

# WEEK 4 REPORT

// 2023 LEGISLATIVE SESSION

+ MARINE INDUSTRIES ASSOCIATION OF FLORIDA

MARCH 27-31, 2023



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Boating Safety / Liveries

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Installation of Waterway Markers

The fourth week has come and gone during the nine week Legislative Session. As we enter a short fifth week, we are starting to get a picture of what might or might not pass this Session.

We have not even completed the 2023 Regular Legislative Session and rumors are already starting to circulate about impending Special Sessions this year. As expected, this Session has focused on the priorities of the Governor, Senate President and the Speaker. Major proposed legislation such as affordable housing, education and tort reform have already passed the Legislature and been approved by the Governor. The permitless carry bill has passed both the House and the Senate and is awaiting approval by the Governor. These are major legislative packages to have become law or soon to become law within four weeks.

There are still many more major issues moving through the process such as abortion, expanding parental rights in education, the budget and a proposal to eliminate Enterprise Florida to name a few. We anticipate the fast pace on many of these issues to continue as the Republicans are taking advantage of their supermajority in both chambers.

MIAF continues to try and work on the livery and boating safety issues in the bills filed by Senator Garcia and Representative Botana. The bills are very different and if the sponsors do not agree on language soon then there is a real possibility the bills will not pass this year. MIAF continues to work with MIAF and MIAPB on these bills.

Two other major issues we are working on are the septic pumpout bills by Senator Wright and Representative Tramont. We have proposed language to narrow the bill and are waiting for the sponsors to review. Also, the bills providing for more anchoring areas in Biscayne Bay seem to be slowing down this Session. We have had great conversations with the House sponsor and are trying to assist with their issue.

The budget on both sides continues to take shape. The House of Representatives took up their respective budget and related bills in the House Appropriations Committee. The House will now take up and vote on their budget package during the fifth week of Session on the House floor. The Senate also took up their proposed Appropriations Act and related bills this week in their Senate Appropriations Committee. Many budget amendments were heard and adopted during the meeting. The Senate will also take up their budget on the Senate floor. After the House and Senate pass their



budgets, they will send them to the other chamber for concurrence. The House and Senate will refuse to concur, and this will set up the start of the budget Conference process. Remember, the House and Senate are mandated to pass a balanced budget.

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

**Budget**

**Senate Bill 2500**

1806 SPECIAL CATEGORIES CORAL REEF PROTECTION AND RESTORATION

FROM GENERAL REVENUE FUND . . . . . 8,000,000

Funds in Specific Appropriation 1806 are provided to implement Florida’s Coral Reef Restoration and Recovery (FCR3) Initiative to enter into agreements with academic and private partnerships to establish, expand, and maintain in-state propagation and grow-out facilities; develop and implement strategies and site-specific restoration plans including curriculum for a trained workforce; and reinforce and expand restoration efforts across Florida’s Coral Reef.

1811 SPECIAL CATEGORIES CONTRACTED SERVICES

FROM GENERAL REVENUE FUND . . . . . 2,515,000

FROM RESILIENT FLORIDA TRUST FUND . 2,000,000

FROM LAND ACQUISITION TRUST FUND . . 524,443

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

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

1821 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES -

FIXED CAPITAL OUTLAY CLEAN MARINA

FROM FEDERAL GRANTS TRUST FUND . . . 500,000

1868 FIXED CAPITAL OUTLAY BOATING INFRASTRUCTURE

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

1877 SPECIAL CATEGORIES BOAT RAMP MAINTENANCE CATEGORY

FROM FEDERAL GRANTS TRUST FUND . . . 1,279,730

FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 67,048

FROM STATE GAME TRUST FUND . . . . . 143,750

1881 SPECIAL CATEGORIES BOATING AND WATERWAYS ACTIVITIES

FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 1,626,025

1887 SPECIAL CATEGORIES BOATING SAFETY EDUCATION PROGRAM

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

1889 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY

FLORIDA BOATING IMPROVEMENT PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 749,601

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

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

FROM GENERAL REVENUE FUND . . . . . 10,000,000

FROM FEDERAL GRANTS TRUST FUND . . . 300,000

FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 300,000

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

Back of the Bill

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

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

**House Bill 5001**

1806 SPECIAL CATEGORIES CORAL REEF PROTECTION AND RESTORATION

FROM GENERAL REVENUE FUND . . . . . 8,000,000

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

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

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### **Final Reminder!**

### **Make Your Appointment Requests Now for MIA Days in Tallahassee!**

If you are planning on attending MIA Days in Tallahassee, please start requesting your appointments to see your Legislators now! Below are the links you can use to find your Legislator!

[Florida Senate](#)

[Florida House of Representatives](#)

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 have not been heard in their first committees of reference. The bills are not scheduled during the fifth week as of the writing of this report.*

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

***Marine Industries Association of Florida has registered their opposition numerous times to the sponsor, Representative Botana, regarding changing the date/age requirement for boating safety class.***

***We are currently working with other MIAs on drafting a third offer to the sponsor for the last committee stop. The bill has one more committee stop before it is ready for the House floor. The bill is not on the agenda for the final committee as of the writing of this report.***

The Senate Bill passed the Senate Environmental and Natural Resources Committee meeting on March 14th without any amendments. The bill currently does not contain the boating safety language. *The Senate Bill was heard in the second committee of reference, Senate Commerce Committee on March 27th and passed unanimously with an amendment. The bill is now Committee Substitute for Senate Bill 728 and has one more committee stop before it is ready for the floor. The Senate Bill does not contain the Botana bill boating safety language at issue. As of the writing of this report, CS/SB 728 is not scheduled to be heard in the Senate Rules Committee.*

*Remember the bills must be identical to pass and it does not appear either bill is on their respective committee agendas during week five.*

**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 fifth week as of the writing of this report. 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 bill has two more committee stops.

**House Bill 1103 by Representative Tramont and Senate Bill 1314 by Senator Wright relating to Boating Restricted Areas**-Both the House Bill and Senate Bill have three committees of reference. The Senate bill passed the Senate Environment and Natural Resources Committee agenda during the third week unanimously.

We have offered the Senate sponsor amendment language to the bill. As of the writing of this report the Senate Bill is not scheduled to be heard in the second committee of reference. The House passed in its first committee of reference, the House Agriculture, Conservation and Resiliency Subcommittee on March 27th. Again, we are working with other boating groups to offer the House sponsor amendment language to the bill. The bill has two more committee stops. The second committee of reference does not have any other committees scheduled at this time. We will continue to watch these bills. The bill 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.

**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 fourth week and is not scheduled on the Senate Environment and Natural Resources Committee during the fifth week. Simply, the bill requires all waterway markers including informational markers placed by local governments to be attached to a plastic breakaway structure or floating buoy. It bans state and local governments from affixing waterway markers to steel or wood pilings.

**HB 847 by Representative Stark and SB 1082 by Senator DiCeglie relating to Floating Vessel Platforms**-MIAF sent both bills out for review. As of the writing of this report we still have not received any commentary back from membership on these bills. We will continue to monitor these bills for any amendments and keep you informed as they move through the process. SB 1082 passed the Senate 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 waiting to be heard in its final committee of reference, Senate Rules Committee. The House Bill was again placed on the House Water Quality, Supply and Treatment Subcommittee and passed as a Committee Substitute. The bill only has two committees of reference and only has one more committee left, the House Infrastructure and Strategies Committee. The bill was not on the agenda as of the writing of this report.

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

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

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

Margaret "Missy" Timmins  
President  
Timmins Consulting, LLC

## // BOATING SAFETY / LIVERIES

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

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

HOUSE/SENATE BILL RELATIONSHIP: *COMPARE*

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

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

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

**Most Recent Action:** 03/22/2023 HOUSE Favorable with CS by Agriculture & Natural Resources Appropriations Subcommittee; 14 Yeas, 0 Nays; 03/23/2023 HOUSE Committee Substitute Text (C2) Filed; 03/24/2023 HOUSE Now in Infrastructure Strategies Committee

## // STORAGE OF FIREARMS IN PRIVATE CONVEYANCES AND VESSELS

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

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

RELATIONSHIP: *SIMILAR*



**Senate Bill 1602:** Storage of Firearms in Private Conveyances and Vessels; Prohibiting the storage of firearms in unoccupied private conveyances and vessels unless done in a specified manner; providing definitions; requiring local law enforcement agencies to engage in a certain promotional campaign, etc. Effective Date: 7/1/2023

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

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

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

## // VESSEL OWNER AND OPERATION REQUIREMENTS

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

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

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

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

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

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

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

## // BOATING-RESTRICTED AREAS

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

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

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

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

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

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

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

## // FLOATING VESSEL PLATFORMS AND FLOATING BOAT LIFTS

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

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

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

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

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

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

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

## // INSTALLATION OF WATERWAY MARKERS

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

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

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

By the Committee on Commerce and Tourism; and Senator Garcia

577-03156-23

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A bill to be entitled

An act relating to liveries; amending s. 327.54, F.S.;  
revising safety requirements for liveries and  
requiring hands-on instruction that meets specified  
requirements; providing an exemption from certain  
safety requirements when a renter hires a professional  
captain; revising insurance requirements for liveries  
and renters; providing an effective date.

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

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

327.54 Liveries; safety regulations; penalty.—

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

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

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

(c) "Livery" means a person who advertises and offers a  
livery vessel for use by another 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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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88 accidents.

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

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

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

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

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

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

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

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

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

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

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

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

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



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requirements:

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

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

This subsection does not apply to human-powered vessels.

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

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

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

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

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

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

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

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

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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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	<b>Favorable</b>
2.	Baird	McKay	CM	<b>Fav/CS</b>
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**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.<sup>1</sup> FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate.<sup>2</sup> Under Article IV, Section 9 of the Florida Constitution, FWC has the authority to exercise the

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<sup>1</sup> FLA. CONST. art. IV, s. 9.

<sup>2</sup> *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.<sup>3</sup> The Division of Law Enforcement manages the state's waterways to ensure boating safety for Florida residents and visitors.<sup>4</sup> 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.<sup>5</sup>

### **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.<sup>6</sup> A person is exempt from this requirement if he or she:

- Was born before January 1, 1988;<sup>7</sup>
- 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.<sup>8</sup>

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

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<sup>3</sup> 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.

<sup>4</sup> Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited March 24, 2023).

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

<sup>6</sup> Section 327.395(1), (2), F.S.

<sup>7</sup> Section 327.395(1), F.S.

<sup>8</sup> Section 327.395(6), F.S.

<sup>9</sup> Section 327.395(3), F.S.

<sup>10</sup> Section 327.395(5), F.S.



of issuance.<sup>11</sup> 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.<sup>12</sup>

### **Regulation of Liveries**

A livery is defined as a person who advertises and offers a livery vessel<sup>13</sup> 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.<sup>14</sup> 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.<sup>15</sup>

A livery may not offer a vessel for lease or rent without obtaining an annual, no-cost livery permit from FWC.<sup>16</sup> 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.<sup>17</sup>

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

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<sup>11</sup> Section 327.395(3), (5), F.S.

<sup>12</sup> Section 327.395(4), F.S.

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

<sup>14</sup> Section 327.54(1), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 327.54(2), F.S.

<sup>17</sup> *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.<sup>18</sup>

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.<sup>19</sup> A person must be 18 years or more to rent a livery vessel other than a human-powered vessel.<sup>20</sup> Liveries must notify law enforcement if a vessel is unnecessarily overdue by more than four hours or if an accident occurs.<sup>21</sup>

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.<sup>22</sup>

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

### ***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.<sup>24</sup> 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

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<sup>18</sup> Section 327.54(3), F.S.

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

<sup>20</sup> Section 327.54(6), F.S.

<sup>21</sup> Section 327.54(5) and (9), F.S.

<sup>22</sup> Section 327.54(7), F.S.

<sup>23</sup> Section 327.54(10), F.S.

<sup>24</sup> 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.<sup>25</sup>

### 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.

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<sup>25</sup> *Id.*

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 327.54 of the Florida Statutes.

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

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

**CS by Commerce and Tourism Committee on March 27, 2023:**

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

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

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

**B. Amendments:**

None.

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

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

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

20       327.395 Boating safety education.—

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

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

31           327.54 Liveries; safety regulations; penalty.—

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

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



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

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

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

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

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

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

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

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

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

73 f. Proper use of personal floatation devices.

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

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

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

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

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

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

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

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

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

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

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

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

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

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			

### SUMMARY ANALYSIS

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

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

According to an FWC report, in 2021, 751 boating accidents, 469 injuries, and 60 fatalities were reported. 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.

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

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

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

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

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

###### Fish and Wildlife Conservation Commission

The Fish and Wildlife Conservation Commission (FWC), created by Article IV, section 9, of the Florida Constitution, is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources. FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Senate.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

###### 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.<sup>4</sup> According to an FWC report, in 2021, 751 boating accidents, 469 injuries, and 60 fatalities were reported.<sup>5</sup> 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.<sup>6</sup>

###### Boating Education

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

NASBLA provides the minimum standards that apply to all basic boating courses in the United States and its territories. The minimum standards are reviewed every five years with the purpose of establishing a national standard for all courses across the country. Under current NASBLA standards, courses must describe state-required equipment. Courses offered in Florida that meet NASBLA's eight-hour instruction requirement range in price from free to \$50.<sup>9</sup> A boating safety education course card is

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<sup>1</sup> Article IV, s. 9, FLA. CONST.

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

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

<sup>4</sup> Section 327.30(2), F.S.

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

<sup>6</sup> *Id.*

<sup>7</sup> Section 327.395(1), F.S.

<sup>8</sup> Section 327.395(2), F.S.

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

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

### Regulation of Liveries

A livery vessel is a vessel that is leased, rented, or chartered to another for consideration.<sup>11</sup> A facility that rents and leases such vessels is called a livery.<sup>12</sup> 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.<sup>13</sup>

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

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

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

### **Effect of the Bill**

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

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

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<sup>10</sup> Section 327.395 (5), F.S.

<sup>11</sup> Section 327.02(24), F.S.

<sup>12</sup> "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.

<sup>13</sup> 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).

<sup>14</sup> Section 327.54(3)(e), F.S.

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

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

**B. SECTION DIRECTORY:**

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

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

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

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

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

**1. Revenues:**

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

**2. Expenditures:**

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

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

**1. Revenues:**

None.

**2. Expenditures:**

None.

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

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

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

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

**2. Other:**

None.



**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

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

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

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

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

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

By Senator Rouson

16-00479B-23

20231602\_\_

A bill to be entitled  
An act relating to storage of firearms in private conveyances and vessels; amending s. 790.25, F.S.; 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; providing a finding of important state interest; providing an effective date.

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

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

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

(5) POSSESSION IN PRIVATE CONVEYANCE.—

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

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

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

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

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

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

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

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

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

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

HB 571

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

HB 571

2023

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.

HB 571

2023

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\_\_

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

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

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

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

(a) The section of Middle River lying between Northeast



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21st Court and the Intracoastal Waterway in Broward County.

(b) Sunset Lake in Miami-Dade County.

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

1. Rivo Alto Island and Di Lido Island.

2. Di Lido Island and San Marino Island.

3.2- San Marino Island and San Marco Island.

4.3- San Marco Island and Biscayne Island.

5. Star Island and MacArthur Causeway.

6. Palm Island and MacArthur Causeway.

7. Hibiscus Island and Palm Island.

8. Julia Tuttle Causeway and Kennedy Causeway.

9. The Sunset Islands.

10. Belle Isle and Rivo Alto Island.

For the purposes of this paragraph, the term "lying between" includes, 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.

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

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

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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.)

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Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

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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	<b>Pre-meeting</b>
2. _____	_____	AEG	_____
3. _____	_____	FP	_____

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**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.<sup>1</sup> 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.<sup>2</sup> The Boating and Waterways Section takes public input and provides notice of proposed local boating-restricted areas.<sup>3</sup>

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.<sup>4</sup> The Division of Law Enforcement manages the state's waterways to ensure boating safety for residents of and visitors to the state.<sup>5</sup> 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.<sup>6</sup>

### 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.<sup>7</sup> 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.<sup>8</sup>

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

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

<sup>3</sup> *Id.*

<sup>4</sup> 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.

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

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

<sup>7</sup> 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.

<sup>8</sup> Ankersen, Hamann, & Flag, *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.<sup>9</sup> 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 21<sup>st</sup> 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.<sup>10</sup>

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.<sup>11</sup>

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.<sup>12</sup>

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.<sup>13</sup>

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.<sup>14</sup>

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<sup>9</sup> Section 327.4108(1), F.S.

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

<sup>11</sup> Section 327.4108 (4), F.S.

<sup>12</sup> Section 327.4108(5), F.S.

<sup>13</sup> Section 327.4108(6), F.S.

<sup>14</sup> *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.<sup>15</sup>

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.<sup>16</sup>

### **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.<sup>17</sup> A State of Florida criminal history record check may currently be ordered online for a fee paid at the time of request.<sup>18</sup>

### **Biscayne Bay**

Biscayne Bay is a 428-square mile estuary extending nearly the entire length of Miami-Dade County.<sup>19</sup> 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.<sup>20</sup> Miami-Dade County is one of Florida's most populous counties, with approximately 2.7 million residents.<sup>21</sup> The county sees millions of visitors each year.<sup>22</sup>

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<sup>15</sup> Section 327.73(1)(z), F.S.

<sup>16</sup> Sections 775.082 and 775.083, F.S.

<sup>17</sup> 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).

<sup>18</sup> 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).

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

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

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

<sup>22</sup> 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.<sup>23</sup> 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.<sup>24</sup> If a particular condition exists in only a portion of the state, enactments that reference the limited geographic area may be general laws.<sup>25</sup> “[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.”<sup>26</sup>

**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.

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<sup>23</sup> 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).

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

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

<sup>26</sup> *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.

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

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HB 1385

2023

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

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

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

(b) Sunset Lake in Miami-Dade County.

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

1. Rivo Alto Island and Di Lido Island.

2. Di Lido Island and San Marino Island.

3.2. San Marino Island and San Marco Island.

4.3. San Marco Island and Biscayne Island.

5. Star Island and MacArthur Causeway.

6. Palm Island and MacArthur Causeway.

7. Hibiscus Island and Palm Island.

8. Julia Tuttle Causeway and Kennedy Causeway.

9. The Sunset Islands.

10. Belle Isle and Rivo Alto Island.

For the purposes of this paragraph, the term "lying between" includes, 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.

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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\_\_

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

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

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

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

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jurisdiction:

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

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

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

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

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

a. Within 300 feet of any bridge fender system.

b. 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.

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

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

e. Within the boundaries of a permitted public mooring



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

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

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

a. 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.

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

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

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

327.41 Uniform waterway regulatory markers.—

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

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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.)

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Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

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BILL: SB 1314

INTRODUCER: Senator Wright

SUBJECT: Boating-restricted Areas

DATE: March 17, 2023

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carroll	Rogers	EN	<b>Favorable</b>
2. _____	_____	CA	_____
3. _____	_____	RC	_____

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**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.<sup>1</sup>

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.<sup>2</sup>

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

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<sup>1</sup> Section 327.46(1), F.S.

<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup>

### **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

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

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



### Marina Pumpout

Florida law prohibits the discharge of raw sewage from any vessel or any floating structure in Florida waters.<sup>7</sup> 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.<sup>8</sup> All waste from

<sup>5</sup> Section 327.02(15), F.S.

<sup>6</sup> 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](https://www.fdot.gov/docs/default-source/seaport/pdfs/2015-Florida-Waterways-System-Plan_Final.pdf) (last visited Mar. 15, 2023).

<sup>7</sup> Section 327.53(4), F.S.

<sup>8</sup> *Id.*

Type III marine sanitation devices<sup>9</sup> must be disposed of in an approved sewage pump-out facility.<sup>10</sup> A violation of the marine sanitation laws is a noncriminal infraction.<sup>11</sup>

### 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.

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<sup>9</sup> 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).

<sup>10</sup> Section 327.53(4), F.S.

<sup>11</sup> Section 327.53(6)(a), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 327.46 of the Florida Statutes.

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

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

HB 1103

2023

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

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

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

17       327.46 Boating-restricted areas.—

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



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

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

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

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

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

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

a. Within 300 feet of any bridge fender system.

b. Within 300 feet of any bridge span presenting a

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2023

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

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

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

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

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

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

a. 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.

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

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

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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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

##### 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.<sup>4</sup>

Local governments are generally prohibited from regulating any vessel upon the Florida Intercoastal Waterway.<sup>5</sup> 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.<sup>6</sup>

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.

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<sup>1</sup> Article IV, s. 9, FLA. CONST.

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

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

<sup>4</sup> Section 327.46(1), F.S.

<sup>5</sup> 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.

<sup>6</sup> Section 327.46(1), F.S.

- Inside or within 300 feet of any lock structure.<sup>7</sup>

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.<sup>8</sup>

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.<sup>9</sup>

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.<sup>10</sup> 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.<sup>11</sup>

### **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:**

<sup>7</sup> Section 327.46(1)(b)1., F.S.

<sup>8</sup> Section 327.36 (1)(b)2., F.S.

<sup>9</sup> Section 327.46(1)(b)3., F.S.

<sup>10</sup> Section 327.46(3), F.S.

<sup>11</sup> 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\_\_

A bill to be entitled

An act relating to floating vessel platforms; amending s. 403.813, F.S.; 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; making technical changes; providing an effective date.

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

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

403.813 Permits issued at district centers; exceptions.—

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

(s) The construction, installation, operation, or



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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

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

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

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

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

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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 1082

INTRODUCER: Senator DiCeglie

SUBJECT: Floating Vessel Platforms

DATE: March 27, 2023

REVISED: \_\_\_\_\_

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

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## 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.<sup>1</sup> 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).<sup>2</sup>

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

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

<sup>2</sup> 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.

<sup>3</sup> Section 403.813, F.S.

applicable local requirements, but generally requires no notice to DEP.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

### **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.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup>

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:<sup>10</sup>

- 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

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<sup>4</sup> Fla. Admin. Code Rules 62-330.050(1) and 62-330.051(2).

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

<sup>6</sup> 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).

<sup>7</sup> Fla. Admin. Code R. 62-330.428.

<sup>8</sup> Section 403.813(1)(s), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> 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.<sup>11</sup>

### 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.

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<sup>11</sup> 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.

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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

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

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

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

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

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

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

### SUMMARY ANALYSIS

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

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

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

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Environmental Resource Permits

The Department of Environmental Protection (DEP) regulates activities in, on, or over surface waters, as well as any activity that alters surface water flows, through environmental resource permits (ERPs). ERPs are required for development or construction activities typically involving the dredging or filling of surface waters, construction of flood protection facilities, building dams or reservoirs, and any other activities that affect state waters.<sup>1</sup> 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.<sup>2</sup>

##### *ERP Exceptions*

Current law provides exceptions from ERP<sup>3</sup> permitting for certain types of projects.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> These exceptions do not relieve an applicant from obtaining permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund (Board) or a WMD or from complying with local pollution control programs or other requirements of local governments.<sup>7</sup>

##### *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.<sup>8</sup> 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

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<sup>1</sup> 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).

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

<sup>3</sup> See chs. 373 and 403, F.S.

<sup>4</sup> S. 403.813(1), F.S.

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

<sup>6</sup> *Id.*

<sup>7</sup> S. 403.813(1), F.S.

<sup>8</sup> S. 403.813(1)(b), F.S.

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

#### *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.<sup>10</sup>

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.<sup>11</sup> Local governments may require either permitting or one-time registration of floating vessel platforms.<sup>12</sup>

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

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

#### **B. SECTION DIRECTORY:**

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

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

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

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

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

None.

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

None.

<sup>9</sup> *Id.*

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

<sup>11</sup> *Id.*

<sup>12</sup> S. 403.813(1)(s), F.S.

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

**1. Revenues:**

None.

**2. Expenditures:**

None.

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

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

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

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

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

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



By Senator Gruters

22-00188-23

20231640\_\_

A bill to be entitled  
An act relating to the installation of waterway  
markers; amending s. 327.40, F.S.; 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; making technical changes; reenacting  
ss. 327.4108(2)(a) and 403.813(1)(k), F.S., relating  
to the anchoring of vessels in anchoring limitation  
areas and to permits issued at district centers,  
respectively, to incorporate the amendments made to s.  
327.40, F.S., in references thereto; providing an  
effective date.

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

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

327.40 Uniform waterway markers; installation  
requirements.—

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

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

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

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

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

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

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

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

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

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

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

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

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

327.4108 Anchoring of vessels in anchoring limitation areas.—

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

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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

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

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

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



## MIAF - 2023 Regular Session

Ordered by Bill Number

<b>HB 0027</b>	<b>Judgment Liens</b> by Benjamin
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	03/23/2023 HOUSE Placed on Calendar, on 2nd reading
<b>HB 0041</b>	<b>Land Development Initiative and Referendum Processes</b> by Garcia (A)
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	03/24/2023 HOUSE Placed on Calendar, on 2nd reading
<b>SB 0054</b>	<b>Land Acquisition Trust Fund</b> by Rodriguez
	<b>Current Committee of Reference:</b> Senate Appropriations Committee on Agriculture, Environment, and General Government
	<b>Actions</b>
	01/19/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government
<b>SB 0076</b>	<b>State Park Campsite Reservations</b> by Hooper
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	03/30/2023 SENATE Placed on Special Order Calendar, 04/04/23
<b>HB 0083</b>	<b>Yacht and Ship Brokers</b> by LaMarca
	<b>Current Committee of Reference:</b> House Regulatory Reform & Economic Development Subcommittee
	<b>Actions</b>
	01/10/2023 HOUSE Now in Regulatory Reform & Economic Development Subcommittee
<b>SB 0100</b>	<b>Mangrove Replanting and Restoration</b> by Garcia (I)
	<b>Current Committee of Reference:</b> Senate Appropriations Committee on Agriculture, Environment, and General Government
	<b>Actions</b>
	03/06/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government
<b>HB 0109</b>	<b>State Park Campsite Reservations</b> by Canady
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	03/27/2023 SENATE Received; Referred to Fiscal Policy
<b>HB 0111</b>	<b>Flooding and Sea Level Rise Vulnerability Studies</b> by Hunschofsky

**Current Committee of Reference:** House Infrastructure Strategies Committee

**Actions**

03/22/2023 HOUSE Now in Infrastructure Strategies Committee

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

**Current Committee of Reference:** House State Affairs Committee

**Actions**

03/16/2023 HOUSE Now in State Affairs Committee

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

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

**Actions**

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

**SB 0150 Public Safety by Collins**

**Current Committee of Reference:** No Current Committee

**Actions**

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

**SB 0172 Safe Waterways Act by Berman**

**Current Committee of Reference:** Senate Health Policy

**Actions**

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

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

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

**Actions**

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

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

**Current Committee of Reference:** House Healthcare Regulation Subcommittee

**Actions**

03/30/2023 HOUSE On Committee agenda - Healthcare Regulation Subcommittee, 04/03/23, 10:30 am, 102 H

**SB 0192 Everglades Protection Area by Avila**

**Current Committee of Reference:** No Current Committee

**Actions**

03/30/2023 SENATE Placed on Calendar, on 2nd reading

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

**Current Committee of Reference:** House Criminal Justice Subcommittee

**Actions**

**HB 0261**

**Boating Safety** by Botana

**Current Committee of Reference:** House Infrastructure Strategies Committee

**Actions**

03/24/2023 HOUSE Now in Infrastructure Strategies Committee

**HB 0277**

**Storage of Firearms in Private Conveyances and Vessels** by Hinson

**Current Committee of Reference:** No Current Committee

**Actions**

01/20/2023 HOUSE Withdrawn prior to introduction

**SB 0288**

**Florida Main Street Program and Historic Preservation Tax Credits** by DiCeglie

**Current Committee of Reference:** Senate Appropriations

**Actions**

03/15/2023 SENATE Now in Appropriations

**SB 0320**

**Land Acquisition Trust Fund** by Harrell

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

**Actions**

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

**SB 0346**

**Public Construction** by DiCeglie

**Current Committee of Reference:** Senate Rules

**Actions**

03/30/2023 SENATE Now in Rules

**HB 0371**

**Management and Storage of Surface Waters** by Killebrew

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

**Actions**

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

**HB 0383**

**Public Construction** by Griffiths Jr.

**Current Committee of Reference:** House State Affairs Committee

**Actions**

02/28/2023 HOUSE Now in State Affairs Committee

**SB 0406**

**Yacht and Ship Brokers** by Hooper

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

**Actions**

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

**HB 0407**

**Apalachicola Bay Area of Critical State Concern** by Shoaf



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

**Actions**

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

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

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

**Actions**

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

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

**Current Committee of Reference:** House Commerce Committee

**Actions**

03/14/2023 HOUSE Now in Commerce Committee

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

**Current Committee of Reference:** Senate Criminal Justice

**Actions**

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

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

**Current Committee of Reference:** No Current Committee

**Actions**

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

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

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

**Actions**

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

**HB 0543 Public Safety** by Brannan III

**Current Committee of Reference:** No Current Committee

**Actions**

03/31/2023 HOUSE Enrolled Text (ER) Filed

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

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

**Actions**

03/06/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government

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

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

**Actions**

**HB 0549**

**Operating Vehicles and Vessels Under the Influence** by Casello

**Current Committee of Reference:** House Criminal Justice Subcommittee

**Actions**

02/07/2023 HOUSE Now in Criminal Justice Subcommittee

**HB 0559**

**Land Acquisition Funding** by Roth

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

**Actions**

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

**HB 0561**

**Mangrove Replanting and Restoration** by Mooney, Jr.

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

**Actions**

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

**HB 0571**

**Storage of Firearms in Private Conveyances and Vessels** by Hinson

**Current Committee of Reference:** House Criminal Justice Subcommittee

**Actions**

02/07/2023 HOUSE Now in Criminal Justice Subcommittee

**HB 0641**

**Restoration of Osborne Reef** by LaMarca

**Current Committee of Reference:** No Current Committee

**Actions**

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

**HB 0701**

**Wrecker and Towing-Storage Operators** by Bell

**Current Committee of Reference:** House Infrastructure Strategies Committee

**Actions**

03/27/2023 HOUSE Now in Infrastructure Strategies Committee

**SB 0702**

**Apalachicola Bay Area of Critical State Concern** by Simon

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

**Actions**

03/27/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government

**SB 0712**

**Motor Vehicle Sales** by Avila

**Current Committee of Reference:** Senate Commerce and Tourism

**Actions**

03/30/2023 SENATE On Committee agenda - Commerce and Tourism, 04/04/23, 8:30 am, 110 S

**HB 0713**

**Administrative Procedures and Permitting Process Review** by McFarland

**Current Committee of Reference:** House State Affairs Committee

## Actions

03/29/2023 HOUSE Now in State Affairs Committee

### **SB 0724 Seagrass Restoration Technology Development Initiative** by Boyd

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

## Actions

03/15/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government

### **SB 0728 Liveries** by Garcia (I)

**Current Committee of Reference:** Senate Rules

## Actions

03/28/2023 SENATE Now in Rules

### **HB 0739 Disposal of Food Waste Material** by Cassel

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

## Actions

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

### **SB 0822 Specialty License Plates/Paddling in Florida** by Berman

**Current Committee of Reference:** Senate Transportation

## Actions

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

### **HB 0847 Floating Vessel Platforms and Floating Boat Lifts** by Stark

**Current Committee of Reference:** House Infrastructure Strategies Committee

## Actions

03/24/2023 HOUSE Now in Infrastructure Strategies Committee

### **SB 0876 Review of Employment Contracts** by Stewart

**Current Committee of Reference:** Senate Commerce and Tourism

## Actions

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

### **SB 0952 Employer Coverage of Gender Dysphoria Treatment** by Ingoglia

**Current Committee of Reference:** Senate Health Policy

## Actions

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

### **HB 1003 Fill Material for Reclamation Activities** by Truenow

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

## Actions

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

<b>HB 1013</b>	<b>COVID-19 Mandates and Treatment Options</b> by Griffiths Jr.
	<b>Current Committee of Reference:</b> House Health & Human Services Committee
	<b>Actions</b>
	02/28/2023 HOUSE Now in Health & Human Services Committee
<b>HB 1015</b>	<b>Pub. Rec./COVID-19 Vaccination Mandates</b> by Griffiths Jr.
	<b>Current Committee of Reference:</b> House Health & Human Services Committee
	<b>Actions</b>
	02/28/2023 HOUSE Now in Health & Human Services Committee
<b>SB 1028</b>	<b>Professional Licensing Requirements for Barbers and Cosmetologists</b> by Stewart
	<b>Current Committee of Reference:</b> Senate Criminal Justice
	<b>Actions</b>
	03/22/2023 SENATE Now in Criminal Justice
<b>SB 1044</b>	<b>Photographic Evidence of Illegally Taken Wildlife, Freshwater Fish, and Saltwater Fish</b> by Martin
	<b>Current Committee of Reference:</b> Senate Environment and Natural Resources
	<b>Actions</b>
	03/20/2023 SENATE Temporarily Postponed by Environment and Natural Resources
<b>SB 1082</b>	<b>Floating Vessel Platforms</b> by DiCeglie
	<b>Current Committee of Reference:</b> Senate Rules
	<b>Actions</b>
	03/29/2023 SENATE Now in Rules
<b>HB 1103</b>	<b>Boating-restricted Areas</b> by Tramont
	<b>Current Committee of Reference:</b> House Local Administration, Federal Affairs & Special Districts Subcommittee
	<b>Actions</b>
	03/27/2023 HOUSE Now in Local Administration, Federal Affairs & Special Districts Subcommittee
<b>SB 1124</b>	<b>Employment of Ex-offenders</b> by Calatayud
	<b>Current Committee of Reference:</b> Senate Rules
	<b>Actions</b>
	03/24/2023 SENATE Now in Rules
<b>SB 1134</b>	<b>Outstanding Florida Springs</b> by Gruters
	<b>Current Committee of Reference:</b> Senate Environment and Natural Resources
	<b>Actions</b>
	03/27/2023 SENATE Temporarily Postponed by Environment and Natural Resources
<b>HB 1147</b>	<b>Resilience Districts</b> by Buchanan
	<b>Current Committee of Reference:</b> House Local Administration, Federal Affairs & Special Districts Subcommittee
	<b>Actions</b>
	03/06/2023 HOUSE Now in Local Administration, Federal Affairs & Special Districts Subcommittee

<b>HB 1157</b>	<b>Fishing and Hunting</b> by Melo
	<b>Current Committee of Reference:</b> House Infrastructure Strategies Committee
	<b>Actions</b>
	03/29/2023 HOUSE Now in Infrastructure Strategies Committee
<b>HB 1161</b>	<b>Venomous Reptiles</b> by Abbott
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	03/29/2023 HOUSE Placed on Calendar, on 2nd reading
<b>SB 1170</b>	<b>Flooding and Sea Level Rise Vulnerability Studies</b> by Calatayud
	<b>Current Committee of Reference:</b> Senate Appropriations Committee on Agriculture, Environment, and General Government
	<b>Actions</b>
	03/14/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government
<b>HB 1181</b>	<b>Seagrass Restoration</b> by Robinson (W) Jr.
	<b>Current Committee of Reference:</b> House Agriculture & Natural Resources Appropriations Subcommittee
	<b>Actions</b>
	03/22/2023 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee
<b>HB 1197</b>	<b>Land and Water Management</b> by Maggard
	<b>Current Committee of Reference:</b> House Water Quality, Supply & Treatment Subcommittee
	<b>Actions</b>
	03/06/2023 HOUSE Now in Water Quality, Supply & Treatment Subcommittee
<b>SB 1200</b>	<b>Resilience Districts</b> by Grall
	<b>Current Committee of Reference:</b> Senate Community Affairs
	<b>Actions</b>
	03/02/2023 SENATE Referred to Community Affairs; Finance and Tax; Fiscal Policy
<b>HB 1229</b>	<b>Endangered and Threatened Species</b> by Campbell
	<b>Current Committee of Reference:</b> House Agriculture, Conservation & Resiliency Subcommittee
	<b>Actions</b>
	03/06/2023 HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee
<b>SB 1230</b>	<b>Fill Material for Reclamation Activities</b> by Brodeur
	<b>Current Committee of Reference:</b> Senate Environment and Natural Resources
	<b>Actions</b>
	03/06/2023 SENATE Referred to Environment and Natural Resources; Community Affairs; Rules
<b>HB 1265</b>	<b>Employer Coverage of Gender Dysphoria Treatment</b> by Yarkosky
	<b>Current Committee of Reference:</b> House Regulatory Reform & Economic Development Subcommittee
	<b>Actions</b>

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 Environment and Natural Resources

**Actions**

03/30/2023 SENATE On Committee agenda - Environment and Natural Resources, 04/04/23, 11:00 am, 301 S

**HB 1367 Unlawful Dumping** by Altman

**Current Committee of Reference:** House Judiciary Committee

**Actions**

03/30/2023 HOUSE Now in Judiciary Committee

**SB 1368 Unlawful Dumping** by Wright

**Current Committee of Reference:** Senate Rules

**Actions**

03/30/2023 SENATE Now in Rules

**HB 1379 Environmental Protection** by Steele

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

**Actions**

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

**HB 1385 Vessel Owner and Operation Requirements** by Basabe

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

## Actions

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

### **SB 1390 Universal Regulatory Sandbox** by Martin

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

## Actions

03/21/2023 SENATE Now in Appropriations Committee on Transportation, Tourism, and Economic Development

### **SB 1392 Public Records and Meetings/Universal Regulatory Sandbox** by Martin

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

## Actions

03/21/2023 SENATE Now in Appropriations Committee on Transportation, Tourism, and Economic Development

### **HB 1403 Protections of Medical Conscience** by Rudman

**Current Committee of Reference:** House Healthcare Regulation Subcommittee

## Actions

03/30/2023 HOUSE On Committee agenda - Healthcare Regulation Subcommittee, 04/03/23, 10:30 am, 102 H

### **SB 1410 Requiring Broader Public Support for Constitutional Amendments or Revisions** by Gruters

**Current Committee of Reference:** Senate Ethics and Elections

## Actions

03/09/2023 SENATE Referred to Ethics and Elections; Judiciary; Rules

### **HB 1443 Disqualification from Licensing, Permitting, or Certification Based on Criminal Conviction** by Waldron

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

## Actions

03/09/2023 HOUSE Now in Regulatory Reform & Economic Development Subcommittee

### **SB 1484 Office of the Blue Economy** by Pizzo

**Current Committee of Reference:** Senate Commerce and Tourism

## Actions

03/09/2023 SENATE Referred to Commerce and Tourism; Appropriations Committee on Transportation, Tourism, and Economic Development; Fiscal Policy

### **HB 1489 Designation of Brevard Barrier Island Area as Area of Critical State Concern** by Altman

**Current Committee of Reference:** House Infrastructure Strategies Committee

## Actions

03/22/2023 HOUSE Now in Infrastructure Strategies Committee

### **HB 1491 Marine Encroachment on Spaceflight and Military Operations** by Altman

**Current Committee of Reference:** House Local Administration, Federal Affairs & Special Districts Subcommittee

## Actions

03/09/2023 HOUSE Now in Local Administration, Federal Affairs & Special Districts Subcommittee

### **SB 1502 Vessel Owner and Operation Requirements** by Rodriguez

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

## Actions

03/27/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government

### **HB 1505 Outstanding Florida Springs** by Grant

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

## Actions

03/09/2023 HOUSE Now in Water Quality, Supply & Treatment Subcommittee

### **HB 1521 Facility Requirements Based on Sex** by Plakon

**Current Committee of Reference:** House Commerce Committee

## Actions

03/31/2023 HOUSE Now in Commerce Committee

### **SB 1538 Implementation of the Recommendations of the Blue-Green Algae Task Force** by Stewart

**Current Committee of Reference:** Senate Environment and Natural Resources

## Actions

03/30/2023 SENATE On Committee agenda - Environment and Natural Resources, 04/04/23, 11:00 am, 301 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

03/30/2023 SENATE Now in Rules

### **SB 1580 Protections of Medical Conscience** by Trumbull

**Current Committee of Reference:** Senate Health Policy

## Actions

03/30/2023 SENATE On Committee agenda - Health Policy, 04/04/23, 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 Community Affairs

**Actions**

03/31/2023 SENATE On Committee agenda - Community Affairs, 04/05/23, 8:30 am, 401 S

**SB 1640 Installation of Waterway Markers** by Gruters

**Current Committee of Reference:** Senate Environment and Natural Resources

**Actions**

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

**SB 1664 Economic Development** by Hooper

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

**Actions**

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

**SB 1666 Marine Encroachment on Spaceflight and Military Operations** by Wright

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

**Actions**

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

**SB 1674 Facility Requirements Based on Sex** by Grall

**Current Committee of Reference:** Senate Fiscal Policy

**Actions**

03/30/2023 SENATE Now in Fiscal Policy

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

**Current Committee of Reference:** Senate Rules

**Actions**

03/28/2023 SENATE Now in Rules

**SB 1702 Mitigation Credits** by DiCeglie

**Current Committee of Reference:** Senate Environment and Natural Resources

**Actions**

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

**HB 7003 OGSR/Water Management District Surplus Lands** by Ethics, Elections & Open Government Subcommittee

**Current Committee of Reference:** No Current Committee

**Actions**

03/31/2023 SENATE Received; Referred to Rules

**RRS2**

**Tourism Development** by Regulatory Reform & Economic Development Subcommittee

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

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**Actions**

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