

# WEEK 7 REPORT

// 2023 LEGISLATIVE SESSION

+ MARINE INDUSTRIES ASSOCIATION OF FLORIDA

APRIL 17-21, 2023



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Installation of Waterway Markers

We only have two weeks left of the 2023 legislative Session. The next two weeks will be fast paced and notices will be one hour notice making the next two weeks stressful and frantic.

The last two weeks are always fast paced as budget offers are exchanged and bills are amended at the last minute. Many priority bills have already passed and been approved by the Governor. Several other priority bills are very close to final passage and last week a couple of new committee bills surfaced and were heard in committee on Friday in the House of Representatives.

The Speaker of the House and the Senate President agreed to budget allocations and named conferees to begin the much anticipated Budget Conference on Monday, April 24th. There is plenty of time for the House of Representatives and the Florida Senate to work out their differences in the budget over the next nine days. Remember, the 2023 Regular Session is scheduled to end May 5th.

MIAF has been working behind the scenes on several issues relating to liveries, boating safety, budget and septic pumpout to name a few. We are positioned well on these and other issues as we enter the final two weeks of the Legislative Session.

Finally, we will be very busy this week and next week with one hour notices and last minute amendment filings. Unfortunately, we will not be able to get out a weekly report next week, but will be sending out emails on issues as they arise to the Legislative Committee. We will send out a final report once the 2023 Legislative Session concludes.

**Budget**

The allocations have been agreed upon and the budget conference is expected to begin as early as Monday morning. The House and Senate must agree on spending and proviso language by Tuesday May 2nd. The 2023-24 Appropriations Act must rest on the Legislators desks for seventy two hours before they can vote on the floor. This is the only constitutionally mandated proposal the Legislature must pass.

Below are some of the budget highlights we are following for MIAF. Many of these issues are identical and should be agreed to in the first pass. Some are very different, and we will be monitoring these during the conference. We will report the final budget line items once the budget is finalized.



## **Budget**

### **Senate Bill 2500**

#### 1806 SPECIAL CATEGORIES CORAL REEF PROTECTION AND RESTORATION

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

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

#### 1811 SPECIAL CATEGORIES CONTRACTED SERVICES

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

FROM RESILIENT FLORIDA TRUST FUND . 2,000,000

FROM LAND ACQUISITION TRUST FUND . . 524,443

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

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

#### 1821 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES -

##### FIXED CAPITAL OUTLAY CLEAN MARINA

FROM FEDERAL GRANTS TRUST FUND . . . 500,000

#### 1868 FIXED CAPITAL OUTLAY BOATING INFRASTRUCTURE

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

#### 1877 SPECIAL CATEGORIES BOAT RAMP MAINTENANCE CATEGORY

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

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

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

#### 1881 SPECIAL CATEGORIES BOATING AND WATERWAYS ACTIVITIES

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

#### 1887 SPECIAL CATEGORIES BOATING SAFETY EDUCATION PROGRAM

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

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

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

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

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

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

FROM FEDERAL GRANTS TRUST FUND . . . 300,000

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

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

Back of the Bill

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

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

**House Bill 5001**

1806 SPECIAL CATEGORIES CORAL REEF PROTECTION AND RESTORATION

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

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

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

1821 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY  
CLEAN MARINA

FROM FEDERAL GRANTS TRUST FUND . . . 500,000

1868 FIXED CAPITAL OUTLAY BOATING INFRASTRUCTURE

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

1877 SPECIAL CATEGORIES BOAT RAMP MAINTENANCE CATEGORY

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

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

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

1881 SPECIAL CATEGORIES BOATING AND WATERWAYS ACTIVITIES

FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 2,626,025

1887 SPECIAL CATEGORIES BOATING SAFETY EDUCATION PROGRAM

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

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

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

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

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

FROM FEDERAL GRANTS TRUST FUND . . . 300,000

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

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

**Bills of Interest**

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

*The House Bill and Senate Bill still have not been heard in their first committees of reference. The bills are not scheduled during the eighth week as of the writing of this report.*

**HB 261 by Representative Botana relating to Boating Safety and SB 728 by Senator Garcia relating to Liveries-** ~~These bills are still not identical and are comparable.~~ These bills were originally supposed to be glitch bills to fix the livery insurance issue from last Legislative Session. MIAF was on board to fix the livery issues, but unfortunately the House Bill went further than just a glitch fix for liveries and was originally filed to make everyone boating in Florida have a boating safety card. *(Currently Florida law is anyone born on or after January 1, 1988, may not operate a vessel with ten horsepower or more unless they have a state issued identification card or drivers license indication they are in possession of a boating safety card issued by the commission, an International Certificate of Competency, a boating safety card or certificate from another state or U.S. Territory, or a Canadian Pleasure Craft Operator card.)* The House Bill was placed on the agenda the first week in the House Agriculture, Conservation and Resiliency Committee. The bill was amended to now state that anyone born on or after January 1, 1960, now must take the boating safety course.

As we expected, Representative Botana offered an amendment to change the date to January 1, 1978, in the House Agriculture and Natural Resources Committee the second committee of reference. The amended bill passed the House Agriculture and Natural Resources Committee as a Committee Substitute for Committee Substitute for House Bill 261 unanimously. MIAF was not ok with this amendment and preferred language requiring a moving violation in a vessel be required to take boating safety course as it addresses concerns raised about boaters on state waters.

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

Several MIAs and NMMA participated in a conference call with Representative Botana to discuss current

boating issues including a potential amendment to his bill and future boating issues to be included in an OPPAGA study. Everyone agreed to work on language for an OPPAGA study.

As reported earlier, Representative Botana filed a comprehensive amendment encompassing many of the requests made by several MIAs on the boating safety issue. The delete all contains other provisions including an additional anchoring limitation in Biscayne Bay. The bill also contains changes to the livery language originally filed by Representative Botana

CS/CS/HB 261 passed in its last committee of reference House Infrastructure Strategies Committee on April 10th. CS/CS/CS/HB 261 passed 21-0. **The bill is scheduled to be heard on the House floor. CS/CS/CSHB 261 is scheduled on the House Special Order Calendar April 25th. The Senate bill is very different from the House version.**

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

**MIAF, MIAPB and NMMA worked with Representative Berfield to add the livery glitch fix to her insurance bill in the House Commerce Committee last week. The language was successfully added to House Bill 505 in the Commerce Committee. NMMA then went to work in the Senate and was successful in getting livery glitch language added to the Senate companion on the Senate floor. The livery glitch fix language is now in Senate Bill 418 that is currently in messages to the House. The bills are comparable. We will keep you updated on these bills and other bills containing livery language.**

**House Bill 1385 by Representative Basabe and Senate Bill 1502 by Rodriguez relating to Vessel Owner and Operation Requirements-**MIAF is concerned with provisions of these bills as filed. We met with Representative Basabe and FWC to discuss our issues with the bill. We had a wonderful meeting with the Representative and his staff. We discussed our concerns with the four-hour limitation and the national criminal search components of the bill. We anticipate an amendment will be filed to the bill and eliminate these issues. The bill will still add anchoring restrictions to specific waterbodies in Miami Dade. We also suggested proviso language for more on the water law enforcement in the Miami area. House Bill 1385 has three committees of reference and has not been heard in the first committee of reference. **The House Bill is not scheduled to be heard during the eighth week. A portion of HB 1385 adding an additional limited anchoring area to the statute in Biscayne Bay was passed in a "delete all" amendment to House Bill 261 by Representative Botana. CS/CS/CS/HB 261 is on the House floor April 25th. As of the writing of this report there were not any amendments filed to the bill.** The Senate companion, Senate Bill 1502 is identical to House Bill 1385. The Senate Bill also has three committees of reference. The Senate Bill is sponsored by the Chair of the Senate Environment and Natural Resources Committee, Senator Rodriguez. Senate Environment and Natural Resources is the first committee stop in the Senate. The Senate Bill passed the first committee of reference 9-0 without any amendments. **The Senate Bill has two more committee stops and was temporarily passed in its second committee of reference. There are not any more committee meeting times set after this week.**

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

Both the House Bill and Senate Bill have three committees of reference. The Senate bill passed the Senate Environment and Natural Resources Committee agenda during the third week unanimously. We have offered the Senate sponsor amendment language to the bill. As of the writing of this report the Senate Bill

is not scheduled to be heard in the second committee of reference. The House passed its first committee of reference, the House Agriculture, Conservation and Resiliency Subcommittee on March 27th. We continue to work with other boating groups to offer the House and Senate sponsors amendment language to the bills. ***The House bill has two more committee stops. The second committee of reference does not have any other committees scheduled at this time.***

As expected, this language was placed in a comprehensive proposed committee substitute amendment on House Bill 847 relating to Floating Vessel Platforms. We immediately started to work to secure amendment language to narrow the original language. We are happy to report we were able to successfully negotiate language that was acceptable to all parties. ***The agreed upon language passed House Bill 847 and Senate Bill 1082. We will continue to monitor this language in the Floating Vessel Platforms bill. We anticipate the Floating Vessel Platform bills to pass this Legislative Session.***

**SB 1640 by Senator Gruters relating to Waterway Markers**-The Senate Bill does not have a linked companion bill currently. The bill has three committees of reference and was not heard the sixth week and is not scheduled on the Senate Environment and Natural Resources Committee during the eighth week. The Senate Environment and Natural Resources Committee is not scheduled to have any other committee meetings. 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 passed its final committee of reference, Senate Rules. ***The bill passed with a comprehensive amendment including agreed to language on the septic pumpout language.*** The House Bill was placed on the House Water Quality, Supply and Treatment Subcommittee and passed as a Committee Substitute. ***The bill only has two committees of reference and passed in the final committee of reference, the House Infrastructure and Strategies Committee. The House bill passed with a comprehensive amendment including septic pumpout language. CS/CS/HB 847 is on Special Order April 25th. MIAF supported the modified septic pumpout language that passed in the House and Senate bills. We appreciate the sponsors and Senator Mayfield for their assistance with this modified language.***

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

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

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



Margaret "Missy" Timmins  
President  
Timmins Consulting, LLC

## // BOATING SAFETY / LIVERIES

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

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

HOUSE/SENATE BILL RELATIONSHIP: *COMPARE*

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

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

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

**Most Recent Action:** 04/20/2023 HOUSE Placed on Special Order Calendar, 04/25/23

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

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

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

RELATIONSHIP: *SIMILAR*



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

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

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

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

## // VESSEL OWNER AND OPERATION REQUIREMENTS

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

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

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

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

**Most Recent Action:** 04/18/2023 SENATE Temporarily Postponed by 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:** 04/19/2023 SENATE Favorable with CS by Rules; 19 Yeas, 0 Nays; 04/20/2023 SENATE Committee Substitute Text (C1) Filed; 04/20/2023 SENATE Placed on Calendar, on 2nd reading

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

**Most Recent Action:** 04/19/2023 HOUSE Placed on Calendar, on 2nd reading; 04/20/2023 HOUSE Placed on Special Order Calendar, 04/25/23

## // 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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146 requirements:

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

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

152  
153 This subsection does not apply to human-powered vessels.

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

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

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

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

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

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

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

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

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

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

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

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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.; requiring the Fish and Wildlife  
4       Conservation Commission to develop and publish an  
5       educational pamphlet relating to boating safety  
6       education; providing requirements for the pamphlet;  
7       amending s. 327.4108, F.S.; providing an exemption  
8       from specified anchoring limitations for residential  
9       docking facilities, marinas, and existing mooring  
10      fields; revising anchoring limitation areas in certain  
11      sections of Biscayne Bay in Miami-Dade County;  
12      amending s. 327.54, F.S.; conforming a cross-  
13      reference; requiring liveries to provide hands-on  
14      instruction that meets specified requirements;  
15      providing an exemption from certain safety  
16      requirements if renters or lessees hire a professional  
17      captain; requiring a livery to either obtain and carry  
18      insurance that also insures renters or offer renters  
19      the opportunity to purchase specified liability  
20      coverage; requiring a livery to obtain a specified  
21      acknowledgement from renters upon refusal of such  
22      coverage; conforming a provision to changes made by  
23      the act; amending s. 327.731, F.S.; requiring a person  
24      convicted of certain noncriminal boating infractions  
25      to complete a boating safety course; providing an

effective date.

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

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

327.395 Boating safety education.—

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

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

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

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

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

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

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

Statutes, is 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 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, except within residential docking facilities, marinas, or existing mooring fields and 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 or within 200 yards of the following:

1. Rivo Alto Island and Di Lido Island.

2. San Marino Island and San Marco Island.

3. San Marco Island and Biscayne Island.

4. Di Lido Island and San Marino Island.

5. State Road 913 and State Road 826.

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

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

78 327.54 Liveries; safety regulations; penalty.—

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

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

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

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

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

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

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

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

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

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

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

120 f. Proper use of personal floatation devices.

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

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

the instruction.

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

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

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

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

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

(a) Obtains and carries in full force and effect a policy from a licensed insurance carrier in this 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 insurance policy must provide coverage of at least \$500,000 per person and \$1 million per event. The livery shall have proof of such insurance available for inspection at the location where livery vessels are being leased or rented, or offered for lease or rent, and

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

153 (b) Either:

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

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

168  
169 I understand that I am refusing to purchase a vessel  
170 rental insurance policy for coverage of at least  
171 \$500,000 per person and \$1 million per event for any  
172 damage or injuries caused directly or indirectly by my  
173 operation of the vessel.  
174



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

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

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.

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

327.731 Mandatory education for violators.—

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

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

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

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

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

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224 Conservation Trust Fund to support law enforcement activities.

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

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

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

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

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture, Conservation & Resiliency Subcommittee	16 Y, 1 N, As CS	Mamontoff	Moore
2) Agriculture & Natural Resources Appropriations Subcommittee	14 Y, 0 N, As CS	Byrd	Pigott
3) Infrastructure Strategies Committee	21 Y, 0 N, As CS	Mamontoff	Harrington

### SUMMARY ANALYSIS

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

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

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

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

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

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

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

##### Fish and Wildlife Conservation Commission

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

##### Mandatory Boating Education

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

- Enroll in, attend, and successfully complete a classroom or online boating safety course that is approved by and meets the minimum standards established by FWC rule;
- File proof of successful completion of the course with FWC within 90 days;
- Refrain from operating a vessel until he or she has filed proof of successful completion of the course; and
- Pay a fine of \$500.<sup>8</sup>

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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 327.731(1), F.S.

<sup>8</sup> Section 327.731(1)(a)-(d), F.S.

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

### Regulation of Liveries

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

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

### Anchoring

Anchoring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration. Anchoring is accomplished using an anchor carried on the vessel.<sup>13</sup> Anchorages are areas that boaters regularly use for anchoring, whether designated or managed for that purpose or not.<sup>14</sup>

### *State Regulation of the Anchoring of Vessels*

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

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<sup>9</sup> Section 327.02(24), F.S.

<sup>10</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>11</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>12</sup> Section 327.54(3)(e), F.S.

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

<sup>14</sup> *Id.*

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

Florida law prohibits a person from anchoring a vessel, except in case of emergency, in a manner that unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel.<sup>17</sup> Anchoring under bridges or in or adjacent to heavily traveled channels constitutes interference, if unreasonable under the prevailing circumstances.<sup>18</sup> Interference with navigation is a noncriminal infraction and punishable by a fine of \$50.<sup>19</sup>

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

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

#### *Local Regulation of the Anchoring of Vessels*

Local governments are authorized to enact and enforce ordinances that prohibit or restrict the anchoring of floating structures<sup>21</sup> or live-aboard vessels<sup>22</sup> within their jurisdictions and vessels that are within the marked boundaries of permitted mooring fields.<sup>23</sup> However, they are prohibited from enacting, continuing in effect, or enforcing any ordinance or local regulation that regulates the anchoring of vessels, other than live-aboard vessels, outside the marked boundaries of permitted mooring fields.<sup>24</sup>

#### *Anchoring Limitation Areas*

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

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

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

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<sup>15</sup> Section 253.03(1), F.S.

<sup>16</sup> Section 253.03(7), F.S.

<sup>17</sup> Section 327.44(2), F.S.

<sup>18</sup> *Id.*

<sup>19</sup> Section 327.73(j), F.S.

<sup>20</sup> Section 327.4109(1), F.S.

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

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

<sup>23</sup> Section 327.60(2)(f), F.S.

<sup>24</sup> Section 327.60(3), F.S.

<sup>25</sup> Section 327.4108, F.S.

<sup>26</sup> Section 327.4108(1), F.S.

<sup>27</sup> Section 327.4108(2), F.S.

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

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

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

## Effect of the Bill

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

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

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

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

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

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

The bill requires a livery to either:

<sup>28</sup> Section 327.48, F.S.

<sup>29</sup> Section 327.4108(3), F.S.

<sup>30</sup> Section 327.70(1), F.S.

<sup>31</sup> Section 327.4108(5)(b), F.S.

<sup>32</sup> Section 327.4108(4), F.S.



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

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

#### B. SECTION DIRECTORY:

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

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

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

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

Section 5. Provides an effective date of July 1, 2023.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

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

##### 1. Revenues:

None.

##### 2. Expenditures:

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

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

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

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

None.

#### D. FISCAL COMMENTS:

None.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

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

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

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

None.

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

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

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

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

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

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

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

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

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

By Senator Rouson

16-00479B-23

20231602\_\_

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.

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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

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

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

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

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

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

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

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

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

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

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

By Senator Rodriguez

40-01732D-23

20231502\_\_

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~~

40-01732D-23

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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.

HB 1385

2023

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

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

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

63           327.70 Enforcement of this chapter and chapter 328.—

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

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

By Senator Wright

8-01353-23

20231314\_\_

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**

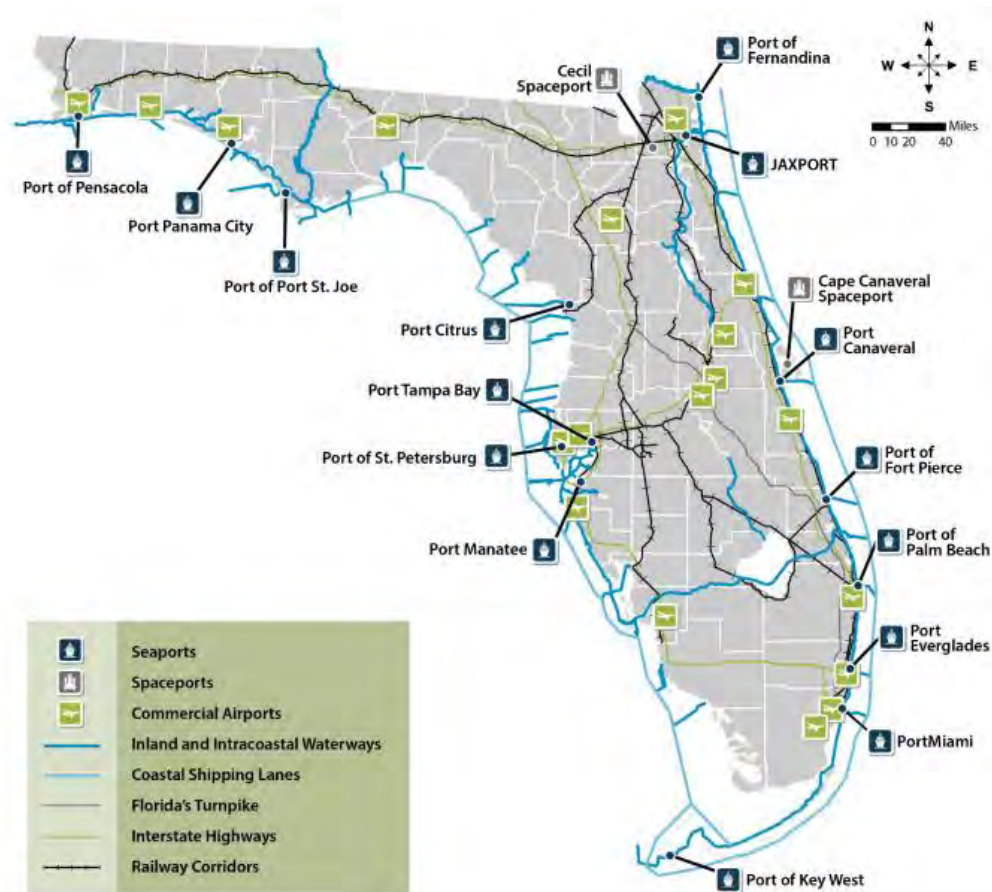
The Florida Intracoastal Waterway consists of the following waterways: the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee 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 the Committee on Rules; and Senator DiCeglie

595-04044-23

20231082c1

A bill to be entitled  
An act relating to vessels; amending s. 327.46, F.S.;  
authorizing counties and municipalities to establish  
slow speed, minimum wake boating-restricted areas  
within a specified distance from certain sewage  
pumpout facilities at public or private nonresidential  
marinas within certain portions of the Florida  
Intracoastal Waterway; 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;  
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 references  
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

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30 congestion, or other navigational hazards or to protect  
31 seagrasses on privately owned submerged lands.

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

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

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

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

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

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

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

56 b. Within 300 feet of any bridge span presenting a vertical  
57 clearance of less than 25 feet or a horizontal clearance of less  
58 than 100 feet.



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

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

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

66 f. Within 500 feet of a sewage pumpout facility at a public  
67 or private nonresidential marina on a waterway where the sewage  
68 pumpout facility is within 100 feet of the marked portion of the  
69 Florida Intracoastal Waterway.

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

72 a. Designated as a public bathing beach or swim area,  
73 except that such areas may not be created on waters that include  
74 any portion of the Florida Intracoastal Waterway or that are  
75 within 100 feet of the marked channel of the Florida  
76 Intracoastal Waterway.

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

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

84 Section 2. Paragraph (s) of subsection (1) of section  
85 403.813, Florida Statutes, is amended to read:

86 403.813 Permits issued at district centers; exceptions.—

87 (1) A permit is not required under this chapter, chapter

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

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

a. 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;

b.2. ~~Be~~ Are wholly contained within a boat slip previously permitted under ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or part IV of chapter 373, 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

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structure;

c.3. ~~Not be~~ 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 s. 253.141;

d.4. ~~Be~~ 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

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

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146 registration of the floating vessel platform ~~platforms to be~~  
147 ~~attached to a bulkhead on a parcel of land where there is no~~  
148 ~~other docking structure~~ as necessary to ensure compliance with  
149 local ordinances, codes, or regulations. A local government  
150 ~~governments~~ may require only a ~~either permitting or~~ one-time  
151 registration of all other floating vessel platforms where the  
152 platform owner self-certifies ~~as necessary to ensure~~ compliance  
153 with the exemption criteria in this section; to ensure  
154 compliance with ~~local~~ ordinances, codes, state-delegated or  
155 state-mandated plans or programs, or regulations relating to  
156 building or zoning, which may not be applied more stringently  
157 ~~are no more stringent than~~, or inconsistent with, the exemption  
158 criteria in this section and ~~or~~ address subjects other than  
159 subjects addressed by the exemption criteria in this section;  
160 and to ensure proper installation, maintenance, and  
161 precautionary or evacuation action following a tropical storm or  
162 hurricane watch of a floating vessel platform or floating boat  
163 lift that is proposed to be attached to a bulkhead or parcel of  
164 land where there is no other docking structure.

165 3. The exemption provided in this paragraph is ~~shall be~~ in  
166 addition to the exemption provided in paragraph (b). The  
167 department shall adopt a general permit by rule for the  
168 construction, installation, operation, or maintenance of those  
169 floating vessel platforms or floating boat lifts that do not  
170 qualify for the exemption provided in this paragraph but do not  
171 cause significant adverse impacts to occur individually or  
172 cumulatively. The issuance of such general permit constitutes  
173 ~~shall also constitute~~ permission to use or occupy lands owned by  
174 the Board of Trustees of the Internal Improvement Trust Fund. A

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175 local government ~~governments~~ may not impose a more stringent  
176 regulation, permitting requirement, registration requirement, or  
177 other regulation covered by such general permit. A local  
178 government ~~governments~~ may require a structure owner to obtain  
179 either a permit ~~permitting~~ or one-time registration of floating  
180 vessel platforms as necessary to ensure compliance with the  
181 general permit in this section; to ensure compliance with local  
182 ordinances, codes, or regulations relating to building or zoning  
183 that are no more stringent than the general permit in this  
184 section; and to ensure proper installation and maintenance of a  
185 floating vessel platform or floating boat lift that is proposed  
186 to be attached to a bulkhead or parcel of land where there is no  
187 other docking structure.

188 Section 3. For the purpose of incorporating the amendment  
189 made by this act to section 327.46, Florida Statutes, in  
190 references thereto, subsection (2) of section 327.41, Florida  
191 Statutes, is reenacted to read:

192 327.41 Uniform waterway regulatory markers.—

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

202 Section 4. 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 Rules

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BILL: CS/SB 1082

INTRODUCER: Rules Committee and Senator DiCeglie

SUBJECT: Floating Vessel Platforms

DATE: April 20, 2023

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

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/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.

The bill also allows local governments to establish by ordinance minimum wake boating-restricted areas within 500 feet of certain sewage pumpout facilities at a public or private nonresidential marina.

**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

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

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 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

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<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.

<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.

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
- 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>

### **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>12</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>13</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
  - 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

<sup>11</sup> Section 403.813(1)(s)1.-5., F.S.

<sup>12</sup> Section 327.46(1), F.S.

<sup>13</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.



- 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>14</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>15</sup>

### Marina Pumpout

Florida law prohibits the discharge of raw sewage from any vessel or any floating structure in Florida waters.<sup>16</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>17</sup> All waste from Type III marine sanitation devices<sup>18</sup> must be disposed of in an approved sewage pump-out facility.<sup>19</sup> A violation of the marine sanitation laws is a noncriminal infraction.<sup>20</sup>

<sup>14</sup> *Id.*

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

<sup>16</sup> Section 327.53(4), F.S.

<sup>17</sup> *Id.*

<sup>18</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 Apr. 19, 2023).

<sup>19</sup> Section 327.53(4), F.S.

<sup>20</sup> Section 327.53(6)(a), F.S.

## 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 Mexico; the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and the Apalachicola, Chattahoochee, and Flint rivers in Florida.<sup>21</sup> The map below shows the Florida Intracoastal Waterway.<sup>22</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 327.46, F.S., to include areas within 500 feet of a sewage pumpout facility at a public or private nonresidential marina to the list of slow speed, minimum wake boating-restricted areas that municipalities and counties may establish by ordinance. The pumpout facility must be within 100 feet of the marked portion of the Florida Intracoastal Waterway.

<sup>21</sup> Section 327.02(15), F.S.

<sup>22</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 Apr. 19, 2023).

**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** 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 4** 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.

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 sections 327.46 and 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.)

**CS by Rules on April 19, 2023:**

The amendment authorizes local governments to establish by ordinance minimum wake boating-restricted areas within 500 feet of a public or private nonresidential marina pumpout facility that is within 100 feet of the marked portion of the Florida Intracoastal Waterway.

B. Amendments:

None.

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

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

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

22       327.46 Boating-restricted areas.—

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

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

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

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

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

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

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

76           b. Within 300 feet of a dam, spillway, or flood control  
77 structure.  
78

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

83           Section 2. Paragraph (s) of subsection (1) of section  
84 403.813, Florida Statutes, is amended to read:

85           403.813 Permits issued at district centers; exceptions.—

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

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



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

103 1. To qualify for an exemption under this paragraph, the  
104 structure must:

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

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

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

122 d.4. ~~Be~~ Are constructed and used so as to minimize adverse  
123 impacts to submerged lands, wetlands, shellfish areas, aquatic  
124 plant and animal species, and other biological communities,  
125 including locating such structures in areas where seagrasses are

126 least dense adjacent to the dock or bulkhead; and

127 ~~e.5. Are~~ Not be constructed in areas specifically  
128 prohibited for boat mooring under conditions of a permit issued  
129 in accordance with ss. 403.91-403.929, 1984 Supplement to the  
130 Florida Statutes 1983, as amended, or part IV of chapter 373, or  
131 other form of authorization issued by a local government.

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

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

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

191 327.41 Uniform waterway regulatory markers.—

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

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

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 847 Vessel Regulations

**SPONSOR(S):** Infrastructure Strategies Committee, 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) Infrastructure Strategies Committee	19 Y, 0 N, As CS	Gawin	Harrington

### SUMMARY ANALYSIS

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

Boating-restricted areas, which restrict vessel speeds and traffic, may be established on the waters of the state for any purpose necessary to protect the safety of the public. The restrictions must be necessary due to boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately-owned submerged lands.

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

The bill allows a municipality or county to adopt an ordinance that establishes a slow speed, minimum wake boating-restricted area, if the area is within 500 feet of a sewage pumpout station at any public or private nonresidential marina if the sewage pumpout station is within 100 feet of the marked channel of the Florida Intracoastal Waterway.

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

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

##### Fish and Wildlife Conservation Commission

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

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>3</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>4</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.<sup>5</sup> The restrictions must be necessary due to "boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately-owned submerged lands."<sup>6</sup>

Local governments are generally prohibited from regulating any vessel upon the Florida Intracoastal Waterway.<sup>7</sup> However, local governments have been delegated authority to establish certain boating-restricted areas by ordinance, including in the portion of the Florida Intracoastal Waterway that is within their jurisdiction.<sup>8</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> Art. IV, s. 9, Fla. Const.

<sup>2</sup> *Id.*

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

<sup>4</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>5</sup> S. 327.46(1), F.S.

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

<sup>7</sup> S. 327.60(2)(c), F.S.; "Florida Intracoastal Waterway" means the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway, Stuart to Fort Myers; the St. Johns River, Jacksonville to Sanford; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; Carrabelle to Anclote open bay section, using the Gulf of Mexico; the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and the Apalachicola, Chattahoochee, and Flint Rivers in Florida. S. 327.02(15), F.S.

<sup>8</sup> S. 327.46(1)(b)-(c), F.S.

- Inside or within 300 feet of any lock structure.<sup>9</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>10</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>11</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>12</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>13</sup>

### Pumpout stations

Pumpout stations are machines that pull sewage from the waste holding tank of a boat.<sup>14</sup> There are public and private pumpout stations.<sup>15</sup> It is important to have a sufficient supply of pumpout stations because a lack of such facilities for recreational boaters leads to sewage being dumped into waters.<sup>16</sup> Raw or partially-treated boat sewage contains dangerous viruses and bacteria,<sup>17</sup> and it is particularly important to prevent the spread of such sewage.<sup>18</sup>

The federal Clean Vessel Act was signed into law in 1992 and it prohibits individuals from discharging raw sewage from vessels into fresh water or coastal saltwater.<sup>19</sup> The act established the Clean Vessel Act Grant Program, which is housed in the U.S. Fish and Wildlife Service and administered in Florida by the Department of Environmental Protection (DEP), to fund sewage disposal facilities.<sup>20</sup> Since 1994, more than 570 pumpout stations have been installed across Florida with funding from the Clean Vessel Act Grant Program.<sup>21</sup>

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

<sup>10</sup> S. 327.36 (1)(b)2., F.S.

<sup>11</sup> S. 327.46(1)(b)3., F.S.

<sup>12</sup> S. 327.46(3), F.S.

<sup>13</sup> S. 327.46(4), F.S.

<sup>14</sup> Michigan Pumpouts, *Pumpout FAQs*, <https://www.michiganseagrant.org/michiganpumpouts/frequently-asked-questions/> (last visited Apr. 14, 2023).

<sup>15</sup> UF, IFAS Extension, *Florida Sea Grant Extension & Education Program* (last updated Oct. 27, 2022), <https://flseagrant.ifas.ufl.edu/clean-boating/where-to-pumpout/> (last visited Apr. 16, 2023).

<sup>16</sup> Department of Environmental Protection (DEP), *About the Clean Vessel Act* (last updated Aug. 5, 2022), <https://floridadep.gov/rcp/cva/content/about-clean-vessel-act> (last visited Apr. 14, 2023).

<sup>17</sup> Department of Ecology, State of Washington, *Pump Out, Don't Dump Out – Help Protect Puget Sound!* (May 19, 2021), <https://ecology.wa.gov/Blog/Posts/May-2021/Pump-out-dont-dump-out-Help-protect-Puget-Sound> (last visited Apr. 14, 2023).

<sup>18</sup> U.S. Environmental Protection Agency, *A Recreational Boater's Guide to Vessel Sewage*, p.3, [https://www.epa.gov/sites/default/files/2021-06/documents/a\\_recreational\\_boaters\\_guide\\_to\\_vessel\\_sewage.pdf](https://www.epa.gov/sites/default/files/2021-06/documents/a_recreational_boaters_guide_to_vessel_sewage.pdf).

<sup>19</sup> DEP, *Clean Vessel Act Grant Program*, <https://floridadep.gov/RCP/CVA> (last visited Apr. 16, 2023).

<sup>20</sup> *Id.*

<sup>21</sup> DEP, *supra* note 16. (Each year, DEP may apply to the U.S. Fish and Wildlife Service for funding of up to 75% of all approved projects, with matching funds being supplied by the state, local governments, private businesses or associations.)



### Environmental Resource Permits

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>22</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>23</sup>

### ERP Exceptions

Current law provides exceptions from ERP<sup>24</sup> permitting for certain types of projects.<sup>25</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>26</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>27</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>28</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>29</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
- 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>30</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;

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<sup>22</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>23</sup> DEP, *Submerged Lands and Environmental Resources Coordination Program*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination> (last visited Mar. 1, 2023).

<sup>24</sup> See chs. 373 and 403, F.S.

<sup>25</sup> S. 403.813(1), F.S.

<sup>26</sup> See s. 403.813(1)(a)-(v), F.S.; see also r. 62-330.051, F.A.C.

<sup>27</sup> *Id.*

<sup>28</sup> S. 403.813(1), F.S.

<sup>29</sup> S. 403.813(1)(b), F.S.

<sup>30</sup> *Id.*

- 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>31</sup>

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

Structures that qualify for this exemption are not required to obtain permission to use or occupy lands owned by the Board, and, with certain exceptions, may not be subject to any more stringent permitting requirements, registration requirements, or other regulation by any local government.<sup>32</sup> Local governments may require either permitting or one-time registration of floating vessel platforms.<sup>33</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 a sewage pumpout station at any public or private nonresidential marina if the sewage pumpout station is within 100 feet of the marked channel of the Intracoastal Waterway.

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

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

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

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

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

Section 4. Provides an effective date of July 1, 2023.

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

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

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

None.

<sup>31</sup> S. 403.813(1)(s), F.S.; Rule 62-330.428, F.A.C.

<sup>32</sup> *Id.*

<sup>33</sup> S. 403.813(1)(s), F.S.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

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.

On April 17, 2023, the Infrastructure Strategies Committee adopted a PCS with an amendment to the PCS and reported the bill favorably as a committee substitute. The PCS, as amended, authorized 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 a sewage pumpout station at any public or private nonresidential marina if the sewage pumpout station is within 100 feet of the marked channel of the Florida Intracoastal Waterway.

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

By Senator Gruters

22-00188-23

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

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

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

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

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

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

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

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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>
	04/21/2023 SENATE Received; Referred to Rules
<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>
	04/04/2023 SENATE Read Second Time; Substituted for HB 0109; Laid on Table, Refer to HB 0109
<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 Rules
	<b>Actions</b>
	04/14/2023 SENATE Now in Rules
<b>HB 0109</b>	<b>State Park Campsite Reservations</b> by Canady
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	04/05/2023 HOUSE Enrolled Text (ER) Filed
<b>HB 0111</b>	<b>Flooding and Sea Level Rise Vulnerability Studies</b> by Hunschofsky
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>

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

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

**Actions**

04/19/2023 HOUSE Placed on Calendar, on 2nd reading

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

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

**Actions**

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

**SB 0150** **Public Safety** by Collins

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

**Actions**

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

**SB 0172** **Safe Waterways Act** by Berman

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

**Actions**

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

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

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

**Actions**

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

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

**Current Committee of Reference:** House Health Care Appropriations Subcommittee

**Actions**

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

**SB 0192** **Everglades Protection Area** by Avila

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

**Actions**

04/12/2023 HOUSE In Messages

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

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

**Actions**

01/25/2023 HOUSE Now in Criminal Justice Subcommittee

**HB 0261** **Boating Safety** by Botana

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

## Actions

04/20/2023 HOUSE Placed on Special Order Calendar, 04/25/23

### **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:** No Current Committee

## Actions

04/24/2023 SENATE Placed on Special Order Calendar, 04/27/23

### **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:** No Current Committee

## Actions

04/21/2023 HOUSE Placed on Calendar, on 2nd reading

### **SB 0406** Yacht and Ship Brokers by Hooper

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

## Actions

04/19/2023 SENATE Now in Fiscal Policy

### **HB 0407** Apalachicola Bay Area of Critical State Concern by Shoaf

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

## Actions

04/24/2023 HOUSE Placed on Special Order Calendar, 04/27/23

### **SB 0418** Insurance by Perry

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

**Actions**

04/19/2023 HOUSE In Messages

**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:** No Current Committee

**Actions**

04/21/2023 HOUSE Placed on Calendar, on 2nd reading

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

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

**Actions**

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

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

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

**Actions**

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

**HB 0505 Insurance** by Berfield

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

**Actions**

04/22/2023 HOUSE Committee Substitute Text (C2) Filed

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

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

**Actions**

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

**HB 0543 Public Safety** by Brannan III

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

**Actions**

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

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

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

**Actions**

04/24/2023 SENATE Placed on Special Order Calendar, 04/27/23

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

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

Subcommittee

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**Actions**

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

**HB 0549 Operating Vehicles and Vessels Under the Influence** by Casello

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

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**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

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**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

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**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

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**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

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**Actions**

04/21/2023 SENATE Received; Referred to Appropriations

**HB 0701 Wrecker and Towing-Storage Operators** by Bell

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

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**Actions**

03/27/2023 HOUSE Now in Infrastructure Strategies Committee

**SB 0702 Apalachicola Bay Area of Critical State Concern** by Simon

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

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**Actions**

04/20/2023 SENATE On Committee agenda - Fiscal Policy, 04/25/23, 10:00 am, 412 K

**SB 0712 Motor Vehicle Sales** by Avila

**Current Committee of Reference:** Senate Rules

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**Actions**

04/24/2023 SENATE Favorable with CS by Rules; 19 Yeas, 0 Nays

**HB 0713 Administrative Procedures and Permitting Process Review** by McFarland

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

**Actions**

04/24/2023 HOUSE Placed on Calendar, on 2nd reading

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

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

**Actions**

04/24/2023 SENATE Placed on Special Order Calendar, 04/26/23

**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 Vessel Regulations** by Stark

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

**Actions**

04/20/2023 HOUSE Placed on Special Order Calendar, 04/25/23

**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 Commerce Committee
	<b>Actions</b>
	04/24/2023 HOUSE Favorable with CS by Commerce Committee; 11 Yeas, 4 Nays
<b>HB 1015</b>	<b>Pub.Rec./COVID-19 Mandates and Treatment Options</b> by Griffiths Jr.
	<b>Current Committee of Reference:</b> House Commerce Committee
	<b>Actions</b>
	04/24/2023 HOUSE Favorable with CS by Commerce Committee; 12 Yeas, 4 Nays
<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>Vessels</b> by DiCeglie
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	04/20/2023 SENATE Placed on Calendar, on 2nd reading
<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> No Current Committee
	<b>Actions</b>
	04/20/2023 HOUSE Placed on Special Order Calendar, 04/25/23
<b>HB 1161</b>	<b>Venomous Reptiles</b> by Abbott
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	04/21/2023 SENATE Received; Referred to Rules
<b>SB 1170</b>	<b>Flooding and Sea Level Rise Vulnerability Studies</b> by Calatayud
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	04/24/2023 SENATE Placed on Calendar, on 2nd reading
<b>HB 1181</b>	<b>Seagrass Restoration</b> by Robinson (W) Jr.
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	04/20/2023 HOUSE Placed on Special Order Calendar, 04/25/23
<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



<b>HB 1287</b>	<b>Universal Regulatory Sandbox</b> by Giallombardo
	<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
<b>HB 1289</b>	<b>Pub. Rec. and Meetings/Regulatory Sandbox</b> by Giallombardo
	<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
<b>SB 1298</b>	<b>Endangered and Threatened Species</b> by Jones
	<b>Current Committee of Reference:</b> Senate Environment and Natural Resources
	<b>Actions</b>
	03/06/2023 SENATE Referred to Environment and Natural Resources; Agriculture; Rules
<b>SB 1314</b>	<b>Boating-restricted Areas</b> by Wright
	<b>Current Committee of Reference:</b> Senate Community Affairs
	<b>Actions</b>
	03/20/2023 SENATE Now in Community Affairs
<b>SB 1336</b>	<b>Disposal of Food Waste Materials Study</b> by Polsky
	<b>Current Committee of Reference:</b> Senate Appropriations Committee on Agriculture, Environment, and General Government
	<b>Actions</b>
	04/04/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government
<b>HB 1367</b>	<b>Unlawful Dumping</b> by Altman
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	04/24/2023 HOUSE Placed on Special Order Calendar, 04/27/23
<b>SB 1368</b>	<b>Unlawful Dumping</b> by Wright
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	04/20/2023 SENATE Placed on Calendar, on 2nd reading
<b>HB 1379</b>	<b>Environmental Protection</b> by Steele
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	04/20/2023 HOUSE Placed on Special Order Calendar, 04/25/23
<b>HB 1385</b>	<b>Vessel Owner and Operation Requirements</b> by Basabe
	<b>Current Committee of Reference:</b> House Agriculture, Conservation & Resiliency Subcommittee
	<b>Actions</b>
	03/09/2023 HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee

<b>SB 1390</b>	<b>Universal Regulatory Sandbox</b> by Martin
	<b>Current Committee of Reference:</b> Senate Appropriations Committee on Transportation, Tourism, and Economic Development
	<b>Actions</b>
03/21/2023	SENATE Now in Appropriations Committee on Transportation, Tourism, and Economic Development
<b>SB 1392</b>	<b>Public Records and Meetings/Universal Regulatory Sandbox</b> by Martin
	<b>Current Committee of Reference:</b> Senate Appropriations Committee on Transportation, Tourism, and Economic Development
	<b>Actions</b>
03/21/2023	SENATE Now in Appropriations Committee on Transportation, Tourism, and Economic Development
<b>HB 1403</b>	<b>Protections of Medical Conscience</b> by Rudman
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
04/20/2023	HOUSE Placed on Special Order Calendar, 04/25/23
<b>SB 1410</b>	<b>Requiring Broader Public Support for Constitutional Amendments or Revisions</b> by Gruters
	<b>Current Committee of Reference:</b> Senate Ethics and Elections
	<b>Actions</b>
03/09/2023	SENATE Referred to Ethics and Elections; Judiciary; Rules
<b>HB 1443</b>	<b>Disqualification from Licensing, Permitting, or Certification Based on Criminal Conviction</b> by Waldron
	<b>Current Committee of Reference:</b> House Regulatory Reform & Economic Development Subcommittee
	<b>Actions</b>
03/09/2023	HOUSE Now in Regulatory Reform & Economic Development Subcommittee
<b>SB 1484</b>	<b>Office of the Blue Economy</b> by Pizzo
	<b>Current Committee of Reference:</b> Senate Commerce and Tourism
	<b>Actions</b>
03/09/2023	SENATE Referred to Commerce and Tourism; Appropriations Committee on Transportation, Tourism, and Economic Development; Fiscal Policy
<b>HB 1489</b>	<b>Designation of Brevard Barrier Island Area as Area of Critical State Concern</b> by Altman
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
04/24/2023	HOUSE Placed on Special Order Calendar, 04/27/23
<b>HB 1491</b>	<b>Marine Encroachment on Spaceflight and Military Operations</b> by Altman
	<b>Current Committee of Reference:</b> House Local Administration, Federal Affairs & Special Districts Subcommittee
	<b>Actions</b>
03/09/2023	HOUSE Now in Local Administration, Federal Affairs & Special Districts Subcommittee

<b>SB 1502</b>	<b>Vessel Owner and Operation Requirements</b> by Rodriguez
	<b>Current Committee of Reference:</b> Senate Appropriations Committee on Agriculture, Environment, and General Government
	<b>Actions</b>
	04/18/2023 SENATE Temporarily Postponed by Appropriations Committee on Agriculture, Environment, and General Government
<b>HB 1505</b>	<b>Outstanding Florida Springs</b> by Grant
	<b>Current Committee of Reference:</b> House Water Quality, Supply & Treatment Subcommittee
	<b>Actions</b>
	03/09/2023 HOUSE Now in Water Quality, Supply & Treatment Subcommittee
<b>HB 1521</b>	<b>Facility Requirements Based on Sex</b> by Plakon
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	04/19/2023 SENATE Received; Referred to Fiscal Policy
<b>SB 1538</b>	<b>Implementation of the Recommendations of the Blue-Green Algae Task Force</b> by Stewart
	<b>Current Committee of Reference:</b> Senate Fiscal Policy
	<b>Actions</b>
	04/19/2023 SENATE Now in Fiscal Policy
<b>HB 1559</b>	<b>Review of Employment Contracts</b> by Campbell
	<b>Current Committee of Reference:</b> House Regulatory Reform & Economic Development Subcommittee
	<b>Actions</b>
	03/09/2023 HOUSE Now in Regulatory Reform & Economic Development Subcommittee
<b>SB 1574</b>	<b>Judgment Liens</b> by Rouson
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	04/21/2023 SENATE Placed on Calendar, on 2nd reading
<b>SB 1580</b>	<b>Protections of Medical Conscience</b> by Trumbull
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	04/21/2023 SENATE Placed on Calendar, on 2nd reading
<b>HB 1587</b>	<b>Taking of Bears</b> by Shoaf
	<b>Current Committee of Reference:</b> House Agriculture, Conservation & Resiliency Subcommittee
	<b>Actions</b>
	03/09/2023 HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee
<b>SB 1602</b>	<b>Storage of Firearms in Private Conveyances and Vessels</b> by Rouson
	<b>Current Committee of Reference:</b> Senate Criminal Justice
	<b>Actions</b>
	SENATE Referred to Criminal Justice; Appropriations Committee on Criminal and Civil

SB 1604	<b>Land Use and Development Regulations</b> by Ingoglia
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	04/24/2023 SENATE Placed on Special Order Calendar, 04/26/23
SB 1640	<b>Installation of Waterway Markers</b> by Gruters
	<b>Current Committee of Reference:</b> Senate Environment and Natural Resources
	<b>Actions</b>
	03/09/2023 SENATE Referred to Environment and Natural Resources; Appropriations Committee on Agriculture, Environment, and General Government; Fiscal Policy
SB 1664	<b>Economic Development</b> by Hooper
	<b>Current Committee of Reference:</b> Senate Fiscal Policy
	<b>Actions</b>
	04/20/2023 SENATE On Committee agenda - Fiscal Policy, 04/25/23, 10:00 am, 412 K
SB 1666	<b>Marine Encroachment on Spaceflight and Military Operations</b> by Wright
	<b>Current Committee of Reference:</b> Senate Military and Veterans Affairs, Space, and Domestic Security
	<b>Actions</b>
	03/22/2023 SENATE Now in Military and Veterans Affairs, Space, and Domestic Security
SB 1674	<b>Facility Requirements Based on Sex</b> by Grall
	<b>Current Committee of Reference:</b> Senate Fiscal Policy
	<b>Actions</b>
	04/20/2023 SENATE On Committee agenda - Fiscal Policy, 04/25/23, 10:00 am, 412 K
SB 1686	<b>Designation of Brevard Barrier Island Area as an Area of Critical State Concern</b> by Wright
	<b>Current Committee of Reference:</b> Senate Rules
	<b>Actions</b>
	04/24/2023 SENATE Favorable with CS by Rules; 19 Yeas, 0 Nays
SB 1702	<b>Mitigation Credits</b> by DiCeglie
	<b>Current Committee of Reference:</b> Senate Environment and Natural Resources
	<b>Actions</b>
	03/09/2023 SENATE Referred to Environment and Natural Resources; Community Affairs; Rules
HB 7003	<b>OGSR/Water Management District Surplus Lands</b> by Ethics, Elections & Open Government Subcommittee
	<b>Current Committee of Reference:</b> No Current Committee
	<b>Actions</b>
	04/19/2023 HOUSE Enrolled Text (ER) Filed
RRS2	<b>Tourism Development</b> by Regulatory Reform & Economic Development Subcommittee
	<b>Current Committee of Reference:</b> House Regulatory Reform & Economic Development Subcommittee

**Actions**

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

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