

WEEK 6 REPORT

// 2023 LEGISLATIVE SESSION

+ MARINE INDUSTRIES ASSOCIATION OF FLORIDA

APRIL 10-14, 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

First, thank you to everyone who took time out of their busy schedules to come to Tallahassee and advocate on behalf of Marine Industries Association of Florida. We had a productive week in Tallahassee meeting with Legislators and Chief Financial Officer Jimmy Patronis. Members discussed current boating legislation filed for this Legislative Session and began to discuss potential legislative proposals for next year. All in all, it was a very productive few days that culminated in progress on many of the issues important to us.

MIAF has had a very busy year with the livery/boating safety bills, septic pumpout bills and anchoring bills to name just a few. We have been actively lobbying on all three bills. Below is a brief recap on three of the proposals as of Friday afternoon.

Livery/Boating

As of Friday, Representative Botana's bill containing livery language and boating safety language is ready for the House floor. The Senate Companion to his bill is still comparable currently and has one more committee stop. This is important to note as committee meetings usually end during the eighth week in the Senate. At this time, MIAF is working with NMMA to try and fix the livery insurance issue in other vehicles just in case the Botana/Garcia bills run out of time. This is just a cautionary approach just in case the original livery bills run into trouble because of the anchoring language added in the last House committee. We believe we have secured an amendment to a House bill in committee as of Friday morning. Several groups are raising concerns about the narrowly drafted language, and we will see if it will be adopted on Monday afternoon. Stay tuned!

Septic Pumpout

On Friday, MIAF noticed a lengthy amendment filed to the Floating Vessel bill containing language regarding adding a slow speed, minimum wake boating restricted area if the area is within 500 feet of any public or private marina pumpout. MIAF had concerns the language was broad and requested it be more narrowly drawn. MIAF began immediately and am happy to report we were able to secure worked out amendment language to the proposed language to the Vessel Pumpout bill up on Monday. The amendment to the proposed committee substitute was filed by the Chair, Representative Payne. We are very grateful for Chair Payne and Senator Mayfield for working with us on this issue. The Senate companion to the Floating Vessel bill is also up this week in its final

committee. We anticipate the agreed amendment to be offered in Senate Rules Committee as well.

Anchoring

Several groups including cruisers and Boat US have expressed their serious opposition to the additional anchoring restrictions in Biscayne Bay in the latest version of Representative Botana’s bill. The anchoring language is from a bill filed by Representative Basabe. The language filed in Representative Botana’s bill is just a small portion of the originally filed bill by Representative Basabe. The Senate version of the anchoring bill is scheduled to be heard in its second committee of reference this week. We are hearing that the bill will be temporarily passed. This anchoring issue is a huge deal and will probably go to the wire.

Budget

We are hearing rumors that the budget conference could start as early as this weekend. MIAF will be watching all budget offers for boating issues. We were also asked to provide suggested language on a statewide map for all boating restricted areas in the state. This is an issue MIAF has been actively working on as a resource for all boaters to educate them on all the on the water restrictions.

Below are some of the budget highlights we are following for MIAF. Many of these issues are identical and should be agreed to in the first pass. Some are very different and we will be monitoring these during the conference.

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.

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 2,626,025

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 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 seventh week as of the writing of this report.

HB 261 by Representative Botana relating to Boating Safety and SB 728 by Senator Garcia relating to Liveries-These bills are still 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 the 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 course as it addresses concerns raised about boaters on state waters.

Marine Industries Association of Florida again worked with other Marine Industries Associations 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 included in an OPPAGA study. Everyone agreed to work on language for an OPPAGA study.

As reported earlier, Representative Botana filed a comprehensive amendment encompassing many of the requests made by several MIAs on the boating safety issue. 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

CS/CS/HB 261 passed in its last committee of reference House Infrastructure Strategies Committee on April 10th. CS/CS/CS/HB 261 passed 21-0. The bill is now ready to be heard on the House floor. Many groups are opposed to the anchoring language now in the bill. The Senate bill is very different from the House version, and it remains to be seen if they will become identical in the next three weeks.

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. ***As of the writing of this report, CS/SB 728 is not scheduled to be heard in the Senate Rules Committee during the seventh week. The next Senate Rules Committee is scheduled for April 24th. The Senate bill does not contain boating safety language or anchoring language.***

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 seventh 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 passed 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 scheduled to be heard in its second committee of reference this week. We are hearing the Senate bill will be temporarily passed. We will continue to watch to see if Senator Garcia will add the anchoring language to her bill in the Senate Rules Committee if placed on the agenda next week.***

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 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.***

As expected, this language was placed in a comprehensive proposed committee substitute amendment on House Bill 847 relating to Floating Vessel Platforms. We immediately started to work to secure amendment language to narrow the original language. We are happy to report we were able to successfully negotiate language that was acceptable to all parties. We expect this language to pass. The septic pumpout language will now be in House Bill 847 and Senate Bill 1082.

SB 1640 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 sixth week and is not scheduled on the Senate Environment and Natural Resources Committee during the seventh week. The Senate Environment and Natural Resources Committee is not scheduled to have any other committees currently. 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 Environmental 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 scheduled to be heard in its final committee of reference, Senate Rules Committee this week. We anticipate a comprehensive amendment including agreed to language on the septic pumpout language.*** 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 is scheduled to be heard in the final committee of reference, the House Infrastructure and Strategies Committee. The House bill has a comprehensive proposed committee substitute filed including septic pumpout language MIAF had concerns about being broad. We are happy to report we have an amendment filed to the proposed committee substitute to the House bill agreed to by all parties. We are hopeful this amendment will pass and it will be included in the Senate bill as well.**

These are just a few of the bills we are tracking for you this Legislative Session. We have attached our entire tracking list for your convenience.

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

Weekly reports might be delayed during the budget conference process. We apologize for any inconvenience.

A handwritten signature in black ink, appearing to read 'Margaret Timmins', with a large, stylized flourish extending to the right.

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: 04/10/2023 HOUSE Favorable with CS by Infrastructure Strategies Committee; 21 Yeas, 0 Nays; 04/13/2023 HOUSE Committee Substitute Text (C3) Filed; 04/14/2023 HOUSE Placed on Calendar, on 2nd reading

// 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: 04/13/2023 SENATE On Committee agenda - Appropriations Committee on Agriculture, Environment, and General Government, 04/18/23, 12:00 pm, 110 S

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: 04/14/2023 SENATE On Committee agenda - Rules, 04/19/23, 8:30 am, 412 K

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: 04/13/2023 HOUSE On Committee agenda - Infrastructure Strategies Committee, 04/17/23, 2:00 pm, 404 H - PCS

// 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

2023728c1

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

577-03156-23

2023728c1

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.

577-03156-23

2023728c1

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

577-03156-23

2023728c1

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

577-03156-23

2023728c1

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

577-03156-23

2023728c1

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

577-03156-23

2023728c1

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.	Carroll	Rogers	EN	Favorable
2.	Baird	McKay	CM	Fav/CS
3.			RC	

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.

26 | effective date.

27 |

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

29 |

30 | Section 1. Subsection (12) is added to section 327.395,
31 | Florida Statutes, to read:

32 | 327.395 Boating safety education.—

33 | (12) The commission shall develop and publish on its
34 | website an educational pamphlet that relates to the importance
35 | of boating safety education and promotes voluntary enrollment in
36 | a boating safety educational course. At a minimum, the pamphlet
37 | must include:

38 | (a) An overview of the importance of boating safety
39 | education and navigational rules.

40 | (b) An overview of boating safety and the proper use of
41 | safety equipment.

42 | (c) An overview of the dangers of careless operation of a
43 | vessel or operating overloaded vessels.

44 | (d) An overview of the proper use and lifesaving benefits
45 | of an engine cutoff switch for motorboats and personal
46 | watercrafts.

47 | (e) The importance of not operating vessels while under
48 | the influence of alcoholic beverages, chemical substances, or
49 | controlled substances.

50 | Section 2. Subsection (1) of section 327.4108, Florida

51 Statutes, is amended to read:

52 327.4108 Anchoring of vessels in anchoring limitation
53 areas.—

54 (1) The following densely populated urban areas, which
55 have narrow state waterways, residential docking facilities, and
56 significant recreational boating traffic, are designated as and
57 shall be considered to be grandfathered-in anchoring limitation
58 areas, within which a person may not anchor a vessel at any time
59 during the period between one-half hour after sunset and one-
60 half hour before sunrise, except within residential docking
61 facilities, marinas, or existing mooring fields and as provided
62 in subsections (4) and (5):

63 (a) The section of Middle River lying between Northeast
64 21st Court and the Intracoastal Waterway in Broward County.

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

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

68 1. Rivo Alto Island and Di Lido Island.

69 2. San Marino Island and San Marco Island.

70 3. San Marco Island and Biscayne Island.

71 4. Di Lido Island and San Marino Island.

72 5. State Road 913 and State Road 826.

73 Section 3. Subsections (4) through (12) of section 327.54,
74 Florida Statutes, are renumbered as subsections (5) through
75 (13), respectively, subsection (2), paragraph (e) of subsection

76 (3), and present subsections (7) and (8) are amended, and a new
 77 subsection (4) is added to that section, to read:

78 327.54 Liveries; safety regulations; penalty.—

79 (2) A livery may not offer a vessel for lease or rent
 80 without first being issued a no-cost livery permit by the
 81 commission. The permit must be renewed annually. To qualify for
 82 issuance or renewal of a livery permit, an applicant must
 83 provide the commission with a list of all vessels offered by the
 84 livery for lease or rent by another, have valid insurance
 85 pursuant to subsection (8) ~~(7)~~, have an amount of United States
 86 Coast Guard-approved lawful personal floatation devices on site
 87 sufficient to accommodate the capacity of all vessels offered by
 88 the livery for rent or lease by another, have on site all safety
 89 equipment required by s. 327.50 and the Code of Federal
 90 Regulations sufficient to equip all vessels offered by the
 91 livery for rent or lease by another, and display the information
 92 required by paragraph (3) (f). If, before the annual renewal of
 93 the permit, the information required by this subsection changes,
 94 the livery must provide the commission with the updated
 95 information within 10 days after the change.

96 (a) The commission may adopt rules to implement this
 97 subsection.

98 (b) A person who violates this subsection commits a
 99 misdemeanor of the first degree, punishable as provided in s.
 100 775.082 or s. 775.083.

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

103 (e) Unless the livery provides hands-on pre-rental or pre-
 104 ride instruction in compliance with rules established by the
 105 commission.

106 1. The instruction must include, but need not be limited
 107 to:

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

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

110 c. The responsibility of the vessel operator for the safe
 111 and proper operation of the vessel.

112 d. Local characteristics of the waterway where the vessel
 113 will be operated, such as navigational hazards, the presence of
 114 boating-restricted areas, ~~and~~ water depths, and education on any
 115 safety, regulatory, information, or navigation markers in the
 116 geographic vicinity.

117 e. Emergency procedures, such as appropriate responses to
 118 capsizing, falls overboard, taking on water, and vessel
 119 accidents.

120 f. Proper use of personal floatation devices.

121 g. A notice of the prohibition against boating under the
 122 influence pursuant to s. 327.35.

123 2. Any person receiving instruction in the safe handling
 124 of livery vessels pursuant to this paragraph must provide the
 125 livery with a written statement attesting to each component of

126 the instruction.

127 a. The commission shall establish by rule the content of
128 the statement form.

129 b. The statement form must be signed by the individual
130 providing the instruction.

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

134 (4) If a renter or lessee retains a professional captain
135 who holds an active license issued by the United States Coast
136 Guard to command the vessel as required by an agreement between
137 the livery and the renter or lessee, and the livery confirms
138 that a professional captain has been retained, the renter or
139 lessee and the livery are not subject to paragraph (3)(e).

140 (8)-(7) A livery may not lease or rent or offer to lease or
141 rent any livery vessel unless the livery: ~~first~~

142 (a) Obtains and carries in full force and effect a policy
143 from a licensed insurance carrier in this state which insures
144 the livery ~~and the renter~~ against any accident, loss, injury,
145 property damage, or other casualty caused by or resulting from
146 the operation of the livery vessel. The insurance policy must
147 provide coverage of at least \$500,000 per person and \$1 million
148 per event. The livery shall have proof of such insurance
149 available for inspection at the location where livery vessels
150 are being leased or rented, or offered for lease or rent, and

151 shall provide to each renter the insurance carrier's name and
 152 address and the insurance policy number; and

153 (b) Either:

154 1. Obtains and carries in full force and effect a policy
 155 from a licensed insurance carrier in this state which insures
 156 the renter in the same manner and amounts of the policy obtained
 157 by the livery under paragraph (a) and provides to each renter
 158 the insurance carrier's name and address and the insurance
 159 policy number; or

160 2. Presents the renter with the opportunity to purchase
 161 coverage which insures the renter against any accident, loss,
 162 injury, property damage, or other casualty caused by or
 163 resulting from the operation of the livery vessel of at least
 164 \$500,000 per person and \$1 million per event. If a renter
 165 chooses not to purchase the coverage, the livery must obtain a
 166 signed acknowledgement from the renter which includes the
 167 following statement:

168
 169 I understand that I am refusing to purchase a vessel
 170 rental insurance policy for coverage of at least
 171 \$500,000 per person and \$1 million per event for any
 172 damage or injuries caused directly or indirectly by my
 173 operation of the vessel.

174

175 The vessel rental insurance policy coverage is being
176 offered to me at the following price: [INSERT BINDABLE
177 PRICE HERE OF INSURANCE BEING DECLINED].

178
179 I understand that I may not have other insurance to
180 cover any damage or injuries caused directly or
181 indirectly by my operation of the vessel and that I
182 may be personally liable for any such damage or
183 injuries during the rental period.

184

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

186 ~~(9)~~ Notwithstanding the person's age or any exemptions
187 provided in s. 327.395, any person delivering instruction
188 regarding the safe operation of vessels or hands-on pre-rental
189 or pre-ride instruction in accordance with subsection (3) must
190 have successfully completed a boating safety education course
191 approved by the National Association of State Boating Law
192 Administrators and this state.

193 Section 4. Subsections (2), (3), and (4) of section
194 327.731, Florida Statutes, are renumbered as subsections (3),
195 (4), and (5), respectively, subsection (1) and present
196 subsection (3) are amended, and a new subsection (2) is added to
197 that section, to read:

198 327.731 Mandatory education for violators.—

199 (1) A person convicted of a criminal violation under this
 200 chapter, convicted of a noncriminal infraction under this
 201 chapter if the infraction resulted in a reportable boating
 202 accident, or convicted of a two noncriminal infraction
 203 ~~infractions~~ as specified in s. 327.73(1)(h)-(k), (m), (o), (p),
 204 and (s)-(y), ~~the infractions occurring within a 12-month period,~~
 205 must:

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

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

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

215 ~~(2)(d)~~ A person convicted of a criminal violation under
 216 this chapter, convicted of a noncriminal infraction under this
 217 chapter if the infraction resulted in a reportable boating
 218 accident, or convicted of two noncriminal infractions as
 219 specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y),
 220 the infractions occurring within a 12-month period, must pay a
 221 fine of \$500. The clerk of the court shall remit all fines
 222 assessed and collected under this subsection ~~paragraph~~ to the
 223 Department of Revenue to be deposited into the Marine Resources

CS/CS/CS/HB 261

2023

224 Conservation Trust Fund to support law enforcement activities.

225 (4)~~(3)~~ The commission shall print on the reverse side of
226 the defendant's copy of the boating citation a notice of the
227 provisions of this section. Upon conviction, the clerk of the
228 court shall notify the defendant that it is unlawful for him or
229 her to operate any vessel until he or she has complied with this
230 section, but failure of the clerk of the court to provide such a
231 notice shall not be a defense to a charge of unlawful operation
232 of a vessel under subsection (3)~~(2)~~.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/CS/HB 261 Boating Safety

SPONSOR(S): Infrastructure Strategies Committee, Agriculture & Natural Resources Appropriations Subcommittee, Agriculture, Conservation & Resiliency Subcommittee, Botana and Cassel

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	21 Y, 0 N, As CS	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.

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.

The bill requires FWC to develop and publish on its website an educational pamphlet relating to the importance of boating safety education and requires a person convicted of a noncriminal boating infraction to undergo mandatory boating education.

The bill requires a livery to either obtain an insurance policy that insures a renter or present the renter with an opportunity to purchase certain coverage. The bill also requires a livery to provide hands-on pre-rental and pre-ride instruction.

The bill revises statutorily designated anchoring limitation areas to designate certain areas within Biscayne Bay as anchoring limitation areas and specify that anchoring restrictions do not apply within residential docking facilities, marinas, or existing mooring fields.

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

Mandatory Boating Education

Currently, any person who is convicted of a criminal violation under chapter 327, F.S., convicted of a noncriminal infraction that results in a reportable boating accident, or convicted of two noncriminal infractions as specified in s. 327.73 (1) (h)-(k), (m), (o), (p), and (s)-(y), F.S., within a 12-month period is required to:⁷

- Enroll in, attend, and successfully complete a classroom or online boating safety course that is approved by and meets the minimum standards established by FWC rule;
- File proof of successful completion of the course with FWC within 90 days;
- Refrain from operating a vessel until he or she has filed proof of successful completion of the course; and
- Pay a fine of \$500.⁸

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 327.731(1), F.S.

⁸ Section 327.731(1)(a)-(d), F.S.

The clerk of court remits all fees assessed and collected to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund to support law enforcement activities.

Regulation of Liveries

A livery vessel is a vessel that is leased, rented, or chartered to another for consideration.⁹ A facility that rents and leases such vessels is called a livery.¹⁰ 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.¹¹

Additionally, liveries are now required to provide pre-rental or pre-ride instructions to renters, which must include:¹²

- 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.

Anchoring

Anchoring 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.¹³ Anchorages are areas that boaters regularly use for anchoring, whether designated or managed for that purpose or not.¹⁴

State Regulation of the Anchoring of Vessels

The Legislature has delegated the responsibility of managing sovereign submerged lands to the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund

⁹ Section 327.02(24), F.S.

¹⁰ "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.

¹¹ 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).

¹² Section 327.54(3)(e), F.S.

¹³ Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida*, (March 2011), <https://repository.library.noaa.gov/view/noaa/36905> (last visited April 12, 2023).

¹⁴ *Id.*

(Board).¹⁵ Pursuant to this responsibility, the Board is authorized to adopt rules governing anchoring, mooring, or otherwise attaching vessels, floating homes, or any other watercraft to the bottom of sovereign submerged lands.¹⁶ The Board has not exercised its authority to adopt rules regulating anchoring.

Florida law prohibits a person from anchoring a vessel, except in case of emergency, in a manner that unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel.¹⁷ Anchoring under bridges or in or adjacent to heavily traveled channels constitutes interference, if unreasonable under the prevailing circumstances.¹⁸ Interference with navigation is a noncriminal infraction and punishable by a fine of \$50.¹⁹

With certain exceptions, the owner or operator of a vessel or floating structure may not anchor such that the nearest approach of the anchored or moored vessel or floating structure is:

- Within 150 feet of any marina, boat ramp, boatyard, or vessel launching or loading facility;
- Within 300 feet of a superyacht repair facility; or
- Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the local government within which the mooring field is located.²⁰

Local Regulation of the Anchoring of Vessels

Local governments are authorized to enact and enforce ordinances that prohibit or restrict the anchoring of floating structures²¹ or live-aboard vessels²² within their jurisdictions and vessels that are within the marked boundaries of permitted mooring fields.²³ However, they are prohibited from enacting, continuing in effect, or enforcing any ordinance or local regulation that regulates the anchoring of vessels, other than live-aboard vessels, outside the marked boundaries of permitted mooring fields.²⁴

Anchoring Limitation Areas

Current law designates certain densely populated urban areas that have narrow state waterways, residential docking facilities, and significant recreational boating traffic as anchoring limitation areas.²⁵ The following areas are designated in statute as anchoring limitation areas:

- The section of Middle River lying between Northeast 21st Court and the Intracoastal Waterway in Broward County.
- Sunset Lake in Miami-Dade County.
- The sections of Biscayne Bay in Miami-Dade County lying between Rivo Alto Island and Di Lido Island, San Marino Island and San Marco Island, and San Marco Island and Biscayne Island.²⁶

In an anchoring limitation area, a person is prohibited from anchoring a vessel at any time during the period between one half-hour after sunset and one half-hour before sunrise.²⁷ However, a person may anchor in an anchoring limitation area if:

¹⁵ Section 253.03(1), F.S.

¹⁶ Section 253.03(7), F.S.

¹⁷ Section 327.44(2), F.S.

¹⁸ *Id.*

¹⁹ Section 327.73(j), F.S.

²⁰ Section 327.4109(1), F.S.

²¹ Section 327.02(14), F.S., defines "floating structure" as a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes an entity used as a residence, place of business, or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or a mining platform, dredge, dragline, or similar facility or entity represented as such.

²² Section 327.02(22), F.S., defines "live-aboard vessel" as a vessel used solely as a residence and not for navigation; a vessel represented as a place of business or a professional or other commercial enterprise; or a vessel for which a declaration of domicile has been filed. The definition expressly excludes commercial fishing boats.

²³ Section 327.60(2)(f), F.S.

²⁴ Section 327.60(3), F.S.

²⁵ Section 327.4108, F.S.

²⁶ Section 327.4108(1), F.S.

²⁷ Section 327.4108(2), F.S.

- The vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the people onboard unless the vessel anchors;
- Imminent or existing weather conditions in the vicinity pose an unreasonable risk of harm to the vessel or the people onboard unless the vessel anchors; or
- The vessel is attending a regatta, race, marine parade, tournament, exhibition,²⁸ or other special event, including, but not limited to, public music performances, local government waterfront activities, or a fireworks display.²⁹

The Division of Law Enforcement of FWC and its officers, county sheriffs and deputies, and municipal police officers typically enforce anchoring limitation areas.³⁰ Such law enforcement officers are authorized to remove and impound a vessel that, after being issued a citation for violation of the anchoring limitation area, anchors the vessel in the anchoring limitation area within 12 hours after being issued the citation or refuses to leave the anchoring limitation area after being directed to do so by law enforcement.³¹

Anchoring limitation areas do not apply to vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes; construction or dredging vessels on an active job site; vessels actively engaged in commercial fishing; or vessels engaged in recreational fishing if the individuals on board are actively tending hook and line fishing gear or nets.³²

Effect of the Bill

The bill requires FWC to develop and publish on its website an educational pamphlet relating to the importance of boating safety education and promoting voluntary enrollment in a boating safety education course. At a minimum, the pamphlet must include:

- An overview of the importance of boating safety education and navigational rules.
- An overview of boating safety and the proper use of safety equipment.
- An overview of the dangers of careless operation of a vessel or operating overloaded vessels.
- An overview of the proper use and lifesaving benefits of an engine cutoff switch for motorboats and personal watercrafts.
- The importance of not operating vessels while under the influence of alcoholic beverages, chemical substances, or controlled substances.

The bill requires any person who is convicted of a noncriminal boating infraction as specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y), F.S., to:

- Enroll in, attend, and successfully complete a classroom or online boating safety course that is approved by and meets the minimum standards established by FWC rule;
- File proof of successful completion of the course with FWC within 90 days; and
- Refrain from operating a vessel until he or she has filed proof of successful completion of the course.

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.

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 requires a livery to either:

²⁸ Section 327.48, F.S.

²⁹ Section 327.4108(3), F.S.

³⁰ Section 327.70(1), F.S.

³¹ Section 327.4108(5)(b), F.S.

³² Section 327.4108(4), F.S.

- Obtain and carry an insurance policy which insures a renter in the same manner and amounts of the policy obtained for the livery, and to provide to each renter the insurance carrier's name and address and the policy number; or
- Present the renter with an opportunity to purchase coverage which insures the renter against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the livery vessel of at least \$500,000 per person and \$1 million per event. If the renter chooses to not purchase insurance, the livery must obtain a signed acknowledgment from the renter.

The bill revises requirements related to the statutorily designated anchoring limitation areas to specify that the anchoring restrictions do not apply within residential docking facilities, marinas, or existing mooring fields. The bill also revises the anchoring limitation areas within Biscayne Bay to establish the area lying between Di Lido Island and San Marino Island as well as the area lying between State Road 913 and State Road 826 as new anchoring limitation areas. In addition, the bill specifies that areas within 200 yards of the designated sections of Biscayne Bay are anchoring limitation areas.

B. SECTION DIRECTORY:

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

Section 2. Amends s. 327.4108, F.S., relating to anchoring of vessels in anchoring limitation areas.

Section 3. Amends s. 327.54, F.S., relating to liveries.

Section 4. Amends s. 327.731, F.S., relating to mandatory education for violators.

Section 5. 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:

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:

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 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 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.

On April 10, 2023, the Infrastructure Strategies Committee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Required FWC to develop and publish an educational pamphlet relating to the importance of boating safety education;
- Expanded anchoring limitation areas;
- Required a person convicted of a noncriminal boating infraction to undergo mandatory boating education; and
- Required a livery to either obtain an insurance policy which insures a renter or present the renter with an opportunity to purchase certain coverage.

This analysis is drafted to the committee substitute as approved by the Infrastructure Strategies Committee.

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.

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
 21 have 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
 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.

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.

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.



265890

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Rules (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Before line 12

insert:

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

327.46 Boating-restricted areas.—

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



265890

12 restrictions are necessary based on boating accidents,
13 visibility, hazardous currents or water levels, vessel traffic
14 congestion, or other navigational hazards or to protect
15 seagrasses on privately owned submerged lands.

16 (b) Municipalities and counties may establish the following
17 boating-restricted areas by ordinance, including,
18 notwithstanding the prohibition in s. 327.60(2)(c), within the
19 portion of the Florida Intracoastal Waterway within their
20 jurisdiction:

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

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

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

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

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

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

40 b. Within 300 feet of any bridge span presenting a vertical



265890

41 clearance of less than 25 feet or a horizontal clearance of less
42 than 100 feet.

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

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

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

50 f. Within 500 feet of a sewage pumpout facility at a public
51 or private nonresidential marina on a waterway where the sewage
52 pumpout facility is within 100 feet of the marked portion of the
53 Florida Intracoastal Waterway.

54 3. An ordinance establishing a vessel-exclusion zone if the
55 area is:

56 a. Designated as a public bathing beach or swim area,
57 except that such areas may not be created on waters that include
58 any portion of the Florida Intracoastal Waterway or that are
59 within 100 feet of the marked channel of the Florida
60 Intracoastal Waterway.

61 b. Within 300 feet of a dam, spillway, or flood control
62 structure.

63
64 Vessel exclusion zones created pursuant to this subparagraph
65 must be marked with uniform waterway markers permitted by the
66 commission in accordance with this chapter. Such zones may not
67 be marked by ropes.

68 Section 2. For the purpose of incorporating the amendment
69 made by this act to section 327.46, Florida Statutes, in a



70 reference thereto, subsection (2) of section 327.41, Florida
71 Statutes, is reenacted to read:

72 327.41 Uniform waterway regulatory markers.—

73 (2) Any county or municipality which has been granted a
74 boating-restricted area designation, by rule of the commission
75 pursuant to s. 327.46(1)(a), for a portion of the Florida
76 Intracoastal Waterway within its jurisdiction or which has
77 adopted a boating-restricted area by ordinance pursuant to s.
78 327.46(1)(b) or (c) or s. 379.2431(2)(p), or any other
79 governmental entity which has legally established a boating-
80 restricted area, may apply to the commission for permission to
81 place regulatory markers within the boating-restricted area.

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete line 2

86 and insert:

87 An act relating to vessels; amending s. 327.46, F.S.;
88 authorizing counties and municipalities to establish
89 slow speed, minimum wake boating-restricted areas
90 within a specified distance from certain sewage
91 pumpout facilities at public or private nonresidential
92 marinas within certain portions of the Florida
93 Intracoastal Waterway; reenacting s. 327.41(2), F.S.,
94 relating to uniform waterway regulatory markers, to
95 incorporate the amendment made to s. 327.46, F.S., in
96 a reference thereto; amending

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.

1 A bill to be entitled
 2 An act relating to vessel regulations; amending s.
 3 327.46, F.S.; authorizing counties and municipalities
 4 to establish within certain portions of the Florida
 5 Intracoastal Waterway slow speed, minimum wake
 6 boating-restricted areas within a specified distance
 7 from private or public marina pumpouts; amending s.
 8 403.813, F.S.; removing a provision authorizing local
 9 governments to require permitting for certain floating
 10 vessel platforms; revising conditions under which
 11 local governments may require one-time registrations
 12 of floating vessel platforms; making technical
 13 changes; reenacting s. 327.41(2), F.S., relating to
 14 uniform waterway regulatory markers, to incorporate
 15 the amendment made to s. 327.46, F.S., in a reference
 16 thereto; providing an effective date.

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

19
 20 Section 1. Paragraph (b) of subsection (1) of section
 21 327.46, Florida Statutes, is amended to read:

22 327.46 Boating-restricted areas.—

23 (1) Boating-restricted areas, including, but not limited
 24 to, restrictions of vessel speeds and vessel traffic, may be
 25 established on the waters of this state for any purpose

26 necessary to protect the safety of the public if such
 27 restrictions are necessary based on boating accidents,
 28 visibility, hazardous currents or water levels, vessel traffic
 29 congestion, or other navigational hazards or to protect
 30 seagrasses on privately owned submerged lands.

31 (b) Municipalities and counties may establish the
 32 following boating-restricted areas by ordinance, including,
 33 notwithstanding the prohibition in s. 327.60(2)(c), within the
 34 portion of the Florida Intracoastal Waterway within their
 35 jurisdiction:

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

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

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

- 51 c. Inside or within 300 feet of any lock structure.
- 52 2. An ordinance establishing a slow speed, minimum wake
- 53 boating-restricted area if the area is:
- 54 a. Within 300 feet of any bridge fender system.
- 55 b. Within 300 feet of any bridge span presenting a
- 56 vertical clearance of less than 25 feet or a horizontal
- 57 clearance of less than 100 feet.
- 58 c. On a creek, stream, canal, or similar linear waterway
- 59 if the waterway is less than 75 feet in width from shoreline to
- 60 shoreline.
- 61 d. On a lake or pond of less than 10 acres in total
- 62 surface area.
- 63 e. Within the boundaries of a permitted public mooring
- 64 field and a buffer around the mooring field of up to 100 feet.
- 65 f. Within 500 feet of any private or public marina
- 66 pumpout.
- 67 3. An ordinance establishing a vessel-exclusion zone if
- 68 the area is:
- 69 a. Designated as a public bathing beach or swim area,
- 70 except that such areas may not be created on waters that include
- 71 any portion of the Florida Intracoastal Waterway or that are
- 72 within 100 feet of the marked channel of the Florida
- 73 Intracoastal Waterway.
- 74 b. Within 300 feet of a dam, spillway, or flood control
- 75 structure.

76
 77 Vessel exclusion zones created pursuant to this subparagraph
 78 must be marked with uniform waterway markers permitted by the
 79 commission in accordance with this chapter. Such zones may not
 80 be marked by ropes.

81 Section 2. Paragraph (s) of subsection (1) of section
 82 403.813, Florida Statutes, is amended to read:

83 403.813 Permits issued at district centers; exceptions.—

84 (1) A permit is not required under this chapter, chapter
 85 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 86 chapter 25270, 1949, Laws of Florida, and a local government may
 87 not require a person claiming this exception to provide further
 88 department verification, for activities associated with the
 89 following types of projects; however, except as otherwise
 90 provided in this subsection, this subsection does not relieve an
 91 applicant from any requirement to obtain permission to use or
 92 occupy lands owned by the Board of Trustees of the Internal
 93 Improvement Trust Fund or a water management district in its
 94 governmental or proprietary capacity or from complying with
 95 applicable local pollution control programs authorized under
 96 this chapter or other requirements of county and municipal
 97 governments:

98 (s) The construction, installation, operation, or
 99 maintenance of floating vessel platforms or floating boat
 100 lifts, ~~provided that such structures:~~

101 1. To qualify for an exemption under this paragraph, the
 102 structure must:

103 a. Float at all times in the water for the sole purpose of
 104 supporting a vessel so that the vessel is out of the water when
 105 not in use;

106 b.2. Be ~~Are~~ wholly contained within a boat slip previously
 107 permitted under ss. 403.91-403.929, 1984 Supplement to the
 108 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 109 ~~do~~ not exceed a combined total of 500 square feet, or 200 square
 110 feet in an Outstanding Florida Water, when associated with a
 111 dock that is exempt under this subsection or associated with a
 112 permitted dock with no defined boat slip or attached to a
 113 bulkhead on a parcel of land where there is no other docking
 114 structure;

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

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

125 e.5. ~~Are~~ Not be constructed in areas specifically

126 prohibited for boat mooring under conditions of a permit issued
 127 in accordance with ss. 403.91-403.929, 1984 Supplement to the
 128 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 129 other form of authorization issued by a local government.

130 2. The owner of a structure ~~Structures~~ that qualifies
 131 ~~qualify~~ for an ~~this~~ exemption under this paragraph is not
 132 required ~~are relieved from any requirement~~ to obtain permission
 133 to use or occupy lands owned by the Board of Trustees of the
 134 Internal Improvement Trust Fund, and, with the exception of
 135 those structures attached to a bulkhead on a parcel of land
 136 where there is no docking structure, the structure may not be
 137 subject to any more stringent permitting requirements,
 138 registration requirements, or other regulation by any local
 139 government. For a floating vessel platform to be attached to a
 140 bulkhead on a parcel of land where there is no docking
 141 structure, a local government ~~governments~~ may require the
 142 platform owner to obtain a permit ~~either permitting~~ or one-time
 143 registration of the floating vessel platform ~~platforms to be~~
 144 ~~attached to a bulkhead on a parcel of land where there is no~~
 145 ~~other docking structure~~ as necessary to ensure compliance with
 146 local ordinances, codes, or regulations. A local government
 147 ~~governments~~ may require only a ~~either permitting~~ or one-time
 148 registration of all other floating vessel platforms where the
 149 platform owner self-certifies ~~as necessary to ensure~~ compliance
 150 with the exemption criteria in this section; to ensure

151 compliance with ~~local~~ ordinances, codes, state-delegated or
 152 state-mandated plans or programs, or regulations relating to
 153 building or zoning, which may not be applied more stringently
 154 ~~are no more stringent than,~~ or inconsistent with, the exemption
 155 criteria in this section and ~~or~~ address subjects other than
 156 subjects addressed by the exemption criteria in this section;
 157 and to ensure proper installation, maintenance, and
 158 precautionary or evacuation action following a tropical storm or
 159 hurricane watch of a floating vessel platform or floating boat
 160 lift that is proposed to be attached to a bulkhead or parcel of
 161 land where there is no other docking structure.

162 3. The exemption provided in this paragraph is ~~shall be~~ in
 163 addition to the exemption provided in paragraph (b). The
 164 department shall adopt a general permit by rule for the
 165 construction, installation, operation, or maintenance of those
 166 floating vessel platforms or floating boat lifts that do not
 167 qualify for the exemption provided in this paragraph but do not
 168 cause significant adverse impacts to occur individually or
 169 cumulatively. The issuance of such general permit constitutes
 170 ~~shall also constitute~~ permission to use or occupy lands owned by
 171 the Board of Trustees of the Internal Improvement Trust Fund. A
 172 local government ~~governments~~ may not impose a more stringent
 173 regulation, permitting requirement, registration requirement, or
 174 other regulation covered by such general permit. A local
 175 government ~~governments~~ may require a structure owner to obtain

176 either a permit ~~permitting~~ or one-time registration of floating
 177 vessel platforms as necessary to ensure compliance with the
 178 general permit in this section; to ensure compliance with local
 179 ordinances, codes, or regulations relating to building or zoning
 180 that are no more stringent than the general permit in this
 181 section; and to ensure proper installation and maintenance of a
 182 floating vessel platform or floating boat lift that is proposed
 183 to be attached to a bulkhead or parcel of land where there is no
 184 other docking structure.

185 Section 3. For the purpose of incorporating the amendment
 186 made by this act to section 327.46, Florida Statutes, in a
 187 reference thereto, subsection (2) of section 327.41, Florida
 188 Statutes, is reenacted to read:

189 327.41 Uniform waterway regulatory markers.—

190 (2) Any county or municipality which has been granted a
 191 boating-restricted area designation, by rule of the commission
 192 pursuant to s. 327.46(1)(a), for a portion of the Florida
 193 Intracoastal Waterway within its jurisdiction or which has
 194 adopted a boating-restricted area by ordinance pursuant to s.
 195 327.46(1)(b) or (c) or s. 379.2431(2)(p), or any other
 196 governmental entity which has legally established a boating-
 197 restricted area, may apply to the commission for permission to
 198 place regulatory markers within the boating-restricted area.

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

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 Payne offered the following:

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

6 Remove lines 65-66 and insert:

7 f. Within 500 feet of a sewage pumpout at any public or
 8 private nonresidential marina if the pumpout is within 100 feet
 9 of the marked channel of the Florida Intracoastal Waterway.

10
 11 -----

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

13 Remove line 7 and insert:

14 from certain nonresidential private or public marina
 15 pumpouts; amending s.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for CS/HB 847 Vessel Regulations

SPONSOR(S): Infrastructure Strategies Committee

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Infrastructure Strategies Committee		Curtin	Harrington

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. The restrictions must be necessary due to boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately-owned submerged lands.

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 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 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

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.²

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.³ 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.⁴

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.⁵ The restrictions must be necessary due to "boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately-owned submerged lands."⁶

Local governments are generally prohibited from regulating any vessel upon the Florida Intracoastal Waterway.⁷ However, local governments have been delegated authority to establish certain boating-restricted areas by ordinance, including in the portion of the Florida Intracoastal Waterway that is within their jurisdiction.⁸

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 Art. IV, s. 9, Fla. Const.

² *Id.*

³ Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited Mar. 22, 2023).

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

⁵ S. 327.46(1), F.S.

⁶ *Id.*

⁷ S. 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. S. 327.02(15), F.S.

⁸ S. 327.46(1), F.S.

- Inside or within 300 feet of any lock structure.⁹

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.¹⁰

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.¹¹

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.¹² 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.¹³

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.¹⁴ 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.¹⁵

ERP Exceptions

Current law provides exceptions from ERP¹⁶ permitting for certain types of projects.¹⁷ 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.¹⁸ 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.¹⁹ These exceptions do not relieve an applicant from obtaining permission to use or occupy lands owned by the Board of Trustees

⁹ S. 327.46(1)(b)1., F.S.

¹⁰ S. 327.36 (1)(b)2., F.S.

¹¹ S. 327.46(1)(b)3., F.S.

¹² S. 327.46(3), F.S.

¹³ S. 327.46(4), F.S.

¹⁴ 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).

¹⁵ DEP, *Submerged Lands and Environmental Resources Coordination Program*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination> (last visited Mar. 1, 2023).

¹⁶ See chs. 373 and 403, F.S.

¹⁷ S. 403.813(1), F.S.

¹⁸ See s. 403.813(1)(a)-(v), F.S., see also r. 62-330.051, F.A.C.

¹⁹ *Id.*

of the Internal Improvement Trust Fund (Board) or a WMD or from complying with local pollution control programs or other requirements of local governments.²⁰

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.²¹ 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
- 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.²²

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.²³

Structures that meet this exemption criteria are typically made of lightweight materials that float and do not have posts or structures that disturb the sovereign submerged lands below.

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.²⁴ Local governments may require either permitting or one-time registration of floating vessel platforms.²⁵

²⁰ S. 403.813(1), F.S.

²¹ S. 403.813(1)(b), F.S.

²² *Id.*

²³ S. 403.813(1)(s), F.S.; Rule 62-330.428, F.A.C.

²⁴ *Id.*

²⁵ S. 403.813(1)(s), F.S.

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.

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. 327.46, F.S., relating to boating-restricted areas.

Section 2. Amends s. 403.813, F.S., to specify floating vessel platform ERP exemption criteria.

Section 3. Reenacts s. 327.41, F.S., relating to uniform waterway regulatory markers.

Section 4. 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:

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

Not applicable.

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

20231640__

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
	04/13/2023 HOUSE Placed on Special Order Calendar, 04/20/23
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 Rules
	Actions
	04/14/2023 SENATE Now in Rules
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: No Current Committee
	Actions

04/13/2023 HOUSE Placed on Special Order Calendar, 04/18/23

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

Current Committee of Reference: House State Affairs Committee

Actions

04/17/2023 HOUSE On Committee agenda - State Affairs Committee, 04/19/23, 8:00 am, 212 K

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

04/12/2023 HOUSE In Messages

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

Current Committee of Reference: House Criminal Justice Subcommittee

Actions

01/25/2023 HOUSE Now in Criminal Justice Subcommittee

HB 0261 **Boating Safety** by Botana

Current Committee of Reference: No Current Committee

Actions

04/14/2023 HOUSE Placed on Calendar, on 2nd reading

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

04/14/2023 SENATE On Committee agenda - Rules, 04/19/23, 8:30 am, 412 K

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 Griffitts Jr.

Current Committee of Reference: House State Affairs Committee

Actions

04/17/2023 HOUSE On Committee agenda - State Affairs Committee, 04/19/23, 8:00 am, 212 K

SB 0406 Yacht and Ship Brokers by Hooper

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

Actions

04/13/2023 SENATE On Committee agenda - Appropriations Committee on Agriculture, Environment, and General Government, 04/18/23, 12:00 pm, 110 S

HB 0407 Apalachicola Bay Area of Critical State Concern by Shoaf

Current Committee of Reference: House Infrastructure Strategies Committee

Actions

04/13/2023 HOUSE On Committee agenda - Infrastructure Strategies Committee, 04/17/23, 2:00 pm, 404 H

SB 0418	Insurance by Perry
	Current Committee of Reference: No Current Committee
	Actions
	04/13/2023 SENATE Placed on Special Order Calendar, 04/19/23
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 State Affairs Committee
	Actions
	04/17/2023 HOUSE On Committee agenda - State Affairs Committee, 04/19/23, 8:00 am, 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 0505	Insurance by Berfield
	Current Committee of Reference: House Commerce Committee
	Actions
	04/13/2023 HOUSE On Committee agenda - Commerce Committee, 04/17/23, 2:00 pm, 212 K
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
	Actions
	04/17/2023 SENATE On Committee agenda - Appropriations, 04/20/23, 9:30 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
	04/13/2023 HOUSE Placed on Special Order Calendar, 04/20/23
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 Fiscal Policy
	Actions
	04/13/2023 SENATE Now in Fiscal Policy
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
	04/17/2023 HOUSE On Committee agenda - State Affairs Committee, 04/19/23, 8:00 am, 212 K
SB 0724	Seagrass Restoration Technology Development Initiative by Boyd
	Current Committee of Reference: Senate Appropriations
	Actions
	04/17/2023 SENATE On Committee agenda - Appropriations, 04/20/23, 9:30 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
	04/13/2023 HOUSE On Committee agenda - Infrastructure Strategies Committee, 04/17/23, 2:00 pm, 404 H - PCS
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 Commerce Committee

Actions

04/13/2023 HOUSE Now in Commerce Committee

HB 1015 Pub.Rec./COVID-19 Mandates and Treatment Options by Griffitts Jr.

Current Committee of Reference: House Commerce Committee

Actions

04/13/2023 HOUSE Now in Commerce Committee

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

04/14/2023 SENATE On Committee agenda - Rules, 04/19/23, 8:30 am, 412 K

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

04/13/2023 HOUSE On Committee agenda - Infrastructure Strategies Committee, 04/17/23, 2:00 pm, 404 H

HB 1161 Venomous Reptiles by Abbott

Current Committee of Reference: No Current Committee

Actions

04/13/2023 HOUSE Placed on Special Order Calendar, 04/20/23

SB 1170 Flooding and Sea Level Rise Vulnerability Studies by Calatayud

Current Committee of Reference: Senate Fiscal Policy

Actions

04/17/2023 SENATE On Committee agenda - Fiscal Policy, 04/20/23, 9:30 am, 412 K

HB 1181 Seagrass Restoration by Robinson (W) Jr.

Current Committee of Reference: House Infrastructure Strategies Committee

Actions

04/13/2023 HOUSE On Committee agenda - Infrastructure Strategies Committee, 04/17/23, 2:00 pm, 404 H

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

04/17/2023 HOUSE On Committee agenda - Judiciary Committee, 04/19/23, 8:00 am, 404 H

SB 1368 Unlawful Dumping by Wright

Current Committee of Reference: Senate Rules

Actions

04/14/2023 SENATE On Committee agenda - Rules, 04/19/23, 8:30 am, 412 K

HB 1379 Environmental Protection by Steele

Current Committee of Reference: House Infrastructure Strategies Committee

Actions

04/13/2023 HOUSE On Committee agenda - Infrastructure Strategies Committee, 04/17/23, 2:00 pm, 404 H

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: No Current Committee
	Actions
	04/13/2023 HOUSE Placed on Calendar, on 2nd reading
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
	04/13/2023 HOUSE On Committee agenda - Infrastructure Strategies Committee, 04/17/23, 2:00 pm, 404 H

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
	04/13/2023 SENATE On Committee agenda - Appropriations Committee on Agriculture, Environment, and General Government, 04/18/23, 12:00 pm, 110 S
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: No Current Committee
	Actions
	04/13/2023 HOUSE Placed on Special Order Calendar, 04/18/23
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
	04/13/2023 SENATE On Committee agenda - Appropriations Committee on Agriculture, Environment, and General Government, 04/18/23, 12:00 pm, 110 S
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
	04/14/2023 SENATE On Committee agenda - Rules, 04/19/23, 8:30 am, 412 K
SB 1580	Protections of Medical Conscience by Trumbull
	Current Committee of Reference: Senate Rules
	Actions
	04/14/2023 SENATE On Committee agenda - Rules, 04/19/23, 8:30 am, 412 K
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

04/14/2023 SENATE On Committee agenda - Rules, 04/19/23, 8:30 am, 412 K

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

04/13/2023 SENATE On Committee agenda - Appropriations Committee on Transportation, Tourism, and Economic Development, 04/18/23, 8:30 am, 110 S

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