

ENROLLED

CS/CS/HB 847

2023 Legislature

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

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

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

22 327.46 Boating-restricted areas.—

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

ENROLLED

CS/CS/HB 847

2023 Legislature

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

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

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

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

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

ENROLLED

CS/CS/HB 847

2023 Legislature

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

ENROLLED

CS/CS/HB 847

2023 Legislature

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

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

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

85 403.813 Permits issued at district centers; exceptions.—

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

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

ENROLLED

CS/CS/HB 847

2023 Legislature

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

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

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

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

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

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

ENROLLED

CS/CS/HB 847

2023 Legislature

126 | least dense adjacent to the dock or bulkhead; and
 127 | ~~e.5.~~ Are Not be constructed in areas specifically
 128 | prohibited for boat mooring under conditions of a permit issued
 129 | in accordance with ss. 403.91-403.929, 1984 Supplement to the
 130 | Florida Statutes 1983, as amended, or part IV of chapter 373, or
 131 | other form of authorization issued by a local government.
 132 | 2. The owner of a structure ~~Structures~~ that qualifies
 133 | ~~qualify~~ for an this exemption under this paragraph is not
 134 | required ~~are relieved from any requirement~~ to obtain permission
 135 | to use or occupy lands owned by the Board of Trustees of the
 136 | Internal Improvement Trust Fund, and, with the exception of
 137 | those structures attached to a bulkhead on a parcel of land
 138 | where there is no docking structure, the structure may not be
 139 | subject to any more stringent permitting requirements,
 140 | registration requirements, or other regulation by any local
 141 | government. For a floating vessel platform to be attached to a
 142 | bulkhead on a parcel of land where there is no docking
 143 | structure, a local government ~~governments~~ may require the
 144 | platform owner to obtain a permit ~~either permitting~~ or one-time
 145 | registration of the floating vessel platform ~~platforms to be~~
 146 | ~~attached to a bulkhead on a parcel of land where there is no~~
 147 | ~~other docking structure~~ as necessary to ensure compliance with
 148 | local ordinances, codes, or regulations. A local government
 149 | ~~governments~~ may require only a ~~either permitting or~~ one-time
 150 | registration of all other floating vessel platforms where the

ENROLLED

CS/CS/HB 847

2023 Legislature

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

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

ENROLLED

CS/CS/HB 847

2023 Legislature

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

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

191 327.41 Uniform waterway regulatory markers.—

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

ENROLLED

CS/CS/HB 847

2023 Legislature

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