

WEEK 2 REPORT

// 2023 LEGISLATIVE SESSION

+ MARINE INDUSTRIES ASSOCIATION OF FLORIDA

MARCH 13-17, 2023



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Installation of Waterway Markers

We have officially completed the second week of the 2023 Legislative Session. The pace has been intense as Legislators are moving big issues through the process quickly. The Republicans are definitely taking advantage of their supermajority and passing proposed bills that are priorities of leadership. Democrats do not have the numbers to impact the Republican agenda this year. However, Democrats are going on the record and asking tough questions of sponsors and going on the record in opposition of many bills.

As we head into the third week of Session, the intensity will increase as the clock starts ticking in the House of Representatives as members start feeling the crunch as the deadline for policy subcommittees is nearing an end. The House of Representatives and Senate will start to roll out their budget priorities in their respective Appropriation Subcommittees this week.

Abortion, gender dysphoria, school vouchers, tort reform and many priorities of the Governor are moving through committees and moving quickly. These issues are taking up a lot of committee time and limiting many member bills from getting on the agenda to be heard. There is still time for member bills to get hearings and many of these stalled issues could become amendments to other bills. We will continue to monitor these closely.

Boating is a big issue again this year. We are in daily contact with our legislative directors and other marine industry associations to discuss filed legislation. We have and continue to work with these groups to advocate for the industry. We are excited to be working closely with these groups and look forward to seeing them in Tallahassee.

Marine Industry Days in Tallahassee!

Marine Industries Association of Florida and other Marine Industries Associations from around the state will be in Tallahassee on April 11th and 12th to learn about pressing issues this Legislative Session. Please join us as we listen, learn and advocate on behalf of the industry. The schedule of events includes presentations by speakers about marine and boating issues, a reception and dinner on the 11th and a breakfast on the 12th and a day of advocacy at the Florida Capitol. For more information you can find it on the Marine Industries Association of Florida webpage-marineindustriesassociationflorida.com. We hope you can join us this year!

If you are planning on attending MIA Days in Tallahassee, please start requesting your appointments to see your Legislators now!

Below are the links you can use to find your Legislator!

Florida Senate

<https://www.flsenate.gov/Senators/Find>

Florida House of Representatives

<https://www.myfloridahouse.gov/FindYourRepresentative>

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

Bills of Interest:

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

The House Bill and Senate Bill have not been heard in their first committees of reference.

HB 261 by Representative Botana relating to Boating Safety and SB 728 by Senator Garcia relating to Liveries- These bills are currently not identical and are comparable. We anticipate these bills to become companion bills as they move forward. These bills were originally supposed to be glitch bills to fix the livery insurance issue from last Legislative Session. MIAF was on board to fix the livery issues, but unfortunately the House Bill went further than just a glitch fix for liveries and was originally filed to make everyone boating in Florida have a boating safety card. (Currently Florida law is anyone born on or after January 1, 1988, may not operate a vessel with ten horsepower or more unless they have a state issued identification card or drivers license indication they are in possession of a boating safety card issued by the commission, an International Certificate of Competency, a boating safety card or certificate from another state or U.S. Territory , or a Canadian Pleasure Craft Operator card.) The House Bill was placed on the agenda the first week in House Agriculture, Conservation and Resiliency Committee. The bill was amended to now state that anyone born on or after January 1, 1960, now must take the boating safety course. Marine Industries Association of Florida has registered their opposition to the sponsor, Representative Botana, on this issue several times. Even with the latest amendment MIAF still opposes this change and will try to continue to work with the sponsor. The bill has two more committee stops before it is ready for the House floor.

MIAF and other Marine Industry Associations continue to work on House Bill 261 by Representative Botana. MIAF continues to have issues with the boating safety language in the bill. The sponsor did amend the bill to make everyone born after January 1, 1960, to be required to take the boating safety class. MIAF continues to have issues with this language and per the sponsor's request have made two different suggestions to amend the bill. First, we offered as discussed on our Legislative Call to delete the language and work with marine groups over the interim to come up with substantial boating safety legislation. Unfortunately, the sponsor did not accept our offer. He then amended the bill to the year 1960 in his first committee of reference. MIAF waived in opposition of the bill. We had stopped by his office the day before this committee to make another offer and were not contacted until after his first committee hearing. MIAF was contacted by the sponsor after the first committee hearing and we offered what we believed to be a substantial amendment that went to the core of the concerns raised by the sponsor. We offered language that would require anyone who gets an operational citation for a vessel to take the boating safety course. Currently, state law requires anyone convicted of 2 non-criminal boating safety infractions within 12 months must take a NASBLA/State of Florida approved education course. State law also currently requires anyone convicted of a boating infraction which resulted in a reportable boating accident or convicted of any criminal boating violation must complete

the boating safety course. Our suggested amendment would say anyone who gets one violation at any time would have to take the course. Unfortunately, we are hearing the sponsor is not going to accept our request and is considering offering an amendment to change January 1, 1960, to January 1, 1978. MIAF and other groups still have concerns with this language.

House Bill 261 has two more committee stops before it is ready for the floor. The agenda for the House Agriculture and Natural Resources Appropriation Subcommittee had not been released as of the writing of this report.

The Senate bill passed the Senate Environmental and Natural Resources Committee meeting on March 14th at 8:30 a.m. unanimously without any amendments. The bill currently does not have boating safety language that is of concern to MIAF and other boating groups. This bill is comparable to House Bill 261. Remember the bills must be identical to pass. MIAF did support this bill in its first committee as it is truly a glitch bill to attempt to fix the livery issue from SB 606 that passed last year. We will continue to watch this bill closely for all amendments. The bill has two more committee stops before it is ready for the floor.

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 was not heard during the second week of the Legislative Session. The Senate companion, Senate Bill 1502 is identical to House Bill 1385. The Senate Bill also has three committees of reference and was not heard during the second week of Session and is not on the agenda for the third week of Session. The Senate Bill is sponsored by the Chair of the Senate Environment and Natural Resources Committee, Senator Rodriguez.

The bills are currently not on a House agenda or Senate agenda during the third week as of the writing of this report.

House Bill 1103 by Representative Tramont and Senate Bill 1314 by Senator Wright relating to Boating Restricted Areas-Both the House Bill and Senate Bill have three committees of reference. Neither bill was heard in their first committee during the second week of Session. The Senate bill is scheduled to be heard in the Senate Environment and Natural Resources Committee agenda during the third week. The House bill is not scheduled to be heard in its first committee of reference as of the writing of this report. The bill would add to the Boating Restricted area statute an ordinance establishing a slow speed, minimum wake boating-restricted area, if the area is within 500 feet of any private or public marina pumpout. This new language adds "private" to the statute and does not require fuel. We are trying to meet with the sponsors now to gain more information on this bill. MIAF tried to meet with the Senate sponsor again on our issues. Information has been left with staff to discuss our concerns. We hope to work with the sponsor for future committee stops.

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

HB 847 by Representative Stark and SB 1082 by Senator DiCeglie relating to Floating Vessel Platforms-MIAF sent both bills out for review. As of the writing of this report we still have not received any commentary back from membership on these bills. We will continue to monitor these bills for any

amendments and keep you informed as they move through the process. SB 1082 is scheduled to be heard in the Senate Environmental and Natural Resources Committee on March 20th. The bill has three committees of reference. The House Bill was scheduled to be heard in its first committee of reference, House Water Quality, Supply and Treatment Subcommittee. The bill was temporarily passed. The bill was not on the agenda during the second week. We will continue to watch, and the Senate Bill is moving.

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

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

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

Margaret "Missy" Timmins
President
Timmins Consulting, LLC

// BOATING SAFETY / LIVERIES

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

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

HOUSE/SENATE BILL RELATIONSHIP: *COMPARE*

Senate Bill 728: 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: 03/14/2023 SENATE Favorable by Environment and Natural Resources; 9 Yeas, 0 Nays

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

Most Recent Action: 03/10/2023 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee

// 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 (Current Reference); Senate Appropriations Committee on Agriculture, Environment, and General Government; Senate Fiscal Policy

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

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

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

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

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; Rules

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

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: 02/28/2023 HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee

// FLOATING VESSEL PLATFORMS AND FLOATING BOAT LIFTS

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

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

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

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

House Bill 847: Floating Vessel Platforms and Floating Boat Lifts: Provides that specified structures associated with docks on parcels of land create presumption of compliance with certain environmental impact requirements. Effective Date: July 1, 2023

Most Recent Action: 03/08/2023 HOUSE Temporarily Postponed by Water Quality, Supply & Treatment Subcommittee

// 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 Senator Garcia

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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; authorizing the Fish and Wildlife
Conservation Commission to enter into agreements with
qualified contractors to perform compliance
inspections of liveries; providing requirements for
such contracted inspections; requiring liveries to
make facilities and records available for inspection
by the qualified contractors within a specified
timeframe; 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

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30 consideration when such person does not also provide the lessee
31 or renter with a captain, a crew, or any type of staff or
32 personnel to operate, oversee, maintain, or manage the vessel.
33 The owner of a vessel who does not advertise his or her vessel
34 for use by another for consideration and who loans or offers his
35 or her vessel for use to another known to him or her either for
36 consideration or without consideration is not a livery. A public
37 or private school or postsecondary institution located within
38 this state is not a livery. A vessel rented or leased by a
39 livery is a livery vessel as defined in s. 327.02.

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

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

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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.

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

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

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

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

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

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

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

a. Operational characteristics of the vessel to be rented.

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

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

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

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

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

2. Any person receiving instruction in the safe handling of livery vessels pursuant to this paragraph must provide the 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 or an authorized agent of the commission pursuant to subsection (10).

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

(g) Unless the livery has a written agreement with the renter or lessee. The written agreement must include the name, address, and date of birth for the renter and the number of

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117 people aboard the vessel, as well as the time the vessel is
118 required to be returned to the livery or another specified
119 location and an emergency contact name, address, and telephone
120 number. The livery shall maintain each agreement for no less
121 than 1 year and, upon request, make each agreement available for
122 inspection by law enforcement or an authorized agent of the
123 commission pursuant to subsection (10).

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

130 (5) A livery may not knowingly lease or rent a vessel to a
131 person who is required to comply with s. 327.395 unless such
132 person presents to the livery the documentation required by s.
133 327.395(2) for the operation of a vessel or meets the exemption
134 provided under s. 327.395(6)(f).

135 ~~(6)~~ (5) If a vessel rented or leased by a livery is
136 unnecessarily overdue more than 4 hours after the contracted
137 vessel rental time has expired, the livery must notify law
138 enforcement.

139 ~~(7)~~ (6) A livery may not knowingly lease or rent a livery
140 vessel, other than a human-powered vessel, to any person who is
141 under 18 years of age.

142 ~~(8)~~ (7) A livery may not lease or rent or offer to lease or
143 rent any livery vessel unless the livery first obtains and
144 carries in full force and effect a policy from a licensed
145 insurance carrier in this state which insures the livery and the

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146 renter against any accident, loss, injury, property damage, or
147 other casualty caused by or resulting from the operation of the
148 livery vessel. The insurance policy must provide coverage of at
149 least \$500,000 per person and \$1 million per event. The livery
150 shall have proof of such insurance available for inspection at
151 the location where livery vessels are being leased or rented, or
152 offered for lease or rent, and shall provide to each renter the
153 insurance carrier's name and address and the insurance policy
154 number. A livery may choose to limit insurance covering the
155 renter if the renter or lessee meets one of the following
156 requirements:

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

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

162
163 This subsection does not apply to human-powered vessels.

164 (9)~~(8)~~ Notwithstanding the person's age or any exemptions
165 provided in s. 327.395, any person delivering instruction
166 regarding the safe operation of vessels or hands-on pre-rental
167 or pre-ride instruction in accordance with subsection (3) must
168 have successfully completed a boating safety education course
169 approved by the National Association of State Boating Law
170 Administrators and this state.

171 (10) To enhance enforcement efforts, the commission may
172 enter into agreements with qualified contractors to perform
173 inspections of liveries to ensure compliance with this section.
174 Inspections may be performed by an authorized agent working

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under the supervision of a qualified contractor. The qualified contractor shall provide a copy of a written, signed inspection report to the livery upon completion of the inspection and to the commission within 30 days after the inspection. The commission may develop the contents of the inspection report.

~~(11)(9)~~ If a vessel rented or leased by a livery is involved in an accident, the livery must report the accident to the division.

~~(12)(10)~~ A livery shall make its facilities and records available for inspection upon request by law enforcement or an authorized agent of the commission pursuant to subsection (10) no later than 24 hours after receiving notice from law enforcement or an authorized agent of the commission.

~~(13)(a)(11)(a)~~ Any person convicted of violating this section, other than subsection (2), who has not been convicted of a violation of this section within the past 3 years commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Unless the stricter penalties in paragraph (c) apply, a person who violates this section, other than subsection (2), within 3 years after a previous conviction of a violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$500.

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

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204 (14)~~(12)~~ A person who commits more than one violation of
205 this section, other than subsection (2), within a 3-year period
206 may not act as a livery during a 90-day period immediately after
207 being charged with that violation. The commission may revoke or
208 refuse to issue a permit under subsection (2) based on repeated
209 violations of this section.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 728

INTRODUCER: Senator Garcia

SUBJECT: Liveries

DATE: March 13, 2023

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|--------------------|
| 1. Carroll | Rogers | EN | Pre-meeting |
| 2. _____ | _____ | CM | _____ |
| 3. _____ | _____ | RC | _____ |

I. Summary:

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.

The bill allows the Florida Fish and Wildlife Conservation Commission (FWC) to enter into agreements with qualified contractors to inspect liveries for compliance with statutory requirements.

II. Present Situation:

Fish and Wildlife Conservation Commission

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

¹ FLA. CONST. art. IV, s. 9.

² *Id.*; see also s. 379.102(1), F.S.

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

Boating Safety Education

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

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

A Florida boating safety identification card is issued after successful completion of a boating safety education course approved by FWC.⁹ The card is valid for a person's life.¹⁰ A temporary certificate requires passing an FWC-approved examination and is valid for 90 days after the date of issuance.¹¹ An FWC-approved boating safety education course or temporary certificate examination must contain information regarding:

³ Section 327.70(1), F.S.; see s. 943.10(1), F.S., which defines "law enforcement officer" as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition also includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

⁴ Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited March 6, 2023).

⁵ FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited March 6, 2023). See s. 327.70(1) and (4), F.S.

⁶ Section 327.395(1), (2), F.S.

⁷ Section 327.395(1), F.S.

⁸ Section 327.395(6), F.S.

⁹ Section 327.395(3), F.S.

¹⁰ Section 327.395(5), F.S.

¹¹ Section 327.395(3), (5), F.S.

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

Regulation of Liveries

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

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

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

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

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

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

- 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;

¹² Section 327.395(4), F.S.

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

¹⁴ Section 327.54(1), F.S.

¹⁵ *Id.*

¹⁶ Section 327.54(2), F.S.

¹⁷ *Id.*

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

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

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

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

The Boating Safety Act of 2022

The Legislature passed the Boating Safety Act of 2022 in part to increase protections for individuals who rent or lease livery vessels.²⁴ The Act provided the current statutory definition of a livery as a person who advertises and offers a livery vessel for use by another in exchange for any type of consideration, when the livery does not also provide a captain, crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel. It also required liveries to obtain a no-cost, annual livery permit, as well as an insurance policy that insures both the livery and the renter. The Act added additional components to FWC-approved boating safety education courses and temporary certificate examinations.²⁵

¹⁸ Section 327.54(3), F.S.

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

²⁰ Section 327.54(6), F.S.

²¹ Section 327.54(5) and (9), F.S.

²² Section 327.54(7), F.S.

²³ Section 327.54(10), F.S.

²⁴ Chapter 2022-197, Laws of Fla.

²⁵ *Id.*

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.

To enhance enforcement efforts, the bill allows FWC to enter into agreements with qualified contractors to perform inspections of liveries to ensure compliance with statutory requirements. The inspections may be performed by an authorized agent working under the supervision of a qualified contractor. The bill requires the qualified contractor to provide a copy of a written, signed inspection report to the livery upon completion of the inspection and to FWC within 30 days of the inspection. FWC may develop the contents of the inspection report.

The bill requires that a livery must make the statement form attesting to pre-rental or pre-ride instruction and the written agreement between the livery and the renter or lessee available for inspection by an authorized agent of FWC. The bill further requires that a livery make its facilities and records available for inspection by an authorized agent of FWC no later than 24 hours after receiving notice from the authorized agent.

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.

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 Changes:

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

None.

B. Amendments:

None.

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

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

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

20 327.395 Boating safety education.—

21 (1) A person born on or after January 1, 1960 ~~1988~~, may
22 not operate a vessel powered by a motor of 10 horsepower or
23 greater unless such person has in his or her possession aboard
24 the vessel the documents required by subsection (2).

25 Section 2. Subsections (4) through (12) of section 327.54,

Florida Statutes, are renumbered as subsections (5) through (13), respectively, subsection (2), paragraph (e) of subsection (3), present subsections (7) and (8) are amended, and a new subsection (4) is added to that section, to read:

327.54 Liveries; safety regulations; penalty.—

(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

51 misdemeanor of the first degree, punishable as provided in s.
52 775.082 or s. 775.083.

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

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

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

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

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

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

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

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

72 f. Proper use of personal floatation devices.

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

75 2. Any person receiving instruction in the safe handling

76 of livery vessels pursuant to this paragraph must provide the
77 livery with a written statement attesting to each component of
78 the instruction.

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

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

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

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

92 (8)(7) A livery may not lease or rent or offer to lease or
93 rent any livery vessel unless the livery first obtains and
94 carries in full force and effect a policy from a licensed
95 insurance carrier in this state which insures the livery ~~and the~~
96 ~~renter~~ against any accident, loss, injury, property damage, or
97 other casualty caused by or resulting from the operation of the
98 livery vessel. The insurance policy must provide coverage of at
99 least \$500,000 per person and \$1 million per event. The livery
100 shall have proof of such insurance available for inspection at

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2023

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

105 ~~(9)(8)~~ Notwithstanding the person's age or any exemptions
106 provided in s. 327.395, any person delivering instruction
107 regarding the safe operation of vessels or hands-on pre-rental
108 or pre-ride instruction in accordance with subsection (3) must
109 have successfully completed a boating safety education course
110 approved by the National Association of State Boating Law
111 Administrators and this state.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 261 Boating Safety

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

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

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

SUMMARY ANALYSIS

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

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

According to an FWC report, in 2021, 751 boating accidents, 469 injuries, and 60 fatalities were reported. Most of these boating accidents (77 percent) occurred on owner-operated vessels rather than livery vessels. In 39 percent of reportable boating accidents, the operator's age was 51 years old or older. In 27 percent of reportable accidents, the operator was between the ages of 36 and 50 years old. According to the report, 83 percent of vessel operators involved in boating accidents had no formal boater education.

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

The bill expands requirements related to operating a vessel by requiring any person born on or 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, rather than only a person born on or after January 1, 1988.

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

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

The bill may have an indeterminate positive fiscal impact on state government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Fish and Wildlife Conservation Commission

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

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

Boating Accidents

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

Boating Education

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

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

¹ Article IV, s. 9, FLA. CONST.

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

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

⁴ Section 327.30(2), F.S.

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

⁶ *Id.*

⁷ Section 327.395(1), F.S.

⁸ Section 327.395(2), F.S.

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

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

Regulation of Liveries

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

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

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

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

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

Effect of the Bill

The bill expands requirements related to operating a vessel by requiring any person born on or 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, rather than any person born on or after January 1, 1988.

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

¹⁰ Section 327.395 (5), F.S.

¹¹ Section 327.02(24), F.S.

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

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

¹⁴ Section 327.54(3)(e), F.S.

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

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

B. SECTION DIRECTORY:

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

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

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

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

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

This analysis is drafted to the committee substitute as approved by the Agriculture, Conservation & Resiliency Subcommittee.

By Senator Rouson

16-00479B-23

20231602__

A bill to be entitled

An act relating to storage of firearms in private conveyances and vessels; amending s. 790.25, F.S.; prohibiting the storage of firearms in unoccupied private conveyances and vessels unless done in a specified manner; providing definitions; requiring local law enforcement agencies to engage in a certain promotional campaign; providing a finding of important state interest; providing an effective date.

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

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

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

(5) POSSESSION IN PRIVATE CONVEYANCE.—

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

16-00479B-23

20231602__

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

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

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

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

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

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

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

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

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

HB 571

2023

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

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

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

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

21 (5) POSSESSION IN PRIVATE CONVEYANCE.—

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

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2023

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

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

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

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

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

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

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

20231502__

59 is less.

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

63 327.70 Enforcement of this chapter and chapter 328.—

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

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

HB 1385

2023

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

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

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

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

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

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

(b) Sunset Lake in Miami-Dade County.

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

1. Rivo Alto Island and Di Lido Island.

2. Di Lido Island and San Marino Island.

3.2. ~~San Marino Island and San Marco Island.~~

4.3. ~~San Marco Island and Biscayne Island.~~

5. Star Island and MacArthur Causeway.

6. Palm Island and MacArthur Causeway.

7. Hibiscus Island and Palm Island.

8. Julia Tuttle Causeway and Kennedy Causeway.

9. The Sunset Islands.

10. Belle Isle and Rivo Alto Island.

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

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2023

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

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

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

63 327.70 Enforcement of this chapter and chapter 328.—

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

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

By Senator Wright

8-01353-23

20231314__

1 A bill to be entitled
2 An act relating to boating-restricted areas; amending
3 s. 327.46, F.S.; authorizing counties and
4 municipalities to establish within certain portions of
5 the Florida Intracoastal Waterway slow speed, minimum
6 wake boating-restricted areas within a specified
7 distance from private or public marina pumpouts;
8 reenacting s. 327.41(2), F.S., relating to uniform
9 waterway regulatory markers, to incorporate the
10 amendment made to s. 327.46, F.S., in a reference
11 thereto; providing an effective date.
12

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

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

17 327.46 Boating-restricted areas.—

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1314

INTRODUCER: Senator Wright

SUBJECT: Boating-restricted Areas

DATE: March 17, 2023

REVISED: _____

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

I. Summary:

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

II. Present Situation:

Boating-Restricted Areas

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

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

These areas include:

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

¹ Section 327.46(1), F.S.

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

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

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

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

Florida Intracoastal Waterway

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

³ *Id.*

⁴ *Id.*

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



Marina Pumpout

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

⁵ Section 327.02(15), F.S.

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

⁷ Section 327.53(4), F.S.

⁸ *Id.*

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

III. Effect of Proposed Changes:

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

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

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

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

¹⁰ Section 327.53(4), F.S.

¹¹ Section 327.53(6)(a), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 327.46 of the Florida Statutes.

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

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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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

8-01353-23

20231314__

88 place regulatory markers within the boating-restricted area.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1082

INTRODUCER: Senator DiCeglie

SUBJECT: Floating Vessel Platforms

DATE: March 17, 2023

REVISED: _____

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

I. Summary:

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

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

II. Present Situation:

Environmental Resource Permitting

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

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

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

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

³ Section 403.813, F.S.

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

Permits for Floating Vessel Platforms or Floating Boat Lifts

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

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

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

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

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

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

⁷ Fla. Admin. Code R. 62-330.428.

⁸ Section 403.813(1)(s), F.S.

⁹ *Id.*

¹⁰ Section 403.813(1)(s), F.S.

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

III. Effect of Proposed Changes:

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

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

¹¹ Section 403.813(1)(s)1.-5., F.S.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.813 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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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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.

By Senator DiCeglie

18-00374-23

20231082__

A bill to be entitled

An act relating to floating vessel platforms; amending s. 403.813, F.S.; removing a provision authorizing local governments to require permitting for certain floating vessel platforms; revising conditions under which local governments may require one-time registrations of floating vessel platforms; making technical changes; providing an effective date.

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

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

403.813 Permits issued at district centers; exceptions.—

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

(s) The construction, installation, operation, or

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

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

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

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

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

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

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

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

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

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

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

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

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1 A bill to be entitled
2 An act relating to floating vessel platforms and
3 floating boat lifts; amending s. 403.813, F.S.;
4 providing that specified structures associated with a
5 dock on a parcel of land create a presumption of
6 compliance with certain environmental impact
7 requirements; providing a definition; providing an
8 effective date.
9

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

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

14 403.813 Permits issued at district centers; exceptions.—

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

26 applicable local pollution control programs authorized under
27 this chapter or other requirements of county and municipal
28 governments:

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

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

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

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

49 4. Are constructed and used so as to minimize adverse
50 impacts to submerged lands, wetlands, shellfish areas, aquatic

51 plant and animal species, and other biological communities,
52 including locating such structures in areas where seagrasses are
53 least dense adjacent to the dock or bulkhead; and

54 5. Are not constructed in areas specifically prohibited
55 for boat mooring under conditions of a permit issued in
56 accordance with ss. 403.91-403.929, 1984 Supplement to the
57 Florida Statutes 1983, as amended, or part IV of chapter 373, or
58 other form of authorization issued by a local government.

59
60 Structures that qualify for this exemption are relieved from any
61 requirement to obtain permission to use or occupy lands owned by
62 the Board of Trustees of the Internal Improvement Trust Fund
63 and, with the exception of those structures attached to a
64 bulkhead on a parcel of land where there is no docking
65 structure, are ~~may~~ not ~~be~~ subject to any more stringent
66 permitting requirements, registration requirements, or other
67 regulation by any local government. Structures associated with a
68 dock on a parcel of land as specified in subparagraph 2. that
69 comply with this subsection create a presumption of compliance
70 with any requirement to minimize adverse environmental impacts.

71 A local government ~~governments~~ may require a permit ~~either~~
72 ~~permitting~~ or one-time registration of floating vessel platforms
73 to be attached to a bulkhead on a parcel of land where there is
74 no other docking structure as necessary to ensure compliance
75 with local ordinances, codes, or regulations. A local government

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76 ~~governments~~ may require a permit ~~either permitting~~ or one-time
77 registration of all other floating vessel platforms as necessary
78 to ensure compliance with the exemption criteria in this
79 section; to ensure compliance with local ordinances, codes, or
80 regulations relating to building or zoning, which are not ~~ne~~
81 more stringent than the exemption criteria in this section or
82 address subjects other than subjects addressed by the exemption
83 criteria in this section; and to ensure proper installation,
84 maintenance, and precautionary or evacuation action following a
85 tropical storm or hurricane watch of a floating vessel platform
86 or floating boat lift that is proposed to be attached to a
87 bulkhead or parcel of land where there is no other docking
88 structure. The exemption provided in this paragraph is ~~shall be~~
89 in addition to the exemption provided in paragraph (b). The
90 department shall adopt a general permit by rule for the
91 construction, installation, operation, or maintenance of those
92 floating vessel platforms or floating boat lifts that do not
93 qualify for the exemption provided in this paragraph but do not
94 cause significant adverse impacts to occur individually or
95 cumulatively. The issuance of such general permit ~~shall~~ also
96 constitutes ~~constitute~~ permission to use or occupy lands owned
97 by the Board of Trustees of the Internal Improvement Trust Fund.
98 A local government ~~governments~~ may not impose a more stringent
99 regulation, permitting requirement, registration requirement, or
100 other regulation covered by such general permit. A local

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101 government ~~governments~~ may require a permit ~~either permitting~~ or
102 one-time registration of floating vessel platforms as necessary
103 to ensure compliance with the general permit requirements in
104 this section; to ensure compliance with local ordinances, codes,
105 or regulations relating to building or zoning, which ~~that~~ are
106 not ~~no~~ more stringent than the general permit requirements in
107 this section; and to ensure proper installation and maintenance
108 of a floating vessel platform or floating boat lift that is
109 proposed to be attached to a bulkhead or parcel of land where
110 there is no other docking structure. As used in this paragraph,
111 the term "local government" includes a charter county, a county
112 that is required to implement a manatee protection plan pursuant
113 to s. 379.2431(2)(t), or a county or municipality that
114 establishes and administers a local pollution control program
115 pursuant to s. 403.182.

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 847 (2023)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

Committee/Subcommittee hearing bill: Water Quality, Supply &
Treatment Subcommittee

Representative Stark offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter
373, chapter 61-691, Laws of Florida, or chapter 25214 or
chapter 25270, 1949, Laws of Florida, and a local government may
not require a person claiming this exception to provide further
department verification, for activities associated with the
following types of projects; however, except as otherwise
provided in this subsection, this subsection does not relieve an

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17 applicant from any requirement to obtain permission to use or
18 occupy lands owned by the Board of Trustees of the Internal
19 Improvement Trust Fund or a water management district in its
20 governmental or proprietary capacity or from complying with
21 applicable local pollution control programs authorized under
22 this chapter or other requirements of county and municipal
23 governments:

24 (s) The construction, installation, operation, or
25 maintenance of floating vessel platforms or floating boat
26 lifts, ~~provided that such structures:~~

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

29 a. Float at all times in the water for the sole purpose of
30 supporting a vessel so that the vessel is out of the water when
31 not in use;

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

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

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

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

56 2. The owner of a structure ~~Structures~~ that qualifies
57 qualify for an this exemption under this paragraph is not
58 required ~~are relieved from any requirement~~ to obtain permission
59 to use or occupy lands owned by the Board of Trustees of the
60 Internal Improvement Trust Fund, and, with the exception of
61 those structures attached to a bulkhead on a parcel of land
62 where there is no docking structure, the structure may not be
63 subject to any more stringent permitting requirements,
64 registration requirements, or other regulation by any local
65 government. For a floating vessel platform to be attached to a

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

88 3. The exemption provided in this paragraph ~~is shall be~~ in
89 addition to the exemption provided in paragraph (b). The
90 department shall adopt a general permit by rule for the

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

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

112 -----
113
114 **T I T L E A M E N D M E N T**

115 Remove everything before the enacting clause and insert:

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 847 (2023)

Amendment No. 1

116 An act relating to floating vessel platforms; amending s.
117 403.813, F.S.; removing a provision authorizing local
118 governments to require permitting for certain floating vessel
119 platforms; revising conditions under which local governments may
120 require one-time registrations of floating vessel platforms;
121 making technical changes; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

SPONSOR(S): Stark

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

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|--------|---------|--|
| 1) Water Quality, Supply & Treatment Subcommittee | | Gawin | Curtin |
| 2) Agriculture & Natural Resources Appropriations Subcommittee | | | |
| 3) Infrastructure Strategies Committee | | | |

SUMMARY ANALYSIS

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

The bill revises the ERP permitting exemption for certain floating structures by creating a presumption of compliance with any requirement to minimize adverse environmental impacts for structures that are associated with a dock on a parcel of land where there is no other docking structure.

For purposes of the ERP permitting exemption for floating structures, the bill specifies that the term "local government" includes a charter county, a county that is required to implement a manatee protection plan, or a county or municipality that establishes and administers a local pollution control program.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Environmental Resource Permits

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

ERP Exceptions

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

ERP Exceptions for Docks

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

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

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

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

³ See chs. 373 and 403, F.S.

⁴ S. 403.813(1), F.S.

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

⁶ *Id.*

⁷ S. 403.813(1), F.S.

⁸ S. 403.813(1)(b), F.S.

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

ERP Exceptions for Floating Structures

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

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

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

Effect of the Bill

The bill revises the ERP permitting exemption for certain floating structures by creating a presumption of compliance with any requirement to minimize adverse environmental impacts for structures that are associated with a dock on a parcel of land where there is no other docking structure.

For purposes of the ERP permitting exemption for floating structures, the bill specifies that the term “local government” includes a charter county, a county that is required to implement a manatee protection plan,¹³ or a county or municipality that establishes and administers a local pollution control program.

B. SECTION DIRECTORY:

Section 1. Amends s. 403.813, F.S., to create a presumption of compliance for certain structures.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

⁹ *Id.*

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

¹¹ *Id.*

¹² S. 403.813(1)(s), F.S.

¹³ Thirteen counties were required to implement manatee protection plans; these counties are Brevard, Broward, Citrus, Collier, Duval, Indian River, Lee, Martin, Miami-Dade, Palm Beach, Sarasota, St. Lucie, and Volusia. See Florida Fish and Wildlife Conservation Commission, *Manatee Protection Plans – MPPs* <https://myfwc.com/wildlifehabitats/wildlife/manatee/protection-plans/> (last visited Mar. 1, 2023).

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

By Senator Gruters

22-00188-23

20231640__

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

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

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

21 327.40 Uniform waterway markers; installation
22 requirements.—

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

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

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

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

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

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

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

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

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

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

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

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

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

327.4108 Anchoring of vessels in anchoring limitation areas.—

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

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

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

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

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

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

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

107
108 The signs and buoys must be permitted and installed in
109 accordance with ss. 327.40 and 327.41 and commission rule.

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

114 403.813 Permits issued at district centers; exceptions.—

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

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

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

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



MIAF - 2023 Regular Session

Ordered by Bill Number

| | |
|----------------|--|
| HB 0027 | Judgment Liens by Benjamin |
| | Current Committee of Reference: House Judiciary Committee |
| | Actions |
| | 03/14/2023 HOUSE Now in Judiciary Committee |
| HB 0041 | Land Development Initiative and Referendum Processes by Garcia (A) |
| | Current Committee of Reference: House State Affairs Committee |
| | Actions |
| | 03/14/2023 HOUSE Now in State Affairs Committee |
| SB 0054 | Land Acquisition Trust Fund by Rodriguez |
| | Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government |
| | Actions |
| | 01/19/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government |
| SB 0076 | State Park Campsite Reservations by Hooper |
| | Current Committee of Reference: Senate Fiscal Policy |
| | Actions |
| | 03/16/2023 SENATE Now in Fiscal Policy |
| HB 0083 | Yacht and Ship Brokers by LaMarca |
| | Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee |
| | Actions |
| | 01/10/2023 HOUSE Now in Regulatory Reform & Economic Development Subcommittee |
| SB 0100 | Mangrove Replanting and Restoration by Garcia (I) |
| | Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government |
| | Actions |
| | 03/06/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government |
| HB 0109 | State Park Campsite Reservations by Canady |
| | Current Committee of Reference: No Current Committee |
| | Actions |
| | 03/08/2023 HOUSE Placed on Calendar, on 2nd reading |
| HB 0111 | Flooding and Sea Level Rise Vulnerability Studies by Hunschofsky |

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

Actions

03/16/2023 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee

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

Current Committee of Reference: House State Affairs Committee

Actions

03/16/2023 HOUSE Now in State Affairs Committee

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

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

Actions

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

SB 0150 **Public Safety** by Collins

Current Committee of Reference: No Current Committee

Actions

03/10/2023 SENATE Placed on Calendar, on 2nd reading

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, Conservation & Resiliency Subcommittee

Actions

01/17/2023 HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee

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

Current Committee of Reference: House Healthcare Regulation Subcommittee

Actions

01/17/2023 HOUSE Now in Healthcare Regulation Subcommittee

SB 0192 **Everglades Protection Area** by Avila

Current Committee of Reference: Senate Environment and Natural Resources

Actions

03/20/2023 SENATE Favorable with CS by Environment and Natural Resources; 9 Yeas, 0 Nays

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: House Agriculture & Natural Resources Appropriations Subcommittee |
| | Actions |
| | 03/10/2023 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee |
| HB 0277 | Storage of Firearms in Private Conveyances and Vessels by Hinson |
| | Current Committee of Reference: No Current Committee |
| | Actions |
| | 01/20/2023 HOUSE Withdrawn prior to introduction |
| SB 0288 | Florida Main Street Program and Historic Preservation Tax Credits by DiCeglie |
| | Current Committee of Reference: Senate Appropriations |
| | Actions |
| | 03/15/2023 SENATE Now in Appropriations |
| SB 0320 | Land Acquisition Trust Fund by Harrell |
| | Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government |
| | Actions |
| | 02/21/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government |
| SB 0346 | Public Construction by DiCeglie |
| | Current Committee of Reference: Senate Governmental Oversight and Accountability |
| | Actions |
| | 03/17/2023 SENATE Now in Governmental Oversight and Accountability |
| HB 0371 | Management and Storage of Surface Waters by Killebrew |
| | Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee |
| | Actions |
| | 02/01/2023 HOUSE Now in Water Quality, Supply & Treatment Subcommittee |
| HB 0383 | Public Construction by Griffiths Jr. |
| | Current Committee of Reference: House State Affairs Committee |
| | Actions |
| | 02/28/2023 HOUSE Now in State Affairs Committee |
| SB 0406 | Yacht and Ship Brokers by Hooper |
| | Current Committee of Reference: Senate Regulated Industries |
| | Actions |
| | 02/09/2023 SENATE Referred to Regulated Industries; Appropriations Committee on Agriculture, Environment, and General Government; Fiscal Policy |
| HB 0407 | Apalachicola Bay Area of Critical State Concern by Shoaf |
| | Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee |

Actions

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

HB 0423

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

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

Actions

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

HB 0439

Land Use and Development Regulations by McClain

Current Committee of Reference: House Commerce Committee

Actions

03/14/2023 HOUSE Now in Commerce Committee

SB 0456

Possession or use of a Firearm in a Sensitive Location by Berman

Current Committee of Reference: Senate Criminal Justice

Actions

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

HB 0489

Professional Licensing Requirements for Barbers and Cosmetologists by Chambliss

Current Committee of Reference: No Current Committee

Actions

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

HB 0527

Office of the Blue Economy by Skidmore

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

Actions

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

HB 0543

Public Safety by Brannan III

Current Committee of Reference: No Current Committee

Actions

02/28/2023 HOUSE Placed on Calendar, on 2nd reading

SB 0546

Restoration of Osborne Reef by Avila

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

Actions

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

HB 0547

Land Acquisition Trust Fund by Sirois

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

Actions

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

HB 0549

Operating Vehicles and Vessels Under the Influence by Casello

Current Committee of Reference: House Criminal Justice Subcommittee

Actions

02/07/2023 HOUSE Now in Criminal Justice Subcommittee

HB 0559 Land Acquisition Funding by Roth

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

Actions

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

HB 0561 Mangrove Replanting and Restoration by Mooney, Jr.

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

Actions

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

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

Current Committee of Reference: House Criminal Justice Subcommittee

Actions

02/07/2023 HOUSE Now in Criminal Justice Subcommittee

HB 0641 Restoration of Osborne Reef by LaMarca

Current Committee of Reference: House Infrastructure Strategies Committee

Actions

03/15/2023 HOUSE Now in Infrastructure Strategies Committee

HB 0701 Wrecker and Towing-Storage Operators by Bell

Current Committee of Reference: House Transportation & Modals Subcommittee

Actions

02/21/2023 HOUSE Now in Transportation & Modals Subcommittee

SB 0702 Apalachicola Bay Area of Critical State Concern by Simon

Current Committee of Reference: Senate Environment and Natural Resources

Actions

02/23/2023 SENATE Referred to Environment and Natural Resources; Appropriations Committee on Agriculture, Environment, and General Government; Fiscal Policy

SB 0712 Motor Vehicle Sales by Avila

Current Committee of Reference: Senate Transportation

Actions

03/15/2023 SENATE On Committee agenda - Transportation, 03/20/23, 12:30 pm, 110 S

HB 0713 Administrative Procedures and Permitting Process Review by McFarland

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

Actions

03/13/2023 HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee

| | |
|----------------|---|
| SB 0724 | Seagrass Restoration Technology Development Initiative by Boyd |
| | Current Committee of Reference: Senate Appropriations Committee on Agriculture, Environment, and General Government |
| | Actions |
| 03/15/2023 | SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government |
| SB 0728 | Liveries by Garcia (I) |
| | Current Committee of Reference: Senate Commerce and Tourism |
| | Actions |
| 03/14/2023 | SENATE Now in Commerce and Tourism |
| HB 0739 | Disposal of Food Waste Material by Cassel |
| | Current Committee of Reference: House Agriculture, Conservation & Resiliency Subcommittee |
| | Actions |
| 02/21/2023 | HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee |
| SB 0822 | Specialty License Plates/Paddling in Florida by Berman |
| | Current Committee of Reference: Senate Transportation |
| | Actions |
| 02/23/2023 | SENATE Referred to Transportation; Appropriations Committee on Transportation, Tourism, and Economic Development; Fiscal Policy |
| HB 0847 | Floating Vessel Platforms and Floating Boat Lifts by Stark |
| | Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee |
| | Actions |
| 03/08/2023 | HOUSE Temporarily Postponed by Water Quality, Supply & Treatment Subcommittee |
| SB 0876 | Review of Employment Contracts by Stewart |
| | Current Committee of Reference: Senate Commerce and Tourism |
| | Actions |
| 02/23/2023 | SENATE Referred to Commerce and Tourism; Judiciary; Rules |
| SB 0952 | Employer Coverage of Gender Dysphoria Treatment by Ingoglia |
| | Current Committee of Reference: Senate Health Policy |
| | Actions |
| 02/28/2023 | SENATE Referred to Health Policy; Appropriations Committee on Agriculture, Environment, and General Government; Fiscal Policy |
| HB 1003 | Fill Material for Reclamation Activities by Truenow |
| | Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee |
| | Actions |
| 02/28/2023 | HOUSE Now in Water Quality, Supply & Treatment Subcommittee |
| HB 1013 | COVID-19 Mandates and Treatment Options by Griffiths Jr. |
| | Current Committee of Reference: House Health & Human Services Committee |

Actions

02/28/2023 HOUSE Now in Health & Human Services Committee

HB 1015 **Pub. Rec./COVID-19 Vaccination Mandates** by Griffiths Jr.

Current Committee of Reference: House Health & Human Services Committee

Actions

02/28/2023 HOUSE Now in Health & Human Services Committee

SB 1028 **Professional Licensing Requirements for Barbers and Cosmetologists** by Stewart

Current Committee of Reference: Senate Regulated Industries

Actions

03/16/2023 SENATE On Committee agenda - Regulated Industries, 03/21/23, 2:30 pm, 401 S

SB 1044 **Photographic Evidence of Illegally Taken Wildlife, Freshwater Fish, and Saltwater Fish** by Martin

Current Committee of Reference: Senate Environment and Natural Resources

Actions

03/20/2023 SENATE Temporarily Postponed by Environment and Natural Resources

SB 1082 **Floating Vessel Platforms** by DiCeglie

Current Committee of Reference: Senate Community Affairs

Actions

03/20/2023 SENATE Now in Community Affairs

HB 1103 **Boating-restricted Areas** by Tramont

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

Actions

02/28/2023 HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee

SB 1124 **Employment of Ex-offenders** by Calatayud

Current Committee of Reference: Senate Governmental Oversight and Accountability

Actions

03/17/2023 SENATE On Committee agenda - Governmental Oversight and Accountability, 03/22/23, 11:00 am, 37 S

SB 1134 **Outstanding Florida Springs** by Gruters

Current Committee of Reference: Senate Environment and Natural Resources

Actions

03/02/2023 SENATE Referred to Environment and Natural Resources; Community Affairs; Rules

HB 1147 **Resilience Districts** by Buchanan

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

Actions

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

HB 1157 **Hunting and Fishing** by Melo

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

Actions

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

HB 1161 Venomous Reptiles by Abbott

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

Actions

03/15/2023 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee

SB 1170 Flooding and Sea Level Rise Vulnerability Studies by Calatayud

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

Actions

03/14/2023 SENATE Now in Appropriations Committee on Agriculture, Environment, and General Government

HB 1181 Seagrass Restoration by Robinson (W) Jr.

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

Actions

03/17/2023 HOUSE On Committee agenda - Agriculture, Conservation & Resiliency Subcommittee, 03/21/23, 9:00 am, 404 H

HB 1197 Land and Water Management by Maggard

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

Actions

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

SB 1200 Resilience Districts by Grall

Current Committee of Reference: Senate Community Affairs

Actions

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

HB 1229 Endangered and Threatened Species by Campbell

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

Actions

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

SB 1230 Fill Material for Reclamation Activities by Brodeur

Current Committee of Reference: Senate Environment and Natural Resources

Actions

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

HB 1265 Employer Coverage of Gender Dysphoria Treatment by Yarkosky

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

Actions

| | |
|--|--|
| HB 1287 | Universal Regulatory Sandbox by Giallombardo |
| Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee | |
| Actions | |
| 03/06/2023 HOUSE Now in Regulatory Reform & Economic Development Subcommittee | |
| HB 1289 | Pub. Rec. and Meetings/Regulatory Sandbox by Giallombardo |
| Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee | |
| Actions | |
| 03/06/2023 HOUSE Now in Regulatory Reform & Economic Development Subcommittee | |
| SB 1298 | Endangered and Threatened Species by Jones |
| Current Committee of Reference: Senate Environment and Natural Resources | |
| Actions | |
| 03/06/2023 SENATE Referred to Environment and Natural Resources; Agriculture; Rules | |
| SB 1314 | Boating-restricted Areas by Wright |
| Current Committee of Reference: Senate Community Affairs | |
| Actions | |
| 03/20/2023 SENATE Now in Community Affairs | |
| SB 1336 | Disposal of Food Waste Materials Study by Polsky |
| Current Committee of Reference: Senate Environment and Natural Resources | |
| Actions | |
| 03/06/2023 SENATE Referred to Environment and Natural Resources; Appropriations Committee on Agriculture, Environment, and General Government; Fiscal Policy | |
| HB 1367 | Unlawful Dumping by Altman |
| Current Committee of Reference: House Local Administration, Federal Affairs & Special Districts Subcommittee | |
| Actions | |
| 03/16/2023 HOUSE On Committee agenda - Local Administration, Federal Affairs & Special Districts Subcommittee, 03/20/23, 10:00 am, 17 H | |
| SB 1368 | Unlawful Dumping by Wright |
| Current Committee of Reference: Senate Community Affairs | |
| Actions | |
| 03/20/2023 SENATE Now in Community Affairs | |
| HB 1379 | Pollutant Load Reduction by Steele |
| Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee | |
| Actions | |
| 03/09/2023 HOUSE Now in Water Quality, Supply & Treatment Subcommittee | |
| HB 1385 | Vessel Owner and Operation Requirements by Basabe |
| Current Committee of Reference: House Agriculture, Conservation & Resiliency Subcommittee | |

Actions

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

SB 1390 Universal Regulatory Sandbox by Martin

Current Committee of Reference: Senate Commerce and Tourism

Actions

03/15/2023 SENATE On Committee agenda - Commerce and Tourism, 03/20/23, 3:30 pm, 110 S

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

Current Committee of Reference: Senate Commerce and Tourism

Actions

03/15/2023 SENATE On Committee agenda - Commerce and Tourism, 03/20/23, 3:30 pm, 110 S

HB 1403 Protections of Medical Conscience by Rudman

Current Committee of Reference: House Healthcare Regulation Subcommittee

Actions

03/09/2023 HOUSE Now in Healthcare Regulation Subcommittee

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

Current Committee of Reference: Senate Ethics and Elections

Actions

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

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

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

Actions

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

SB 1484 Office of the Blue Economy by Pizzo

Current Committee of Reference: Senate Commerce and Tourism

Actions

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

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

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

Actions

03/17/2023 HOUSE On Committee agenda - Agriculture, Conservation & Resiliency Subcommittee, 03/21/23, 9:00 am, 404 H

HB 1491 Marine Encroachment on Spaceflight and Military Operations by Altman

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

Actions

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

| | |
|----------------|---|
| SB 1502 | Vessel Owner and Operation Requirements by Rodriguez |
| | Current Committee of Reference: Senate Environment and Natural Resources |
| | Actions |
| 03/09/2023 | SENATE Referred to Environment and Natural Resources; Appropriations Committee on Agriculture, Environment, and General Government; Fiscal Policy |
| HB 1505 | Outstanding Florida Springs by Grant |
| | Current Committee of Reference: House Water Quality, Supply & Treatment Subcommittee |
| | Actions |
| 03/09/2023 | HOUSE Now in Water Quality, Supply & Treatment Subcommittee |
| HB 1521 | Facility Requirements Based on Sex by Plakon |
| | Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee |
| | Actions |
| 03/09/2023 | HOUSE Now in Regulatory Reform & Economic Development Subcommittee |
| SB 1538 | Implementation of the Recommendations of the Blue-Green Algae Task Force by Stewart |
| | Current Committee of Reference: Senate Environment and Natural Resources |
| | Actions |
| 03/09/2023 | SENATE Referred to Environment and Natural Resources; Appropriations Committee on Agriculture, Environment, and General Government; Fiscal Policy |
| HB 1559 | Review of Employment Contracts by Campbell |
| | Current Committee of Reference: House Regulatory Reform & Economic Development Subcommittee |
| | Actions |
| 03/09/2023 | HOUSE Now in Regulatory Reform & Economic Development Subcommittee |
| SB 1574 | Judgment Liens by Rouson |
| | Current Committee of Reference: Senate Judiciary |
| | Actions |
| 03/09/2023 | SENATE Referred to Judiciary; Banking and Insurance; Rules |
| SB 1580 | Protections of Medical Conscience by Trumbull |
| | Current Committee of Reference: Senate Health Policy |
| | Actions |
| 03/09/2023 | SENATE Referred to Health Policy; Rules |
| HB 1587 | Taking of Bears by Shoaf |
| | Current Committee of Reference: House Agriculture, Conservation & Resiliency Subcommittee |
| | Actions |
| 03/09/2023 | HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee |
| SB 1602 | Storage of Firearms in Private Conveyances and Vessels by Rouson |
| | Current Committee of Reference: Senate Criminal Justice |
| | Actions |
| | SENATE Referred to Criminal Justice; Appropriations Committee on Criminal and Civil |

| | |
|---|---|
| SB 1604 | Land Use and Development Regulations by Ingoglia |
| Current Committee of Reference: Senate Community Affairs | |
| Actions | |
| 03/09/2023 | SENATE Referred to Community Affairs; Judiciary; Rules |
| SB 1640 | Installation of Waterway Markers by Gruters |
| Current Committee of Reference: Senate Environment and Natural Resources | |
| Actions | |
| 03/09/2023 | SENATE Referred to Environment and Natural Resources; Appropriations Committee on Agriculture, Environment, and General Government; Fiscal Policy |
| SB 1664 | Economic Development by Hooper |
| Current Committee of Reference: Senate Commerce and Tourism | |
| Actions | |
| 03/09/2023 | SENATE Referred to Commerce and Tourism; Appropriations Committee on Transportation, Tourism, and Economic Development; Fiscal Policy |
| SB 1666 | Marine Encroachment on Spaceflight and Military Operations by Wright |
| Current Committee of Reference: Senate Community Affairs | |
| Actions | |
| 03/17/2023 | SENATE On Committee agenda - Community Affairs, 03/22/23, 11:00 am, 401 S |
| SB 1674 | Facility Requirements Based on Sex by Grall |
| Current Committee of Reference: Senate Rules | |
| Actions | |
| 03/09/2023 | SENATE Referred to Rules; Fiscal Policy |
| SB 1686 | Designation of Brevard Barrier Island Area as an Area of Critical State Concern by Wright |
| Current Committee of Reference: Senate Environment and Natural Resources | |
| Actions | |
| 03/09/2023 | SENATE Referred to Environment and Natural Resources; Community Affairs; Rules |
| SB 1702 | Mitigation Credits by DiCeglie |
| Current Committee of Reference: Senate Environment and Natural Resources | |
| Actions | |
| 03/09/2023 | SENATE Referred to Environment and Natural Resources; Community Affairs; Rules |
| HB 7003 | OGSR/Water Management District Surplus Lands by Ethics, Elections & Open Government Subcommittee |
| Current Committee of Reference: House State Affairs Committee | |
| Actions | |
| 03/09/2023 | HOUSE Now in State Affairs Committee |