

WEEK 5 REPORT

// 2023 LEGISLATIVE SESSION

+ MARINE INDUSTRIES ASSOCIATION OF FLORIDA

APRIL 3-7, 2023



CONTENTS

SB 728 // HB 261

Boating Safety / Liveries

SB 1602 // HB 571

Storage of Firearms in Private Conveyances and Vessels

SB 1502 // HB 1385

Vessel Owner and Operation Requirements

SB 1314 // HB 1103

Boating-restricted Areas

SB 1082 // HB 847

Floating Vessel Platforms and Floating Boat Lifts

SB 1640

Installation of Waterway Markers

The fifth week was a short productive week in Tallahassee. Lawmakers passed their budgets out of their respective chambers before they left town for the religious holidays. We now wait for the House of Representatives and the Florida Senate to agree to allocations before we can begin Budget Conference.

We are officially halfway through the nine week Legislative Session. As we enter the second half of the Legislative Session, many bills are dying and we must watch any and all vehicles for amendments.

An example is the “delete all” amendment filed by Representative Botana to House Bill 261 relating to Boating Safety. Representative Botana filed a “delete all amendment” to his bill on Friday evening. There are numerous changes to the bill including deleting the date change requiring boating safety education, adds a requirement that the Florida Fish and Wildlife Commission develop and publish on its website and educational pamphlet relating to boating safety, adds another area to the anchoring limitation area to Biscayne Bay which is from Representative Basabe’s bill (HB 1385), changes the livery language, and adds language requiring a person convicted of a criminal violation, convicted of a noncriminal infraction resulting in a reportable boating accident or convicted of two noncriminal infractions as specified in statute. This language is filed to be heard in the final committee on Monday.

We are hearing budget conference can start soon and there are rumors in the Capitol the Session could Sine Die early in the Day on May 5th. We still have many budget issues and bills to watch closely before they call it quits.

Below are some of the budget highlights we are following for MIAF.

Budget

Senate Bill 2500

1806 SPECIAL CATEGORIES CORAL REEF PROTECTION AND RESTORATION

FROM GENERAL REVENUE FUND 8,000,000

Funds in Specific Appropriation 1806 are provided to implement Florida’s Coral Reef Restoration and Recovery (FCR3) Initiative to enter into agreements with academic and private partnerships to establish, expand, and maintain in-state propagation and grow-out facilities; develop and implement strategies and site-

specific restoration plans including curriculum for a trained workforce; and reinforce and expand restoration efforts across Florida's Coral Reef.

1811 SPECIAL CATEGORIES CONTRACTED SERVICES

FROM GENERAL REVENUE FUND 2,515,000
FROM RESILIENT FLORIDA TRUST FUND . 2,000,000
FROM LAND ACQUISITION TRUST FUND . . 524,443

From the funds in Specific Appropriation 1811, \$500,000 in nonrecurring funds from the General Revenue Fund is provided for the Mote Marine Coral Restoration (SF 1150).

From the funds in Specific Appropriation 1811, \$650,000 in nonrecurring funds from the General Revenue Fund is provided for the Monroe County Mobile Vessel Pumpout Program to be administered by the Department of Environmental Protection. Administrative costs for the program shall not exceed five percent.

1821 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES -

FIXED CAPITAL OUTLAY CLEAN MARINA

FROM FEDERAL GRANTS TRUST FUND . . . 500,000

1868 FIXED CAPITAL OUTLAY BOATING INFRASTRUCTURE

FROM FEDERAL GRANTS TRUST FUND . . . 4,000,000

1877 SPECIAL CATEGORIES BOAT RAMP MAINTENANCE CATEGORY

FROM FEDERAL GRANTS TRUST FUND . . . 1,279,730
FROM MARINE RESOURCES CONSERVATION TRUST FUND 67,048
FROM STATE GAME TRUST FUND 143,750

1881 SPECIAL CATEGORIES BOATING AND WATERWAYS ACTIVITIES

FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,626,025

1887 SPECIAL CATEGORIES BOATING SAFETY EDUCATION PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND 625,650

1889 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY FLORIDA BOATING IMPROVEMENT PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND 749,601
FROM STATE GAME TRUST FUND 1,250,000

1961 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM

FROM GENERAL REVENUE FUND 10,000,000
FROM FEDERAL GRANTS TRUST FUND . . . 300,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 300,000

From the funds in Specific Appropriation 1961, \$10,000,000 in nonrecurring funds from the General Revenue Fund is provided to the Fish and Wildlife Conservation Commission for the purpose of establishing and implementing a framework for the placement, monitoring, and maintenance of artificial habitat in Monroe County.

Back of the Bill

SECTION 191. The unexpended balances of funds appropriated from the state's award from the federal Coronavirus State Fiscal Recovery Fund (Public Law 117-2), in section 195, except for funds appropriated to the Department of Environmental Protection for land acquisition, section 196, and section 197 of chapter 2022-156, Laws of Florida, remaining on June 30, 2023, shall revert and are appropriated for Fiscal Year 2023-2024 for the same purposes, except the following unexpended balances which shall revert immediately:

Derelict Vessel Removal Program (s. 197)..... 5,000,000

House Bill 5001

1806 SPECIAL CATEGORIES CORAL REEF PROTECTION AND RESTORATION

FROM GENERAL REVENUE FUND 8,000,000

Funds in Specific Appropriation 1806 are provided for coral reef restoration and protection efforts.

1811 SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND 650,000 FROM RESILIENT FLORIDA TRUST FUND . 2,000,000 FROM LAND ACQUISITION TRUST FUND . . 524,443 From the funds in Specific Appropriation 1811, \$650,000 in nonrecurring funds from the General Revenue Fund is provided to the Monroe County Mobile Vessel Pumpout Program to be administered by the Department of Environmental Protection. Administrative cost for the program shall not exceed five percent.

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FROM FEDERAL GRANTS TRUST FUND . . . 300,000

FROM MARINE RESOURCES CONSERVATION TRUST FUND 300,000

Below you will find a few of the bills we have highlighted and some of the actions on the bills this week.

Bills of Interest

HB 571 by Representative Hinson and SB 1602 by Senator Rouson relating to Storage of Firearms in Private Conveyances and Vessels- The House Bill has three committee references. The first committee reference is the House Criminal Justice Subcommittee. The Senate Bill also has three committee references. The first committee stop is the Senate Criminal Justice Committee. We will watch these bills carefully as the bill requires a person to store their firearm loaded or unloaded from ordinary observation and in a locked trunk, utility or glove box or another locked container or secured device mechanism that is securely affixed to the private conveyance or vessel. This is a separate bill and is not currently part of the permitless carry bill anticipated to pass this Legislative Session.

The House Bill and Senate Bill still have not been heard in their first committees of reference. The bills are not scheduled during the sixth week as of the writing of this report. It appears these bills are running out of time to get through all the committees.

HB 261 by Representative Botana relating to Boating Safety and SB 729 by Senator Garcia relating to Liveries-These bills are currently not identical and are comparable. We anticipate these bills to become companion bills as they move forward. These bills were originally supposed to be glitch bills to fix the livery insurance issue from last Legislative Session. MIAF was on board to fix the livery issues, but unfortunately the House Bill went further than just a glitch fix for liveries and was originally filed to make everyone boating in Florida have a boating safety card. (*Currently Florida law is anyone born on or after January 1, 1988, may not operate a vessel with ten horsepower or more unless they have a state issued identification card or drivers license indication they are in possession of a boating safety card issued by the commission, an International Certificate of Competency, a boating safety card or certificate from another state or U.S. Territory , or a Canadian Pleasure Craft Operator card.*) The House Bill was placed on the agenda the first week in House Agriculture, Conservation and Resiliency Committee. The bill was amended to now state that anyone born on or after January 1, 1960, now must take the boating safety course. As we expected, Representative Botana offered an amendment to change the date to January 1, 1978, in the House Agriculture and Natural Resources Committee the second committee of reference. The amended bill passed the House Agriculture and Natural Resources Committee as a Committee Substitute for Committee Substitute for House Bill 261 unanimously. MIAF is not ok with this amendment and prefers the language requiring a moving violation in a vessel be required to take boating safety as it addresses concerns raised about boaters on state waters.

As mentioned previously, CS/HB 261 is scheduled to be heard in its last committee of reference House Infrastructure Strategies Committee on April 10th. The sponsor filed a "delete all amendment and withdrew it and refiled another "delete all amendment" drastically changing the bill from its previous form.

Marine Industries Association of Florida worked with other Marine Industries Association to offer the sponsor alternative language respectfully requesting language requiring individuals who receive a moving violation must take the boating safety course and require FWC to post a brochure on their website.

Several MIAs and NMMA participated in a conference call with Representative Botana to discuss current boating issues including a potential amendment to his bill and future boating issues to be including in an OPPAGA study.

As reported earlier, Representative Botana filed a comprehensive amendment encompassing many of the requests made by several MIAs. The delete all contains other provisions including an additional anchoring limitation in Biscayne Bay. The bill also contains changes to the livery language originally filed by Representative Botana. **We have attached a copy of the delete all for your information and a copy of the statute on noncriminal infractions.**

The Senate Bill passed the Senate Environmental and Natural Resources Committee meeting on March 14th without any amendments. The bill currently does not contain the boating safety language. The Senate Bill was heard in the second committee of reference, Senate Commerce Committee on March 27th and passed unanimously with an amendment. The bill is now Committee Substitute for Senate Bill 728 and has one more committee stop before it is ready for the floor. *The Senate Bill and the "delete all" are very different. The House and Senate sponsor must agree on identical language for the bills to pass. As of the writing of this report, CS/SB 728 is not scheduled to be heard in the Senate Rules Committee. There is plenty of time for CS/SB 728 to be heard and be amended.*

House Bill 1385 by Representative Basabe and Senate Bill 1502 by Rodriguez relating to Vessel Owner and Operation Requirements-MIAF is concerned with provisions of these bills as filed. We met with Representative Basabe and FWC to discuss our issues with the bill. We had a wonderful meeting with the Representative and his staff. We discussed our concerns with the four-hour limitation and the national criminal search components of the bill. We anticipate an amendment will be filed to the bill and eliminate these issues. The bill will still add anchoring restrictions to specific waterbodies in Miami Dade. We also suggested proviso language for more on the water law enforcement in the Miami area. House Bill 1385 has three committees of reference and has not been heard in the first committee of reference. ***The House Bill is not scheduled to be heard during the sixth week as of the writing of this report.*** A portion of HB 1385 adding an additional limited anchoring area to the statute in Biscayne Bay is included in a "delete all" amendment to House Bill 261 by Representative Botana. The Senate companion, Senate Bill 1502 is identical to House Bill 1385. The Senate Bill also has three committees of reference. The Senate Bill is sponsored by the Chair of the Senate Environment and Natural Resources Committee, Senator Rodriguez. Senate Environment and Natural Resources is the first committee stop in the Senate. The Senate Bill passed the first committee of reference 9-0 without any amendments. ***The Senate Bill has two more committee stops and is currently not scheduled to be heard in its second committee of reference this week. We will watch to see if Senator Garcia will add anchoring limitations to Biscayne Bay in her livery bill in Senate Rules.***

House Bill 1103 by Representative Tramont and Senate Bill 1314 by Senator Wright relating to Boating Restricted Areas-The bills would add to the Boating Restricted area statute an ordinance establishing a slow speed, minimum wake boating-restricted area, if the area is within 500 feet of any private or public marina pumpout. This new language adds "private" to the statute and does not require fuel.

Both the House Bill and Senate Bill have three committees of reference. The Senate bill passed the Senate Environment and Natural Resources Committee agenda during the third week unanimously. We have offered the Senate sponsor amendment language to the bill. ***As of the writing of this report the Senate Bill is not scheduled to be heard in the second committee of reference. The House passed in its first committee of reference, the House Agriculture, Conservation and Resiliency Subcommittee on March 27th. We continue to work with other boating groups to offer the House and Senate sponsors amendment language to the bills. The House bill has two more committee stops. The second committee of reference does not have any other committees scheduled at this time. We will continue to watch these bills as this language could be amended to another boating bill.***

SB1640 by Senator Gruters relating to Waterway Markers-The Senate Bill does not have a linked companion bill currently. ***The bill has three committees of reference and was not heard the fourth week and is not scheduled on the Senate Environment and Natural Resources Committee during the fifth week.*** Simply, the bill requires all waterway markers including informational markers placed by local governments to be attached to a plastic breakaway structure or floating buoy. It bans state and local governments from affixing waterway markers to steel or wood pilings.

HB 847 by Representative Stark and SB 1082 by Senator DiCeglie relating to Floating Vessel Platforms-MIAF sent both bills out for review. As of the writing of this report we still have not received any commentary back from membership on these bills. We will continue to monitor these bills for any amendments and keep you informed as they move through the process. SB 1082 passed the Senate Environment and Natural Resources Committee on March 20th unanimously. The bill has three committees of reference. The bill passed,

the Senate Community Affairs Committee on March 29th unanimously. ***The Senate Bill is still waiting to be heard in its final committee of reference, Senate Rules Committee.*** The House Bill was placed on the House Water Quality, Supply and Treatment Subcommittee and passed as a Committee Substitute. The bill only has two committees of reference and only has one more committee left, the House Infrastructure and Strategies Committee. ***The House bill was not on the agenda as of the writing of this report.***

These are just a few of the bills we re tracking for you this Legislative Session. We have attached our entire tracking list as amendments get filed daily and we have numerous vehicles to watch for these amendments.

Thank you for allowing us to be your voice in Tallahassee!

A handwritten signature in dark blue ink, appearing to read 'Margaret Timmins', with a large, stylized flourish at the end.

Margaret "Missy" Timmins
President
Timmins Consulting, LLC

// BOATING SAFETY / LIVERIES

Senate Bill 728 // Sen. Garcia // Referred to: Senate Environment and Natural Resources; Senate Commerce and Tourism; Senate Rules (Current Reference)

House Bill 261 // Rep. Botana // Referred to: House Agriculture, Conservation & Resiliency Subcommittee; House Agriculture & Natural Resources Appropriations Subcommittee; House Infrastructure Strategies Committee (Current Reference)

HOUSE/SENATE BILL RELATIONSHIP: *COMPARE*

Senate Bill 728: Liveries; Revising safety requirements for liveries and requiring hands-on instruction that meets specified requirements; revising insurance requirements for liveries and renters; authorizing the Fish and Wildlife Conservation Commission to enter into agreements with qualified contractors to perform compliance inspections of liveries; requiring liveries to make facilities and records available for inspection by the qualified contractors within a specified timeframe, etc. Effective Date: 7/1/2023

Most Recent Action: 03/27/2023 SENATE Favorable with CS by Commerce and Tourism; 10 Yeas, 0 Nays; 03/28/2023 SENATE Committee Substitute Text (C1) Filed; 03/28/2023 SENATE Now in Rules

House Bill 261: Boating Safety: Revises requirement for persons born before specified date to have certain identification & boating safety documentation in their possession while operating vessel; requires liveries to provide hands-on instruction that meets specified requirements; provides exemption from certain safety requirements if renters or lessees hire professional captain; removes requirement that livery obtain & carry insurance that also insures renters & lessees. Effective Date: July 1, 2023

Most Recent Action: 04/06/2023 HOUSE On Committee agenda - Infrastructure Strategies Committee, 04/10/23, 2:00 pm, 404 H

// STORAGE OF FIREARMS IN PRIVATE CONVEYANCES AND VESSELS

Senate Bill 1602 // Sen. Rouson // Referred to: Senate Criminal Justice (Current Reference); Senate Appropriations Committee on Criminal and Civil Justice; Senate Fiscal Policy

House Bill 571 // Rep. Hinson // Referred to: House Criminal Justice Subcommittee (Current Reference); House Local Administration, Federal Affairs & Special Districts Subcommittee; House Judiciary Committee

RELATIONSHIP: *SIMILAR*

Senate Bill 1602: Storage of Firearms in Private Conveyances and Vessels; Prohibiting the

storage of firearms in unoccupied private conveyances and vessels unless done in a specified manner; providing definitions; requiring local law enforcement agencies to engage in a certain promotional campaign, etc. Effective Date: 7/1/2023

Most Recent Action: 03/09/2023 SENATE Referred to Criminal Justice; Appropriations Committee on Criminal and Civil Justice; Fiscal Policy

House Bill 571: Storage of Firearms in Private Conveyances and Vessels: Prohibits storage of firearms in unoccupied private conveyances & vessels unless done in specified manner; requires law enforcement agencies to engage in promotional campaign; directs counties to adopt specified ordinances concerning parental responsibility for gun thefts from conveyances & vessels by their minor children. Effective Date: July 1, 2023

Most Recent Action: 02/07/2023 HOUSE Now in Criminal Justice Subcommittee

// VESSEL OWNER AND OPERATION REQUIREMENTS

Senate Bill 1502 // Sen. Rodriguez // Referred to: Senate Environment and Natural Resources; Senate Appropriations Committee on Agriculture, Environment, and General Government (Current Reference); Senate Fiscal Policy

House Bill 1385 // Rep. Basabe // Referred to: House Agriculture, Conservation & Resiliency Subcommittee (Current Reference); House Agriculture & Natural Resources Appropriations Subcommittee; House Infrastructure Strategies Committee

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

Senate Bill 1502: Vessel Owner and Operation Requirements; Revising anchoring limitation areas in certain sections of Biscayne Bay in Miami-Dade County; revising the timeframe during which a person may anchor a vessel in an anchoring limitation area within which such anchoring would otherwise be unlawful; requiring law enforcement officers to conduct national criminal background checks for vessel owners who are issued citations for specified violations, etc. Effective Date: 7/1/2023

Most Recent Action: 03/27/2023 SENATE Favorable by Environment and Natural Resources; 9 Yeas, 0 Nays; 03/27/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government

House Bill 1385: Vessel Owner and Operation Requirements: Revises anchoring limitation areas in certain sections of Biscayne Bay in Miami-Dade County; revises timeframe during which person may anchor vessel in anchoring limitation area within which such anchoring would otherwise be unlawful; requires law enforcement officers to conduct national criminal background checks for vessel owners who are issued citations for specified violations. Effective Date: July 1, 2023

Most Recent Action: 03/09/2023 HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee

// BOATING-RESTRICTED AREAS

Senate Bill 1314 // Sen. Wright // Referred to: Environment and Natural Resources; Community Affairs (Current Reference); Rules

House Bill 1103 // Rep. Tramont // Referred to: House Agriculture, Conservation & Resiliency Subcommittee; House Local Administration, Federal Affairs & Special Districts Subcommittee (Current Reference); House Infrastructure Strategies Committee

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

Senate Bill 1314: Authorizes counties & municipalities to establish within certain portions of Florida Intracoastal Waterway slow speed, minimum wake boating-restricted areas within specified distance from private or public marina pumpouts. Effective Date: July 1, 2023

Most Recent Action: 03/20/2023 SENATE Favorable by Environment and Natural Resources; 9 Yeas, 0 Nays

House Bill 1103: Boating-restricted Areas: Authorizes counties & municipalities to establish within certain portions of Florida Intracoastal Waterway slow speed, minimum wake boating-restricted areas within specified distance from private or public marina pumpouts. Effective Date: July 1, 2023

Most Recent Action: 03/27/2023 HOUSE Favorable by Agriculture, Conservation & Resiliency Subcommittee; 16 Yeas, 0 Nays; 03/27/2023 HOUSE Now in Local Administration, Federal Affairs & Special Districts Subcommittee

// FLOATING VESSEL PLATFORMS AND FLOATING BOAT LIFTS

Senate Bill 1082 // Sen. DiCeglie // Referred to: Environment and Natural Resources; Community Affairs; Rules (Current Reference)

House Bill 847 // Rep. Stark // Referred to: House Water Quality, Supply & Treatment Subcommittee; House Infrastructure Strategies Committee (Current Reference)

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

Senate Bill 1082: Removing a provision authorizing local governments to require permitting for certain floating vessel platforms; revising conditions under which local governments may require one-time registrations of floating vessel platforms, etc. Effective Date: 7/1/2023

Most Recent Action: 03/29/2023 SENATE Favorable by Community Affairs; 8 Yeas, 0 Nays; 03/29/2023 SENATE Now in Rules

House Bill 847: Floating Vessel Platforms and Floating Boat Lifts: Removes provision authorizing local governments to require permitting for certain floating vessel platforms; revises conditions under which local governments may require one-time registrations of floating vessel platforms. Effective Date: July 1, 2023

Most Recent Action: 03/24/2023 HOUSE Reference to Agriculture & Natural Resources Appropriations Subcommittee removed; Remaining reference: Infrastructure Strategies Committee; 03/24/2023 HOUSE Now in Infrastructure Strategies Committee

// INSTALLATION OF WATERWAY MARKERS

Senate Bill 1640 // Sen. Gruters // Referred to: Senate Environment and Natural Resources (Current Reference); Senate Appropriations Committee on Agriculture, Environment, and General Government; Senate Fiscal Policy

Senate Bill 1640: Installation of Waterway Markers; Revising the application requirements for marking certain waters of this state; requiring all waterway markers to be affixed to certain structures or buoys beginning on a specified date; requiring state and local governmental entities to conform to such requirements by a specified date, etc. Effective Date: 7/1/2023

Most Recent Action: 03/09/2023 SENATE Referred to Environment and Natural Resources; Appropriations Committee on Agriculture, Environment, and General Government; Fiscal Policy

By the Committee on Commerce and Tourism; and Senator Garcia

577-03156-23

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1 A bill to be entitled
2 An act relating to liveries; amending s. 327.54, F.S.;
3 revising safety requirements for liveries and
4 requiring hands-on instruction that meets specified
5 requirements; providing an exemption from certain
6 safety requirements when a renter hires a professional
7 captain; revising insurance requirements for liveries
8 and renters; providing an effective date.

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

11
12 Section 1. Section 327.54, Florida Statutes, is amended to
13 read:

14 327.54 Liveries; safety regulations; penalty.—

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

16 (a) "Advertise" means to describe or draw attention to a
17 vessel and its availability for lease or rental in any medium
18 for the purpose of promoting the lease or rental of the vessel.

19 (b) "Conviction" means any judicial disposition other than
20 acquittal or dismissal.

21 (c) "Livery" means a person who advertises and offers a
22 livery vessel for use by another in exchange for any type of
23 consideration when such person does not also provide the lessee
24 or renter with a captain, a crew, or any type of staff or
25 personnel to operate, oversee, maintain, or manage the vessel.
26 The owner of a vessel who does not advertise his or her vessel
27 for use by another for consideration and who loans or offers his
28 or her vessel for use to another known to him or her either for
29 consideration or without consideration is not a livery. A public

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30 or private school or postsecondary institution located within
31 this state is not a livery. A vessel rented or leased by a
32 livery is a livery vessel as defined in s. 327.02.

33 (d) "Seaworthy" means the vessel and all of its parts and
34 equipment, including, but not limited to, engines, bilge pumps,
35 and kill switches, are functional and reasonably fit for their
36 intended purpose.

37 (2) A livery may not offer a vessel for lease or rent
38 without first being issued a no-cost livery permit by the
39 commission. The permit must be renewed annually. To qualify for
40 issuance or renewal of a livery permit, an applicant must
41 provide the commission with a list of all vessels offered by the
42 livery for lease or rent by another, have valid insurance
43 pursuant to subsection (8) ~~(7)~~, have an amount of United States
44 Coast Guard-approved lawful personal floatation devices on site
45 sufficient to accommodate the capacity of all vessels offered by
46 the livery for rent or lease by another, have on site all safety
47 equipment required by s. 327.50 and the Code of Federal
48 Regulations sufficient to equip all vessels offered by the
49 livery for rent or lease by another, and display the information
50 required by paragraph (3) (f). If, before the annual renewal of
51 the permit, the information required by this subsection changes,
52 the livery must provide the commission with the updated
53 information within 10 days after the change.

54 (a) The commission may adopt rules to implement this
55 subsection.

56 (b) A person who violates this subsection commits a
57 misdemeanor of the first degree, punishable as provided in s.
58 775.082 or s. 775.083.

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59 (3) A livery may not knowingly lease or rent a vessel to
60 any person:

61 (a) When the number of persons intending to use the vessel
62 exceeds the number considered to constitute a maximum safety
63 load for the vessel as specified on the authorized persons
64 capacity plate of the vessel.

65 (b) When the horsepower of the motor exceeds the capacity
66 of the vessel.

67 (c) When the vessel does not contain the safety equipment
68 required under s. 327.50.

69 (d) When the vessel is not seaworthy, is a derelict vessel
70 as defined in s. 823.11, or is at risk of becoming derelict as
71 provided in s. 327.4107.

72 (e) Unless the livery provides pre-rental or pre-ride
73 instruction, which shall include hands-on instruction, in
74 compliance with rules established by the commission.

75 1. The instruction must include, but need not be limited
76 to:

77 a. Operational characteristics of the vessel to be rented.

78 b. Safe vessel operation and vessel right-of-way.

79 c. The responsibility of the vessel operator for the safe
80 and proper operation of the vessel.

81 d. Local characteristics of the waterway where the vessel
82 will be operated, such as navigational hazards, the presence of
83 boating-restricted areas, ~~and~~ water depths, and education on any
84 safety, regulatory, informational, or navigation markers in the
85 geographic vicinity.

86 e. Emergency procedures, such as appropriate responses to
87 capsizing, falls overboard, taking on water, and vessel

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88 accidents.

89 f. A notice of the prohibition against boating under the
90 influence pursuant to s. 327.35.

91 2. Any person receiving instruction in the safe handling of
92 livery vessels pursuant to this paragraph must provide the
93 livery with a written statement attesting to each component of
94 the instruction.

95 a. The commission shall establish by rule the content of
96 the statement form.

97 b. The statement form must be signed by the individual
98 providing the instruction.

99 c. The livery shall maintain the statement form for no less
100 than 90 days and, upon request, make the form available for
101 inspection by law enforcement.

102 (f) Unless the livery displays boating safety information
103 in a place visible to the renting public. The commission shall
104 prescribe by rule, pursuant to chapter 120, the contents and
105 size of the boating safety information to be displayed.

106 (g) Unless the livery has a written agreement with the
107 renter or lessee. The written agreement must include the name,
108 address, and date of birth for the renter and the number of
109 people aboard the vessel, as well as the time the vessel is
110 required to be returned to the livery or another specified
111 location and an emergency contact name, address, and telephone
112 number. The livery shall maintain each agreement for no less
113 than 1 year and, upon request, make each agreement available for
114 inspection by law enforcement.

115 (4) If a renter or lessee retains a professional captain
116 who holds an active license issued by the United States Coast

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117 Guard to command the vessel as required by the agreement between
118 the livery and the renter or lessee, the livery is not subject
119 to paragraph (3) (e).

120 (5) A livery may not knowingly lease or rent a vessel to a
121 person who is required to comply with s. 327.395 unless such
122 person presents to the livery the documentation required by s.
123 327.395(2) for the operation of a vessel or meets the exemption
124 provided under s. 327.395(6) (f).

125 (6)~~(5)~~ If a vessel rented or leased by a livery is
126 unnecessarily overdue more than 4 hours after the contracted
127 vessel rental time has expired, the livery must notify law
128 enforcement.

129 (7)~~(6)~~ A livery may not knowingly lease or rent a livery
130 vessel, other than a human-powered vessel, to any person who is
131 under 18 years of age.

132 (8)~~(7)~~ A livery may not lease or rent or offer to lease or
133 rent any livery vessel unless the livery first obtains and
134 carries in full force and effect a policy from a licensed
135 insurance carrier in this state which insures the livery and the
136 renter against any accident, loss, injury, property damage, or
137 other casualty caused by or resulting from the operation of the
138 livery vessel. The insurance policy must provide coverage of at
139 least \$500,000 per person and \$1 million per event. The livery
140 shall have proof of such insurance available for inspection at
141 the location where livery vessels are being leased or rented, or
142 offered for lease or rent, and shall provide to each renter the
143 insurance carrier's name and address and the insurance policy
144 number. A livery may choose to limit insurance covering the
145 renter if the renter or lessee meets one of the following

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146 requirements:

147 (a) Has a Florida boating safety identification card issued
148 by the commission, a temporary certificate, or another form of
149 boating certification authorized pursuant to s. 327.395.

150 (b) Hires a professional captain who holds an active
151 license issued by the United States Coast Guard.

152

153 This subsection does not apply to human-powered vessels.

154 (9)~~(8)~~ Notwithstanding the person's age or any exemptions
155 provided in s. 327.395, any person delivering instruction
156 regarding the safe operation of vessels or hands-on pre-rental
157 or pre-ride instruction in accordance with subsection (3) must
158 have successfully completed a boating safety education course
159 approved by the National Association of State Boating Law
160 Administrators and this state.

161 (10)~~(9)~~ If a vessel rented or leased by a livery is
162 involved in an accident, the livery must report the accident to
163 the division.

164 (11)~~(10)~~ A livery shall make its facilities and records
165 available for inspection upon request by law enforcement no
166 later than 24 hours after receiving notice from law enforcement.

167 (12) (a)~~(11) (a)~~ Any person convicted of violating this
168 section, other than subsection (2), who has not been convicted
169 of a violation of this section within the past 3 years commits a
170 misdemeanor of the second degree, punishable as provided in s.
171 775.082 or s. 775.083.

172 (b) Unless the stricter penalties in paragraph (c) apply, a
173 person who violates this section, other than subsection (2),
174 within 3 years after a previous conviction of a violation of

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175 this section commits a misdemeanor of the first degree,
176 punishable as provided in s. 775.082 or s. 775.083, with a
177 minimum mandatory fine of \$500.

178 (c) A person who violates this section, other than
179 subsection (2), within 5 years after two previous convictions
180 for a violation of this section commits a misdemeanor of the
181 first degree, punishable as provided in s. 775.082 or s.
182 775.083, with a minimum mandatory fine of \$1,000.

183 (13)~~(12)~~ A person who commits more than one violation of
184 this section, other than subsection (2), within a 3-year period
185 may not act as a livery during a 90-day period immediately after
186 being charged with that violation. The commission may revoke or
187 refuse to issue a permit under subsection (2) based on repeated
188 violations of this section.

189 Section 2. This act shall take effect July 1, 2023.

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 Commerce and Tourism

BILL: CS/SB 728

INTRODUCER: Commerce and Tourism Committee and Senator Garcia

SUBJECT: Liveries

DATE: March 28, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	Favorable
2.	<u>Baird</u>	<u>McKay</u>	<u>CM</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 728 specifies that a livery's pre-rental or pre-ride instruction must be hands-on. The instruction must include education on safety, regulatory, informational, or navigation markers in the geographic vicinity, and on the prohibition against boating under the influence.

The bill exempts a renter or lessee and livery from the pre-rental or pre-ride instruction requirement if the renter or lessee retains a professional captain with an active U.S. Coast Guard license, as required by the agreement between the livery and the renter or lessee.

The bill allows a livery to limit insurance covering the renter if the renter or lessee has a boating certification authorized by statute or if the renter or lessee hires a professional captain.

II. Present Situation:

Fish and Wildlife Conservation Commission

The Fish and Wildlife Conservation Commission (FWC) is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.¹ FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate.² Under Article IV, Section 9 of the Florida Constitution, FWC has the authority to exercise the

¹ FLA. CONST. art. IV, s. 9.

² *Id.*; see also s. 379.102(1), F.S.

regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life.

Chapter 327, F.S., concerning vessel safety is enforced by FWC's Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.³ The Division of Law Enforcement manages the state's waterways to ensure boating safety for Florida residents and visitors.⁴ This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.⁵

Boating Safety Education

A person operating a vessel powered by a motor of 10 horsepower or greater must possess photographic identification and a Florida boating safety identification card; a state-issued identification card or driver license indicating possession of the boating safety identification card; or photographic identification and a temporary certificate issued or approved by FWC, an International Certificate of Competency, a boating safety card or certificate from another state or U.S. territory, or a Canadian Pleasure Craft Operator Card.⁶ A person is exempt from this requirement if he or she:

- Was born before January 1, 1988;⁷
- Is or has been licensed by the U.S. Coast Guard;
- Operates a vessel only on a private lake or pond;
- Is accompanied by an adult who meets boating safety requirements and who is attendant to the operation of the vessel and responsible for safe operation of the vessel;
- Is a nonresident who possesses photographic identification and proof of completion of a boating safety education course or examination that meets or exceeds the minimum requirements established by the National Association of State Boating Law Administrators;
- Is operating a vessel within 90 days after purchase and possesses the bill of sale; or
- Is exempted by FWC rule.⁸

A Florida boating safety identification card is issued after successful completion of a boating safety education course approved by FWC.⁹ The card is valid for a person's life.¹⁰ A temporary certificate requires passing an FWC-approved examination and is valid for 90 days after the date

³ Section 327.70(1), F.S.; *see s. 943.10(1), F.S.*, which 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 Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited March 24, 2023).

⁵ FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited March 24, 2023). *See s. 327.70(1) and (4), F.S.*

⁶ Section 327.395(1), (2), F.S.

⁷ Section 327.395(1), F.S.

⁸ Section 327.395(6), F.S.

⁹ Section 327.395(3), F.S.

¹⁰ Section 327.395(5), F.S.

of issuance.¹¹ An FWC-approved boating safety education course or temporary certificate examination must contain information regarding:

- Diving vessels, awareness of divers in the water, divers-down warning devices, and navigation around divers;
- The danger associated with:
 - A passenger riding on a vessel area not designed and designated for seating,
 - A passenger falling overboard,
 - Operating a vessel near a person in the water,
 - Starting a vessel with the engine in gear, and
 - Leaving the vessel running when a passenger is boarding or disembarking; and
- The proper use and lifesaving benefits of an engine cutoff switch for motorboats and personal watercraft.¹²

Regulation of Liveries

A livery is defined as a person who advertises and offers a livery vessel¹³ for use by another in exchange for any type of consideration, when the livery does not also provide the lessee or renter with a captain, crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel.¹⁴ The statute specifies two exemptions from the definition:

- Vessel owners who do not advertise their vessel for use by another for consideration and who loan or offer the vessel to a person they know; and
- A public or private school or postsecondary institution located in the state.¹⁵

A livery may not offer a vessel for lease or rent without obtaining an annual, no-cost livery permit from FWC.¹⁶ To qualify for the issuance or renewal of the permit, a livery must:

- Provide FWC with a list of all vessels available for lease or rent;
- Have valid insurance;
- Have enough U.S. Coast Guard-approved lawful personal flotation devices on site to accommodate the capacity of all available vessels;
- Have enough safety equipment required by statute and the Code of Federal Regulations on site to equip all available vessels; and
- Display boating safety information in a place visible to the renting public.

If the information required to qualify for the permit changes before the annual renewal of the permit, a livery must provide the updated information to FWC within 10 days of the change.¹⁷

Regarding boating safety, the law prohibits a livery from knowingly leasing or renting a vessel to any person:

¹¹ Section 327.395(3), (5), F.S.

¹² Section 327.395(4), F.S.

¹³ A livery vessel is defined as a vessel that is leased, rented, or chartered to another for consideration. Section 327.02(24), F.S.

¹⁴ Section 327.54(1), F.S.

¹⁵ *Id.*

¹⁶ Section 327.54(2), F.S.

¹⁷ *Id.*

- When the number of persons intending to use the vessel exceeds the maximum safety load for the vessel;
- When the horsepower of the motor exceeds the capacity of the vessel;
- When the vessel does not contain required safety equipment;
- When the vessel is not seaworthy, is derelict, or is at risk of becoming derelict;
- Unless the livery provides pre-rental or pre-ride instruction that reviews, at a minimum:
 - The operational characteristics of the livery vessel,
 - Safe vessel operation and right-of-way,
 - The responsibility of the vessel operator for the safe and proper operation of the vessel,
 - Local characteristics of the waterway, and
 - Emergency procedures;
- Unless the livery displays boating safety information in a place visible to the renting public; and
- Unless the livery has a written agreement with the renter or lessee.¹⁸

A livery also may not knowingly lease or rent a vessel to a person who is required to have a boating safety identification card or other boating safety certificate unless the person presents the card or certificate and photographic identification to the livery.¹⁹ A person must be 18 years or more to rent a livery vessel other than a human-powered vessel.²⁰ Liveries must notify law enforcement if a vessel is unnecessarily overdue by more than four hours or if an accident occurs.²¹

Liveries must also obtain and carry in full force and effect a policy from a licensed insurance carrier in the state, which insures the livery and the renter against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the livery vessel. The policy must cover at least \$500,000 per person and \$1 million per event. Proof of insurance must be available for inspection where vessels are rented or leased. The insurance requirement only applies to human-powered vessels.²²

A livery is required to make its facilities and records available for inspection upon request of law enforcement within 24 hours of receiving notice.²³

The Boating Safety Act of 2022

The Legislature passed the Boating Safety Act of 2022 in part to increase protections for individuals who rent or lease livery vessels.²⁴ The Act provided the current statutory definition of a livery as a person who advertises and offers a livery vessel for use by another in exchange for any type of consideration, when the livery does not also provide a captain, crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel. It also required liveries to obtain a no-cost, annual livery permit, as well as an insurance policy that insures both the livery

¹⁸ Section 327.54(3), F.S.

¹⁹ Section 327.54(4), F.S.; *See generally* s. 327.395, F.S.

²⁰ Section 327.54(6), F.S.

²¹ Section 327.54(5) and (9), F.S.

²² Section 327.54(7), F.S.

²³ Section 327.54(10), F.S.

²⁴ Chapter 2022-197, Laws of Fla.

and the renter. The Act added additional components to FWC-approved boating safety education courses and temporary certificate examinations.²⁵

III. Effect of Proposed Changes:

Section 1 amends s. 327.54, F.S., to specify that a livery's pre-rental or pre-ride instruction must be hands-on. The bill requires that the instruction include education on any safety, regulatory, informational, or navigation markers in the geographic vicinity, as well as notice of the prohibition against boating under the influence.

The bill provides that if a renter or lessee retains a professional captain who holds an active U.S. Coast Guard license to command the livery vessel as required by the agreement between the livery and the renter or lessee, and the livery confirms that the captain has been retained, the renter or lessee and the livery will be exempt from the pre-rental or pre-ride instruction requirement.

The bill allows a livery to limit insurance covering the renter if the renter or lessee:

- Has a Florida boating safety identification card issued by the Florida Fish and Wildlife Conservation Commission (FWC), a temporary certificate, or another authorized form of boating certification; or
- Hires a professional captain who holds an active U.S. Coast Guard license.

The bill makes technical changes.

Section 2 provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

²⁵ *Id.*

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 327.54 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Commerce and Tourism Committee on March 27, 2023:**

The committee substitute removes language that limits pre-rental and pre-ride instruction to only hands-on instruction, while still requiring part of the instruction to be hands-on.

Regarding the exception to the requirement that a livery provide safety instruction, the amendment will not require the livery to confirm that a renter or lessee has retained a professional captain. The committee substitute makes a clarifying change.

The committee substitute also removes provisions allowing the Florida Fish and Wildlife Conservation Commission to enter into agreements with qualified contractors to perform compliance inspections of liveries.

B. Amendments:

None.

1 A bill to be entitled
 2 An act relating to boating safety; amending s.
 3 327.395, F.S.; revising the requirement for persons
 4 born before a specified date to have certain
 5 identification and boating safety documentation in
 6 their possession while operating a vessel; amending s.
 7 327.54, F.S.; conforming a cross-reference; requiring
 8 liveries to provide hands-on instruction that meets
 9 specified requirements; providing an exemption from
 10 certain safety requirements if renters or lessees hire
 11 a professional captain; deleting the requirement that
 12 a livery obtain and carry insurance that also insures
 13 renters and lessees; conforming a provision to changes
 14 made by the act; providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Subsection (1) of section 327.395, Florida
 19 Statutes, is amended to read:

20 327.395 Boating safety education.—

21 (1) Effective July 1, 2028, a person born on or after
 22 January 1, 1978 ~~1988~~, may not operate a vessel powered by a
 23 motor of 10 horsepower or greater unless such person has in his
 24 or her possession aboard the vessel the documents required by
 25 subsection (2).

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

26 Section 2. Subsections (4) through (12) of section 327.54,
 27 Florida Statutes, are renumbered as subsections (5) through
 28 (13), respectively, subsection (2), paragraph (e) of subsection
 29 (3), present subsections (7) and (8) are amended, and a new
 30 subsection (4) is added to that section, to read:

31 327.54 Liveries; safety regulations; penalty.—

32 (2) A livery may not offer a vessel for lease or rent
 33 without first being issued a no-cost livery permit by the
 34 commission. The permit must be renewed annually. To qualify for
 35 issuance or renewal of a livery permit, an applicant must
 36 provide the commission with a list of all vessels offered by the
 37 livery for lease or rent by another, have valid insurance
 38 pursuant to subsection (8) ~~(7)~~, have an amount of United States
 39 Coast Guard-approved lawful personal floatation devices on site
 40 sufficient to accommodate the capacity of all vessels offered by
 41 the livery for rent or lease by another, have on site all safety
 42 equipment required by s. 327.50 and the Code of Federal
 43 Regulations sufficient to equip all vessels offered by the
 44 livery for rent or lease by another, and display the information
 45 required by paragraph (3) (f). If, before the annual renewal of
 46 the permit, the information required by this subsection changes,
 47 the livery must provide the commission with the updated
 48 information within 10 days after the change.

49 (a) The commission may adopt rules to implement this
 50 subsection.

51 (b) A person who violates this subsection commits a
 52 misdemeanor of the first degree, punishable as provided in s.
 53 775.082 or s. 775.083.

54 (3) A livery may not knowingly lease or rent a vessel to
 55 any person:

56 (e) Unless the livery provides hands-on pre-rental or pre-
 57 ride instruction in compliance with rules established by the
 58 commission.

59 1. The instruction must include, but need not be limited
 60 to:

61 a. Operational characteristics of the vessel to be rented.

62 b. Safe vessel operation and vessel right-of-way.

63 c. The responsibility of the vessel operator for the safe
 64 and proper operation of the vessel.

65 d. Local characteristics of the waterway where the vessel
 66 will be operated, such as navigational hazards, the presence of
 67 boating-restricted areas, ~~and~~ water depths, and education on any
 68 safety, regulatory, information, or navigation markers in the
 69 geographic vicinity.

70 e. Emergency procedures, such as appropriate responses to
 71 capsizing, falls overboard, taking on water, and vessel
 72 accidents.

73 f. Proper use of personal floatation devices.

74 g. A notice of the prohibition against boating under the
 75 influence pursuant to s. 327.35.

76 2. Any person receiving instruction in the safe handling
 77 of livery vessels pursuant to this paragraph must provide the
 78 livery with a written statement attesting to each component of
 79 the instruction.

80 a. The commission shall establish by rule the content of
 81 the statement form.

82 b. The statement form must be signed by the individual
 83 providing the instruction.

84 c. The livery shall maintain the statement form for no
 85 less than 90 days and, upon request, make the form available for
 86 inspection by law enforcement.

87 (4) If a renter or lessee retains a professional captain
 88 who holds an active license issued by the United States Coast
 89 Guard to command the vessel as required by an agreement between
 90 the livery and the renter or lessee, and the livery confirms
 91 that a professional captain has been retained, the renter or
 92 lessee and the livery are not subject to paragraph (3)(e).

93 ~~(8)-(7)~~ A livery may not lease or rent or offer to lease or
 94 rent any livery vessel unless the livery first obtains and
 95 carries in full force and effect a policy from a licensed
 96 insurance carrier in this state which insures the livery ~~and the~~
 97 ~~renter~~ against any accident, loss, injury, property damage, or
 98 other casualty caused by or resulting from the operation of the
 99 livery vessel. The insurance policy must provide coverage of at
 100 least \$500,000 per person and \$1 million per event. The livery

101 shall have proof of such insurance available for inspection at
102 the location where livery vessels are being leased or rented, or
103 offered for lease or rent, and shall provide to each renter the
104 insurance carrier's name and address and the insurance policy
105 number. This subsection does not apply to human-powered vessels.

106 (9)~~(8)~~ Notwithstanding the person's age or any exemptions
107 provided in s. 327.395, any person delivering instruction
108 regarding the safe operation of vessels or hands-on pre-rental
109 or pre-ride instruction in accordance with subsection (3) must
110 have successfully completed a boating safety education course
111 approved by the National Association of State Boating Law
112 Administrators and this state.

113 Section 3. This act shall take effect July 1, 2023.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Infrastructure Strategies
 2 Committee

3 Representative Botana offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
 7 Section 1. Subsection (12) is added to section 327.395,
 8 Florida Statutes, to read:

9 327.395 Boating safety education.-

10 (12) The commission shall develop and publish on its
 11 website an educational pamphlet relating to the importance of
 12 boating safety education and promoting voluntary enrollment in a
 13 boating safety educational course. At a minimum, the pamphlet
 14 must include:

15 (a) An overview of the importance of boating safety
 16 education and navigational rules.

Amendment No.

17 (b) An overview of boating safety and the proper use of
18 safety equipment.

19 (c) An overview of the dangers of careless operation of a
20 vessel or operating overloaded vessels.

21 (d) An overview of the proper use and lifesaving benefits
22 of an engine cutoff switch for motorboats and personal
23 watercrafts.

24 (e) The importance of not operating vessels while under
25 the influence of alcoholic beverages, chemical substances, or
26 controlled substances.

27 Section 2. Paragraph (c) of subsection (1) of section
28 327.4108, Florida Statutes, is amended to read:

29 327.4108 Anchoring of vessels in anchoring limitation
30 areas.—

31 (1) The following densely populated urban areas, which
32 have narrow state waterways, residential docking facilities, and
33 significant recreational boating traffic, are designated as and
34 shall be considered to be grandfathered-in anchoring limitation
35 areas, within which a person may not anchor a vessel at any time
36 during the period between one-half hour after sunset and one-
37 half hour before sunrise, except as provided in subsections (4)
38 and (5):

39 (c) The sections of Biscayne Bay in Miami-Dade County
40 lying between or within 200 yards of the following:

41 1. Rivo Alto Island and Di Lido Island.

Amendment No.

42 2. San Marino Island and San Marco Island.

43 3. San Marco Island and Biscayne Island.

44 4. Di Lido Island and San Marino Island.

45 Section 3. Subsections (4) through (12) of section 327.54,
46 Florida Statutes, are renumbered as subsections (5) through
47 (13), respectively, subsection (2), paragraph (e) of subsection
48 (3), present subsections (7) and (8) are amended, and a new
49 subsection (4) is added to that section, to read:

50 327.54 Liveries; safety regulations; penalty.—

51 (2) A livery may not offer a vessel for lease or rent
52 without first being issued a no-cost livery permit by the
53 commission. The permit must be renewed annually. To qualify for
54 issuance or renewal of a livery permit, an applicant must
55 provide the commission with a list of all vessels offered by the
56 livery for lease or rent by another, have valid insurance
57 pursuant to subsection (8) ~~(7)~~, have an amount of United States
58 Coast Guard-approved lawful personal floatation devices on site
59 sufficient to accommodate the capacity of all vessels offered by
60 the livery for rent or lease by another, have on site all safety
61 equipment required by s. 327.50 and the Code of Federal
62 Regulations sufficient to equip all vessels offered by the
63 livery for rent or lease by another, and display the information
64 required by paragraph (3) (f). If, before the annual renewal of
65 the permit, the information required by this subsection changes,

Amendment No.

66 the livery must provide the commission with the updated
67 information within 10 days after the change.

68 (a) The commission may adopt rules to implement this
69 subsection.

70 (b) A person who violates this subsection commits a
71 misdemeanor of the first degree, punishable as provided in s.
72 775.082 or s. 775.083.

73 (3) A livery may not knowingly lease or rent a vessel to
74 any person:

75 (e) Unless the livery provides hands-on pre-rental or pre-
76 ride instruction in compliance with rules established by the
77 commission.

78 1. The instruction must include, but need not be limited
79 to:

80 a. Operational characteristics of the vessel to be rented.

81 b. Safe vessel operation and vessel right-of-way.

82 c. The responsibility of the vessel operator for the safe
83 and proper operation of the vessel.

84 d. Local characteristics of the waterway where the vessel
85 will be operated, such as navigational hazards, the presence of
86 boating-restricted areas, ~~and~~ water depths, and education on any
87 safety, regulatory, information, or navigation markers in the
88 geographic vicinity.

Amendment No.

89 e. Emergency procedures, such as appropriate responses to
90 capsizing, falls overboard, taking on water, and vessel
91 accidents.

92 f. Proper use of personal floatation devices.

93 g. A notice of the prohibition against boating under the
94 influence pursuant to s. 327.35.

95 2. Any person receiving instruction in the safe handling
96 of livery vessels pursuant to this paragraph must provide the
97 livery with a written statement attesting to each component of
98 the instruction.

99 a. The commission shall establish by rule the content of
100 the statement form.

101 b. The statement form must be signed by the individual
102 providing the instruction.

103 c. The livery shall maintain the statement form for no
104 less than 90 days and, upon request, make the form available for
105 inspection by law enforcement.

106 (4) If a renter or lessee retains a professional captain
107 who holds an active license issued by the United States Coast
108 Guard to command the vessel as required by an agreement between
109 the livery and the renter or lessee, and the livery confirms
110 that a professional captain has been retained, the renter or
111 lessee and the livery are not subject to paragraph (3)(e).

112 (8)-(7) A livery may not lease or rent or offer to lease or
113 rent any livery vessel unless the livery first:

Amendment No.

114 1. Obtains and carries in full force and effect a policy
115 from a licensed insurance carrier in this state which insures
116 the livery ~~and the renter~~ against any accident, loss, injury,
117 property damage, or other casualty caused by or resulting from
118 the operation of the livery vessel. The insurance policy must
119 provide coverage of at least \$500,000 per person and \$1 million
120 per event. The livery shall have proof of such insurance
121 available for inspection at the location where livery vessels
122 are being leased or rented, or offered for lease or rent, and
123 ~~shall~~ provide to each renter the insurance carrier's name and
124 address and the insurance policy number; and

125 2. Either:

126 a. Obtains and carries in full force and effect a policy
127 from a licensed insurance carrier in this state which insures
128 the renter in the same manner and amounts of the policy obtained
129 by the livery under subparagraph 1. and provides to each renter
130 the insurance carrier's name and address and the insurance
131 policy number; or

132 b. Presents the renter with the opportunity to purchase
133 coverage which insures the renter against any accident, loss,
134 injury, property damage, or other casualty caused by or
135 resulting from the operation of the livery vessel of at least
136 \$500,000 per person and \$1 million per event. If a renter
137 chooses not to purchase the insurance, the livery must obtain a

Amendment No.

138 signed acknowledgement from the renter which includes the
139 following statement:

140
141 I understand that I am refusing to purchase a vessel
142 rental insurance policy for coverage of at least
143 \$500,000 per person and \$1 million per event for any
144 damage or injuries caused directly or indirectly by my
145 operation of the vessel.

146
147 The rental insurance policy coverage is being offered
148 to me at the following price: [INSERT BINDABLE PRICE
149 HERE OF INSURANCE BEING DECLINED].

150
151 I understand that I may not have other insurance to
152 cover any damage or injuries caused directly or
153 indirectly by my operation of the vessel and that I
154 may be personally liable for any such damage or
155 injuries during the rental period.

156
157 This section does not apply to human-powered vessels.

158 (9)-(8) Notwithstanding the person's age or any exemptions
159 provided in s. 327.395, any person delivering instruction
160 regarding the safe operation of vessels or hands-on pre-rental
161 or pre-ride instruction in accordance with subsection (3) must
162 have successfully completed a boating safety education course

Amendment No.

163 approved by the National Association of State Boating Law
164 Administrators and this state.

165 Section 4. Subsections (2), (3), and (4) of section
166 327.731, Florida Statutes, are renumbered as subsections (3),
167 (4), and (5), respectively, subsection (1) of that section is
168 amended, and a new subsection (2) is added to that section to
169 read:

170 327.731 Mandatory education for violators.-

171 (1) A person convicted of a criminal violation under this
172 chapter, convicted of a noncriminal infraction under this
173 chapter if the infraction resulted in a reportable boating
174 accident, or convicted of a two noncriminal infraction
175 ~~infractions~~ as specified in s. 327.73(1)(h)-(k), (m), (o), (p),
176 and (s)-(y), ~~the infractions occurring within a 12-month period,~~
177 must:

178 (a) Enroll in, attend, and successfully complete, at his
179 or her own expense, a classroom or online boating safety course
180 that is approved by and meets the minimum standards established
181 by commission rule;

182 (b) File with the commission within 90 days proof of
183 successful completion of the course; and

184 (c) Refrain from operating a vessel until he or she has
185 filed proof of successful completion of the course with the
186 commission. ~~and~~

Amendment No.

187 (2)-(d) A person convicted of a criminal violation under
188 this chapter, convicted of a noncriminal infraction under this
189 chapter if the infraction resulted in a reportable boating
190 accident, or convicted of two noncriminal infractions as
191 specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y),
192 the infractions occurring within a 12-month period, must pay a
193 fine of \$500. The clerk of the court shall remit all fines
194 assessed and collected under this paragraph to the Department of
195 Revenue to be deposited into the Marine Resources Conservation
196 Trust Fund to support law enforcement activities.

197 Section 5. This act shall take effect July 1, 2023.

198
199 -----
200 **T I T L E A M E N D M E N T**

201 Remove everything before the enacting clause and insert:
202 An act relating to boating safety; amending s. 327.395,
203 F.S.; requiring the Fish and Wildlife Conservation
204 Commission to develop and publish an educational pamphlet
205 on boating safety education; providing requirements for the
206 pamphlet; amending s. 327.4108, F.S.; revising anchoring
207 limitation areas in certain sections of Biscayne Bay in
208 Miami-Dade County; amending s. 327.54, F.S.; conforming a
209 cross-reference; requiring liveries to provide hands-on
210 instruction that meets specified requirements; providing an
211 exemption from certain safety requirements if renters or

Amendment No.

212 lessees hire a professional captain; providing for a livery
213 to either obtain and carry insurance that also insures
214 renters or to offer renters the opportunity to purchase
215 specified liability coverage; requiring a livery to obtain
216 a specified acknowledgement from renters upon refusal of
217 such coverage; conforming a provision to changes made by
218 the act; amending s. 327.731, F.S.; requiring a person
219 convicted of certain noncriminal infractions to meet
220 certain requirements; providing an effective date.
221

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Infrastructure Strategies
 2 Committee

3 Representative Botana offered the following:

4
 5 **Amendment to Amendment (381661) by Representative Botana**
 6 **(with title amendment)**

7 Remove lines 27-44 of the amendment and insert:
 8 Section 2. Subsection (1) of section 327.4108, Florida
 9 Statutes, is amended to read:

10 327.4108 Anchoring of vessels in anchoring limitation
 11 areas.-

12 (1) The following densely populated urban areas, which
 13 have narrow state waterways, residential docking facilities, and
 14 significant recreational boating traffic, are designated as and
 15 shall be considered to be grandfathered-in anchoring limitation
 16 areas, within which a person may not anchor a vessel at any time

Amendment No.

17 during the period between one-half hour after sunset and one-
18 half hour before sunrise, except within residential docking
19 facilities, marinas, or existing mooring fields and as provided
20 in subsections (4) and (5):

21 (a) The section of Middle River lying between Northeast
22 21st Court and the Intracoastal Waterway in Broward County.

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

24 (c) The sections of Biscayne Bay in Miami-Dade County
25 lying between or within 200 yards of the following:

26 1. Rivo Alto Island and Di Lido Island.

27 2. San Marino Island and San Marco Island.

28 3. San Marco Island and Biscayne Island.

29 4. Di Lido Island and San Marino Island.

30 5. State Road 913 and State Road 826.

31

32

T I T L E A M E N D M E N T

33 Remove line 207 of the amendment and insert:

34 limitation areas in certain sections of Broward County and
35

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 261 Boating Safety

SPONSOR(S): Agriculture & Natural Resources Appropriations Subcommittee, Agriculture, Conservation & Resiliency Subcommittee, Botana

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 728

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture, Conservation & Resiliency Subcommittee	16 Y, 1 N, As CS	Mamontoff	Moore
2) Agriculture & Natural Resources Appropriations Subcommittee	14 Y, 0 N, As CS	Byrd	Pigott
3) Infrastructure Strategies Committee		Mamontoff	Harrington

SUMMARY ANALYSIS

The Fish and Wildlife Conservation Commission (FWC) is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources. FWC is also the agency responsible for regulating boating safety in the state. This responsibility includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public water and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.

In Florida, any person born on or after January 1, 1988, must complete a boating safety education course approved by the National Association of State Boating Law Administrators in order to operate a vessel powered by a motor of 10 horsepower or greater. Any operator required by statute to complete the boating safety education course must carry a boating education ID card and a photo ID while operating any qualifying vessel.

According to an FWC report, in 2021, 751 boating accidents, 469 injuries, and 60 fatalities were reported. In 83 percent of reportable boating accidents vessel operators had no formal boater education.

During the 2022 Regular Session, the Legislature passed CS/SB 606, which created new regulations relating to boating safety and liveries. The new regulations require liveries to provide pre-rental or pre-ride instructions and to carry a policy from a licensed insurance carrier that insures both the livery and the renter.

Effective July 1, 2028, the bill expands requirements related to operating a vessel by requiring any person born on or after January 1, 1978, operating a vessel powered by a motor of 10 horsepower or greater to have in their possession a photo ID and a boating safety ID card or temporary certificate issued by FWC, rather than only a person born on or after January 1, 1988.

The bill requires a livery to provide hands-on pre-rental and pre-ride instruction that must include education on any safety, regulatory, information, or navigation markers in the geographic vicinity; the proper use of personal floatation devices; and a notice of the prohibition against boating under the influence. The bill exempts a renter, lessee, and livery from providing hands-on pre-rental or pre-ride instruction if the renter or lessee retains a professional captain who holds an active license issued by the United States Coast Guard.

The bill removes the requirement for a livery to carry a policy that insures a renter against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the livery vessel.

The bill may have an indeterminate positive fiscal impact on state government revenue and an indeterminate negative fiscal impact on FWC.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Fish and Wildlife Conservation Commission

The Fish and Wildlife Conservation Commission (FWC), created by Article IV, section 9, of the Florida Constitution, is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources. FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Senate.¹ Pursuant to its constitutional authority, FWC exercises the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life.

FWC is also the agency responsible for regulating boating safety in the state. Through its Division of Law Enforcement, FWC manages the state's waterways to ensure boating safety for residents and visitors to the state.² This responsibility includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public water and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.³

Boating Accidents

In the event of a boating collision, accident, or other casualty, current law imposes a duty on a vessel operator involved in the incident to give notice of the accident, by the quickest means available, to one of the following agencies: FWC's Division of Law Enforcement; the sheriff of the county within which the accident occurred; or the police chief of the municipality within which the accident occurred.⁴ According to an FWC report, in 2021, 751 boating accidents, 469 injuries, and 60 fatalities were reported.⁵ Most of these boating accidents (77 percent) occurred on owner-operated vessels rather than livery vessels. In 39 percent of reportable boating accidents, the operator's age was 51 years old or older. In 27 percent of reportable accidents, the operator was between the ages of 36 and 50 years old. According to the report, 83 percent of vessel operators involved in boating accidents had no formal boater education.⁶

Boating Education

Current law requires any person born on or after January 1, 1988, to complete a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA) in order to operate a vessel powered by a motor of 10 horsepower or greater.⁷ Any operator required by statute to complete the boating safety education course must carry a boating safety ID card and a photo ID while operating any qualifying vessel.⁸

NASBLA provides the minimum standards that apply to all basic boating courses in the United States and its territories. The minimum standards are reviewed every five years with the purpose of establishing a national standard for all courses across the country. Under current NASBLA standards, courses must describe state-required equipment. Courses offered in Florida that meet NASBLA's eight-hour instruction requirement range in price from free to \$50.⁹ A boating safety education course card is

¹ Article IV, s. 9, FLA. CONST.

² Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited Feb. 23, 2023).

³ FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited Feb. 23, 2023). See s. 327.70(1) and (4), F.S.

⁴ Section 327.30(2), F.S.

⁵ FWC, *Boating Accident Statistical Report*, <https://myfwc.com/boating/safety-education/accidents/> (last visited March 7, 2023).

⁶ *Id.*

⁷ Section 327.395(1), F.S.

⁸ Section 327.395(2), F.S.

⁹ FWC, *Boating Safety Courses*, <https://myfwc.com/boating/safety-education/courses/> (last visited March 7, 2023).

valid for life unless it was obtained through a temporary examination, in which case it is valid for only 90 days.¹⁰

Regulation of Liveries

A livery vessel is a vessel that is leased, rented, or chartered to another for consideration.¹¹ A facility that rents and leases such vessels is called a livery.¹² During the 2022 Regular Session, the Legislature passed CS/SB 606 (ch. 2022-197, L.O.F.), which created new regulations relating to boating safety and liveries.

A livery is now required to carry a policy from a licensed insurance carrier that insures the livery and the renter of a livery vessel against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the vessel. Coverage for at least \$500,000 per person and \$1 million per event must be provided. Proof of insurance must be available for inspection at the location where livery vessels are being leased or rented. Previously, a livery was not required to carry a policy for the renter. Since the passage of these new regulations, there has been growing concern that most insurance companies do not offer the type of insurance policy for renters that is now legally required for liveries.¹³

Additionally, liveries are now required to provide pre-rental or pre-ride instructions to renters, which must include:¹⁴

- Operational characteristics of the vessel to be rented;
- Safe vessel operation and vessel right-of-way;
- The responsibility of the vessel operator for the safe and proper operation of the vessel;
- Local characteristics of the waterway where the vessel will be operated, such as navigational hazards, boating restricted areas, and water depths; and
- Emergency procedures, such as appropriate responses to capsizing, falling overboard, taking on water, and vessel accidents.

Any person providing the instruction must have successfully completed a boating safety education course approved by NASBLA and the state. A person who receives the instruction regarding the safe operation of vessels or pre-rental or pre-ride instruction must provide the livery with a signed form attesting to each component of the instruction.

Effect of the Bill

Effective July 1, 2028, the bill expands requirements related to operating a vessel by requiring any person born on or after January 1, 1978, operating a vessel powered by a motor of 10 horsepower or greater to have in their possession a photo ID and a boating safety ID card or temporary certificate issued by FWC, rather than any person born on or after January 1, 1988.

The bill requires a livery to provide hands-on pre-rental and pre-ride instruction. The livery's pre-rental or pre-ride instruction must include education on any safety, regulatory, information, or navigation markers in the geographic vicinity; the proper use of personal floatation devices; and a notice of the prohibition against boating under the influence.

¹⁰ Section 327.395 (5), F.S.

¹¹ Section 327.02(24), F.S.

¹² "Livery" means a person who advertises and offers a livery vessel for use by another person in exchange for any type of consideration when such person does not also provide the lessee or renter with a captain, a crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel. The owner of a vessel who does not advertise his or her vessel for use by another for consideration and who loans or offers his or her vessel for use to another known to him or her either for consideration or without consideration is not a livery. A public or private school or postsecondary institution located within this state is not a livery. Section 327.54(1)(c), F.S.

¹³ WUSF Public Media, *Three words in a new law threaten Florida's rental boat industry*, <https://wusfnews.wusf.usf.edu/economy-business/2022-12-20/three-words-new-law-threaten-florida-rental-boat-industry> (Dec. 20, 2022).

¹⁴ Section 327.54(3)(e), F.S.

The bill exempts a renter, lessee, and livery from providing hands-on pre-rental or pre-ride instruction if the renter or lessee retains a professional captain who holds an active license issued by the United States Coast Guard to command the vessel.

The bill removes the requirement for a livery to carry an insurance policy that insures a renter against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the livery vessel.

B. SECTION DIRECTORY:

Section 1. Amends s. 327.395, F.S., relating to boating safety.

Section 2. Amends s. 327.54, F.S., relating to liveries.

Section 3. Provides an effective date of July 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill may have an indeterminate positive fiscal impact on FWC related to the increase in the number of boating safety identification cards being issued.

2. Expenditures:

The bill may have an indeterminate negative fiscal impact on FWC related to an increase in workload.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have an indeterminate positive fiscal impact on companies that teach boating safety education courses due to the increased number of individuals who will need a boating safety ID.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 9, 2023, the Agriculture, Conservation & Resiliency Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Expanded requirements related to operating a vessel by requiring any person born after January 1, 1960, operating a vessel powered by a motor of 10 horsepower or greater to have in their possession a photo ID and a boating safety ID card or temporary certificate issued by FWC;
- Required a livery to provide hands-on pre-rental and pre-ride instruction;
- Required a livery's pre-rental or pre-ride instruction to include education on any safety, regulatory, information, or navigation markers in the geographic vicinity; proper use of personal floatation devices; and a notice of the prohibition against boating under the influence; and
- Exempted the renter, lessee, and livery from providing hands-on pre-rental or pre-ride instruction if the renter or lessee retains a professional captain who holds an active license issued by the United States Coast Guard to command the vessel.

On March 22, 2023, the Agriculture & Natural Resources Appropriations Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Changed the requirements related to operating a vessel, effective July 1, 2028, by requiring any person born after January 1, 1978, operating a vessel powered by a motor of 10 horsepower or greater to have in their possession a photo ID and a boating safety ID card or temporary certificate issued by FWC.

This analysis is drafted to the committee substitute adopted by the Agriculture & Natural Resources Appropriations Subcommittee.

327.73 Noncriminal infractions.—

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

- (a) Section [328.46](#), relating to operation of unregistered and unnumbered vessels.
- (b) Section [328.48](#)(4), relating to display of number and possession of registration certificate.
- (c) Section [328.48](#)(5), relating to display of decal.
- (d) Section [328.52](#)(2), relating to display of number.
- (e) Section [328.54](#), relating to spacing of digits and letters of identification number.
- (f) Section [328.60](#), relating to military personnel and registration of vessels.
- (g) Section [328.72](#)(13), relating to operation with an expired registration, for which the penalty is:

- 1. For a first or subsequent offense of s. [328.72](#)(13)(a), up to a maximum of \$100.
- 2. For a first offense of s. [328.72](#)(13)(b), up to a maximum of \$250.
- 3. For a second or subsequent offense of s. [328.72](#)(13)(b), up to a maximum of \$500. Any person

cited for a noncriminal infraction under this subparagraph may not have the provisions of paragraph (4)(a) available to him or her but must appear before the designated official at the time and location of the scheduled hearing.

(h) Section [327.33](#)(2), relating to careless operation.

(i) Section [327.37](#), relating to water skiing, aquaplaning, parasailing, and similar activities.

(j) Section [327.44](#), relating to interference with navigation.

(k) Violations relating to boating-restricted areas and speed limits:

- 1. Established by the commission or by local governmental authorities pursuant to s. [327.46](#).
- 2. Speed limits established pursuant to s. [379.2431](#)(2).

(l) Section [327.48](#), relating to regattas and races.

(m) Section [327.50](#)(1) and (2), relating to required safety equipment, lights, and shapes.

(n) Section [327.65](#), relating to muffling devices.

(o) Section [327.33](#)(3)(b), relating to a violation of navigation rules:

- 1. That does not result in an accident; or
- 2. That results in an accident not causing serious bodily injury or death, for which the penalty is:
 - a. For a first offense, up to a maximum of \$500.
 - b. For a second offense, up to a maximum of \$1,000.
 - c. For a third or subsequent offense, up to a maximum of \$1,500.

(p) Section [327.39](#)(1), (2), (3), and (5), relating to personal watercraft.

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

(r) Section [327.53](#)(4), (5), and (7), relating to marine sanitation, and s. [327.60](#), relating to no-discharge zones, for which the civil penalty is \$250.

(s) Section [327.395](#), relating to boater safety education. However, a person cited for violating the requirements of s. [327.395](#) relating to failure to have required proof of boating safety education in his

or her possession may not be convicted if, before or at the time of a county court hearing, the person produces proof of the boating safety education identification card or temporary certificate for verification by the hearing officer or the court clerk and the identification card or temporary certificate was valid at the time the person was cited.

(t) Section [327.52\(3\)](#), relating to operation of overloaded or overpowered vessels.

(u) Section [327.331](#), relating to divers-down warning devices, except for violations meeting the requirements of s. [327.33](#).

(v) Section [327.391\(1\)](#), relating to the requirement for an adequate muffler on an airboat.

(w) Section [327.391\(3\)](#), relating to the display of a flag on an airboat.

(x) Section [253.04\(3\)\(a\)](#), relating to carelessly causing seagrass scarring, for which the civil penalty upon conviction is:

1. For a first offense, \$100.

2. For a second offense occurring within 12 months after a prior conviction, \$250.

3. For a third offense occurring within 36 months after a prior conviction, \$500.

4. For a fourth or subsequent offense occurring within 72 months after a prior conviction, \$1,000.

(y) Section [327.45](#), relating to protection zones for springs, for which the penalty is:

1. For a first offense, \$100.

2. For a second offense occurring within 12 months after a prior conviction, \$250.

3. For a third offense occurring within 36 months after a prior conviction, \$500.

4. For a fourth or subsequent offense occurring within 72 months after a prior conviction, \$1,000.

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

1. For a first offense, up to a maximum of \$100.

2. For a second offense, up to a maximum of \$250.

3. For a third or subsequent offense, up to a maximum of \$500.

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

1. For a first offense, \$100.

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

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

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

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

(bb) Section [327.4109](#), relating to anchoring or mooring in a prohibited area, for which the penalty is:

1. For a first offense, up to a maximum of \$100.
2. For a second offense, up to a maximum of \$250.
3. For a third or subsequent offense, up to a maximum of \$500.

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

1. For a first offense, \$100.
2. For a second offense occurring within 12 months after a prior offense, \$250.
3. For a third offense occurring within 36 months after a prior offense, \$500.

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

(ee) Section [328.03](#), relating to an improper transfer of title, for which the penalty is up to a maximum of \$500.

(ff) Section [328.48](#)(9), relating to the failure to update vessel registration information, for which the penalty is up to a maximum of \$500.

Any person cited for a violation of this subsection shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$100, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation, in addition to the charge relating to the violation of the boating laws of this state, must be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#). A written warning to this effect shall be provided at the time such uniform boating citation is issued.

- (2) Any person cited for an infraction under this section may:
- (a) Post a bond, which shall be equal in amount to the applicable civil penalty; or
 - (b) Sign and accept a citation indicating a promise to appear.

The officer may indicate on the citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty.

(3) Any person who willfully refuses to post a bond or accept and sign a summons is guilty of a misdemeanor of the second degree.

(4) Any person charged with a noncriminal infraction under this section may:

(a) Pay the civil penalty, either by mail or in person, within 30 days of the date of receiving the citation; or,

(b) If he or she has posted bond, forfeit bond by not appearing at the designated time and location.

If the person cited follows either of the above procedures, he or she shall be deemed to have admitted the noncriminal infraction and to have waived the right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings. If a person who is cited for a violation of s. [327.395](#) can show a boating safety identification card issued to that person and valid at the time of the citation, the clerk of the court may dismiss the case and may assess a dismissal fee of up to \$10, from which the clerk shall remit \$2.50 to the Department of Revenue for deposit into the General Revenue Fund. If a person who is cited for a violation of s. [328.72](#)(13) can show proof of having a registration for that vessel which was valid at the time of the citation, the clerk may dismiss the case and may assess the dismissal fee, from which the clerk shall remit \$2.50 to the Department of Revenue for deposit into the General Revenue Fund.

(5) Any person electing to appear before the county court or who is required so to appear shall be deemed to have waived the limitations on the civil penalty specified in subsection (1). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the court may impose a civil penalty not to exceed \$500 or a higher amount as specified in subsection (1).

(6) At a hearing under this chapter the commission of a charged infraction must be proved beyond a reasonable doubt.

(7) If a person is found by the hearing official to have committed an infraction, he or she may appeal that finding to the circuit court.

(8) All fees and civil penalties assessed and collected pursuant to this section shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund for boating safety education or law enforcement purposes.

(9)(a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified in this section within the 30-day period provided for in s. [327.72](#) must pay an additional court cost of up to \$20, which shall be used by the clerks of the courts to defray the costs of tracking unpaid uniform boating citations, from which the clerk shall remit \$2 to the Department of Revenue for deposit into the General Revenue Fund.

(b) Any person who fails to comply with the court's requirements as to civil penalties specified in this section due to demonstrated financial hardship shall be authorized to satisfy such civil penalties by public works or community service. Each hour of such service shall be applied, at the rate of the

minimum wage, toward payment of the person's civil penalties; provided, however, that if the person has a trade or profession for which there is a community service need and application, the rate for each hour of such service shall be the average standard wage for such trade or profession. Any person who fails to comply with the court's requirements as to such civil penalties who does not demonstrate financial hardship may also, at the discretion of the court, be authorized to satisfy such civil penalties by public works or community service in the same manner.

(c) If the noncriminal infraction has caused or resulted in the death of another, the court may require the person who committed the infraction to perform 120 community service hours in addition to any other penalties.

(10) Any person cited for any noncriminal infraction which results in an accident that causes the death of another, or which results in an accident that causes "serious bodily injury" of another as defined in s. [327.353](#)(1), shall not have the provisions of subsection (4) available to him or her but must appear before the designated official at the time and location of the scheduled hearing.

(11)(a) Court costs that are to be in addition to the stated civil penalty shall be imposed by the court in an amount not less than the following:

1. For swimming or diving infractions, \$4, from which the clerk shall remit \$1 to the Department of Revenue for deposit into the General Revenue Fund.

2. For nonmoving boating infractions, \$18, from which the clerk shall remit \$12 to the Department of Revenue for deposit into the General Revenue Fund.

3. For boating infractions listed in s. [327.731](#)(1), \$35, from which the clerk shall remit \$25 to the Department of Revenue for deposit into the General Revenue Fund.

(b) In addition to the court cost assessed under paragraph (a), the court shall impose a \$3 court cost for each noncriminal infraction, to be distributed as provided in s. [938.01](#), and a \$2 court cost as provided in s. [938.15](#) when assessed by a municipality or county.

Court costs imposed under this subsection may not exceed \$45. A criminal justice selection center or both local criminal justice access and assessment centers may be funded from these court costs.

History.—s. 3, ch. 86-35; s. 7, ch. 87-392; s. 6, ch. 88-133; s. 4, ch. 88-144; s. 5, ch. 89-136; s. 32, ch. 91-221; s. 2, ch. 93-83; s. 2, ch. 93-254; s. 7, ch. 94-241; s. 955, ch. 95-148; s. 3, ch. 96-187; s. 60, ch. 96-413; s. 3, ch. 97-16; s. 2, ch. 99-162; s. 31, ch. 99-289; s. 48, ch. 2000-152; ss. 22, 23, ch. 2000-362; s. 13, ch. 2001-122; s. 3, ch. 2002-46; s. 13, ch. 2003-143; s. 103, ch. 2003-402; s. 6, ch. 2004-74; s. 65, ch. 2004-265; s. 4, ch. 2006-172; s. 36, ch. 2008-111; s. 196, ch. 2008-247; s. 18, ch. 2009-86; s. 63, ch. 2010-5; s. 20, ch. 2011-4; s. 4, ch. 2011-152; s. 3, ch. 2014-138; s. 3, ch. 2016-96; s. 3, ch. 2016-108; s. 3, ch. 2016-171; s. 2, ch. 2016-233; s. 11, ch. 2017-163; s. 4, ch. 2019-54; s. 21, ch. 2019-58; s. 23, ch. 2021-184; s. 2, ch. 2021-192; s. 20, ch. 2022-142; s. 6, ch. 2022-197.

By Senator Rouson

16-00479B-23

20231602__

1 A bill to be entitled
2 An act relating to storage of firearms in private
3 conveyances and vessels; amending s. 790.25, F.S.;
4 prohibiting the storage of firearms in unoccupied
5 private conveyances and vessels unless done in a
6 specified manner; providing definitions; requiring
7 local law enforcement agencies to engage in a certain
8 promotional campaign; providing a finding of important
9 state interest; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Subsection (5) of section 790.25, Florida
14 Statutes, is amended to read:

15 790.25 Lawful ownership, possession, and use of firearms
16 and other weapons.—

17 (5) POSSESSION IN PRIVATE CONVEYANCE.—

18 (a) Except as provided in paragraph (b), notwithstanding
19 subsection (2), it is lawful and is not a violation of s. 790.01
20 for a person 18 years of age or older to possess a concealed
21 firearm or other weapon for self-defense or other lawful purpose
22 within the interior of a private conveyance, without a license,
23 if the firearm or other weapon is securely encased or is
24 otherwise not readily accessible for immediate use. Nothing in
25 this paragraph ~~herein contained~~ prohibits the carrying of a
26 legal firearm other than a handgun anywhere in a private
27 conveyance when such firearm is being carried for a lawful use.
28 Nothing in this paragraph ~~herein contained~~ shall be construed to
29 authorize the carrying of a concealed firearm or other weapon on

16-00479B-23

20231602__

30 the person. This paragraph ~~subsection~~ shall be liberally
31 construed in favor of the lawful use, ownership, and possession
32 of firearms and other weapons, including lawful self-defense as
33 provided in s. 776.012.

34 (b)1. A person may not store a firearm, loaded or unloaded,
35 in an unoccupied, unsecured private conveyance or vessel unless
36 the firearm is kept from ordinary observation and view and
37 locked within a trunk, utility or glove box, or another locked
38 container or secured with a device or mechanism that is securely
39 affixed to the private conveyance or vessel.

40 2. As used in subparagraph 1., the term:

41 a. "Private conveyance" includes any motor vehicle as
42 defined in s. 790.251(2) (b) other than a public conveyance.

43 b. "Unsecured" means a private conveyance interior or
44 vessel interior that is unlocked or otherwise left open to
45 entry.

46 c. "Vessel" has the same meaning as provided in s. 327.02.

47 3. Each law enforcement agency shall engage in a
48 promotional campaign to educate the public and gun owners of the
49 requirements of subparagraph 1. and that with gun ownership
50 comes responsibility.

51 Section 2. It is the intent of the Legislature to provide
52 for the most efficient and effective deterrent to juvenile theft
53 of firearms from vessels and conveyances, tailored to local
54 conditions and resources. Therefore, the Legislature determines
55 and declares that the provisions of this act fulfill an
56 important state interest.

57 Section 3. This act shall take effect July 1, 2023.

1 A bill to be entitled
 2 An act relating to storage of firearms in private
 3 conveyances and vessels; amending s. 790.25, F.S.;
 4 prohibiting the storage of a firearms in unoccupied
 5 private conveyances and vessels unless done so in a
 6 specified manner; providing definitions; requiring
 7 local law enforcement agencies to engage in a
 8 promotional campaign; providing legislative findings;
 9 directing counties to adopt specified ordinances
 10 concerning parental responsibility for gun thefts from
 11 conveyances and vessels by their minor children;
 12 providing a finding of important state interest;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Subsection (5) of section 790.25, Florida
 18 Statutes, is amended to read:

19 790.25 Lawful ownership, possession, and use of firearms
 20 and other weapons.—

21 (5) POSSESSION IN PRIVATE CONVEYANCE.—

22 (a) Except as provided in paragraph (b), notwithstanding
 23 subsection (2), it is lawful and is not a violation of s. 790.01
 24 for a person 18 years of age or older to possess a concealed
 25 firearm or other weapon for self-defense or other lawful purpose

26 | within the interior of a private conveyance, without a license,
 27 | if the firearm or other weapon is securely encased or is
 28 | otherwise not readily accessible for immediate use. Nothing in
 29 | this paragraph ~~herein contained~~ prohibits the carrying of a
 30 | legal firearm other than a handgun anywhere in a private
 31 | conveyance when such firearm is being carried for a lawful use.
 32 | Nothing in this paragraph ~~herein contained~~ shall be construed to
 33 | authorize the carrying of a concealed firearm or other weapon on
 34 | the person. This paragraph ~~subsection~~ shall be liberally
 35 | construed in favor of the lawful use, ownership, and possession
 36 | of firearms and other weapons, including lawful self-defense as
 37 | provided in s. 776.012.

38 | (b)1. A person may not store a firearm, loaded or
 39 | unloaded, in an unoccupied, unsecured private conveyance or
 40 | vessel unless the firearm is kept from ordinary observation and
 41 | view and locked within a trunk, utility or glove box, or another
 42 | locked container or secured with a device or mechanism that is
 43 | securely affixed to the private conveyance or vessel.

44 | 2. As used in subparagraph 1., the term:

45 | a. "Private conveyance" includes any "motor vehicle" as
 46 | defined in s. 790.251(2)(b) other than a public conveyance.

47 | b. "Unsecured" means a private conveyance interior or
 48 | vessel interior that is unlocked or otherwise left open to
 49 | entry.

50 | c. "Vessel" has the same meaning as provided in s. 327.02.

51 3. Each law enforcement agency shall engage in a
52 promotional campaign to educate the public and gun owners of the
53 requirements of subparagraph 1. and that with gun ownership
54 comes responsibility as prescribed in the local ordinance
55 adopted under subparagraph 4.

56 4. The Legislature finds that it is the responsibility of
57 parents to supervise their children under 18 years of age.
58 Therefore, a parent of a child under 18 years of age who has
59 been found to have stolen a firearm from a conveyance or vessel
60 is subject to sanctions. Each county shall, no later than
61 January 1, 2024, adopt a local ordinance containing such
62 sanctions for parents of such minor offenders and direct local
63 law enforcement agencies to engage in a promotional campaign to
64 educate the public and gun owners in the county of their
65 responsibilities under the ordinance.

66 Section 2. It is the intent of the Legislature to provide
67 for the most efficient and effective deterrent to juvenile theft
68 of firearms from vessels and conveyances, tailored to local
69 conditions and resources. Therefore, the Legislature determines
70 and declares that the provisions of this act fulfill an
71 important state interest.

72 Section 3. This act shall take effect July 1, 2023.

By Senator Rodriguez

40-01732D-23

20231502__

1 A bill to be entitled
 2 An act relating to vessel owner and operation
 3 requirements; amending s. 327.4108, F.S.; revising
 4 anchoring limitation areas in certain sections of
 5 Biscayne Bay in Miami-Dade County; revising the
 6 timeframe during which a person may anchor a vessel in
 7 an anchoring limitation area within which such
 8 anchoring would otherwise be unlawful; amending s.
 9 327.70, F.S.; requiring law enforcement officers to
 10 conduct national criminal background checks for vessel
 11 owners who are issued citations for specified
 12 violations; providing an effective date.

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

15
 16 Section 1. Subsection (1) and paragraph (c) of subsection
 17 (4) of section 327.4108, Florida Statutes, are amended to read:
 18 327.4108 Anchoring of vessels in anchoring limitation
 19 areas.—

20 (1) The following densely populated urban areas, which have
 21 narrow state waterways, residential docking facilities, and
 22 significant recreational boating traffic, are designated as and
 23 shall be considered to be grandfathered-in anchoring limitation
 24 areas, within which, except as provided in subsections (4) and
 25 (5), a person may not anchor a vessel at any time during the
 26 period between one-half hour after sunset and one-half hour
 27 before sunrise and, at any other time, for more than 4 hours in
 28 a single day ~~except as provided in subsections (4) and (5):~~

29 (a) The section of Middle River lying between Northeast

40-01732D-23

20231502__

30 21st Court and the Intracoastal Waterway in Broward County.

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

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

34 1. Rivo Alto Island and Di Lido Island.

35 2. Di Lido Island and San Marino Island.

36 3.2- San Marino Island and San Marco Island.

37 4.3- San Marco Island and Biscayne Island.

38 5. Star Island and MacArthur Causeway.

39 6. Palm Island and MacArthur Causeway.

40 7. Hibiscus Island and Palm Island.

41 8. Julia Tuttle Causeway and Kennedy Causeway.

42 9. The Sunset Islands.

43 10. Belle Isle and Rivo Alto Island.

44

45 For the purposes of this paragraph, the term "lying between"
46 includes, without limitation, all of the area 200 yards to the
47 west from the western shore of the Sunset Islands and Di Lido
48 Island, all of the area 200 yards to the north from the northern
49 shore of the Sunset Islands, and all of the area 200 yards to
50 the east from the eastern shore of Di Lido Island.

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

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

40-01732D-23

20231502__

59 is less.

60 Section 2. Present subsection (5) of section 327.70,
61 Florida Statutes, is redesignated as subsection (6), and a new
62 subsection (5) is added to that section, to read:

63 327.70 Enforcement of this chapter and chapter 328.—

64 (5) When a law enforcement officer issues a citation to a
65 vessel owner for a violation of this chapter, the law
66 enforcement officer must conduct a national criminal background
67 check on the vessel owner.

68 Section 3. This act shall take effect July 1, 2023.

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 Environment and Natural Resources

BILL: SB 1502

INTRODUCER: Senator Rodriguez

SUBJECT: Vessel Owner and Operation Requirements

DATE: March 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Pre-meeting
2.			AEG	
3.			FP	

I. Summary:

SB 1502 prohibits a person from anchoring a vessel in certain listed anchoring limitation areas for more than four hours per day. This is an expansion of current law, which limits anchoring in these areas between one-half hour before sunrise and one-half hour after sunset. The bill adds sections of Biscayne Bay in Miami-Dade County to the list of anchoring limitation areas.

The list of anchoring limitation areas are described as areas lying between certain islands or landmarks and the bill defines “lying between” as including all of the area 200 yards to the west from the western shore of the Sunset Islands and Di Lido Island, all of the area 200 yards to the north from the northern shore of the Sunset Islands, and all of the area 200 yards to the east from the eastern shore of Di Lido Island.

The bill deletes language that currently allows anchoring in an anchoring limitation area during special events (not including regattas, tournaments, or marine parades or exhibitions) that include public music performances, local government waterfront activities, or fireworks displays.

The bill requires a law enforcement officer who issues a citation to a vessel owner for a violation of vessel safety laws to conduct a national criminal background check on the vessel owner.

II. Present Situation:

Fish and Wildlife Conservation Commission

The Florida Fish and Wildlife Conservation Commission (FWC) is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate.¹ The Division of Law Enforcement Boating and Waterways Section of FWC oversees and coordinates statewide regulatory waterway markers to ensure compliance with uniform markers and state boating and resource protection zones for the benefit of all waterway users and fish and wildlife resources in the state.² The Boating and Waterways Section takes public input and provides notice of proposed local boating-restricted areas.³

FWC's boating laws are enforced by the Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.⁴ The Division of Law Enforcement manages the state's waterways to ensure boating safety for residents of and visitors to the state.⁵ This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.⁶

Anchoring or Mooring

Anchoring or mooring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration. Anchoring is accomplished using an anchor carried on the vessel.⁷ Mooring is accomplished through the use of moorings permanently affixed to the bottom of the waterbody. Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not. Mooring fields are areas designated and used for a system of properly spaced moorings.⁸

¹ FLA. CONST. art. IV, s. 9; *see also* s. 379.102(1), F.S.

² FWC, *Waterway Management*, <https://myfwc.com/boating/waterway/> (last visited Mar. 13, 2023).

³ *Id.*

⁴ Section 327.70(1), F.S.; *see* s. 943.10(1), F.S., which 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.

⁵ Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited Mar. 13, 2023).

⁶ FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited Mar. 13, 2023). *See* s. 327.70(1) and (4), F.S.

⁷ Section 327.02, F.S., defines the term "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.

⁸ Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida*, 2 (Rev. May 2012), available at <https://repository.library.noaa.gov/view/noaa/36907>.

Anchoring Limitation Areas

State law designates certain densely populated urban areas as anchoring limitation areas.⁹ These areas usually have narrow state waterways, residential docking facilities, and significant recreational boating traffic. The listed anchoring limitation areas are:

- The section of Middle River lying between Northeast 21st Court and the Intracoastal Waterway in Broward County;
- Sunset Lake in Miami-Dade County; and
- 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.¹⁰

Exceptions to anchoring prohibitions in an anchoring limitation area include the following:

- When a vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors;
- If imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors; and
- During a regatta, tournament, or marine parade or exhibition or other special events, including, but not limited to, public music performances, local government waterfront activities, or fireworks displays.¹¹

Vessels exempt from anchoring prohibitions in an anchoring limitation area include the following:

- Vessels owned or operated by a government entity for law enforcement, firefighting, military, or rescue purposes;
- Construction or dredging vessels on an active job site;
- Vessels actively engaged in commercial fishing; and
- Vessels engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.¹²

Law enforcement officers or agencies may remove and impound, for up to 48 hours, vessels from anchoring limitation areas when a vessel operator who was previously issued a citation:

- Continues to anchor the vessel in an anchoring limitation area within 12 hours of being issued a citation; or
- Refuses to leave the anchoring limitation area after being directed to do so by a law enforcement officer or agency.¹³

In addition to the civil penalty imposed by a citation, a vessel operator whose vessel has been impounded must pay all of the applicable removal and storage fees before the vessel is released.¹⁴

⁹ Section 327.4108(1), F.S.

¹⁰ *Id.* Counties may create more anchoring limitation areas under certain circumstances. Section 327.4108(2), F.S.

¹¹ Section 327.4108 (4), F.S.

¹² Section 327.4108(5), F.S.

¹³ Section 327.4108(6), F.S.

¹⁴ *Id.*

An owner or operator of a vessel who anchors in an anchoring limitation area commits a noncriminal infraction and is subject to a uniform boating citation and penalties. The civil penalty provided is up to a maximum of:

- \$100 for a first offense;
- \$250 for a second offense; and
- \$500 for a third or subsequent offense.¹⁵

Section 327.73(1) F.S., provides that any person who fails to appear or otherwise properly respond to a uniform boating citation must, in addition to the charge relating to the violation of the boating laws, be charged with a second degree misdemeanor, which is punishable by a maximum fine of \$500 and no more than a 60-day imprisonment.¹⁶

National Criminal Background Check

The Florida Department of Law Enforcement makes state and national criminal history information available to governmental agencies for licensing and employment.¹⁷ A State of Florida criminal history record check may currently be ordered online for a fee paid at the time of request.¹⁸

Biscayne Bay

Biscayne Bay is a 428-square mile estuary extending nearly the entire length of Miami-Dade County.¹⁹ The Bay is home to over 500 species of fish and other marine organisms, and its extensive areas of seagrasses are an important food source for the Florida manatee and as nursery areas for many ecologically and commercially important estuarine species like shrimps, crabs, lobster, and sponges.²⁰ Miami-Dade County is one of Florida's most populous counties, with approximately 2.7 million residents.²¹ The county sees millions of visitors each year.²²

¹⁵ Section 327.73(1)(z), F.S.

¹⁶ Sections 775.082 and 775.083, F.S.

¹⁷ Florida Department of Law Enforcement (FDLE), *State and National Criminal History Record Check*, <https://www.fdle.state.fl.us/Criminal-History-Records/National-Checks> (last visited Mar. 13, 2023).

¹⁸ FDLE, *State of Florida Criminal History Record Check*, <https://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks.aspx> (last visited Mar. 20, 2023).

¹⁹ Miami-Dade County, *About Biscayne Bay*, https://www.miamidade.gov/global/economy/environment/about-biscayne-bay_page (last visited Mar. 12, 2023).

²⁰ U.S. Army Corps of Engineers, *Biscayne Bay Coastal Wetlands Project*, <https://www.saj.usace.army.mil/BBCW/> (last visited Mar. 12, 2023).

²¹ Florida Department of Environmental Protection, *Biscayne Bay Aquatic Preserves*, <https://floridadep.gov/rcp/aquatic-preserve/BiscayneBayAquaticPreserves> (last visited Mar. 12, 2023).

²² Miami-Dade County, *About Biscayne Bay*.



III. Effect of Proposed Changes:

Section 1 amends s. 327.4108, F.S., to prohibit a person from anchoring a vessel in certain listed anchoring limitation areas for more than four hours per day. This is an expansion of current law, which limits anchoring in these areas between one-half hour before sunrise and one-half hour after sunset.

The bill adds sections of Biscayne Bay in Miami-Dade County to the listed anchoring limitation areas that lie between:

- Di Lido Island and San Marino Island,
- Star Island and MacArthur Causeway,

- Palm Island and MacArthur Causeway,
- Hibiscus Island and Palm Island,
- Julia Tuttle Causeway and Kennedy Causeway,
- The Sunset Islands, and
- Belle Isle and Rivo Alto Island.

The bill defines “lying between” as including, without limitation, all of the area 200 yards to the west from the western shore of the Sunset Islands and Di Lido Island, all of the area 200 yards to the north from the northern shore of the Sunset Islands, and all of the area 200 yards to the east from the eastern shore of Di Lido Island.

The bill removes language allowing anchoring in an anchoring limitation area during special events (not including regattas, tournaments, or marine parades or exhibitions) that include public music performances, local government waterfront activities, or fireworks displays.

The bill makes technical changes.

Section 2 amends s. 327.70, F.S., to require a law enforcement officer who issues a citation to a vessel owner for a violation of ch. 327, F.S., concerning vessel safety, to conduct a national criminal background check on the vessel owner.

Section 3 provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Art. III, s. 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” relates to or operates upon a particular person, thing, or part of the state; it does not apply with geographic uniformity across the state and bears no reasonable

relationship to differences in population or other legitimate criteria.²³ On the other hand, a general law of local application relates to a class of persons or things or subdivisions of the state, based upon distinctions or differences that are inherent or particular to the class or location. The Legislature is granted wide discretion in making such classifications.²⁴ If a particular condition exists in only a portion of the state, enactments that reference the limited geographic area may be general laws.²⁵ “[I]f a law utilizes a classification that is geographical in its terms but the purpose of the statute is one of statewide importance and impact, and the classification is reasonably related to the law’s purpose, it is a valid general law.”²⁶

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

According to the Florida Fish and Wildlife Conservation Commission (FWC), law enforcement officers may conduct criminal background checks on vessel owners who have been issued a citation, however a national criminal background check is more in-depth than what officers typically conduct. FWC has suggested removing “national” from the requirement in Section 2 of the bill.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 327.4108 and 327.70 of the Florida Statutes.

²³ See *State ex rel. Landis v. Harris*, 163 So. 237, 240 (Fla. 1934); and *Lawnwood Medical Center, Inc. v. Seeger*, 990 So.2d 503 (Fla. 2008).

²⁴ *Shelton v. Reeder*, 121 So. 2d 145, 151 (Fla. 1960). *But see also* FLA. CONST. Art. X, s. 11s.

²⁵ *Schrader v. Florida Keys Aqueduct Authority*, 840 So.2d 1050, 1055 (Fla. 2003).

²⁶ *Id.* at 1056.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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

A bill to be entitled
 An act relating to vessel owner and operation requirements; amending s. 327.4108, F.S.; revising anchoring limitation areas in certain sections of Biscayne Bay in Miami-Dade County; revising the timeframe during which a person may anchor a vessel in an anchoring limitation area within which such anchoring would otherwise be unlawful; amending s. 327.70, F.S.; requiring law enforcement officers to conduct national criminal background checks for vessel owners who are issued citations for specified violations; providing an effective date.

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

Section 1. Subsection (1) and paragraph (c) of subsection (4) of section 327.4108, Florida Statutes, are amended to read:
 327.4108 Anchoring of vessels in anchoring limitation areas.—

(1) The following densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic, are designated as and shall be considered to be grandfathered-in anchoring limitation areas, within which, except as provided in subsections (4) and (5), a person may not anchor a vessel at any time during the

26 | period between one-half hour after sunset and one-half hour
 27 | before sunrise and, at any other time, for more than 4 hours in
 28 | a single day ~~except as provided in subsections (4) and (5):~~

29 | (a) The section of Middle River lying between Northeast
 30 | 21st Court and the Intracoastal Waterway in Broward County.

31 | (b) Sunset Lake in Miami-Dade County.

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

- 34 | 1. Rivo Alto Island and Di Lido Island.
- 35 | 2. Di Lido Island and San Marino Island.
- 36 | ~~3.2.~~ San Marino Island and San Marco Island.
- 37 | ~~4.3.~~ San Marco Island and Biscayne Island.
- 38 | 5. Star Island and MacArthur Causeway.
- 39 | 6. Palm Island and MacArthur Causeway.
- 40 | 7. Hibiscus Island and Palm Island.
- 41 | 8. Julia Tuttle Causeway and Kennedy Causeway.
- 42 | 9. The Sunset Islands.
- 43 | 10. Belle Isle and Rivo Alto Island.

44 |

45 | For the purposes of this paragraph, the term "lying between"
 46 | includes, without limitation, all of the area 200 yards to the
 47 | west from the western shore of the Sunset Islands and Di Lido
 48 | Island, all of the area 200 yards to the north from the northern
 49 | shore of the Sunset Islands, and all of the area 200 yards to
 50 | the east from the eastern shore of Di Lido Island.

HB 1385

2023

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

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

60 Section 2. Present subsection (5) of section 327.70,
61 Florida Statutes, is redesignated as subsection (6), and a new
62 subsection (5) is added to that section, to read:

63 327.70 Enforcement of this chapter and chapter 328.—

64 (5) When a law enforcement officer issues a citation to a
65 vessel owner for a violation of this chapter, the law
66 enforcement officer must conduct a national criminal background
67 check on the vessel owner.

68 Section 3. This act shall take effect July 1, 2023.

By Senator Wright

8-01353-23

20231314__

1 A bill to be entitled
2 An act relating to boating-restricted areas; amending
3 s. 327.46, F.S.; authorizing counties and
4 municipalities to establish within certain portions of
5 the Florida Intracoastal Waterway slow speed, minimum
6 wake boating-restricted areas within a specified
7 distance from private or public marina pumpouts;
8 reenacting s. 327.41(2), F.S., relating to uniform
9 waterway regulatory markers, to incorporate the
10 amendment made to s. 327.46, F.S., in a reference
11 thereto; providing an effective date.

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

14
15 Section 1. Paragraph (b) of subsection (1) of section
16 327.46, Florida Statutes, is amended to read:

17 327.46 Boating-restricted areas.—

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

26 (b) Municipalities and counties may establish the following
27 boating-restricted areas by ordinance, including,
28 notwithstanding the prohibition in s. 327.60(2)(c), within the
29 portion of the Florida Intracoastal Waterway within their

8-01353-23

20231314__

30 jurisdiction:

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

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

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

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

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

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

50 b. Within 300 feet of any bridge span presenting a vertical
51 clearance of less than 25 feet or a horizontal clearance of less
52 than 100 feet.

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

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

58 e. Within the boundaries of a permitted public mooring

8-01353-23

20231314__

59 field and a buffer around the mooring field of up to 100 feet.

60 f. Within 500 feet of any private or public marina pumpout.

61 3. An ordinance establishing a vessel-exclusion zone if the
62 area is:

63 a. Designated as a public bathing beach or swim area,
64 except that such areas may not be created on waters that include
65 any portion of the Florida Intracoastal Waterway or that are
66 within 100 feet of the marked channel of the Florida
67 Intracoastal Waterway.

68 b. Within 300 feet of a dam, spillway, or flood control
69 structure.

70
71 Vessel exclusion zones created pursuant to this subparagraph
72 must be marked with uniform waterway markers permitted by the
73 commission in accordance with this chapter. Such zones may not
74 be marked by ropes.

75 Section 2. For the purpose of incorporating the amendment
76 made by this act to section 327.46, Florida Statutes, in a
77 reference thereto, subsection (2) of section 327.41, Florida
78 Statutes, is reenacted to read:

79 327.41 Uniform waterway regulatory markers.—

80 (2) Any county or municipality which has been granted a
81 boating-restricted area designation, by rule of the commission
82 pursuant to s. 327.46(1)(a), for a portion of the Florida
83 Intracoastal Waterway within its jurisdiction or which has
84 adopted a boating-restricted area by ordinance pursuant to s.
85 327.46(1)(b) or (c) or s. 379.2431(2)(p), or any other
86 governmental entity which has legally established a boating-
87 restricted area, may apply to the commission for permission to

8-01353-23

20231314__

88 place regulatory markers within the boating-restricted area.

89 Section 3. This act shall take effect July 1, 2023.

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 Environment and Natural Resources

BILL: SB 1314

INTRODUCER: Senator Wright

SUBJECT: Boating-restricted Areas

DATE: March 17, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Favorable
2.			CA	
3.			RC	

I. Summary:

SB 1314 allows local governments to establish by ordinance no wake boating-restricted areas within 500 feet of any private or public marina pumpout.

II. Present Situation:

Boating-Restricted Areas

Boating-restricted areas, which may restrict the speed and operation of vessels, may be established on the waters of the state for any purpose necessary to protect the safety of the public, taking into account boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards, as well as seagrass protection on privately-owned submerged lands.¹

Local governments have the authority to establish certain boating-restricted areas by ordinance, including within the portion of the Florida Intracoastal Waterway within their jurisdiction.²

These areas include:

- Idle-speed, no wake boating-restricted areas, if the area is:
 - Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width;
 - Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width;
 - Within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width; or

¹ Section 327.46(1), F.S.

² Section 327.46(1), F.S. Apart from this authorization, local governments are generally prohibited from regulating any vessel upon the Florida Intracoastal Waterway. Section 327.60(2)(c), F.S.

- Inside or within 300 feet of any lock structure;
- Slow speed, minimum wake boating-restricted areas if the area is:
 - Within 300 feet of any bridge fender system;
 - Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet;
 - On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline or shoreline;
 - On a lake or pond of less than 10 acres in total surface area; or
 - Within the boundaries of a permitted public mooring field and a buffer around the mooring field of up to 100 feet; and
- Vessel-exclusion zones if the area is:
 - Designated as a public bathing beach or swim area, except that such areas may not be created on waters that include any portion of the Florida Intracoastal Waterway or that are within 100 feet of the marked channel of the Florida Intracoastal Waterway; or
 - Within 300 feet of a dam, spillway, or flood control structure.³

Local governments also have the authority to establish by ordinance the following other boating-restricted areas:

- An idle speed, no wake boating-restricted area, if the area is within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway;
- A slow speed, minimum wake, or numerical speed limit boating-restricted area if the area is:
 - Within 300 feet of a confluence of waterbodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway;
 - Subject to unsafe levels of vessel traffic congestion;
 - Subject to hazardous water levels or currents, or containing other navigational hazards; or
 - An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a significant risk of collision or a significant threat to boating safety; and
- A vessel-exclusion zone if the area is reserved exclusively:
 - As a canoe trail or otherwise limited to vessels under oars or under sail; or
 - For a particular activity and user group separation must be imposed to protect the safety of the participants.⁴

Florida Intracoastal Waterway

The Florida Intracoastal Waterway consists of the following waterways: the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway, Stuart to Fort Myers; the St. Johns River, Jacksonville to Sanford; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; Carrabelle to Anclote open bay section, using the Gulf of

³ *Id.*

⁴ *Id.*

Mexico; the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and the Apalachicola, Chattahoochee, and Flint rivers in Florida.⁵ The map below shows the Florida Intracoastal Waterway.⁶



Marina Pumpout

Florida law prohibits the discharge of raw sewage from any vessel or any floating structure in Florida waters.⁷ An operator of any vessel which is plumbed so that a toilet may be flushed into the water or so that a holding tank may be emptied into the water must take certain measures to prevent direct discharge of sewage while the vessel is on waters of the state.⁸ All waste from

⁵ Section 327.02(15), F.S.

⁶ Florida Department of Transportation, *Florida Waterways System Plan*, Figure 1-2 on p. 1-12 (2015), available at https://www.fdot.gov/docs/default-source/seaport/pdfs/2015-Florida-Waterways-System-Plan_Final.pdf (last visited Mar. 15, 2023).

⁷ Section 327.53(4), F.S.

⁸ *Id.*

Type III marine sanitation devices⁹ must be disposed of in an approved sewage pump-out facility.¹⁰ A violation of the marine sanitation laws is a noncriminal infraction.¹¹

III. Effect of Proposed Changes:

Section 1 amends s. 327.46, F.S., adds areas within 500 feet of any private or public marina pumpout to the list of slow speed, minimum wake boating-restricted areas that municipalities and counties may establish by ordinance, including within the portion of the Florida Intracoastal Waterway within their jurisdiction.

Section 2 reenacts s. 327.41(2), F.S., for the purpose of incorporating the amendment made by this bill to the law governing boating restricted areas in a reference thereto.

Section 3 provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁹ Type III marine sanitation devices are typically a holding tank where sewage is stored until it can be discharged shore-side or at sea (beyond three miles from shore). U.S. Environmental Protection Agency, *Marine Sanitation Devices (MSDs)*, <https://www.epa.gov/vessels-marinas-and-ports/marine-sanitation-devices-msds> (last visited Mar. 15, 2023).

¹⁰ Section 327.53(4), F.S.

¹¹ Section 327.53(6)(a), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 327.46 of the Florida Statutes.

This bill reenacts section 327.41(2) of the Florida Statutes.

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

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

None.

B. Amendments:

None.

HB 1103

2023

1 A bill to be entitled
2 An act relating to boating-restricted areas; amending
3 s. 327.46, F.S.; authorizing counties and
4 municipalities to establish within certain portions of
5 the Florida Intracoastal Waterway slow speed, minimum
6 wake boating-restricted areas within a specified
7 distance from private or public marina pumpouts;
8 reenacting s. 327.41(2), F.S., relating to uniform
9 waterway regulatory markers, to incorporate the
10 amendment made to s. 327.46, F.S., in a reference
11 thereto; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:
14

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

17 327.46 Boating-restricted areas.—

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

26 (b) Municipalities and counties may establish the
 27 following boating-restricted areas by ordinance, including,
 28 notwithstanding the prohibition in s. 327.60(2)(c), within the
 29 portion of the Florida Intracoastal Waterway within their
 30 jurisdiction:

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

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

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

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

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

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

50 b. Within 300 feet of any bridge span presenting a

51 vertical clearance of less than 25 feet or a horizontal
 52 clearance of less than 100 feet.

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

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

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

60 f. Within 500 feet of any private or public marina
 61 pumpout.

62 3. An ordinance establishing a vessel-exclusion zone if
 63 the area is:

64 a. Designated as a public bathing beach or swim area,
 65 except that such areas may not be created on waters that include
 66 any portion of the Florida Intracoastal Waterway or that are
 67 within 100 feet of the marked channel of the Florida
 68 Intracoastal Waterway.

69 b. Within 300 feet of a dam, spillway, or flood control
 70 structure.

71
 72 Vessel exclusion zones created pursuant to this subparagraph
 73 must be marked with uniform waterway markers permitted by the
 74 commission in accordance with this chapter. Such zones may not
 75 be marked by ropes.

HB 1103

2023

76 Section 2. For the purpose of incorporating the amendment
77 made by this act to section 327.46, Florida Statutes, in a
78 reference thereto, subsection (2) of section 327.41, Florida
79 Statutes, is reenacted to read:

80 327.41 Uniform waterway regulatory markers.—

81 (2) Any county or municipality which has been granted a
82 boating-restricted area designation, by rule of the commission
83 pursuant to s. 327.46(1)(a), for a portion of the Florida
84 Intracoastal Waterway within its jurisdiction or which has
85 adopted a boating-restricted area by ordinance pursuant to s.
86 327.46(1)(b) or (c) or s. 379.2431(2)(p), or any other
87 governmental entity which has legally established a boating-
88 restricted area, may apply to the commission for permission to
89 place regulatory markers within the boating-restricted area.

90 Section 3. This act shall take effect July 1, 2023.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1103 Boating-restricted Areas
SPONSOR(S): Tramont
TIED BILLS: **IDEN./SIM. BILLS:** SB 1314

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture, Conservation & Resiliency Subcommittee	16 Y, 0 N	Mamontoff	Moore
2) Local Administration, Federal Affairs & Special Districts Subcommittee			
3) Infrastructure Strategies Committee			

SUMMARY ANALYSIS

The Fish and Wildlife Conservation Commission (FWC), created by Article IV, section 9, of the Florida Constitution, is the agency responsible for regulating boating in the state. This responsibility includes enforcing boating rules and regulations, and managing public water and access to the waters.

Boating-restricted areas, which restrict vessel speeds and traffic, may be established on the waters of the state for any purpose necessary to protect the safety of the public, taking into account boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards, as well as seagrass protection on privately-owned submerged lands.

The bill allows a municipality or county to adopt an ordinance that establishes a slow speed, minimum wake boating-restricted area, if the area is within 500 feet of any private or public marina pumpout.

The bill does not appear to have a fiscal impact on state or local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Fish and Wildlife Conservation Commission

The Fish and Wildlife Conservation Commission (FWC), created by Article IV, section 9, of the Florida Constitution, is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources. FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Senate.¹ Pursuant to its constitutional authority, FWC exercises the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life.

FWC is also the agency responsible for regulating boating in the state. Through its Division of Law Enforcement, FWC manages the state's waterways to ensure boating safety for residents and visitors to the state.² This responsibility includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public water and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.³

Boating Restricted Areas

Boating-restricted areas, which restrict vessel speeds and traffic, may be established on the waters of the state for any purpose necessary to protect the safety of the public, taking into account boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards, as well as seagrass protection on privately-owned submerged lands.⁴

Local governments are generally prohibited from regulating any vessel upon the Florida Intercoastal Waterway.⁵ However, local governments have been delegated authority to establish certain boating-restricted areas by ordinance, including in the portion of the Florida Intercoastal Waterway that is within their jurisdiction.⁶

A municipality or county may adopt an ordinance that establishes an idle speed, no wake boating-restricted area, if the area is:

- Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width or within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width.
- Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width or within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width.

¹ Article IV, s. 9, FLA. CONST.

² Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited March 22, 2023).

³ FWC, Law Enforcement, <https://myfwc.com/about/inside-fwc/le/> (last visited Feb. 23, 2023). See s. 327.70(1) and (4), F.S.

⁴ Section 327.46(1), F.S.

⁵ Section 327.60(2)(c), F.S.; "Florida Intracoastal Waterway" means the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway, Stuart to Fort Myers; the St. Johns River, Jacksonville to Sanford; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; Carrabelle to Anclote open bay section, using the Gulf of Mexico; the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and the Apalachicola, Chattahoochee, and Flint Rivers in Florida. Section 327.02(15), F.S.

⁶ Section 327.46(1), F.S.

- Inside or within 300 feet of any lock structure.⁷

A municipality or county may adopt an ordinance that establishes a slow speed, minimum wake boating-restricted area, if the area is:

- Within 300 feet of any bridge fender system.
- Within 300 feet of any bridge span presenting vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.
- On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to shoreline.
- On a lake or pond of less than 10 acres in total surface area.
- Within the boundaries of a permitted public mooring field and a buffer around the mooring field of up to 100 feet.⁸

A municipality or county may adopt an ordinance that establishes a vessel-exclusion zone if the area is:

- Designated as a public bathing beach or swim area, except that such areas may not be created on waters that include any portion of the Florida Intracoastal Waterway or that are within 100 feet of the marked channel of the Florida Intracoastal Waterway.
- Within 300 feet of a dam, spillway, or flood control structure.⁹

It is unlawful for any person to operate a vessel in a prohibited manner or to carry on any prohibited activity within a boating-restricted area which has been clearly marked by regulatory markers as an authorized restricted area.¹⁰ These restrictions do not apply in the case of an emergency or to a law enforcement, firefighting, or rescue vessel owned or operated by a government entity.¹¹

Effect of the Bill

The bill allows a municipality or county to adopt an ordinance that establishes a slow speed, minimum wake boating-restricted area if the area is within 500 feet of any private or public marina pumpout.

B. SECTION DIRECTORY:

Section 1. Amends s. 327.46, F.S., relating to boating-restricted areas.

Section 2. Reenacts s. 327.41, F.S., relating to uniform waterway regulatory markers.

Section 3. Provides an effective date of July 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

⁷ Section 327.46(1)(b)1., F.S.

⁸ Section 327.36 (1)(b)2., F.S.

⁹ Section 327.46(1)(b)3., F.S.

¹⁰ Section 327.46(3), F.S.

¹¹ Section 327.46(4), F.S.

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.

By Senator DiCeglie

18-00374-23

20231082__

1 A bill to be entitled
2 An act relating to floating vessel platforms; amending
3 s. 403.813, F.S.; removing a provision authorizing
4 local governments to require permitting for certain
5 floating vessel platforms; revising conditions under
6 which local governments may require one-time
7 registrations of floating vessel platforms; making
8 technical changes; providing an effective date.

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

11
12 Section 1. Paragraph (s) of subsection (1) of section
13 403.813, Florida Statutes, is amended to read:

14 403.813 Permits issued at district centers; exceptions.—

15 (1) A permit is not required under this chapter, chapter
16 373, chapter 61-691, Laws of Florida, or chapter 25214 or
17 chapter 25270, 1949, Laws of Florida, and a local government may
18 not require a person claiming this exception to provide further
19 department verification, for activities associated with the
20 following types of projects; however, except as otherwise
21 provided in this subsection, this subsection does not relieve an
22 applicant from any requirement to obtain permission to use or
23 occupy lands owned by the Board of Trustees of the Internal
24 Improvement Trust Fund or a water management district in its
25 governmental or proprietary capacity or from complying with
26 applicable local pollution control programs authorized under
27 this chapter or other requirements of county and municipal
28 governments:

29 (s) The construction, installation, operation, or

18-00374-23

20231082__

30 maintenance of floating vessel platforms or floating boat
31 lifts., ~~provided that such structures:~~

32 1. To qualify for an exemption under this paragraph, the
33 structure must:

34 a. Float at all times in the water for the sole purpose of
35 supporting a vessel so that the vessel is out of the water when
36 not in use;

37 ~~b.2. Be~~ Are wholly contained within a boat slip previously
38 permitted under ss. 403.91-403.929, 1984 Supplement to the
39 Florida Statutes 1983, as amended, or part IV of chapter 373, or
40 ~~do~~ not exceed a combined total of 500 square feet, or 200 square
41 feet in an Outstanding Florida Water, when associated with a
42 dock that is exempt under this subsection or associated with a
43 permitted dock with no defined boat slip or attached to a
44 bulkhead on a parcel of land where there is no other docking
45 structure;

46 ~~c.3. Not be~~ Are not used for any commercial purpose or for
47 mooring vessels that remain in the water when not in use, and ~~do~~
48 not substantially impede the flow of water, create a
49 navigational hazard, or unreasonably infringe upon the riparian
50 rights of adjacent property owners, as defined in s. 253.141;

51 ~~d.4. Be~~ Are constructed and used so as to minimize adverse
52 impacts to submerged lands, wetlands, shellfish areas, aquatic
53 plant and animal species, and other biological communities,
54 including locating such structures in areas where seagrasses are
55 least dense adjacent to the dock or bulkhead; and

56 ~~e.5. Are~~ Not be constructed in areas specifically
57 prohibited for boat mooring under conditions of a permit issued
58 in accordance with ss. 403.91-403.929, 1984 Supplement to the

18-00374-23

20231082__

59 Florida Statutes 1983, as amended, or part IV of chapter 373, or
60 other form of authorization issued by a local government.

61 2. The owner of a structure ~~Structures~~ that qualifies
62 ~~qualify~~ for an ~~this~~ exemption under this paragraph is not
63 required ~~are relieved from any requirement~~ to obtain permission
64 to use or occupy lands owned by the Board of Trustees of the
65 Internal Improvement Trust Fund, and, with the exception of
66 those structures attached to a bulkhead on a parcel of land
67 where there is no docking structure, the structure may not be
68 subject to any more stringent permitting requirements,
69 registration requirements, or other regulation by any local
70 government. For a floating vessel platform to be attached to a
71 bulkhead on a parcel of land where there is no docking
72 structure, a local government ~~governments~~ may require the
73 platform owner to obtain a permit ~~either permitting~~ or one-time
74 registration of the floating vessel platform ~~platforms to be~~
75 ~~attached to a bulkhead on a parcel of land where there is no~~
76 ~~other docking structure~~ as necessary to ensure compliance with
77 local ordinances, codes, or regulations. A local government
78 ~~governments~~ may require only a ~~either permitting~~ or one-time
79 registration of all other floating vessel platforms where the
80 platform owner self-certifies ~~as necessary to ensure~~ compliance
81 with the exemption criteria in this section, to ensure
82 compliance with ~~local~~ ordinances, codes, state-delegated or
83 state-mandated plans or programs, or regulations relating to
84 building or zoning, which may not be applied more stringently
85 ~~are no more stringent than,~~ or inconsistent with, the exemption
86 criteria in this section and ~~or~~ address subjects other than
87 subjects addressed by the exemption criteria in this section;

18-00374-23

20231082__

88 and to ensure proper installation, maintenance, and
89 precautionary or evacuation action following a tropical storm or
90 hurricane watch of a floating vessel platform or floating boat
91 lift that is proposed to be attached to a bulkhead or parcel of
92 land where there is no other docking structure.

93 3. The exemption provided in this paragraph ~~is shall be~~ in
94 addition to the exemption provided in paragraph (b). The
95 department shall adopt a general permit by rule for the
96 construction, installation, operation, or maintenance of those
97 floating vessel platforms or floating boat lifts that do not
98 qualify for the exemption provided in this paragraph but do not
99 cause significant adverse impacts to occur individually or
100 cumulatively. The issuance of such general permit constitutes
101 ~~shall also constitute~~ permission to use or occupy lands owned by
102 the Board of Trustees of the Internal Improvement Trust Fund. A
103 local government ~~governments~~ may not impose a more stringent
104 regulation, permitting requirement, registration requirement, or
105 other regulation covered by such general permit. A local
106 government ~~governments~~ may require a structure owner to obtain
107 either a permit ~~permitting~~ or one-time registration of floating
108 vessel platforms as necessary to ensure compliance with the
109 general permit in this section; to ensure compliance with local
110 ordinances, codes, or regulations relating to building or zoning
111 that are no more stringent than the general permit in this
112 section; and to ensure proper installation and maintenance of a
113 floating vessel platform or floating boat lift that is proposed
114 to be attached to a bulkhead or parcel of land where there is no
115 other docking structure.

116 Section 2. This act shall take effect July 1, 2023.

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 Community Affairs

BILL: SB 1082

INTRODUCER: Senator DiCeglie

SUBJECT: Floating Vessel Platforms

DATE: March 27, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	Favorable
2.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1082 removes the provision within s. 403.813, F.S., that authorizes a local government to require a permit for certain floating vessel platforms (*i.e.*, those not attached to a bulkhead).

The bill provides that a local government may only require a one-time registration of such platforms where the platform owner self-certifies compliance with the exemption criteria. Local governments may require this self-certification to ensure, among other things, compliance with ordinances, codes, state-delegated or state mandated plans or programs, or regulations relating to building or zoning, which may not be applied more stringently than, or inconsistent with, the exemption criteria and address subjects other than subjects addressed by the exemption criteria.

II. Present Situation:

Environmental Resource Permitting

The Department of Environmental Protection's (DEP) Environmental Resource Permitting (ERP) program regulates activities involving the alteration of surface water flows.¹ The ERP program governs the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and works (including docks, piers, structures, dredging, and filling located in, on, or over wetlands or other surface waters).²

For a number of low impact activities and projects that are narrow in scope, an ERP permit is not required under state law.³ Engaging in these activities and projects requires compliance with

¹ Chapter 373, p. IV, F.S.; Fla. Admin. Code Ch. 62-330.

² Fla. Admin. Code R. 62-330.010(1)-(3). The responsibilities for implementing the statewide ERP program are partially delegated by DEP to the water management districts and certain local governments.

³ Section 403.813, F.S.

applicable local requirements, but generally requires no notice to DEP.⁴ A broad array of activities are expressly exempted from the ERP program, including, but are not limited to: the installation of overhead transmission lines; installation and maintenance of boat ramps; work on seawalls and mooring pilings, swales, and foot bridges; the removal of aquatic plants; construction and operation of floating vessel platforms; and work on county roads and bridges.⁵ Although permitting is not required for these activities, there may be a requirement to obtain permission to use or occupy lands owned by the Board of Trustees or a water management district in its governmental or proprietary capacity.⁶

Permits for Floating Vessel Platforms or Floating Boat Lifts

Generally, an ERP permit is required to construct, alter, operate, maintain, or remove floating vessel platforms or floating boat lifts.⁷ Local governments may require either permitting or one-time registration of floating vessel platforms to be attached to a bulkhead on a parcel of land where there is no other docking structure as necessary to ensure compliance with local ordinances, codes, or regulations.⁸ Local governments may also require permitting or one-time registration of all other floating vessel platforms (*i.e.*, those not attached to a bulkhead) as necessary to ensure compliance with the exemption criteria under s. 403.813, F.S., and to ensure compliance with local ordinances, codes, or regulations relating to building or zoning, which are no more stringent than the exemption criteria under s. 403.813, F.S., or address subjects other than subjects addressed by the exemption criteria in this statute.⁹

However, a permit is *not* required for the construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts, provided that such structures:¹⁰

- Float at all times in the water for the sole purpose of supporting a vessel so that the vessel is out of the water when not in use;
- Are wholly contained within a boat slip previously permitted under state law, or do not exceed a combined total of 500 square feet, or 200 square feet in an Outstanding Florida Water, when associated with a dock that is exempt under this subsection or associated with a permitted dock with no defined boat slip or attached to a bulkhead on a parcel of land where there is no other docking structure;
- Are not used for any commercial purpose or for mooring vessels that remain in the water when not in use, and do not substantially impede the flow of water, create a navigational hazard, or unreasonably infringe upon the riparian rights of adjacent property owners, as defined in state law;
- Are constructed and used so as to minimize adverse impacts to submerged lands, wetlands, shellfish areas, aquatic plant and animal species, and other biological communities, including locating such structures in areas where seagrasses are least dense adjacent to the dock or bulkhead; and

⁴ Fla. Admin. Code Rules 62-330.050(1) and 62-330.051(2).

⁵ Section 403.813(1), F.S.; Fla. Admin. Code R. 62-330.051.

⁶ Section 403.813(1), F.S.; *but see* s. 403.813(1)(s), F.S. (specifically relieving qualifying floating structures from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees).

⁷ Fla. Admin. Code R. 62-330.428.

⁸ Section 403.813(1)(s), F.S.

⁹ *Id.*

¹⁰ Section 403.813(1)(s), F.S.

- Are not constructed in areas specifically prohibited for boat mooring under conditions of a permit issued in accordance with state law, or other form of authorization issued by a local government.¹¹

III. Effect of Proposed Changes:

Section 1 amends s. 403.813, F.S., which provides exemptions to Environmental Resource Permitting (ERP) requirements. The bill removes the provision that authorizes a local government to require a permit for certain floating vessel platforms (*i.e.*, those not attached to a bulkhead). The bill provides that a local government may only require a one-time registration of such platforms where the platform owner self-certifies compliance with the exemption criteria established under this section. Local governments may require this self-certification to ensure, among other things, compliance with ordinances, codes, state-delegated or state mandated plans or programs, or regulations relating to building or zoning, which may not be applied more stringently than, or inconsistent with, the exemption criteria and address subjects other than subjects addressed by the exemption criteria.

Section 2 provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹¹ Section 403.813(1)(s)1.-5., F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.813 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

1 A bill to be entitled
 2 An act relating to floating vessel platforms and
 3 floating boat lifts; amending s. 403.813, F.S.;
 4 removing a provision authorizing local governments to
 5 require permitting for certain floating vessel
 6 platforms; revising conditions under which local
 7 governments may require one-time registrations of
 8 floating vessel platforms; making technical changes;
 9 providing an effective date.

10

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

12

13 Section 1. Paragraph (s) of subsection (1) of section
 14 403.813, Florida Statutes, is amended to read:

15 403.813 Permits issued at district centers; exceptions.—

16 (1) A permit is not required under this chapter, chapter
 17 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 18 chapter 25270, 1949, Laws of Florida, and a local government may
 19 not require a person claiming this exception to provide further
 20 department verification, for activities associated with the
 21 following types of projects; however, except as otherwise
 22 provided in this subsection, this subsection does not relieve an
 23 applicant from any requirement to obtain permission to use or
 24 occupy lands owned by the Board of Trustees of the Internal
 25 Improvement Trust Fund or a water management district in its

26 governmental or proprietary capacity or from complying with
 27 applicable local pollution control programs authorized under
 28 this chapter or other requirements of county and municipal
 29 governments:

30 (s) The construction, installation, operation, or
 31 maintenance of floating vessel platforms or floating boat
 32 lifts, ~~provided that such structures:~~

33 1. To qualify for an exemption under this paragraph, the
 34 structure must:

35 a. Float at all times in the water for the sole purpose of
 36 supporting a vessel so that the vessel is out of the water when
 37 not in use;

38 ~~b.2.~~ Be ~~Are~~ wholly contained within a boat slip previously
 39 permitted under ss. 403.91-403.929, 1984 Supplement to the
 40 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 41 ~~do~~ not exceed a combined total of 500 square feet, or 200 square
 42 feet in an Outstanding Florida Water, when associated with a
 43 dock that is exempt under this subsection or associated with a
 44 permitted dock with no defined boat slip or attached to a
 45 bulkhead on a parcel of land where there is no other docking
 46 structure;

47 ~~c.3.~~ Not be ~~Are not~~ used for any commercial purpose or for
 48 mooring vessels that remain in the water when not in use, and ~~do~~
 49 not substantially impede the flow of water, create a
 50 navigational hazard, or unreasonably infringe upon the riparian

51 | rights of adjacent property owners, as defined in s. 253.141;
 52 | ~~d.4.~~ Be ~~Are~~ constructed and used so as to minimize adverse
 53 | impacts to submerged lands, wetlands, shellfish areas, aquatic
 54 | plant and animal species, and other biological communities,
 55 | including locating such structures in areas where seagrasses are
 56 | least dense adjacent to the dock or bulkhead; and
 57 | ~~e.5.~~ Are Not be constructed in areas specifically
 58 | prohibited for boat mooring under conditions of a permit issued
 59 | in accordance with ss. 403.91-403.929, 1984 Supplement to the
 60 | Florida Statutes 1983, as amended, or part IV of chapter 373, or
 61 | other form of authorization issued by a local government.
 62 | 2. The owner of a structure ~~Structures~~ that qualifies
 63 | ~~qualify~~ for an ~~this~~ exemption under this paragraph is not
 64 | required ~~are relieved from any requirement~~ to obtain permission
 65 | to use or occupy lands owned by the Board of Trustees of the
 66 | Internal Improvement Trust Fund, and, with the exception of
 67 | those structures attached to a bulkhead on a parcel of land
 68 | where there is no docking structure, the structure may not be
 69 | subject to any more stringent permitting requirements,
 70 | registration requirements, or other regulation by any local
 71 | government. For a floating vessel platform to be attached to a
 72 | bulkhead on a parcel of land where there is no docking
 73 | structure, a local government ~~governments~~ may require the
 74 | platform owner to obtain a permit ~~either permitting~~ or one-time
 75 | registration of the floating vessel platform ~~platforms to be~~

76 | ~~attached to a bulkhead on a parcel of land where there is no~~
 77 | ~~other docking structure~~ as necessary to ensure compliance with
 78 | local ordinances, codes, or regulations. A local government
 79 | ~~governments~~ may require only a ~~either permitting or~~ one-time
 80 | registration of all other floating vessel platforms where the
 81 | platform owner self-certifies ~~as necessary to ensure~~ compliance
 82 | with the exemption criteria in this section; to ensure
 83 | compliance with ~~local~~ ordinances, codes, state-delegated or
 84 | state-mandated plans or programs, or regulations relating to
 85 | building or zoning, which may not be applied more stringently
 86 | ~~are no more stringent than,~~ or inconsistent with, the exemption
 87 | criteria in this section and ~~or~~ address subjects other than
 88 | subjects addressed by the exemption criteria in this section;
 89 | and to ensure proper installation, maintenance, and
 90 | precautionary or evacuation action following a tropical storm or
 91 | hurricane watch of a floating vessel platform or floating boat
 92 | lift that is proposed to be attached to a bulkhead or parcel of
 93 | land where there is no other docking structure.

94 | 3. The exemption provided in this paragraph ~~is shall be~~ in
 95 | addition to the exemption provided in paragraph (b). The
 96 | department shall adopt a general permit by rule for the
 97 | construction, installation, operation, or maintenance of those
 98 | floating vessel platforms or floating boat lifts that do not
 99 | qualify for the exemption provided in this paragraph but do not
 100 | cause significant adverse impacts to occur individually or

CS/HB 847

2023

101 cumulatively. The issuance of such general permit constitutes
102 ~~shall also constitute~~ permission to use or occupy lands owned by
103 the Board of Trustees of the Internal Improvement Trust Fund. A
104 local government ~~governments~~ may not impose a more stringent
105 regulation, permitting requirement, registration requirement, or
106 other regulation covered by such general permit. A local
107 government ~~governments~~ may require a structure owner to obtain
108 either a permit ~~permitting~~ or one-time registration of floating
109 vessel platforms as necessary to ensure compliance with the
110 general permit in this section; to ensure compliance with local
111 ordinances, codes, or regulations relating to building or zoning
112 that are no more stringent than the general permit in this
113 section; and to ensure proper installation and maintenance of a
114 floating vessel platform or floating boat lift that is proposed
115 to be attached to a bulkhead or parcel of land where there is no
116 other docking structure.

117 Section 2. This act shall take effect July 1, 2023.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 847 Floating Vessel Platforms and Floating Boat Lifts

SPONSOR(S): Water Quality, Supply & Treatment Subcommittee, Stark

TIED BILLS: IDEN./SIM. **BILLS:** SB 1082

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Water Quality, Supply & Treatment Subcommittee	17 Y, 0 N, As CS	Gawin	Curtin
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) Infrastructure Strategies Committee			

SUMMARY ANALYSIS

The Department of Environmental Protection (DEP) regulates activities in, on, or over surface waters, as well as any activity that alters surface water flows, through environmental resource permits (ERPs). ERPs are required for development or construction activities typically involving the dredging or filling of surface waters, construction of flood protection facilities, building dams or reservoirs, and any other activities that affect state waters. Current law provides exceptions from ERP permitting for certain types of projects. Generally, these permit exceptions restrict how the project is undertaken, provide size and location requirements, or provide for maintenance, repair, or replacement of existing structures. An exemption currently exists for the construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts that meet certain requirements.

The bill revises the ERP permitting exemption for floating vessel platforms and floating boat lifts to specify local governments may only require a one-time registration for a floating vessel platform where the owner of such platform self-certifies compliance with the ERP exemption criteria to ensure compliance with ordinances, codes, state-delegated or state-mandated plans or programs, which may not be applied more stringently than, or inconsistent with, the ERP exemption criteria for certain floating vessel platforms.

The bill does not appear to have a fiscal impact on state or local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Environmental Resource Permits

The Department of Environmental Protection (DEP) regulates activities in, on, or over surface waters, as well as any activity that alters surface water flows, through environmental resource permits (ERPs). ERPs are required for development or construction activities typically involving the dredging or filling of surface waters, construction of flood protection facilities, building dams or reservoirs, and any other activities that affect state waters.¹ ERP applications are processed by either DEP or one of the state's water management districts (WMDs) in accordance with the division of responsibilities specified in operating agreements between DEP and the WMDs.²

ERP Exceptions

Current law provides exceptions from ERP³ permitting for certain types of projects.⁴ Generally, these permit exceptions restrict how the project is undertaken, provide size and location requirements, or provide for maintenance, repair, or replacement of existing structures.⁵ For example, state law provides exceptions from ERP permitting for the installation of overhead transmission lines with support structures that are not constructed in waters of the state and that do not create a navigational hazard; the installation and maintenance of certain boat ramps on artificial bodies of water where navigational access is provided; and the construction of private docks of 1,000 square feet or less of over-water surface area and seawalls in artificially created waterways when such construction will not violate existing water quality standards, impede navigation, or affect flood control.⁶ These exceptions do not relieve an applicant from obtaining permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund (Board) or a WMD or from complying with local pollution control programs or other requirements of local governments.⁷

ERP Exceptions for Docks

Included among the projects that are exempt from ERP permitting requirements is the installation and repair of mooring pilings and dolphins associated with private docking facilities or piers; the installation of private docks, piers, and recreational docking facilities; or the installation of piers and recreational docking facilities of local governmental entities when the entity's activities will not take place in any manatee habitat.⁸ This exemption applies when the dock:

- Has 500 square feet or less of over-water surface area and is located in an area designated as an Outstanding Florida Water or has 1,000 square feet or less of over-water surface area and is not located in an area that is designated as an Outstanding Florida Water;
- Is constructed on or held in place by pilings or is a floating dock constructed so as not to involve filling or dredging other than that necessary to install the pilings;
- Does not substantially impede the flow of water or create a navigational hazard;
- Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and

¹ South Florida Water Management District, *Environmental Resource Permits*, <https://www.sfwmd.gov/doing-business-with-us/permits/environmental-resource-permits> (last visited Mar. 1, 2023).

² DEP, *Submerged Lands and Environmental Resources Coordination Program*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination> (last visited Mar. 1, 2023).

³ See chs. 373 and 403, F.S.

⁴ S. 403.813(1), F.S.

⁵ See s. 403.813(1)(a)-(v), F.S., see also r. 62-330.051, F.A.C.

⁶ *Id.*

⁷ S. 403.813(1), F.S.

⁸ S. 403.813(1)(b), F.S.

- Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case one exempt dock may be allowed per parcel or lot.⁹

ERP Exceptions for Floating Structures

Additionally, there is an ERP permit exemption for the construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts, provided that such structures:

- Float at all times in the water for the sole purpose of supporting a vessel so that the vessel is out of the water when not in use;
- Are wholly contained within a previously permitted boat slip or do not exceed a combined total of 500 square feet, or 200 square feet in an Outstanding Florida Water, when associated with a dock that is exempt from ERP permitting or associated with a permitted dock with no defined boat slip or attached to a bulkhead on a parcel of land where there is no other docking structure;
- Are not used for any commercial purpose or for mooring vessels that remain in the water when not in use, and do not substantially impede the flow of water, create a navigational hazard, or unreasonably infringe upon the riparian rights of adjacent property owners;
- Are constructed and used so as to minimize the adverse impacts to submerged lands, wetlands, shellfish areas, aquatic plant and animal species, and other biological communities, including locating such structures in areas where seagrasses are least dense adjacent to the dock or bulkhead; and
- Are not constructed in areas specifically prohibited for boat mooring under conditions of an ERP permit or other form of authorization issued by a local government.¹⁰

Structures that qualify for this exemption are not required to obtain permission to use or occupy lands owned by the Board, and, with certain exceptions, may not be subject to any more stringent permitting requirements, registration requirements, or other regulation by any local government.¹¹ Local governments may require either permitting or one-time registration of floating vessel platforms.¹²

Effect of the Bill

The bill revises the ERP permitting exemption for floating vessel platforms and floating boat lifts to specify local governments may only require a one-time registration for a floating vessel platform where the owner of such platform self-certifies compliance with the ERP exemption criteria to ensure compliance with ordinances, codes, state-delegated or state-mandated plans or programs, which may not be applied more stringently than, or inconsistent with, the ERP exemption criteria for certain floating vessel platforms.

B. SECTION DIRECTORY:

Section 1. Amends s. 403.813, F.S., to specify floating vessel platform ERP exemption criteria.

Section 2. Provides an effective date of July 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

⁹ *Id.*

¹⁰ S. 403.813(1)(s), F.S.; Rule 62-330.428, F.A.C.

¹¹ *Id.*

¹² S. 403.813(1)(s), F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 22, 2023, the Water Quality, Supply & Treatment Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS specified local governments may only require the registration of certain floating vessel platforms where the owner of such platform self-certifies they are following the ERP exemption criteria and other regulations.

This analysis is drafted to the committee substitute as approved by the Water Quality, Supply & Treatment Subcommittee.

By Senator Gruters

22-00188-23

20231640__

1 A bill to be entitled
2 An act relating to the installation of waterway
3 markers; amending s. 327.40, F.S.; revising the
4 application requirements for marking certain waters of
5 this state; requiring all waterway markers to be
6 affixed to certain structures or buoys beginning on a
7 specified date; requiring state and local governmental
8 entities to conform to such requirements by a
9 specified date; making technical changes; reenacting
10 ss. 327.4108(2)(a) and 403.813(1)(k), F.S., relating
11 to the anchoring of vessels in anchoring limitation
12 areas and to permits issued at district centers,
13 respectively, to incorporate the amendments made to s.
14 327.40, F.S., in references thereto; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 327.40, Florida Statutes, is amended to
20 read:

21 327.40 Uniform waterway markers; installation
22 requirements.—

23 (1) Waters of this state shall be marked only in conformity
24 with the United States Aids to Navigation System, 33 C.F.R. part
25 62.

26 (2)(a) Application for marking inland lakes and state
27 waters and any navigable waters under concurrent jurisdiction of
28 the Coast Guard and the division must ~~shall~~ be made to the
29 division, accompanied by a map locating the approximate

22-00188-23

20231640__

30 placement of markers, a list of the markers to be placed, a
31 statement of the specification of the markers and the structure
32 or buoy to which the markers will be attached, a statement of
33 the purpose of marking, and the names of persons responsible for
34 the placement and upkeep of such markers and structures. The
35 division shall do all of the following:

36 1. will Assist the applicant to secure the proper
37 permission from the Coast Guard where required, make such
38 investigations as needed, and issue a permit.

39 2. The division shall Furnish the applicant with the
40 information concerning the system adopted and the rules existing
41 for placing and maintaining the markers.

42 3. The division shall Keep records of all approvals given
43 and counsel with individuals, counties, municipalities,
44 motorboat clubs, or other groups desiring to mark waterways for
45 safety and navigation purposes in Florida.

46 (b)1. A ~~No~~ person or municipality, county, or other
47 governmental entity may not shall place any uniform waterway
48 marker in, on, or over the waters or shores of this ~~the~~ state
49 without a permit from the division.

50 2. The placement of information markers by counties,
51 municipalities, or other governmental entities on inland lakes
52 and their associated canals are exempt from permitting under
53 this section.

54 (3) All waterway markers, including waterway markers
55 permitted on or after July 1, 2023, pursuant to this section and
56 information markers placed by counties, municipalities, or other
57 governmental entities, must be affixed to a plastic breakaway
58 structure or a floating buoy. A state or local governmental

22-00188-23

20231640__

59 entity may not affix a waterway marker to a steel beam or wood
60 piling. Any state or local governmental entity waterway marker
61 affixed to a steel beam or wood piling before July 1, 2023, must
62 be replaced with a waterway marker affixed to a plastic
63 breakaway structure or floating buoy by January 1, 2024.

64 (4)~~(e)~~ The commission is authorized to adopt rules pursuant
65 to chapter 120 to implement this section.

66 (5)~~(3)~~ The placement under this section or s. 327.41 of any
67 uniform waterway marker on state submerged lands does not
68 subject such lands to the lease requirements of chapter 253.

69 Section 2. For the purpose of incorporating the amendment
70 made by this act to section 327.40, Florida Statutes, in a
71 reference thereto, paragraph (a) of subsection (2) of section
72 327.4108, Florida Statutes, is reenacted to read:

73 327.4108 Anchoring of vessels in anchoring limitation
74 areas.—

75 (2) (a) Notwithstanding s. 327.60(2)(f), a county, except
76 for Monroe County, may establish, in accordance with this
77 subsection, an anchoring limitation area adjacent to urban areas
78 that have residential docking facilities and significant
79 recreational boating traffic. The aggregate total of anchoring
80 limitation areas in a county may not exceed 10 percent of the
81 county's delineated navigable-in-fact waterways. As used in this
82 subsection, the term "navigable-in-fact waterways" means
83 waterways that are navigable in their natural or unimproved
84 condition over which useful commerce or public recreation of a
85 substantial and permanent character is or may be conducted in
86 the customary mode of trade and travel on water. The term does
87 not include lakes or streams that are theoretically navigable;

22-00188-23

20231640__

88 have a potential for navigability; or are temporary, precarious,
89 and unprofitable, but the term does include lakes or streams
90 that have practical usefulness to the public as highways for
91 transportation. Each anchoring limitation area must meet all of
92 the following requirements:

93 1. Be less than 100 acres in size. For purposes of this
94 subsection, the calculated size of the anchoring limitation area
95 does not include any portion of the marked channel of the
96 Florida Intracoastal Waterway contiguous to the anchoring
97 limitation area;

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

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

100 a. Signs that provide reasonable notice to boaters
101 identifying the duration of time beyond which anchoring is
102 limited and identifying the county ordinance by which the
103 anchoring limitation area was created.

104 b. Buoys. The county that has created an anchoring
105 limitation area shall install and maintain buoys marking the
106 boundary of the anchoring limitation area.

107

108 The signs and buoys must be permitted and installed in
109 accordance with ss. 327.40 and 327.41 and commission rule.

110 Section 3. For the purpose of incorporating the amendment
111 made by this act to section 327.40, Florida Statutes, in a
112 reference thereto, paragraph (k) of subsection (1) of section
113 403.813, Florida Statutes, is reenacted to read:

114 403.813 Permits issued at district centers; exceptions.—

115 (1) A permit is not required under this chapter, chapter
116 373, chapter 61-691, Laws of Florida, or chapter 25214 or

22-00188-23

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117 chapter 25270, 1949, Laws of Florida, and a local government may
118 not require a person claiming this exception to provide further
119 department verification, for activities associated with the
120 following types of projects; however, except as otherwise
121 provided in this subsection, this subsection does not relieve an
122 applicant from any requirement to obtain permission to use or
123 occupy lands owned by the Board of Trustees of the Internal
124 Improvement Trust Fund or a water management district in its
125 governmental or proprietary capacity or from complying with
126 applicable local pollution control programs authorized under
127 this chapter or other requirements of county and municipal
128 governments:

129 (k) The installation of aids to navigation and buoys
130 associated with such aids, provided the devices are marked
131 pursuant to s. 327.40.

132 Section 4. This act shall take effect July 1, 2023.



MIAF - 2023 Regular Session

Ordered by Bill Number

HB 0027	Judgment Liens by Benjamin
	Current Committee of Reference: No Current Committee
	Actions
	03/23/2023 HOUSE Placed on Calendar, on 2nd reading
HB 0041	Land Development Initiative and Referendum Processes by Garcia (A)
	Current Committee of Reference: No Current Committee
	Actions
	03/24/2023 HOUSE Placed on Calendar, on 2nd reading
SB 0054	Land Acquisition Trust Fund by Rodriguez
	Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government
	Actions
	01/19/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government
SB 0076	State Park Campsite Reservations by Hooper
	Current Committee of Reference: No Current Committee
	Actions
	04/04/2023 SENATE Read Second Time; Substituted for HB 0109; Laid on Table, Refer to HB 0109
HB 0083	Yacht and Ship Brokers by LaMarca
	Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee
	Actions
	01/10/2023 HOUSE Now in Regulatory Reform & Economic Development Subcommittee
SB 0100	Mangrove Replanting and Restoration by Garcia (I)
	Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government
	Actions
	04/06/2023 SENATE On Committee agenda - Appropriations Committee on Agriculture, Environment, and General Government, 04/12/23, 11:30 am, 110 S
HB 0109	State Park Campsite Reservations by Canady
	Current Committee of Reference: No Current Committee
	Actions
	04/05/2023 HOUSE Enrolled Text (ER) Filed
HB 0111	Flooding and Sea Level Rise Vulnerability Studies by Hunschofsky

Current Committee of Reference: House Infrastructure Strategies Committee

Actions

04/06/2023 HOUSE On Committee agenda - Infrastructure Strategies Committee, 04/10/23, 2:00 pm, 404 H

HB 0129 **Requiring Broader Public Support for Constitutional Amendments or Revisions** by Roth

Current Committee of Reference: House State Affairs Committee

Actions

03/16/2023 HOUSE Now in State Affairs Committee

HB 0135 **Land Acquisition Trust Fund** by Mooney, Jr.

Current Committee of Reference: House Agriculture & Natural Resources Appropriations Subcommittee

Actions

01/17/2023 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee

SB 0150 **Public Safety** by Collins

Current Committee of Reference: No Current Committee

Actions

03/29/2023 SENATE Read Second Time; Substituted for HB 0543; Laid on Table, Refer to HB 0543

SB 0172 **Safe Waterways Act** by Berman

Current Committee of Reference: Senate Health Policy

Actions

01/19/2023 SENATE Referred to Health Policy; Appropriations Committee on Health and Human Services; Fiscal Policy

HB 0175 **Everglades Protection Area** by Busatta Cabrera

Current Committee of Reference: House Agriculture & Natural Resources Appropriations Subcommittee

Actions

03/27/2023 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee

HB 0177 **Safe Waterways Act** by Gossett-Seidman

Current Committee of Reference: House Health Care Appropriations Subcommittee

Actions

04/03/2023 HOUSE Now in Health Care Appropriations Subcommittee

SB 0192 **Everglades Protection Area** by Avila

Current Committee of Reference: No Current Committee

Actions

04/05/2023 SENATE Placed on Special Order Calendar, 04/11/23

HB 0215 **Possession or Use of a Firearm in a Sensitive Location** by Rayner-Goolsby

Current Committee of Reference: House Criminal Justice Subcommittee

Actions

HB 0261 Boating Safety by Botana

Current Committee of Reference: House Infrastructure Strategies Committee

Actions

04/06/2023 HOUSE On Committee agenda - Infrastructure Strategies Committee, 04/10/23, 2:00 pm, 404 H

HB 0277 Storage of Firearms in Private Conveyances and Vessels by Hinson

Current Committee of Reference: No Current Committee

Actions

01/20/2023 HOUSE Withdrawn prior to introduction

SB 0288 Florida Main Street Program and Historic Preservation Tax Credits by DiCeglie

Current Committee of Reference: Senate Appropriations

Actions

03/15/2023 SENATE Now in Appropriations

SB 0320 Land Acquisition Trust Fund by Harrell

Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government

Actions

02/21/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government

SB 0346 Public Construction by DiCeglie

Current Committee of Reference: Senate Rules

Actions

03/30/2023 SENATE Now in Rules

HB 0371 Management and Storage of Surface Waters by Killebrew

Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee

Actions

02/01/2023 HOUSE Now in Water Quality, Supply & Treatment Subcommittee

HB 0383 Public Construction by Griffiths Jr.

Current Committee of Reference: House State Affairs Committee

Actions

02/28/2023 HOUSE Now in State Affairs Committee

SB 0406 Yacht and Ship Brokers by Hooper

Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government

Actions

03/31/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government

HB 0407 Apalachicola Bay Area of Critical State Concern by Shoaf

Current Committee of Reference: House Agriculture & Natural Resources Appropriations Subcommittee

Actions

03/29/2023 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee

HB 0423 **Implementation of the Recommendations of the Blue-Green Algae Task Force** by Cross

Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee

Actions

02/01/2023 HOUSE Now in Water Quality, Supply & Treatment Subcommittee

HB 0439 **Land Use and Development Regulations** by McClain

Current Committee of Reference: House Commerce Committee

Actions

04/06/2023 HOUSE On Committee agenda - Commerce Committee, 04/10/23, 2:00 pm, 212 K

SB 0456 **Possession or use of a Firearm in a Sensitive Location** by Berman

Current Committee of Reference: Senate Criminal Justice

Actions

02/09/2023 SENATE Referred to Criminal Justice; Judiciary; Rules

HB 0489 **Professional Licensing Requirements for Barbers and Cosmetologists** by Chambliss

Current Committee of Reference: No Current Committee

Actions

03/17/2023 HOUSE Placed on Calendar, on 2nd reading

HB 0527 **Office of the Blue Economy** by Skidmore

Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee

Actions

02/07/2023 HOUSE Now in Regulatory Reform & Economic Development Subcommittee

HB 0543 **Public Safety** by Brannan III

Current Committee of Reference: No Current Committee

Actions

04/03/2023 Approved by Governor; Chapter No. 2023-18

SB 0546 **Restoration of Osborne Reef** by Avila

Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government

Actions

04/06/2023 SENATE On Committee agenda - Appropriations Committee on Agriculture, Environment, and General Government, 04/12/23, 11:30 am, 110 S

HB 0547 **Land Acquisition Trust Fund** by Sirois

Current Committee of Reference: House Agriculture & Natural Resources Appropriations Subcommittee

Actions

02/07/2023 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee

HB 0549 Operating Vehicles and Vessels Under the Influence by Casello

Current Committee of Reference: House Criminal Justice Subcommittee

Actions

02/07/2023 HOUSE Now in Criminal Justice Subcommittee

HB 0559 Land Acquisition Funding by Roth

Current Committee of Reference: House Agriculture & Natural Resources Appropriations Subcommittee

Actions

02/07/2023 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee

HB 0561 Mangrove Replanting and Restoration by Mooney, Jr.

Current Committee of Reference: House Agriculture, Conservation & Resiliency Subcommittee

Actions

02/07/2023 HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee

HB 0571 Storage of Firearms in Private Conveyances and Vessels by Hinson

Current Committee of Reference: House Criminal Justice Subcommittee

Actions

02/07/2023 HOUSE Now in Criminal Justice Subcommittee

HB 0641 Restoration of Osborne Reef by LaMarca

Current Committee of Reference: No Current Committee

Actions

03/27/2023 HOUSE Placed on Calendar, on 2nd reading

HB 0701 Wrecker and Towing-Storage Operators by Bell

Current Committee of Reference: House Infrastructure Strategies Committee

Actions

03/27/2023 HOUSE Now in Infrastructure Strategies Committee

SB 0702 Apalachicola Bay Area of Critical State Concern by Simon

Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government

Actions

04/06/2023 SENATE On Committee agenda - Appropriations Committee on Agriculture, Environment, and General Government, 04/12/23, 11:30 am, 110 S

SB 0712 Motor Vehicle Sales by Avila

Current Committee of Reference: Senate Rules

Actions

04/05/2023 SENATE Now in Rules

HB 0713 Administrative Procedures and Permitting Process Review by McFarland

Current Committee of Reference: House State Affairs Committee

Actions

03/29/2023 HOUSE Now in State Affairs Committee

SB 0724 Seagrass Restoration Technology Development Initiative by Boyd

Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government

Actions

04/06/2023 SENATE On Committee agenda - Appropriations Committee on Agriculture, Environment, and General Government, 04/12/23, 11:30 am, 110 S

SB 0728 Liveries by Garcia (I)

Current Committee of Reference: Senate Rules

Actions

03/28/2023 SENATE Now in Rules

HB 0739 Disposal of Food Waste Material by Cassel

Current Committee of Reference: House Agriculture, Conservation & Resiliency Subcommittee

Actions

02/21/2023 HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee

SB 0822 Specialty License Plates/Paddling in Florida by Berman

Current Committee of Reference: Senate Transportation

Actions

02/23/2023 SENATE Referred to Transportation; Appropriations Committee on Transportation, Tourism, and Economic Development; Fiscal Policy

HB 0847 Floating Vessel Platforms and Floating Boat Lifts by Stark

Current Committee of Reference: House Infrastructure Strategies Committee

Actions

03/24/2023 HOUSE Now in Infrastructure Strategies Committee

SB 0876 Review of Employment Contracts by Stewart

Current Committee of Reference: Senate Commerce and Tourism

Actions

02/23/2023 SENATE Referred to Commerce and Tourism; Judiciary; Rules

SB 0952 Employer Coverage of Gender Dysphoria Treatment by Ingoglia

Current Committee of Reference: Senate Health Policy

Actions

02/28/2023 SENATE Referred to Health Policy; Appropriations Committee on Agriculture, Environment, and General Government; Fiscal Policy

HB 1003 Fill Material for Reclamation Activities by Truenow

Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee

Actions

02/28/2023 HOUSE Now in Water Quality, Supply & Treatment Subcommittee

HB 1013	COVID-19 Mandates and Treatment Options by Griffitts Jr.
	Current Committee of Reference: House Health & Human Services Committee
	Actions
04/06/2023	HOUSE On Committee agenda - Health & Human Services Committee, 04/10/23, 2:00 pm, 17 H - PCS
HB 1015	Pub. Rec./COVID-19 Vaccination Mandates by Griffitts Jr.
	Current Committee of Reference: House Health & Human Services Committee
	Actions
04/06/2023	HOUSE On Committee agenda - Health & Human Services Committee, 04/10/23, 2:00 pm, 17 H
SB 1028	Professional Licensing Requirements for Barbers and Cosmetologists by Stewart
	Current Committee of Reference: Senate Criminal Justice
	Actions
03/22/2023	SENATE Now in Criminal Justice
SB 1044	Photographic Evidence of Illegally Taken Wildlife, Freshwater Fish, and Saltwater Fish by Martin
	Current Committee of Reference: Senate Environment and Natural Resources
	Actions
03/20/2023	SENATE Temporarily Postponed by Environment and Natural Resources
SB 1082	Floating Vessel Platforms by DiCeglie
	Current Committee of Reference: Senate Rules
	Actions
03/29/2023	SENATE Now in Rules
HB 1103	Boating-restricted Areas by Tramont
	Current Committee of Reference: House Local Administration, Federal Affairs & Special Districts Subcommittee
	Actions
03/27/2023	HOUSE Now in Local Administration, Federal Affairs & Special Districts Subcommittee
SB 1124	Employment of Ex-offenders by Calatayud
	Current Committee of Reference: Senate Rules
	Actions
03/24/2023	SENATE Now in Rules
SB 1134	Outstanding Florida Springs by Gruters
	Current Committee of Reference: Senate Environment and Natural Resources
	Actions
03/27/2023	SENATE Temporarily Postponed by Environment and Natural Resources
HB 1147	Resilience Districts by Buchanan
	Current Committee of Reference: House Local Administration, Federal Affairs & Special Districts Subcommittee

Actions

03/06/2023 HOUSE Now in Local Administration, Federal Affairs & Special Districts Subcommittee

HB 1157 Fishing and Hunting by Melo

Current Committee of Reference: House Infrastructure Strategies Committee

Actions

03/29/2023 HOUSE Now in Infrastructure Strategies Committee

HB 1161 Venomous Reptiles by Abbott

Current Committee of Reference: No Current Committee

Actions

03/29/2023 HOUSE Placed on Calendar, on 2nd reading

SB 1170 Flooding and Sea Level Rise Vulnerability Studies by Calatayud

Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government

Actions

04/06/2023 SENATE On Committee agenda - Appropriations Committee on Agriculture, Environment, and General Government, 04/12/23, 11:30 am, 110 S

HB 1181 Seagrass Restoration by Robinson (W) Jr.

Current Committee of Reference: House Agriculture & Natural Resources Appropriations Subcommittee

Actions

03/22/2023 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee

HB 1197 Land and Water Management by Maggard

Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee

Actions

03/06/2023 HOUSE Now in Water Quality, Supply & Treatment Subcommittee

SB 1200 Resilience Districts by Grall

Current Committee of Reference: Senate Community Affairs

Actions

03/02/2023 SENATE Referred to Community Affairs; Finance and Tax; Fiscal Policy

HB 1229 Endangered and Threatened Species by Campbell

Current Committee of Reference: House Agriculture, Conservation & Resiliency Subcommittee

Actions

03/06/2023 HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee

SB 1230 Fill Material for Reclamation Activities by Brodeur

Current Committee of Reference: Senate Environment and Natural Resources

Actions

03/06/2023 SENATE Referred to Environment and Natural Resources; Community Affairs; Rules

HB 1265 Employer Coverage of Gender Dysphoria Treatment by Yarkosky

Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee

Actions

03/06/2023 HOUSE Now in Regulatory Reform & Economic Development Subcommittee

HB 1287 Universal Regulatory Sandbox by Giallombardo

Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee

Actions

03/06/2023 HOUSE Now in Regulatory Reform & Economic Development Subcommittee

HB 1289 Pub. Rec. and Meetings/Regulatory Sandbox by Giallombardo

Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee

Actions

03/06/2023 HOUSE Now in Regulatory Reform & Economic Development Subcommittee

SB 1298 Endangered and Threatened Species by Jones

Current Committee of Reference: Senate Environment and Natural Resources

Actions

03/06/2023 SENATE Referred to Environment and Natural Resources; Agriculture; Rules

SB 1314 Boating-restricted Areas by Wright

Current Committee of Reference: Senate Community Affairs

Actions

03/20/2023 SENATE Now in Community Affairs

SB 1336 Disposal of Food Waste Materials Study by Polsky

Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government

Actions

04/04/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government

HB 1367 Unlawful Dumping by Altman

Current Committee of Reference: House Judiciary Committee

Actions

03/30/2023 HOUSE Now in Judiciary Committee

SB 1368 Unlawful Dumping by Wright

Current Committee of Reference: Senate Rules

Actions

03/30/2023 SENATE Now in Rules

HB 1379 Environmental Protection by Steele

Current Committee of Reference: House Agriculture & Natural Resources Appropriations Subcommittee

Actions

03/30/2023 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee

HB 1385	Vessel Owner and Operation Requirements by Basabe
	Current Committee of Reference: House Agriculture, Conservation & Resiliency Subcommittee
	Actions
	03/09/2023 HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee
SB 1390	Universal Regulatory Sandbox by Martin
	Current Committee of Reference: Senate Appropriations Committee on Transportation, Tourism, and Economic Development
	Actions
	03/21/2023 SENATE Now in Appropriations Committee on Transportation, Tourism, and Economic Development
SB 1392	Public Records and Meetings/Universal Regulatory Sandbox by Martin
	Current Committee of Reference: Senate Appropriations Committee on Transportation, Tourism, and Economic Development
	Actions
	03/21/2023 SENATE Now in Appropriations Committee on Transportation, Tourism, and Economic Development
HB 1403	Protections of Medical Conscience by Rudman
	Current Committee of Reference: House Health & Human Services Committee
	Actions
	04/06/2023 HOUSE On Committee agenda - Health & Human Services Committee, 04/10/23, 2:00 pm, 17 H
SB 1410	Requiring Broader Public Support for Constitutional Amendments or Revisions by Gruters
	Current Committee of Reference: Senate Ethics and Elections
	Actions
	03/09/2023 SENATE Referred to Ethics and Elections; Judiciary; Rules
HB 1443	Disqualification from Licensing, Permitting, or Certification Based on Criminal Conviction by Waldron
	Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee
	Actions
	03/09/2023 HOUSE Now in Regulatory Reform & Economic Development Subcommittee
SB 1484	Office of the Blue Economy by Pizzo
	Current Committee of Reference: Senate Commerce and Tourism
	Actions
	03/09/2023 SENATE Referred to Commerce and Tourism; Appropriations Committee on Transportation, Tourism, and Economic Development; Fiscal Policy
HB 1489	Designation of Brevard Barrier Island Area as Area of Critical State Concern by Altman
	Current Committee of Reference: House Infrastructure Strategies Committee
	Actions
	03/22/2023 HOUSE Now in Infrastructure Strategies Committee

HB 1491	Marine Encroachment on Spaceflight and Military Operations by Altman
	Current Committee of Reference: House Local Administration, Federal Affairs & Special Districts Subcommittee
	Actions
	03/09/2023 HOUSE Now in Local Administration, Federal Affairs & Special Districts Subcommittee
SB 1502	Vessel Owner and Operation Requirements by Rodriguez
	Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government
	Actions
	03/27/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government
HB 1505	Outstanding Florida Springs by Grant
	Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee
	Actions
	03/09/2023 HOUSE Now in Water Quality, Supply & Treatment Subcommittee
HB 1521	Facility Requirements Based on Sex by Plakon
	Current Committee of Reference: House Commerce Committee
	Actions
	04/06/2023 HOUSE On Committee agenda - Commerce Committee, 04/10/23, 2:00 pm, 212 K
SB 1538	Implementation of the Recommendations of the Blue-Green Algae Task Force by Stewart
	Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government
	Actions
	04/05/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government
HB 1559	Review of Employment Contracts by Campbell
	Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee
	Actions
	03/09/2023 HOUSE Now in Regulatory Reform & Economic Development Subcommittee
SB 1574	Judgment Liens by Rouson
	Current Committee of Reference: Senate Rules
	Actions
	03/30/2023 SENATE Now in Rules
SB 1580	Protections of Medical Conscience by Trumbull
	Current Committee of Reference: Senate Rules
	Actions
	04/04/2023 SENATE Now in Rules
HB 1587	Taking of Bears by Shoaf
	Current Committee of Reference: House Agriculture, Conservation & Resiliency Subcommittee

Actions

03/09/2023 HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee

SB 1602 Storage of Firearms in Private Conveyances and Vessels by Rouson

Current Committee of Reference: Senate Criminal Justice

Actions

03/09/2023 SENATE Referred to Criminal Justice; Appropriations Committee on Criminal and Civil Justice; Fiscal Policy

SB 1604 Land Use and Development Regulations by Ingoglia

Current Committee of Reference: Senate Rules

Actions

04/07/2023 SENATE Now in Rules

SB 1640 Installation of Waterway Markers by Gruters

Current Committee of Reference: Senate Environment and Natural Resources

Actions

03/09/2023 SENATE Referred to Environment and Natural Resources; Appropriations Committee on Agriculture, Environment, and General Government; Fiscal Policy

SB 1664 Economic Development by Hooper

Current Committee of Reference: Senate Appropriations Committee on Transportation, Tourism, and Economic Development

Actions

03/29/2023 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 03/31/23, 1:00 pm, 117 K (No Votes Will Be Taken)

SB 1666 Marine Encroachment on Spaceflight and Military Operations by Wright

Current Committee of Reference: Senate Military and Veterans Affairs, Space, and Domestic Security

Actions

03/22/2023 SENATE Now in Military and Veterans Affairs, Space, and Domestic Security

SB 1674 Facility Requirements Based on Sex by Grall

Current Committee of Reference: Senate Fiscal Policy

Actions

03/30/2023 SENATE Now in Fiscal Policy

SB 1686 Designation of Brevard Barrier Island Area as an Area of Critical State Concern by Wright

Current Committee of Reference: Senate Rules

Actions

03/28/2023 SENATE Now in Rules

SB 1702 Mitigation Credits by DiCeglie

Current Committee of Reference: Senate Environment and Natural Resources

Actions

03/09/2023 SENATE Referred to Environment and Natural Resources; Community Affairs; Rules

HB 7003

OGSR/Water Management District Surplus Lands by Ethics, Elections & Open Government Subcommittee

Current Committee of Reference: No Current Committee

Actions

03/31/2023 SENATE Received; Referred to Rules

RRS2

Tourism Development by Regulatory Reform & Economic Development Subcommittee

Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee

Actions

03/30/2023 HOUSE Committee Bill Filed as HB 7053