conditions

5-00194A-16

20161300__

33 exist:

34 (a) The vessel is taking on, or has taken on, water without
35 an effective means to dewater.

36 (b) Spaces on the vessel which are designed to be enclosed
37 are incapable of being sealed off or remain open to the elements
38 for extended periods of time.

39 (c) The vessel has broken loose or is in danger of breaking
40 loose from its anchor.

41 (d) The vessel is left or stored aground unattended in such
42 a state that would prevent the vessel from getting underway, is
43 listing due to water intrusion, or is sunken or partially
44 sunken.

45 (3) A person who anchors or moors a vessel at risk of
46 becoming derelict on the waters of this state or allows such a
47 vessel to occupy such waters commits a noncriminal infraction,
48 punishable as provided in s. 327.73.

49 (4) The penalty under this section is in addition to other
50 penalties provided by law.

51 (5) This section does not apply to a vessel that is moored
52 to a private dock or wet slip with the consent of the owner for
53 the purpose of receiving repairs.

54 Section 2. Paragraph (a) of subsection (2) of section
55 327.70, Florida Statutes, is amended to read:

56 327.70 Enforcement of this chapter and chapter 328.—

57 (2) (a) Noncriminal violations of the following statutes may
58 be enforced by a uniform boating citation mailed to the
59 registered owner of an unattended vessel anchored, aground, or
60 moored on the waters of this state:

61 1. Section 327.33(3)(b), relating to navigation rules.

5-00194A-16

20161300__

62 2. Section 327.4107, relating to vessels at risk of
63 becoming derelict.

64 ~~3.2.~~ Section 327.44, relating to interference with
65 navigation.

66 ~~4.3.~~ Section 327.50(2), relating to required lights and
67 shapes.

68 ~~5.4.~~ Section 327.53, relating to marine sanitation.

69 ~~6.5.~~ Section 328.48(5), relating to display of decal.

70 ~~7.6.~~ Section 328.52(2), relating to display of number.

71 Section 3. Paragraph (y) is added to subsection (1) of
72 section 327.73, Florida Statutes, to read:

73 327.73 Noncriminal infractions.—

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

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

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

80 2. For a second offense occurring 30 days or more after a
81 first offense, \$100.

82 3. For a third or subsequent offense occurring 30 days or
83 more after a previous offense, \$250.

84
85 Any person cited for a violation of any provision of this
86 subsection shall be deemed to be charged with a noncriminal
87 infraction, shall be cited for such an infraction, and shall be
88 cited to appear before the county court. The civil penalty for
89 any such infraction is \$50, except as otherwise provided in this
90 section. Any person who fails to appear or otherwise properly

5-00194A-16

20161300__

91 respond to a uniform boating citation shall, in addition to the
92 charge relating to the violation of the boating laws of this
93 state, be charged with the offense of failing to respond to such
94 citation and, upon conviction, be guilty of a misdemeanor of the
95 second degree, punishable as provided in s. 775.082 or s.
96 775.083. A written warning to this effect shall be provided at
97 the time such uniform boating citation is issued.

98 Section 4. This act shall take effect July 1, 2016.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 1300

INTRODUCER: Senator Dean

SUBJECT: At-risk Vessels

DATE: February 16, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hinton</u>	<u>Rogers</u>	<u>EP</u>	Favorable
2.	<u>Betta</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Favorable
3.	<u>Jones</u>	<u>Hrdlicka</u>	<u>FP</u>	Favorable

I. Summary:

SB 1300 creates s. 327.4107, F.S., to prevent vessels in neglected or deteriorating condition from reaching a likely and foreseeable state of disrepair. The bill:

- Prohibits vessels at risk of becoming derelict anchoring on, mooring on, or occupying the waters of the state;
- Provides conditions under which a vessel may be considered at risk of becoming derelict;
- Provides that violations may be enforced by a uniform boating citation mailed to the registered owner of the vessel;
- Provides civil penalties for vessel owners whose vessels are determined to be at risk of becoming derelict; and
- Provides an exemption for vessels that are moored to a private dock or wet slip with the consent of the owner for the purpose of being repaired.

The bill has an insignificant, positive fiscal impact on state funds.

The bill is effective July 1, 2016.

II. Present Situation:

Derelict Vessels

A derelict vessel is a vessel¹ that is left, stored, or abandoned:

- In a wrecked, junked, or substantially dismantled condition upon any public waters of this state;
- At a port in the state without the consent of the agency that has jurisdiction of a port; or

¹ Section 327.02, F.S., defines vessel to include every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

- Docked, grounded, or beached upon the property of another without the consent of the owner of the property.²

Removal of Derelict Vessels

Section 327.70, F.S., provides chs. 327 and 328, F.S., concerning vessel safety and vessel title certificates, liens, and registration, are enforced by the Division of Law Enforcement of the Florida Fish and Wildlife Conservation Commission (FWC) and its officers, the sheriffs of the various counties and their deputies, municipal police officers, and any other law enforcement officer as defined in s. 943.10, F.S.³

Two statutes authorize the relocation or removal of a vessel:

- Section 327.44, F.S., allows for the relocation or removal of a vessel that unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel; and
- Section 823.11, F.S., allows for the relocation or removal of a derelict vessel from public waters if the derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons.

The costs incurred for relocating or removing a derelict vessel are recoverable against the vessel owner. A vessel owner who neglects or refuses to pay the costs of removal, storage, and destruction of the vessel, less any salvage value obtained by disposal of the vessel, is not entitled to be issued a certificate of registration for such vessel, or any other vessel or motor vehicle, until those costs are paid.⁴

Punishment for Violations of Derelict Vessel Provisions

It is unlawful to store, leave, or abandon a derelict vessel in Florida.⁵ Those who are found in violation of this provision commit a first degree misdemeanor.⁶ Additionally, s. 376.16, F.S., provides that violation of derelict vessel laws also subjects the violator to a civil penalty of up to \$50,000 per violation per day.⁷ Each day during any portion of which the violation occurs constitutes a separate offense.⁸

Costs of Removal of Derelict Vessels

According to the FWC, removal costs for derelict vessels are approximately \$350 to \$450 per foot of vessel length. However, a floating vessel may be towed to a boat ramp or hoist and pulled

² Section 823.11(1)(b), F.S.

³ Section 943.10, F.S., defines law enforcement officer as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition also includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

⁴ Section 705.103(4), F.S.

⁵ Section 823.11(2), F.S.

⁶ A first degree misdemeanor is punishable by a term of imprisonment of no more than a year and a fine of up to \$1,000. Sections 775.082, and 775.083, F.S.

⁷ Section 376.16(1), F.S.

⁸ *Id.*

from the water at a much lower cost. Relocation may cost nothing if a law enforcement officer is able to tow it to a suitable location. Costs for professional towing services are approximately \$200 per hour.⁹

The FWC maintains a statewide database of vessels investigated by a law enforcement officer and deemed to be either derelict or at risk of becoming derelict, although the database related to at-risk vessels is largely incomplete. This is because the current effort related to at-risk vessels is a voluntary, community-oriented policing effort. A total of 166 derelict vessels were removed by local governments in 2014 at a cost of approximately \$665,500, which is an average removal cost of \$4,009 per vessel.¹⁰

The FWC held six public meetings in 2015 to engage the public on the problem of derelict vessels and possible solutions. Participants were asked to respond to a survey to indicate their levels of support for eight solutions to address the derelict vessels problem. The concept of prohibiting a vessel at risk of becoming derelict from anchoring on Florida waters received 85.2 percent support from respondents.¹¹

Local Government Authority

Local governments are only authorized to enact and enforce regulations regarding the mooring or anchoring of vessels that are located within marked boundaries of a mooring field.¹² The inability to regulate vessels outside of mooring fields has led to problems that include:

- The locations where anchored vessels accumulate;
- Unattended vessels;
- Anchored vessels which are dragging anchor or not showing proper lighting;
- Vessels which are not maintained properly; and
- Vessels which become derelict.¹³

III. Effect of Proposed Changes:

Section 1 creates s. 327.4107, F.S., to prevent vessels in neglected or deteriorating condition from reaching a likely and foreseeable state of disrepair. Vessels at risk of becoming derelict may not anchor on, moor on, or occupy the waters of the state.

The bill provides that an officer of the FWC or of any other law enforcement agency specified in s. 327.70, F.S., may determine that a vessel is at risk of becoming derelict if any of the following conditions exist:

- The vessel is taking on, or has taken on, water without an effective means to dewater;
- Spaces on the vessel which are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;

⁹ Fish and Wildlife Conservation Commission, *2016 Agency Bill Analysis for HB 7025*, (Jan. 6, 2016) (on file with the Senate Committee on Environmental Preservation and Conservation).

¹⁰ *Id.*

¹¹ *Id.*

¹² Section 327.60, F.S.

¹³ Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, *Anchoring and Mooring Pilot Program, Report of Findings and Recommendations* (Dec. 31, 2013), pg. 3, available at <http://myfwc.com/media/2704721/FindingsRecommendations.pdf> (last visited Feb. 16, 2016).

- The vessel has broken loose or is in danger of breaking loose from its anchor; or
- The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, is listing due to water intrusion, or is sunken or partially sunken.

A person who anchors or moors a vessel at risk of becoming derelict on the waters of this state or allows such a vessel to occupy such waters commits a noncriminal infraction, punishable by a civil penalty as provided in s. 327.73, F.S. (Section 3). The civil penalties are in addition to any other penalties provided for in law.

Vessels that are moored to a private dock or wet slip with the consent of the owner for the purpose of being repaired are exempt from the above described noncriminal infraction.

Section 2 amends s. 327.70, F.S., to provide that violations of s. 327.4107, F.S., relating to vessels at risk of becoming derelict may be enforced by a uniform boating citation mailed to the registered owner of the vessel.

Section 3 amends s. 327.73, F.S., to provide the following civil penalties for a violation of s. 327.4107, F.S.:

- For a first offense, \$50;
- For a second offense occurring 30 days or more after a first offense, \$100; and
- For a third or subsequent offense occurring 30 days or more after a previous offense, \$250.

A person who fails to appear before the county court or otherwise respond to a uniform boating citation will be charged, in addition to any other violations, with a second degree misdemeanor¹⁴ of failing to respond to a citation.

The civil penalties are remitted by the clerk of court to the Department of Revenue and deposited into the Marine Resources Conservation Trust fund for boating and education purposes.¹⁵

Section 4 provides the bill is effective July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁴ A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine not to exceed \$500. Sections 775.082, and 775.083, F.S.

¹⁵ Section 327.73(8), F.S.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill may have a negative but indeterminate effect on boat owners due to new penalties imposed on vessel owners whose vessels are found to be in danger of becoming derelict. These effects are not anticipated to be significant.¹⁶

C. Government Sector Impact:

The bill may have a positive but indeterminate impact on local and state governments if individuals repair or move their vessels rather than allow them to become derelict.

A positive but indeterminate fiscal impact may result from the penalties imposed for violations of the provisions of the bill. According to the FWC, these effects are not anticipated to be significant.¹⁷

The proposed Senate General Appropriations Bill for the 2016-2017 fiscal year, SB 2500, includes \$1,500,000 from the General Revenue Fund for the removal of derelict vessels.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 327.70 and 327.73.

This bill creates the following section of the Florida Statutes: 327.4107.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

¹⁶ Florida Fish and Wildlife Conservation Commission, *2016 Agency Bill Analysis for HB 7025*, (Jan. 6, 2016) (on file with the Senate Committee on Environmental Preservation and Conservation).

¹⁷ *Id.*

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

MIAF Bill Tracking

Sorted by Bill Number

SB 0006	Relating to State Minimum Wage	Bullard
	State Minimum Wage; Increasing the state minimum wage; prohibiting an employer from paying an employee at a rate less than the state minimum wage; removing the limitation restricting application of the state minimum wage only to individuals entitled to receive the federal minimum wage; deleting obsolete language, etc. Effective Date: 1/1/2017 8/19/2015 SENATE Referred to Commerce and Tourism; Community Affairs; Appropriations	
HB 0007	Relating to Employment Discrimination	Cruz
	Employment Discrimination: Designates act as "Helen Gordon Davis Fair Pay Protection Act"; provides legislative findings & intent relating to equal pay for equal work for women; recognizes importance of DEO & FHRC in ensuring fair pay; provides duties of DEO & FHRC; creates Governor's Recognition Award for Pay Equity in Workplace. Effective Date: July 1, 2016 8/27/2015 HOUSE Now in Economic Development & Tourism Subcommittee	
HB 0063	Relating to Medical Use of Low-THC Cannabis	Steube
	Medical Use of Low-THC Cannabis: Allows registered patients & designated caregivers to purchase, acquire, & possess low-THC cannabis subject to specified requirements; allows cultivation or processing licensee, employee, or contractor to acquire, cultivate, transport, & sell low-THC cannabis; allows retail licensee to purchase, receive, possess, store, dispense, & deliver low-THC cannabis; prohibits certain actions regarding acquisition, possession, transfer, use, & administration of low-THC cannabis; clarifies that person is prohibited from driving or boating under influence of low-THC cannabis; provides duties of DOH; provides implementation requirements; specifies act does not require or restrict health insurance coverage for purchase of low-THC cannabis. Effective Date: July 1, 2016 12/15/2015 HOUSE Withdrawn prior to introduction	
HB 0065	Relating to Pub Rec/Low-THC Cannabis Patient Registry/DOH	Steube
	Pub Rec/Low-THC Cannabis Patient Registry/DOH: Exempts from public records requirements personal identifying information of patients & physicians held by DOH in low-THC cannabis patient registry or former compassionate use registry; exempts information related to ordering & dispensing low-THC cannabis; authorizes specified persons & entities access to exempt information; requires that information released from registry remain confidential; provides penalty; provides for future legislative review & repeal; provides statement of public necessity. Effective Date: on the same date that HB 63, or similar legislation establishing an electronic system to record a physician's orders for, and a patient's use of, low-THC cannabis takes effect 12/15/2015 HOUSE Withdrawn prior to introduction	
SB 0076	Relating to Tax-exempt Income	Hukill
	Tax-exempt Income; Increasing the amount of income that is exempt from the corporate income tax; increasing the amount of income that is exempt from the franchise tax imposed on banks and savings associations, etc. Effective Date: 1/1/2017 10/21/2015 SENATE Now in Appropriations	
HB 0083	Relating to Identification Cards and Driver Licenses	Santiago
	Identification Cards and Driver Licenses: Provides for person's status as lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or boater safety identification cardholder, to be indicated on his or her identification card or driver license; prohibits person born after specified date from operating certain vessel unless such person has in his or her possession photographic identification & boater safety identification card or state-issued identification card or driver license; requires each recreational license & state-issued identification card or driver license indicating possession of recreational license to be in personal possession of person to whom such license is issued while person is taking, attempting to take, or possessing game, freshwater or saltwater fish, or fur-bearing animals. Effective Date: July 1, 2016 2/2/2016 HOUSE Read Second Time; Substituted for SB 0158; Laid on Table, Refer to SB 0158	
HB 0109	Relating to State Minimum Wage	Torres
	State Minimum Wage: Increases state minimum wage; prohibits employer from paying employee at rate less than state minimum wage; removes limitation restricting application of state minimum wage only to individuals entitled to receive federal minimum wage. Effective Date: January 1, 2017 9/10/2015 HOUSE Now in Economic Development & Tourism Subcommittee	
SB 0158	Relating to Identification Cards and Driver Licenses	Hutson
	Identification Cards and Driver Licenses; Providing for a person's status as a lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or boater safety identification cardholder, to be indicated on his or her identification card or driver license upon payment of an additional fee and presentation of the person's lifetime freshwater fishing, saltwater fishing, hunting, or sportsman's license, or boater safety identification card; providing	

a waiver of the replacement fee in certain circumstances, etc. Effective Date: 7/1/2016
2/18/2016 Signed by Officers and presented to Governor (Governor must act on this bill by 02/25/16)

HB 0161	Relating to Driving or Boating Under the Influence	Kerner
	Driving or Boating Under the Influence: Designates act "Naomi Pomerance Victim Safety Act"; provides that person with specified amount of delta 9-tetrahydrocannabinol per milliliter of blood commits offense of driving under influence or boating under influence. Effective Date: October 1, 2016 9/24/2015 HOUSE Now in Highway & Waterway Safety Subcommittee	
SB 0186	Relating to Social Media Privacy	Clemens
	Social Media Privacy; Prohibiting an employer from requesting or requiring access to a social media account of an employee or prospective employee; prohibiting an employer from taking retaliatory personnel action against an employee as a result of the employee's refusal to allow access to his or her social media account; prohibiting an employer from failing or refusing to hire a prospective employee as a result of the prospective employee's refusal to allow access to his or her social media account, etc. Effective Date: 10/1/2016 10/7/2015 SENATE Now in Judiciary	
HB 0205	Relating to Florida Healthy Working Families Act	Williams
	Florida Healthy Working Families Act: Creates "Florida Healthy Working Families Act"; provides powers & duties of executive director of DEO; requires certain employers to provide employees with earned sick & safe leave under certain conditions; provides employer & employee requirements; authorizes employee to file civil action under certain conditions. Effective Date: July 1, 2016 10/7/2015 HOUSE Now in Economic Development & Tourism Subcommittee	
HB 0219	Relating to Tax-Exempt Income	Sullivan
	Tax-Exempt Income: Increases amount of income exempt from corporate income tax; increases amount of income exempt from franchise tax imposed on banks & savings associations; provides applicability. Effective Date: January 1, 2017 10/7/2015 HOUSE Now in Finance & Tax Committee	
SB 0292	Relating to Streamlined Sales and Use Tax Agreement	Margolis
	Streamlined Sales and Use Tax Agreement; Specifying the facilities that are exempt from the transient rentals tax; deleting criteria establishing circumstances under which taxes on the lease or rental of a motor vehicle are due; limiting the \$5,000 cap on discretionary sales surtax to the sale of motor vehicles, aircraft, boats, manufactured homes, modular homes, and mobile homes; providing amnesty for uncollected or unpaid sales and use taxes for sellers who register under the Streamlined Sales and Use Tax Agreement, etc. Effective Date: 1/1/2017 2/10/2016 SENATE Withdrawn from further consideration	
SB 0294	Relating to Labor Regulations	Thompson
	Labor Regulations; Providing powers and duties of the executive director of the Department of Economic Opportunity; requiring certain employers to provide employees with paid or unpaid earned sick and safe leave under certain conditions; providing employer and employee requirements; authorizing an employee to file a civil action under certain conditions, etc. Effective Date: 7/1/2016 1/26/2016 SENATE Laid on Table	
SB 0346	Relating to Local Government Infrastructure Surtax	Altman
	Local Government Infrastructure Surtax; Authorizing the governing authority of a county to levy a discretionary sales surtax to fund capital restoration of natural water bodies for public use; limiting expenditures of the proceeds and interest from the surtax or specified bonds that pledge the surtax to dredging operations related to ecologically beneficial muck removal, etc. Effective Date: 7/1/2016 1/27/2016 SENATE Now in Appropriations	
HB 0353	Relating to Discrimination in Employment Screening	Powell
	Discrimination in Employment Screening: Prohibits public employer from inquiring into or considering applicant's criminal history on initial employment application unless required to do so by law. Effective Date: July 1, 2016 10/30/2015 HOUSE Now in Criminal Justice Subcommittee	
SB 0384	Relating to Employment Practices	Bullard
	Employment Practices; Citing this act as the "Florida Paid Family Care Leave Act"; requiring an employer to allow an employee to take paid family care leave to bond with a new child upon the child's birth, adoption, or foster care placement; requiring an employer to provide notice to employees of the right to paid family care leave; revising the Florida Civil Rights Act of 1992 to prohibit specified employment practices on the basis of pregnancy, childbirth, or a related medical condition, etc. Effective Date: 7/1/2016	

10/9/2015 SENATE Referred to Commerce and Tourism; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

- SB 0400 Relating to Organizational Structure of the Department of Environmental Protection Hays**
Organizational Structure of the Department of Environmental Protection; Authorizing the secretary of the Department of Environmental Protection to establish divisions as necessary to accomplish the missions and goals of the department, etc. Effective Date: 7/1/2016
1/14/2016 SENATE Now in Appropriations
- HB 0427 Relating to Recreational Vessel Registration Magar**
Recreational Vessel Registration: Provides reduced recreational vessel registration fee schedule for vessels registered during specified period which are equipped with emergency position indicating radio beacon or for which owner of vessel owns personal locator beacon; limits application to one vessel per owner; authorizes DHSMV to adopt rules relating to proof of qualification; provides for certain funds to supplement reduced amounts collected; provides for expiration of reduced fee schedule; revises provisions relating to Marine Resources Conservation Trust Fund; provides for use of supplemental funds; revises provisions relating to county & municipality optional registration fees; specifies that reduced fees do not apply to limitation on registration fees charged by county. Effective Date: July 1, 2016
2/19/2016 HOUSE Placed on Special Order Calendar, 02/23/16
- HB 0447 Relating to Local Government Environmental Financing Raschein**
Local Government Environmental Financing: Designates act as "Florida Keys Stewardship Act"; revises projects that may be funded using specific surtaxes & bond proceeds; authorizes Everglades bonds for City of Key West Area of Critical State Concern; expands types of water management projects eligible for funding; specifies funds for Florida Keys Area of Critical State Concern protection program; revises procedures for disposing of certain lands; recognizes degradation of coral reefs; requires specific Florida Forever funds to be spent buying lands in Florida Keys Area of Critical State Concern; authorizes land authority to contribute funds for certain land purchases. Effective Date: July 1, 2016
2/11/2016 HOUSE Now in State Affairs Committee
- SB 0448 Relating to Discrimination in Employment Screening Clemens**
Discrimination in Employment Screening; Prohibiting a public employer from inquiring into or considering an applicant's criminal history on an initial employment application unless required to do so by law, etc. Effective Date: 7/1/2016
10/9/2015 SENATE Referred to Commerce and Tourism; Judiciary; Appropriations Subcommittee on General Government; Fiscal Policy
- SB 0454 Relating to Employment Discrimination Joyner**
Employment Discrimination; Creating the "Helen Gordon Davis Fair Pay Protection Act"; recognizing the importance of the Department of Economic Opportunity and the Florida Commission on Human Relations in ensuring fair pay; creating the Governor's Recognition Award for Pay Equity in the Workplace; requiring that the award be given annually to employers in this state who have engaged in activities that eliminate the barriers to equal pay for equal work for women, etc. Effective Date: 7/1/2016
10/9/2015 SENATE Referred to Commerce and Tourism; Governmental Oversight and Accountability; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy
- HB 0489 Relating to Shellfish Harvesting Drake**
Shellfish Harvesting: Revises provisions directing DACS to cooperate with DEP & FWCC to protect shellfish beds & to control water pollution in such areas; provides for Board of Trustees of Internal Improvement Trust Fund to authorize use of dredges or mechanical harvesting devices as special lease conditions; prohibits certain use & possession of dredges or mechanical harvesting devices; provides penalties; removes provisions relating to shellfish harvesting seasons, certain removal of oysters, clams, or mussels, dredging of dead shells, & oyster culture. Effective Date: July 1, 2016
2/18/2016 HOUSE Favorable with CS by State Affairs Committee; 17 Yeas, 0 Nays
- HB 0501 Relating to Conservation Easements McGhee**
Conservation Easements: Deletes requirement that exemption for conservation easement must be renewed annually; provides that property owner is not required to file renewal application until use of property no longer complies with conservation easement requirements or restrictions. Effective Date: July 1, 2016
2/10/2016 HOUSE Placed on Calendar, on 2nd reading
- HB 0529 Relating to Freight Mobility and Trade Projects Ray**
Freight Mobility and Trade Projects: Provides for certain fees collected by DHSMV to be set aside for specified freight mobility & trade projects or navigational channel projects. Effective Date: July 1, 2019

SB 0552	Relating to Environmental Resources	Dean
	Environmental Resources; Requiring the Department of Environmental Protection to publish, update, and maintain a database of conservation lands; authorizing certain water management districts to designate and implement pilot projects; prohibiting water management districts from modifying permitted allocation amounts under certain circumstances; creating the "Florida Springs and Aquifer Protection Act", etc. Effective Date: 7/1/2016 1/21/2016 Approved by Governor, Chapter No. 2016-1	
HB 0561	Relating to Organizational Structure of the Department of Environmental Protection	Combee
	Organizational Structure of the Department of Environmental Protection: Establishes Office of the Secretary within DEP; authorizes Secretary of Environmental Protection to establish offices within the office & within department's divisions to promote efficient & effective operation of DEP; directs secretary to appoint general counsel; removes required establishment of certain offices; establishes Division of Water Restoration Assistance within DEP. Effective Date: July 1, 2016 2/18/2016 HOUSE Placed on Calendar, on 2nd reading	
HB 0593	Relating to Government Accountability	Metz
	Government Accountability: Requires each house of Legislature to provide by rule reporting requirements regarding lobbying firm's lobbying activities; requires each house to establish procedures applicable to untimely filing of reports by rule; providing fines for late filing of reports; revises auditing protocols for certain agencies, councils, & state schools; revises responsibilities of certain state officials & employment or contractual relationships; revises provisions governing collection methods for certain unpaid automatic fines; requires counties, municipalities, & special districts to maintain certain budget documents on entities' websites for specified period; prohibits member of the Legislature or candidate for legislative office from accepting employment with certain private entities; revises certain compensation protocols; revises requirements for financial statements & audits of certain governmental entities; requires lobbying firm to file report with Commission on Ethics. Effective Date: October 1, 2016 2/19/2016 HOUSE Placed on Calendar, on 2nd reading	
HB 0619	Relating to Employment of Felons	Stafford
	Employment of Felons: Provides local business tax credit for employment of person previously convicted of felony; provides requirements to receive credit; provides exceptions for certain felons. Effective Date: July 1, 2016 11/17/2015 HOUSE Now in Finance & Tax Committee	
HB 0635	Relating to Social Media Privacy	Dudley
	Social Media Privacy: Prohibits employer from requesting or requiring access to social media account of employee or prospective employee; prohibits employer from taking retaliatory personnel action against employee as result of employee's refusal to allow access to his or her social media account; prohibits employer from failing or refusing to hire prospective employee as result of prospective employee's refusal to allow access to his or her social media account; authorizes civil action for violation; provides penalty for violation; provides for recovery of attorney fees & court costs; specifies that employer is not prohibited from seeking access to social media accounts used primarily for employer's business purposes. Effective Date: October 1, 2016 11/17/2015 HOUSE Now in Economic Development & Tourism Subcommittee	
SB 0644	Relating to Boating Safety	Ring
	Boating Safety; Revising the minimum age to operate personal watercraft; removing the exemption from the photographic identification and boating safety identification card requirement for a person accompanied in the vessel by another person who meets certain criteria, etc. Effective Date: 7/1/2016 1/27/2016 SENATE Temporarily Postponed by Environmental Preservation and Conservation	
HB 0651	Relating to Department of Financial Services	Beshears
	Department of Financial Services: Authorizes DFS to create Internet-based transmission system for electronic transmission to accept service of process; removes requirement that EOG review & approve certain alternative retirement income security program; revises responsibilities of CFO; revises requirements for state-funded contracts or agreements between state awarding agency & higher education entity; revises responsibilities of DHSMV; names Board of Commissioners of Florida Inland Navigation District as entity that receives & approves certain surety bonds of commissioners; revises provisions relating to service of legal process; provides fee; provides additional ground for disqualification of neutral evaluator; provides requirements related to sinkhole insurance; provides requirements for firefighter & volunteer firefighter certificates of compliance & completion; establishes Firefighter Assistance Program for certain purposes; provides appropriation. Effective Date: July 1, 2016 2/19/2016 HOUSE Committee Substitute Text (C3) Filed	

HB 0681	Relating to Divers-down Warning Devices	Trumbull
	Divers-down Warning Devices: Expands types of indicators or devices allowed to be used to signal presence of submerged divers; specifies requirements for such devices. Effective Date: July 1, 2016 1/28/2016 HOUSE Placed on Calendar, on 2nd reading	
SB 0686	Relating to Government Accountability	Gaetz (D)
	Government Accountability; Citing this act as the "Florida Anti-Corruption Act of 2016"; requiring each house of the Legislature to provide by rule reporting requirements regarding lobbying firm's lobbying activities; specifying that the Governor, the Commissioner of Education, or the designee of the Governor or of the Commissioner of Education may notify the Legislative Auditing Committee of an entity's failure to comply with certain auditing and financial reporting requirements; prohibiting a member of the Legislature from accepting employment with a private entity that directly receives state funds, etc. Effective Date: 10/1/2016 2/16/2016 SENATE Now in Appropriations	
HB 0703	Relating to Vessels	Workman
	Vessels: Provides that vessel overloading or excessive speed constitutes careless operation of vessel; provides for issuance of safety inspection decals; prohibits law enforcement officers from stopping certain vessels solely to inspect for certain compliance; provides exception. Effective Date: July 1, 2016 2/19/2016 HOUSE Placed on Special Order Calendar, 02/23/16	
SB 0746	Relating to Vessel Registrations	Negron
	Vessel Registrations; Reducing vessel registration fees for recreational vessels equipped with certain position indicating and locating beacons; providing criteria for such reduction; clarifying county optional registration fees, etc. APPROPRIATION: \$5,000,000.00 Effective Date: 7/1/2016 1/13/2016 SENATE Now in Appropriations	
SB 0770	Relating to Local Government Environmental Financing	Simpson
	Local Government Environmental Financing; Citing this act as the "Florida Keys Stewardship Act"; expanding the use of local government infrastructure surtaxes to include acquiring any interest in land for public recreation, conservation, or protection of natural resources or to reduce impacts of new development on hurricane evacuation clearance times; expanding the use of Everglades restoration bonds to include the City of Key West Area of Critical State Concern; requiring the Department of Environmental Protection to annually consider certain recommendations to buy specific lands within and outside an area of critical state concern, etc. Effective Date: 7/1/2016 2/19/2016 SENATE Now in Appropriations	
HB 0771	Relating to Drug-Free Workplaces	Renner
	Drug-Free Workplaces: Revises contents of employer policy statement with respect to employee drug use; revises frequency of followup testing; revises specimen collection, verification, & documentation procedures; revises requirements for confirmation testing. Effective Date: July 1, 2016 12/10/2015 HOUSE Now in Economic Development & Tourism Subcommittee	
HB 0795	Relating to Dredge and Fill Activities	Edwards
	Dredge and Fill Activities: Revises acreage of wetlands & surface waters subject to impact by dredge & fill activities under state programmatic general permits; provides that seeking to use such permits consents to specified federal wetland jurisdiction criteria; authorizes DEP to delegate federal permitting programs for the discharge of dredged or fill material under certain conditions. Effective Date: upon becoming a law 2/9/2016 HOUSE Now in State Affairs Committee	
SB 0846	Relating to Divers-down Warning Devices	Abruzzo
	Divers-down Warning Devices; Revising the definitions of the terms "divers-down buoy," "divers-down flag," and "divers-down symbol"; expanding the types of indicators or devices allowed to be used to signal the presence of submerged divers; specifying requirements for divers-down warning devices, etc. Effective Date: 7/1/2016 2/18/2016 SENATE Read Second Time; Amendments Withdrawn (265794, 493670, 519810); Placed on Third Reading, 02/23/16	
HB 0863	Relating to Boating Safety	Stark
	Boating Safety: Provides requirements for operation of recreational vessels by persons younger than specified age; revises minimum age to operate personal watercraft; removes exemption from photographic identification & boating safety identification card requirement for person accompanied in vessel by another person who meets certain criteria. Effective Date: July 1, 2016 12/18/2015 HOUSE Now in Criminal Justice Subcommittee	
HB 0871	Relating to Broward County	Clarke-Reed

Broward County: Repeals penalty for exceeding speed limit in specified waterways; repeals requirements for erection of waterway speed limit signs. Effective Date: upon becoming a law
2/4/2016 HOUSE Placed on Calendar, on 2nd reading

- | | | |
|---|---|-------------|
| HB 0971 | Relating to Community Development Districts | Sullivan |
| Community Development Districts: Amends acreage threshold for establishment of community development district; authorizes district to contract with towing operator to remove vehicles or vessels from specified properties; authorizes up to certain number of districts to merge; provides for membership of surviving merged district; provides requirements of merger agreement; provides for public hearings; prohibits petition to merge from being filed within specified timeframe. Effective Date: July 1, 2016
2/19/2016 HOUSE Placed on Special Order Calendar, 02/23/16 | | |
| HB 0989 | Relating to Implementation of Water and Land Conservation Constitutional Amendment | Harrell |
| Implementation of Water and Land Conservation Constitutional Amendment: Requires minimum specified percentage of funds within Land Acquisition Trust Fund to be appropriated for Everglades restoration projects; provides preference in use of funds to certain projects that reduce discharges to St. Lucie & Caloosahatchee estuaries. Effective Date: July 1, 2016
2/10/2016 HOUSE Placed on Calendar, on 2nd reading | | |
| HB 0995 | Relating to Local Government Infrastructure Surtax | Mayfield |
| Local Government Infrastructure Surtax: Authorizes county to levy discretionary sales surtax to fund certain capital projects to restore natural water bodies for public use under certain circumstances; authorizes proceeds & interest from surtax to be used for certain dredging operations. Effective Date: July 1, 2016
1/26/2016 HOUSE Now in Finance & Tax Committee | | |
| HB 1007 | Relating to City of Clearwater, Pinellas County | Latvala (C) |
| City of Clearwater, Pinellas County: Provides for use & development of specified city-owned lands; removes certain restrictions on use of lands imposed by ch. 11050, Laws of Florida (1925); specifies that act does not modify or supersede city's charter relating to waterfront property owned by city. Effective Date: upon becoming a law
1/13/2016 HOUSE Now in Agriculture & Natural Resources Subcommittee | | |
| HB 1051 | Relating to Recreational Boating Zones | Caldwell |
| Recreational Boating Zones: Prohibits overnight anchoring of vessels in specified recreational boating zones; provides exceptions, applicability, & penalties; authorizes law enforcement officers & agencies to remove & impound vessels; provides indemnification for such law enforcement officers & agencies in certain circumstances; provides requirements for contractors performing removal or impoundment activities; provides for issuance of citations. Effective Date: July 1, 2016
2/1/2016 HOUSE Now in State Affairs Committee | | |
| HB 1075 | Relating to State Lands | Caldwell |
| State Lands: Creates, revises, & deletes provisions relating to acquisition, surplus, sale, lease, & use of state-owned conservation, nonconservation, recreation, & submerged lands; provides appropriation & authorizes positions. Effective Date: July 1, 2016
2/18/2016 HOUSE Favorable with CS by State Affairs Committee; 18 Yeas, 0 Nays | | |
| HB 1091 | Relating to Advertisement of Vehicle and Vessel Purchasing | Cortes (B) |
| Advertisement of Vehicle and Metals Purchasing: Requires person to be licensed by DHSMV as motor vehicle dealer to advertise for purchase or sale of motor vehicles; requires motor vehicle dealer advertisements to include certain information; prohibits unlicensed person from using certain vehicles to transport certain vehicles; provides for impoundment of wrecker or tow truck used in violation of licensure requirements; requires persons who advertise to provide services as secondary metals recycler to be registered with Department of Revenue; requires secondary metals recycler advertisements to include certain information; prohibits person not registered as secondary metals recycler from using wrecker or tow truck to transport certain metals; provides for impoundment of wrecker or tow truck used in violation of registration requirements; provides penalties. Effective Date: July 1, 2016
2/11/2016 HOUSE Now in Justice Appropriations Subcommittee | | |
| SB 1148 | Relating to Self-service Gasoline Stations | Montford |
| Self-service Gasoline Stations; Requiring that retail self-service gasoline station pumps have printers in working order and capable of producing receipts; requiring that pumps without functioning printers be taken out of service; requiring the Department of Agriculture and Consumer Services to inspect pumps for functioning printers, etc. Effective Date: 7/1/2016 | | |

HB 1153	Relating to Public Records/Recreational Activities Licenses/FWCC	Goodson
	Public Records/Recreational Activities Licenses/FWCC: Provides exemption from public records requirements for personal identifying information provided to FWCC on applications for certain licenses, permits, & certifications; provides for future legislative review & repeal of exemption; provides statement of public necessity. Effective Date: July 1, 2016	
	1/29/2016 HOUSE Now in State Affairs Committee	
SB 1154	Relating to Drug-free Workplaces	Bradley
	Drug-free Workplaces; Revising the contents of an employer policy statement with respect to employee drug use; revising specimen collection, verification, and documentation procedures, etc. Effective Date: 7/1/2016	
	1/5/2016 SENATE Referred to Commerce and Tourism; Health Policy; Fiscal Policy	
SB 1156	Relating to Community Development Districts	Hutson
	Community Development Districts; Increasing minimum and maximum size requirements for the establishment of community development districts under certain circumstances; revising requirements related to the process of amending community development district boundaries; authorizing certain districts up to a specified number to merge into one surviving district, subject to certain requirements, etc. Effective Date: 7/1/2016	
	2/19/2016 SENATE On Committee agenda - Rules, 02/24/16, 10:00 am, 110 S	
SB 1168	Relating to Implementation of the Water and Land Conservation Constitutional Amendment	Negron
	Implementation of the Water and Land Conservation Constitutional Amendment; Requiring a minimum specified percentage of funds within the Land Acquisition Trust Fund to be appropriated for Everglades restoration projects; providing a preference in the use of funds to certain projects that reduce harmful discharges to the St. Lucie Estuary and the Caloosahatchee Estuary, etc. Effective Date: 7/1/2016	
	2/15/2016 SENATE Now in Appropriations Subcommittee on General Government	
SB 1176	Relating to Dredge and Fill Activities	Diaz de la Portilla
	Dredge and Fill Activities; Revising the acreage of wetlands and other surface waters subject to impact by dredge and fill activities under a state programmatic general permit; providing that seeking to use such a permit consents to specified federal wetland jurisdiction criteria; authorizing the Department of Environmental Protection to delegate federal permitting programs for the discharge of dredged or fill material under certain conditions, etc. Effective Date: Upon becoming a law	
	2/19/2016 SENATE Placed on Special Order Calendar, 02/23/16	
SB 1260	Relating to Anchoring Limitation Areas	Simpson
	Anchoring Limitation Areas; Prohibiting overnight anchoring or mooring of vessels in specified anchoring limitation areas; providing for the removal and impoundment of vessels under certain circumstances, etc. Effective Date: 7/1/2016	
	2/19/2016 SENATE On Committee agenda - Appropriations Subcommittee on Transportation, Tourism, and Economic Development, 02/24/16, 1:30 pm, 301 S	
SB 1268	Relating to Freight Mobility and Trade Projects	Simpson
	Freight Mobility and Trade Projects; Amending provisions relating to fees collected by the Department of Highway Safety and Motor Vehicles for issuance of motor vehicle certificates of title and related services; providing that certain fees collected shall be set aside for specified freight mobility and trade projects or navigational channel projects, etc. Effective Date: 7/1/2019	
	1/11/2016 SENATE Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations	
HB 1273	Relating to Manatees	Ahern
	Manatees: Exempts, until specified date, revenues deposited in Save the Manatee Trust Fund from certain service charges; authorizes expenditure of such funds to conduct manatee speed zone study & statewide manatee distribution & abundance surveys & reports; requires FWCC to contract for manatee speed zone effectiveness study; requires FWCC to submit report detailing findings of such study to Governor & Legislature & to conduct surveys & reports; authorizes FWCC to conduct additional surveys & reports as necessary. Effective Date: July 1, 2016	
	2/2/2016 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee	
SB 1282	Relating to Fish and Wildlife Conservation Commission	Dean
	Fish and Wildlife Conservation Commission; Revising penalties for violations of commission rules relating to control and management of state game lands; authorizing exceptions to the prohibition on spearfishing; revising penalties for violations related to subagent sales of hunting, fishing, and trapping licenses and permits, etc.	

SB 1290	Relating to State Lands	Simpson
	State Lands; Authorizing the Board of Trustees of the Internal Improvement Trust Fund to waive certain requirements and rules and substitute procedures relating to the acquisition of state lands under certain conditions; providing for public agencies and nonprofit organizations to enter into written agreements with the Department of Environmental Protection rather than the Division of State Lands to purchase and hold property for subsequent resale to the board rather than the division; providing for the use of alternatives to fee simple acquisition by public land acquisition agencies, etc. Effective Date: 7/1/2016 2/19/2016 SENATE On Committee agenda - Appropriations Subcommittee on General Government, 02/24/16, 1:30 pm, 110 S	
SB 1300	Relating to At-risk Vessels	Dean
	At-risk Vessels; Prohibiting a vessel that is at risk of becoming derelict from anchoring on, mooring on, or occupying the waters of this state; providing that a person who anchors or moors such a vessel or allows it to occupy waters of this state commits a noncriminal infraction, etc. Effective Date: 7/1/2016 2/18/2016 SENATE Placed on Special Order Calendar, 02/24/16	
SB 1312	Relating to Protection Zones For Springs	Dean
	Protection Zones For Springs; Providing penalties for violations relating to protection zones for springs; directing the Fish and Wildlife Conservation Commission to establish protection zones to prevent harm to springs; requiring the commission to set vessel speed and operation standards for protection zones; requiring the commission to consult with certain other entities under certain circumstances; specifying responsibility for posting and maintaining regulatory markers, etc. Effective Date: 7/1/2016 2/17/2016 SENATE Now in Appropriations	
SB 1318	Relating to Shellfish Harvesting	Dean
	Shellfish Harvesting; Revising provisions directing the Department of Agriculture and Consumer Services, in cooperation with the Fish and Wildlife Conservation Commission and the Department of Environmental Protection, to protect specified shellfish beds, grounds, and reefs; providing for the Board of Trustees of the Internal Improvement Trust Fund to authorize the use of dredges or mechanical harvesting devices as special lease conditions of sovereign submerged land leases; authorizing the department, rather than requiring, to designate areas for the taking of oysters and clams to be planted on public lands, etc. Effective Date: 7/1/2016 2/18/2016 SENATE Placed on Special Order Calendar, 02/24/16	
SB 1364	Relating to Public Records/Personal Information Obtained in Connection with Licensure	Hays
	Public Records/Personal Information Obtained in Connection with Licensure; Defining the term "personal information"; providing an exemption from public records requirements for personal information provided to the Fish and Wildlife Conservation Commission on applications for certain licenses, permits, and certifications; providing circumstances under which personal information may be disclosed; providing applicability; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: 7/1/2016 2/18/2016 SENATE Laid on Table	
SB 1454	Relating to Vessels	Hutson
	Vessels; Revising provisions relating to reckless or careless operation of a vessel; deleting provisions authorizing law enforcement officers to inspect vessels; revising provisions relating to the authority of law enforcement officers to conduct certain investigations, etc. Effective Date: 7/1/2016 2/19/2016 SENATE On Committee agenda - Fiscal Policy, 02/24/16, 10:00 am, 412 K	
SB 1506	Relating to Manatees	Brandes
	Manatees; Exempting, until a specified date, certain revenue deposited in the Save the Manatee Trust Fund from a service charge assessed against state trust funds; requiring the Fish and Wildlife Conservation Commission to contract with an independent, qualified party to conduct a manatee speed zone effectiveness study, etc. Effective Date: 7/1/2016 1/14/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations	
SB 1510	Relating to Advertisement of Vehicle and Vessel Purchasing	Hutson
	Advertisement of Vehicle and Vessel Purchasing; Requiring a motor vehicle dealer who advertises the purchase of vehicles or vessels to display specified information on the sign or advertisement; prohibiting an unlicensed motor vehicle dealer or unregistered secondary metals recycler from dispatching a wrecker, tow truck, trailer,	

dolly, or other vehicle in response to an advertisement for the purchase of a vehicle or vessel, etc. Effective Date: 7/1/2016

1/14/2016 SENATE Referred to Commerce and Tourism; Transportation; Fiscal Policy

SB 1564	Relating to Shellfish Harvesting	Hutson
	Shellfish Harvesting; Revising provisions for the harvest of shellfish from natural reefs and submerged lands; providing for the Board of Trustees of the Internal Improvement Trust Fund instead of the Department of Agricultural and Consumer Services to authorize the harvest of shellfish by dredges or mechanical harvesting devices in submerged land leases and perpetual shellfish leases, etc. Effective Date: 7/1/2016	
	1/14/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Fiscal Policy	
SB 1668	Relating to Florida Lionfish Education and Research Consortium	Montford
	Florida Lionfish Education and Research Consortium; Creating the "Florida Lionfish Education and Research Act", establishing the Florida Lionfish Education and Research Consortium; specifying the entities comprising the consortium, etc. Effective Date: 7/1/2016	
	1/14/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on Education; Appropriations	
SB 7000	Relating to Local Development	Community Affairs
	Local Development; Authorizing the governing body of a county to employ tax increment financing; increasing the size of an enclave that a municipality may annex under certain circumstances; providing that a proposed development that is consistent with certain comprehensive plans is not required to undergo review pursuant to the state coordinated review process, etc. Effective Date: 7/1/2016	
	2/19/2016 SENATE On Committee agenda - Rules, 02/24/16, 10:00 am, 110 S	
HB 7005	Relating to Environmental Resources	State Affairs Committee
	Environmental Resources: Provides for conservation lands database; provides assistance to self-suppliers of water; authorizes pilot projects for certain water management districts (WMDs); requires adoption of minimum flows & levels for Outstanding Florida Springs; requires concurrent adoption of recovery or prevention strategies & minimum flows & levels; provides for Central Florida Water Initiative Area; authorizes allocation of water by SFWMD; requires monitoring of consumptive use permits; provides for certain preferred water supply sources; prohibits modification of permitted water allocations; provides priority consideration to certain public-private partnerships for water storage, groundwater recharge, & water quality improvements on private agricultural lands; revises Northern Everglades & Estuaries Protection Program; revises membership qualifications for Harris Chain of Lakes Restoration Council; requires certain funding plans in water resource development work program; authorizes private landowners to assist WMDs; requires promotion of certain cost-share criteria; creates the Florida Springs & Aquifer Protection Act; authorizes funding for nutrient & sediment reduction & conservation pilot projects; revises requirements for basin management action plans; provides treated potable water supply as designated use of surface waters; requires DEP & DACS to assess water resources & conservation lands. Effective Date: July 1, 2016	
	1/14/2016 HOUSE Read Second Time; Substituted for SB 0552; Laid on Table, Refer to SB 0552	
HB 7025	Relating to At-risk Vessels	Highway & Waterway Safety Subcommittee
	At-risk Vessels: Prohibits vessels that are at risk of becoming derelict from anchoring on, mooring on, or occupying state waters; authorizes FWCC or specified law enforcement officers to determine that vessels are at risk of becoming derelict if certain conditions exist; provides that persons who anchor or moor or allow such a vessel to occupy state waters commit noncriminal violation; provides for enforcement, penalties, & applicability. Effective Date: July 1, 2016	
	2/19/2016 HOUSE Placed on Special Order Calendar, 02/23/16	
SAC1	Relating to Environmental Resources	State Affairs Committee
	PCB SAC 16-01 -- Environmental Resources	
	10/26/2015 HOUSE Committee Bill filed as H 7005	
ANRS2	Relating to Fish and Wildlife Conservation Commission	Agriculture & Natural Resources Subcommittee
	PCB ANRS 16-02 -- Fish and Wildlife Conservation Commission	
	11/18/2015 HOUSE Committee Bill filed as H 7013	

Highway & Waterway

HWSS1

Relating to At-Risk Vessel

Safety Subcommittee

PCB HWSS 16-01 -- At-Risk Vessel

12/2/2015 HOUSE Committee Bill Filed as H 7025

Generated 76 rows in 1.015 seconds on Mon Feb 22 01:07:10 2016