

MARINE  
INDUSTRIES  
ASSOCIATION  
OF FLORIDA, INC.



## **Legislative History & Successes**

**Updated, August 2016**

# Florida's Marine Industry

2003

## Office of Boating and Waterways

Marine Industries Association of Florida supported and passed legislation creating the Office of Boating and Waterways under the Florida Wildlife and Conservation Commission. The bill allocates \$13.5 million dollars of marina fuel tax be used to fund additional on the water law enforcement, waterway markers, boater education, and boating infrastructure grants for cities and counties. Prior to this legislation passing, not one government entity was responsible for tracking the trends of boating or be a resource for boating.

Importance: The State of Florida benefits from the marine industry economically. Before this bill was passed, there was not an agency that was designated to oversee boating and boating related issues. The fragmented approach of state government, meant fragmented solutions to problems, ideas, and statewide boat related issues. This bill created a Office of Boating and Waterways and funded the Office through marina fuel tax. Before the creation of this Office of Boating and Waterways, marina fuel taxes were going to the Department of Transportation.

2004

## Working Waterfront Protection Act

Marine Industries Association of Florida proactively began working on legislation during 2004 to protect public access to our waterways. The end result was proposed legislation during the 2004 Legislative Session called the Working Waterfront Protection Act. The bill did not pass in 2004, but after a year of hard work and determination a new and improved bill was introduced in 2005.

2005

## Working Waterfront Protection Act

After two years of hard work the Working Waterfront Protection Act became law in 2005. The bill defines "recreational and commercial working waterfronts". Requires coastal communities to encourage the preservation of recreational and commercial working waterfronts in their comprehensive plan. Encourages expanding the Waterfront Florida program within the Department of Community Affairs and provide funding. Requires DEP and Florida Fish and Wildlife and Conservation Commission to study the current uses of state parks and identify possible opportunities for recreational boating within those parks. The bill recognizes the importance of our waterways for engaging in commerce. We promote this commerce through establishing a deferral program for qualified recreational and commercial working waterfronts by providing much needed relief for escalating waterfront property values. The county would maintain a lien on the property until the change in use of the property and owner is no longer eligible and collect any taxes and interest due.

Importance: Prior to the introduction of this important piece of legislation, “working waterfronts” were not defined in Florida Statutes. This important piece of legislation opened the door to educating elected officials on the economic impacts of the marine industry and the difficulties they were having staying in business due to “highest and best use” taxation. Without the introduction and passage of this legislation and the definitions it provides, marine industry would not have had the profile to get Amendment 6 on the November 2008 ballot.

### Hurricane Grant Program

The 2005-2006 Appropriations Bill contained a line item for \$5 million dollars for a grant program for marinas impacted by the 2004 Hurricane Season. Recipients had to agree to stay open to the public for a specified time or repay the grant.

Importance: This appropriation is almost unheard of in state government. This appropriation allowed marine businesses impacted by the four hurricanes in 2004 apply for funding to rebuild their facilities. Banks were weary of lending money to facilities that did not have insurance and insurance for many of these facilities is too expensive. This one time appropriation assisted many in our industry and provided a much needed helping hand in a time of need to get back up on their feet and rebuild.

## 2006

### Vessels/Hurricanes

Another two year fight was the Hurricane Vessel bill that passed in 2006 and became law.

The bill provides funding for local projects regarding uniform waterway markers, boat ramps, boat lifts, and hoists, marine railways, public boat launching facilities, and derelict vessel removal. The bill authorizes marina owners or employees to take steps and charge reasonable fees to secure a vessel in a marina after the issuance of a tropical storm or hurricane watch has been issued and requires marina owners to give contractual notice of such authority. Clarifies local governments can enact or enforce regulations prohibiting or restricting mooring or anchoring within the marked boundaries of mooring fields. The bill also clarifies local authorities may not regulate the anchoring outside such mooring fields. Provides for the distribution of vessel registration fees to counties and specifies the utilization of such funds relating to boat access. Provides grant program for the removal of derelict vessels to local funds relating to the removal of derelict vessels.

Importance: Without this important piece of legislation, marinas would not be allowed to protect their facilities and infrastructure from individuals who neglect to properly secure their vessels in the facilities. Story after story in 2004 and 2005 of how marina owners had no recourse to protect their business prompted this very important piece of legislation.

## 2007

### Property Taxes

Marine Industry Association of Florida worked very hard to make sure language relating to “working

waterfronts” was included in the joint resolution that will be on the ballot for voters to approve or disapprove in January. Unfortunately, the courts threw out the ballot language and we were forced to start over.

During Special Session D, “working waterfronts” were included in the Special Session Call for Property Tax Relief. Unfortunately, in the last 24 hours, “working waterfronts” were not included in the ballot language. Amendment 1 passed in January 2008 and did not include property tax relief for working waterfronts.

## 2008

### Property Taxes

Marine Industries Association of Florida picked itself back up and regrouped after Special Session D. After much deliberation we moved forward and began to push for the Taxation and Budget Commission to pass a constitutional ballot initiative for the November 2008 general election. Marine Industries Association of Florida worked closely with Associated Industries of Florida and successfully passed what is known today as Amendment 6.

Amendment 6 will be on the general election ballot November 2008. The amendment will need 60% approval from voters to amend the Florida Constitution.

Importance: Simply stated, this is a once in a lifetime opportunity to protect the taxation of your business in the Florida Constitution. Amendment 6 states working waterfronts as defined in the amendment can only be taxed at “current use” not “highest and best use”. If working waterfronts continue to be taxed as high rise condominiums we will become an endangered species and all businesses impacted by working waterfronts will diminish as working waterfronts will falter to high taxation.

### Amendment 6

Amendment 6 represents two years worth of work and various discussions with marine industries, marina owners, property appraisers, local governments and various business organizations.

The marine industry in this state contributes over \$18 billion to Florida’s economy and provides 220,000 jobs. We have all read or heard the stories from around the state about the taxation of these waterfronts and how their tax bills have dramatically increased in many areas of the state because of the application of “highest and best use”.

Unlike other businesses, the marine industry can not move as they are dependent on direct access to the water. The high taxes are forcing working waterfronts to consider selling their businesses for other uses such as condominium development or they are relocating out of state. An example of this trend, two major boat manufacturers relocated to other southern states due to taxes, incentives offered by these states and in general, the high cost of doing business in Florida.

Amendment 6 simply states marinas and drystacks open to the public, vessel launches that are navigable and accessible to the public, commercial fishing facilities, water dependent marine manufacturing facilities, marine vessel construction and repair facilities and their support activities all

be taxed at current use.

## 2009

### Amendment 6 Implementing Language

Amendment 6 was placed on the ballot in November 2008 by the Taxation and Budget Reform Commission. Florida voters overwhelmingly supported Amendment 6 and it passed with 70.6 percent of the vote

The Amendment clarifies that working waterfront properties are to be taxed at current use and not at highest and best use. For example, a marina should be taxed as a marina and not a condominium on the water. The passage of Amendment 6 is crucial to ensuring working waterfronts are not taxed out of existence.

Over 4.9 million people voted in favor of Amendment 6-it received the highest number of votes of all the constitutional amendments on the November ballot.

The House and the Senate filed bills during the 2009 Legislative Session to implement the passage of Amendment 6. Unfortunately, the bill dies on the last day of session due to differences with various groups. Marine Industries Association wants the language specific and does not want property appraisers around the state to have discretion as it is believed discretion created the problem with "highest and best use" application by many appraisers around the state.

## 2010

Marine Industries Association of Florida has worked tirelessly over the last five years to fight to preserve working waterfronts in Florida and protect public access to our waterways.

We have been on the front lines advocating, educating and campaigning across the state of Florida for uniformity of the taxation of working waterfronts. Simply, we just want to be taxed as the business we are, not as a high rise condominium.

Florida voters passed Amendment 6 with 70.6 percent of the vote back in November 2008. Amendment 6 included language requiring the Florida Legislature to pass legislation to implement the constitutional amendment subject to conditions and limitation and reasonable definitions. Amendment 6 also included language stating the assessment of working waterfront property based on current use shall first apply to assessments for tax years beginning January 1, 2010.

As many of you are aware, this has not been an easy road over the last five years. Unfortunately, this year was not any different. However, MIAF is fortunate to have worked with the Working Waterfronts Coalition on this issue and appreciate their continued support on the implementing legislation. They have worked beside us and their assistance has been and continues to be invaluable.

As of March 2010, there were four bills filed relating to Amendment 6 Implementing Legislation. MIAF and the Working Waterfronts Coalition requested Senator Charlie Dean and Representative Julio Robaina file our language again for the 2010 Session. Both Senator Dean and Representative Robaina were supporters of Amendment 6 and assisted us in getting the word out about Amendment 6 during

the campaign. In fact, both legislators have supported this issue for the last five years and have fought beside us every step of the way.

In August 2010, the Department of Revenue issued a Memorandum specifying that Amendment 6 was self-executing and did not require statutory implementation, as no legislation was ever passed to direct such implementation.

## 2011

### Environmental Permitting

There were several controversial Environmental Permitting bills filed during the 2011 Legislative Session. In the end, none of the bills passed as-is, but some portions of these bills were placed elsewhere and passed into law. One of the most important changes from this legislation was the passage of language regarding burden of proof, in relation to non-applicant petitioners in administrative hearings. Specifically, this language clarifies that individuals who oppose the issuance of a license, permit or conceptual approval under Florida Statutes Chapters 373, 378, or 403, now have the burden of proof to persuade the agency to not issue the license, permit or approval based on their objections.

### Working Waterfronts

As you may recall, Marine Industries Association of Florida worked very hard during the 2008 election to pass Amendment 6 in Florida's Constitution, and subsequently worked on implementing language for the amendment.

Over the last two years, the passage of an implementing bill has been problematic as other groups who were not specified in the Constitutional Amendment wanted to be included in the Implementing Bill. Marine Industries Association opposed any implementing bill that expanded the constitutional authority and ultimately an implementing bill never passed. However, the Department of Revenue issued a memorandum in 2010 stating the Constitutional Amendment was self-executing, and MIAF chose not to pursue an implementing bill this year. Unfortunately, some of the groups that wanted to be included went out and filed a bill on their own to expand Amendment 6. Marine Industries Association of Florida did not support this legislation, and it was withdrawn from consideration during Session.

### Vessels

Senate Bill 512 (Relating to Vessels) stemmed from an issue raised by Marine Industries Association of Treasure Coast. The bill provides changes applying to navigation rule violations resulting in a boating accident that ARE NOT reckless operation. These violations will now result in a noncriminal infraction instead of a second degree misdemeanor. CS/CS/SB 512 was sent to Governor Rick Scott on June 8th. The Governor signed SB 512 into law on June 17th, 2011.

During the 2011 Legislative Session, MIAF also worked to monitor and work against legislation that would harm the marine industry, as well as support other legislation deemed beneficial to our industry.

## 2012

### Environmental Permitting

After several roadblocks during the 2011 Legislative Session, Rep. Jimmy Patronis filed another environmental permitting bill for the 2012 Legislative Session. House Bill 503 contained a variety of issues that MIAF supported, including measures that increase the number of expedited environmental permits, language that eliminates duplicative and costly agency and local government reviews, and measures that decrease the time period for permit decisions from ninety days to sixty days.

MIAF worked closely with Rep. Patronis on this legislation, and supported HB 503 as it made its way through the legislative process. The House of Representatives passed HB 503 on February 23rd by a vote of 112-0. Sen. Mike Bennett sponsored a companion bill in the Florida Senate, SB 716. The Senate passed the Patronis/Bennett bill on March 8th, and it was sent to Florida Governor Rick Scott. Governor Scott signed HB 503 into law on May 5th, 2012.

## 2013

### Environmental Permitting

The 2013 Legislative Session came to an end May 3, 2013. Marine Industries Association of Florida once again took a proactive approach to championing legislative changes. MIAF approved an aggressive legislative agenda including changes to boat show permits, codifying a section of 18-21 into law, and changing Florida Statutes relating to seawall replacement.

Specifically, Marine Industries Association of Florida worked very close with Representative Jimmy Patronis and Senator Thad Altman to include these provisions in an environmental regulation package. As with all environmental packages, numerous stakeholder meetings, negotiations and amendments are common.

### *Background*

House Bill 999 was filed on February 25, 2013. The original bill was filed with the understanding that several stakeholder meetings would be held to discuss, negotiate or eliminate provisions of the bill.

These stakeholder meetings were open to everyone and any group that was interested was invited to participate. Participants included various local government associations, local government representatives from around the state, environmental groups, the Department of Environmental Protection and various private business representatives.

As a result of these meetings, numerous provisions of the bill were eliminated or negotiated. The bill had three committee references and changed substantially as it moved through the committee process. The sponsor continued to work on various provisions of the bill even as the bill was heard on the floor. Amendments were adopted and one amendment failed. The amendment that failed on the House floor was a controversial issue and the sponsor filed an amendment to delete the language that ultimately failed.

It is important to note, the second engrossed version of CS/CS/CS/HB 999 passed the Senate 39-1 and the House 106-10.

CS/CS/CS/HB 999 was referred to: the House Agriculture and Natural Resources Subcommittee, and passed 10-1; Agriculture and Natural Resources Appropriations Subcommittee, and passed 11-1; and the State Affairs Committee, and passed 14-0.

The Senate companion, Senate Bill 1684, was referred to four committees. SB 1684 passed the Environmental Preservation and Conservation Committee by a vote of 8-0, passed the Senate Agriculture Committee by a vote of 4-2, passed the Senate Appropriations Subcommittee on General Government by a vote of 12-0 and the Senate Appropriations Committee by a vote of 14-3.

These bills had numerous committee hearings and were amended throughout the process. The bills were heard in every committee they received a reference to and were not withdrawn from any committee or re-referenced.

### *Boating Issues Contained in CS/CS/CS/HB 999*

Below are the provisions relating to boating that passed in CS/CS/CS/HB 999. Marine Industries Association of Florida also worked to support and change the current law treating multi-family docks differently than single family docks. We worked very closely with stakeholders and other interested parties on this legislation and the change below was passed in CS/CS/CSHB 999.

**Boat Show Leases** - Allows for 10-year leases or consents of use for boat show owners; allows reconfigurations of temporary docking facilities within the lease area; simplifies lease fee. Calculations to be based on the size of the actual preempted area and period of the preemption.

**Boat Show Permits** - Directs DEP to issue special events permits, which run concurrently with the consent of use or lease of government property as allowed under s. 253.0345, and which also allow movement of temporary structures within the lease area.

**Clean Marinas** - Provides a 30% discount on annual lease fees for first-come, first-served marinas that provides 90% of the slips are open to public rental. Also provides 10% to certain other marinas designated as a Clean Marina, Clean Boatyard, or Clean Marine Retailer under the Clean Marina Program. This language is currently in rule 18-21. Simply, this language exists under current DEP rule 18-21 and is codified in statute.

**Multi-family Docks** - Adds dock fee reductions for certain multi-family docks so they are more fairly treated as residential docks than commercial docks. This is a fairness issue. This language treats condo owners with a dock the same as a single family homeowner.

**Managed Public Mooring Fields** - Provides for general permitting of mooring fields not exceeding 100 vessels; removes availability of a general permit for public marinas, so all marinas will be subject to the standard permitting process. Mooring fields are environmentally friendly and more economical. This language is intended to be an incentive for local governments to consider mooring fields in their area as they will reduce seagrass scarring by providing a place for boaters to tie up their boats, instead of anchoring in seagrass areas. Another strong benefit of mooring fields is that they provide pump out facilities for vessels.



## Other Successes

### *Florida Renewable Fuel Standard Act*

Marine Industries Association of Florida also supported a bill to repeal ethanol requirements. The bills were sponsored by Representative Matt Gaetz and Senator Greg Evers.

Specifically, the bill repeals the Florida Renewable Fuel Standard Act passed by the Floridas Legislature in 2008.

Simply, this bill eliminates the requirement that all gasoline sold or offer sale by a terminal supplier, importer, blender, or wholesaler be blended gasoline.

### *Boating Safety Education*

Also, a provision in HB 7125, Relating to the Department of Highway Safety and Motor Vehicles, authorizes the DHSMV to retain administrative funds from the vessel registration program and distribute \$400,000 to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services to fund activities relating to protection, restoration and research of the natural oyster reefs and beds of the state, and allows \$300,000 may be used by the Fish and Wildlife Conservation Commission for boating safety education.

## 2014

Marine Industries Association of Florida has had an active role over many years promoting and defending marine interests on the state level. Every Legislative Session is different, some years we are fortunate to impact positive changes for our industry and every year we defend against proposed legislation that would be harmful to our industry as a whole. We have been and will continue to be an active voice in Tallahassee on boating related issues that impact marine businesses and boaters from Pensacola to Key West.

The 2014 Legislative Session proved to be a defensive year for our industry. Unfortunately three different amendments were filed in the last week of Session that required our swift action and opposition. The Legislative process is fluid and must be closely monitored and acted upon at a moment's notice.

This year MIAF supported the Florida Fish and Wildlife Conservation Commission legislative package, House Bill 955 by Representative Tom Goodson and Senate Bill and Senate Bill 1126 by Senator Charlie Dean. The proposed bills included language to extend the state anchoring and mooring pilot program for three years. This pilot program and the results will shape anchoring and mooring in Florida for years to come. MIAF has been an active stakeholder since the pilot programs inception.

From the beginning, MIAF and other boating groups agreed to extend the pilot program for up to 3 years with the understanding no other local governments could be added to ensure the data collected was not skewed by new entrants.

Unfortunately, during the last two weeks of the 2014 Legislative Session three separate amendments were filed in the House and the Senate that would have changed anchoring in Florida as we know it today. The amendments would have carved out exceptions for local governments to adopt their own anchoring ordinances. This would have invalidated many years of work of the pilot program currently in place and would have set a precedent for all local governments in the state to adopt ordinance without any guidelines or restrictions.

### **Timeline and Results**

April 21, 2014 (Amendment Filed for Senate Appropriations) Senator Margolis filed an amendment to SB 1126 for the Senate Appropriations Committee. The amendment was ultimately withdrawn due to Senators questions and time remaining in the committee that would have ultimately killed the bill. Testimony was lined up to oppose by Boat US, NMMA and MIAF. No testimony was taken as the amendment was withdrawn. (Amendment withdrawn April 22)

April 21, 2014(Amendment filed for House floor) Representative Eddie Gonzalez filed an amendment for the House floor on HB 955. The amendment was fully debated on the House floor on April 22, 2014. The debate lasted for over 30 minutes on this amendment. The amendment was put to a board vote in the House and was defeated 50 yeas to 67 nays. Again through the statewide efforts of Boat US, NMMA and MIAF the amendment was defeated. The vote list is attached. (Amendment failed April 23)

April 30, 2014 Senator Chris Smith filed the amendment to the Senate and House bill on the House floor. The amendment was brought up for debate. Many Senators debated on the issue. The amendment ultimately failed on a voice vote. Subsequently the amendment to the House Bill that had been received in messages was withdrawn. (Amendment failed May 1)

I bring all this information to your attention as this is a great example of how working with other boating groups and having a united statewide voice. We can make a difference in Tallahassee and have over the years. Florida is a unique state and especially unique regionally when it comes to boating. MIAF serves as a unified group to represent and advocate for all aspects of boating and boaters. Our goal is to continue to work with other organizations with similar interests and continue to protect, promote and preserve boating in the State of Florida.

## **2015**

### **Anchoring & Mooring**

In 2015, we successfully defeated the Anchoring and Mooring legislative proposal in the Senate, which contained provisions that were staunchly against the best interest of those in the marine industry.

## 2016

### **Anchoring**

HB 1051 contains the following provisions:

- States “Anchoring Limitation Area”
- Provides for densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational are designated as anchoring limitation areas.
- Applies to section of Middle River lying between Northeast 21st Court and the Intracostal Waterway in Broward County, Sunset Lake in Miami-Dade County, 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 finally San Marco Island and Biscayne Island.
- Provides an exemption for a vessel to anchor in a zone if mechanical failure poses harm for a certain number of days
- Provides an exemption if weather conditions pose unreasonable risk of harm
- Provides for an exemption for special events
- Provides exemptions for government entities, law enforcement, firefighting, military or rescue
- Allows for vessels actively engaged in commercial and recreational fishing
- Provides if a vessel refuses to leave an anchoring limitation rea after being asked to leave a law enforcement officer can have the vessel removed or impounded.
- Provides a sunset provision for this act once the Legislature adopts FWC recommendations for the regulation of mooring vessels outside of public mooring fields.
- Provides violation of this act is a noncriminal infraction and may be enforced by a uniform boating citation. First offense is \$50, second offense is \$100, and third and subsequent offense is \$250.

This bill passed the House 105-12 and the Senate 36-2. The bill was approved by the Governor and the effective date is July 1, 2016.

It is important to note, Crab Island was eliminated from the bill three times and a Lake Boca amendment was withdrawn twice after filing.

For background, below are a few of the changes requested by MIAF from original bill as filed:

- Changes “recreational boating area” to “anchoring limitation areas”
- Deletes Crab Island
- Provides an exemption for a vessel may anchor in a zone if mechanical failure poses harm for a certain number of days
- Provides an exemption if weather conditions pose unreasonable risk of harm

### **Emergency Position Industry Radio Beacon Bill**

House Bill 427, relating to Vessel Registration, also known as the “Emergency Position-Industry Radio

Beacon,” bill passed the House 115-0 and the Senate 39-0. The fiscal impact for the bill is \$250,000 and did not come out of any of our boating line items in the FWC budget. This bill provides for reduced registration fees starting July 1, 2016-June 30, 2017 for individuals who have an EPIRB. This bill is not a mandate. This bill is in response to the two teenagers who lost their lives last summer.

Important note: no legislation passed this year requiring a boating license or age restriction.

### **Derelict Vessels**

At Risk Vessels, a major priority for MIAF, became law with the Governor’s signature. HB 7025 passed the House 116-1 and passed the Senate 39-0. This bill is effective July 1, 2016. MIAF appreciates Representative Raschein and Senator Dean for championing this good bill. MIAF hopes by taking care of the numerous derelict vessels in the state, the anchoring issue will hopefully lessen. Also, MIAF worked closely to get money in the state budget for DV removal. This year’s budget includes \$1.4 million for derelict vessel removal.

### **Vessels**

HB 703 passed the House 104-13 and the Senate 39-0. This bill is relating to Vessels and revises the offense of careless operation of a vessel, provides an operator of a vessel upon compliance with safety equipment shall be issued a safety inspection decal and provides that law enforcement may not stop a vessel solely to inspect safety equipment when a vessel properly displays safety inspection decal. This bill was approved by the Governor and becomes effective July 1, 2016.

### **Manatees**

Senate Bill 1506 and House Bill 1273 never were heard in all the committees of reference. The bills died in committee.

### **Springs**

The original bill filed was Senate Bill 1312 by Senator Dean. SB 1312 did not pass, but an amendment similar to the originally filed bill did pass on the Senate floor on the State Lands Bill, HB 1075. HB 1075 is still awaiting the Governor’s action. The Governor has until April 14th to act.

### *Background*

Simply, FWC and DEP were in a bind on what to do regarding vessels, which were destroying springs. The long and short of it is, FWC has the enforcement authority but has no expertise on water quality and quantity and no direct authority over springs. DEP has no authority over boats, so there was a necessity for some language directing them to work together to address this issue.

However, there are many important differences between this bill and the finalized amendment that ultimately passed in the State Lands bill.

First, the language is significantly different and less stringent than the originally filed bill. The original bill required FWC to create rules to address the Springs issue. However, Senator Dean felt like a one size fits all approach was not the way to go and so the FWC now MAY create a protection zone by rule instead of requiring them.

The original bill inadvertently left DEP out of the consulting process and DEP now must coordinate with FWC in figuring out what springs are becoming derelict and if a vessel protection zone would help

restore the spring.

The last major difference is in the penalty structuring. The original bill has a much more advanced penalty enhancement which goes into criminal penalties. However, the finalized amendment which passed keeps the penalties to civil fines and the fines match those penalties which already exist for vessels disrupting sea grass areas.