

Committee on Environment and Natural Resources

CS/CS/SB 1086 — Operation and Safety of Motor Vehicles and Vessels

by Appropriations Committee; Environment and Natural Resources Committee; and Senator Hutson

The bill contains numerous changes to existing laws administered by the Fish and Wildlife Conservation Commission (FWC) and other law enforcement entities.

Relating to testing for alcohol, chemical substances, and controlled substances, effective October 1, 2021, the bill revises conditions under which a person operating a motor vehicle or vessel commits a misdemeanor by failing to submit to breath or urine testing. The bill deletes the provisions establishing a misdemeanor for the refusal to submit to blood testing.

Relating to boater safety education, the bill adds certain documents from other states, territories, or countries to the list of acceptable boater safety identification documentation.

Relating to boating restrictions, the bill:

- Defines the term “human-powered vessel” and restricts the operation of such vessels within the boundaries of the Florida Intracoastal Waterway.
- Designates Monroe County as an anchoring limitation area within which a vessel may be anchored for a maximum of 90 days, but provides that the area is not effective until the county approves, permits, and opens a certain number of new moorings for public use.
- Requires FWC to designate the area within 1 mile of the Key West Bight City Dock as a priority for the investigation and removal of derelict vessels.
- Revises boating-restricted areas to include certain areas around public or private marinas, superyacht repair facilities, permitted public mooring fields, and within the Florida Intracoastal Waterway.
- Provides that certain vessel-exclusion zones established by ordinance must be marked with uniform waterway markers permitted by FWC, and not be marked by ropes.
- Authorizes FWC to establish anchoring/mooring/beaching/grounding protection zones for springs.
- Prohibits the operation of vessels faster than slow speed, minimum wake upon approaching certain hazardous conditions.

Relating to derelict vessels, the bill:

- Revises the conditions under which a vessel may be determined to be at risk of becoming derelict.
- Authorizes officers to provide in-person notice that a vessel is at risk of becoming derelict if there is a body camera recording.
- Authorizes law enforcement officers to relocate at-risk vessels to a certain distance from mangroves or vegetation.
- Authorizes FWC to establish a derelict vessel prevention program.

- Authorizes local governments to enact and enforce regulations to remove an abandoned or lost vessel affixed to a public mooring.
- Prohibits the Department of Highway Safety and Motor Vehicles (DHSMV) from issuing a certificate of title to an applicant for a vessel that has been deemed derelict, and beginning in 2023, authorizes DHSMV to reject an application for a certificate of title for a vessel that has been deemed derelict.
- Authorizes FWC to provide local government grants for the removal, destruction, and disposal of derelict vessels.
- Revises provisions relating to the removal of derelict vessels and public nuisance vessels, and creates specific procedures for such vessels, including notice and hearing requirements and liability for removal costs.
- Authorizes FWC, law enforcement agencies, and authorized governmental subdivisions to perform relocation, removal, storage, destruction, and disposal activities.

Relating to no discharge zones, the bill:

- Creates a no-discharge zone within statutorily designated aquatic preserves upon approval by the United States Environmental Protection Agency, where the discharge of treated or untreated sewage from a vessel or floating structure is prohibited.
- Provides that a violation is a noncriminal infraction, punishable by a civil penalty of up to \$250. The bill provides for vessel removal after a second violation.
- Requires FWC to maintain and provide a list of state marine sewage pumpout facilities.

Relating to marine sanitation devices, the bill requires the owner/operator of a live-aboard vessel or houseboat equipped with a marine sanitation device, excluding certain marine compost toilets, to maintain records of each pumpout.

Relating to spaceflight, the bill authorizes FWC to establish temporary protective zones in certain water bodies in preparation for a launch service or reentry service, or for the recovery of spaceflight assets before or after a launch service or reentry service.

The bill revises penalties for vessels deemed at risk of becoming derelict and creates penalties for vessels creating special hazards as specified in the bill. The bill creates a noncriminal infraction for violating the prohibitions governing human-powered vessels established under the bill.

If approved by the Governor, these provisions take effect July 1, 2021, except where otherwise provided.

Vote: Senate 39-0; House 114-1