

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

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

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

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BILL: CS/SB 1378

INTRODUCER: Environment and Natural Resources Committee and Senator Rouson

SUBJECT: Vessels

DATE: February 10, 2020      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	<b>Fav/CS</b>
2.			JU	
3.			RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1378:

- Prohibits a vessel operating at slow speed, minimum wake from proceeding at a speed faster than is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances.
- Prohibits vessel operators from operating a vessel faster than slow speed, minimum wake upon approaching certain hazardous conditions, including approaching an emergency or construction vessel.
- Provides requirements for an orange flag displayed by a construction vessel or barge to indicate that it is actively engaged in construction operations.
- Prohibits an owner or responsible party of a vessel at risk of becoming derelict, who has been issued a citation for a second violation for the same vessel, from anchoring or mooring a vessel to, or within 20 feet of, a mangrove or upland vegetation on public lands. The bill authorizes the Fish and Wildlife Conservation Commission (FWC) and other officers to relocate or cause to be relocated at-risk vessels that violate this provision.
- Increases the civil penalties for a vessel deemed at risk of becoming derelict and increases the maximum civil penalties for anchoring or mooring in a prohibited area.
- Creates civil penalties for vessels creating special hazards as specified in the bill.
- Adds to the list of violations resulting in a noncriminal infraction the display of an orange flag when the vessel or barge is not actively engaged in construction operations, and vessels at risk of becoming derelict that are found to be anchored within 20 feet of a mangrove or upland vegetation on public lands.

- Provides specific procedures, including notice and hearing requirements, for lost or abandoned property that is a derelict vessel, a vessel at risk of becoming derelict, or a vessel anchored or moored in a prohibited area.

## II. Present Situation:

### Boating Speed Safety Regulations

An operator of a vessel in Florida must operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of another person outside the vessel or due to vessel overloading or excessive speed.<sup>1</sup> A person operating a vessel in excess of a posted speed limit is guilty of a civil infraction.<sup>2</sup>

### Anchoring or Mooring

Anchoring or mooring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration. Anchoring is accomplished using an anchor carried on the vessel.<sup>3</sup> Mooring is accomplished through the use of moorings permanently affixed to the bottom of the water body. Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not. Mooring fields are areas designated and used for a system of properly spaced moorings.<sup>4</sup>

The anchoring of vessels has created conflicts in some areas of the state related to the use and enjoyment of the waters for many years. These issues include, but are not limited to:

- The locations where anchored vessels accumulate;
- Unattended vessels;
- Anchored vessels that are dragging anchor or not showing proper lighting;
- Vessels that are not maintained properly;
- Vessels that become derelict;
- Interpretation of state laws leading to inconsistent regulation of anchoring on state waters and confusion among the boating community; and
- Questions about local governmental authority to regulate anchoring.<sup>5</sup>

### State Regulation of the Anchoring or Mooring of Vessels

The Board of Trustees of the Internal Improvement Trust Fund (BOT) is authorized to adopt rules governing all uses of sovereignty submerged lands including rules for anchoring, mooring,

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<sup>1</sup> Section 327.33, F.S.

<sup>2</sup> Section 327.73(h), F.S.

<sup>3</sup> Section 327.02, F.S., defines the term "vessel" to include every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

<sup>4</sup> Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida*, 2 (Rev. May 2012), available at <https://www.law.ufl.edu/pdf/academics/centers-clinics/clinics/conservation/resources/anchaway.pdf>.

<sup>5</sup> Fish and Wildlife Conservation Commission (FWC), *Anchoring and Mooring Pilot Program Report of Findings and Recommendations*, 6 (Dec. 31, 2016), available at <http://www.boatus.com/gov/assets/pdf/fwc-2016-anchoring-and-mooring-report.pdf>.

or otherwise attaching to the bottom, the establishment of anchorages, the discharge of sewage, pump-out requirements, and facilities associated with anchorages.<sup>6</sup> Such rules must control the use of sovereignty submerged lands as a place of business or residence but are prohibited from interfering with commerce or the transitory operation of vessels through navigable water.<sup>7</sup>

State law prohibits a person from anchoring a vessel, except in case of emergency, in a manner which unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel.<sup>8</sup> Anchoring under bridges or in or adjacent to heavily traveled channels constitutes interference, if unreasonable under the prevailing circumstances.<sup>9</sup> Interference with navigation is a noncriminal infraction and punishable by a fine of \$50.<sup>10</sup>

The owner or operator of a vessel or floating structure may not anchor or moor such that the nearest approach of the anchored or moored vessel or floating structure is:

- Within 150 feet of any marina, boat ramp, boatyard, or vessel launching or loading facility;
- Within 300 feet of a superyacht repair facility (a facility that services or repairs a yacht with a water line of 120 feet or more in length); or
- Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the local government within which the mooring field is located.<sup>11</sup>

Exceptions from these restrictions apply for:

- A vessel owned or operated by a governmental entity;
- A construction or dredging vessel on an active job site;
- A commercial fishing vessel actively engaged in commercial fishing; and
- A vessel actively engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.<sup>12</sup>

An owner or operator of a vessel may anchor or moor within 150 feet of any marina, boat ramp, boatyard, or other vessel launching or loading facility; within 300 feet of a superyacht repair facility; or within 100 feet outward from the marked boundary of a public mooring field if:

- The vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor for 5 business days or until the vessel is repaired, whichever occurs first; or
- Imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor until weather conditions no longer pose such risk.<sup>13</sup>

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<sup>6</sup> Section 253.03(7), F.S.

<sup>7</sup> *Id.*; see Fla. Admin. Code ch. 18-21.

<sup>8</sup> Section 327.44, F.S.

<sup>9</sup> Section 327.44(2), F.S.

<sup>10</sup> Section 327.73, F.S.

<sup>11</sup> Section 327.4109(1)(a), F.S.

<sup>12</sup> Section 327.4109(1)(b), F.S.

<sup>13</sup> Section 327.4109(2), F.S.

The owner or operator of a vessel or floating structure may not anchor or moor within the marked boundary of a public mooring field unless the owner or operator has a lawful right to do so by contractual agreement or other business arrangement.<sup>14</sup>

A vessel or floating structure may not be anchored, moored, or affixed to an unpermitted, unauthorized, or otherwise unlawful object that is on or affixed to the bottom of the waters of this state. This does not apply to a private mooring owned by the owner of privately owned submerged lands.<sup>15</sup>

### **Derelict Vessels and Vessels at Risk of Becoming Derelict**

A derelict vessel is a vessel that is left, stored, or abandoned in a wrecked, junked, or substantially dismantled condition upon any public waters of this state; at a port in the state without the consent of the agency that has jurisdiction of the port; or docked, grounded, or beached upon the property of another without the consent of the owner of the property.<sup>16</sup>

In 2016, the Legislature prohibited neglected vessels or those in deteriorating conditions from anchoring, mooring, or occupying the waters of the state.<sup>17</sup> Section 327.4107(2), F.S., provides that a vessel is at risk of becoming derelict if any of the following conditions exist:

- The vessel is taking on or has taken on water without an effective means to dewater;
- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, or is listing due to water intrusion, or is sunk or partially sunk; or
- The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic or written notice stating such from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair.<sup>18</sup>

### ***Penalties for Prohibited Acts Relating to Derelict Vessels and Anchoring and Mooring***

It is a first degree misdemeanor to store, leave, or abandon a derelict vessel in Florida.<sup>19</sup> Further, such violation is punishable by a civil penalty of up to \$50,000 per violation per day.<sup>20</sup> Each day during any portion of which the violation occurs constitutes a separate offense.<sup>21</sup>

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<sup>14</sup> Section 327.4109(3), F.S.

<sup>15</sup> Section 327.4019(4), F.S.

<sup>16</sup> Section 823.11(1)(b), F.S.

<sup>17</sup> Ch. 2016-108, s. 1, Laws of Fla. (creating s. 327.4107, F.S., effective Jul. 1, 2016).

<sup>18</sup> Section 327.4107, F.S., does not apply to a vessel that is moored to a private dock or wet slip with the consent of the owner for the purpose of receiving repairs. Section 327.4107(5), F.S.

<sup>19</sup> Sections 376.15(2) and 823.11(2) and (5), F.S. A first degree misdemeanor is punishable by up to one year in county jail and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

<sup>20</sup> Sections 376.15(2) and 376.16(1), F.S.

<sup>21</sup> Section 376.16(1), F.S.

Section 327.4107(3), F.S., provides that a person who anchors or moors a vessel at risk of becoming derelict on the waters of this state or allows such a vessel to occupy such waters commits a noncriminal infraction,<sup>22</sup> punishable as provided in s. 327.73, F.S.<sup>23</sup>

Section 327.73(1)(aa), F.S., provides that an owner or operator of a vessel at risk of becoming derelict on waters of the state in violation of s. 327.4107, F.S., is subject to a uniform boating citation and civil penalty. The civil penalty provided is:

- \$50 for a first offense;
- \$100 for a second offense occurring 30 days or more after a first offense; and
- \$250 for a third offense occurring 30 days or more after a previous offense.

Section 327.73(1)(bb), F.S., provides that an owner or operator who anchors or moors in a prohibited area in violation of s. 327.4109, F.S., is subject to a uniform boating citation and civil penalty. The civil penalty provided is up to a maximum of:

- \$50 for a first offense;
- \$100 for a second offense; and
- \$250 for a third offense.<sup>24</sup>

Finally, s. 327.73(1) F.S., provides that any person who fails to appear or otherwise properly respond to a uniform boating citation must, in addition to the charge relating to the violation of the boating laws of this state, be charged with a second degree misdemeanor.<sup>25</sup>

### ***Abandoned Vessels***

“Abandoned property” means all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. The term includes derelict vessels, as defined in s. 823.11, F.S.<sup>26</sup>

When an article of lost or abandoned property is present on public property and is not easily removable, the law enforcement officer must place a notice of removal on the property. The law enforcement agency must then contact the Department of Highway Safety and Motor Vehicles to determine the name and address of the owner, and must mail a copy of the notice to the owner.<sup>27</sup>

If, after 5 days of posting the notice and mailing such notice, the owner has not removed the items from public property, the law enforcement agency may retain the property for its own use, donate the property, sell the property, or remove the property.<sup>28</sup>

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<sup>22</sup> Section 775.082(5), F.S., provides that any person who has been convicted of a noncriminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in ch. 316, F.S., or by ordinance of any city or county.

<sup>23</sup> The penalty under s. 327.4107, F.S., is in addition to any other penalties provided by law. Section 327.4107(4), F.S.

<sup>24</sup> Section 327.73(1)(bb), F.S.

<sup>25</sup> A second degree misdemeanor is punishable by up to 60 days in county jail and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

<sup>26</sup> Section 705.101(3), F.S.

<sup>27</sup> Section 705.103(2), F.S.

<sup>28</sup> *Id.*

### ***Removal of Derelict Vessels***

The Division of Law Enforcement of the Fish and Wildlife Conservation Commission (FWC) and its officers, and the sheriffs of the various counties and their deputies, municipal police officers, and any other law enforcement officers, have the responsibility and authority to enforce vessel safety and vessel title certificates, liens, and registration.<sup>29</sup>

Both state and local law enforcement are authorized and empowered to relocate or remove a derelict vessel from public waters if the derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons.<sup>30</sup> The costs incurred for relocating or removing a derelict vessel are recoverable against the vessel owner.<sup>31</sup> A vessel owner who neglects or refuses to pay the costs of removal, storage, and destruction of the vessel, less any salvage value obtained by disposal of the vessel, is not entitled to be issued a certificate of registration for such vessel, or any other vessel or motor vehicle, until the costs are paid.<sup>32</sup>

### **Mangroves**

Mangroves are tropical plants that are adapted to loose, wet soils, salt water, and periodic submersion by tides.<sup>33</sup> There are more than 50 species of mangroves found throughout the world. Florida law defines a mangrove as a specimen of the species *Laguncularia racemosa* (white mangrove), *Rhizophora mangle* (red mangrove), or *Avicennia germinans* (black mangrove).<sup>34</sup>

There are over 555,000 acres of mangroves now existing in the coastal areas of Central and South Florida. Of this total, over 80 percent are expressly set aside for preservation or conservation purposes.<sup>35</sup> Mangroves provide protected nursery areas for fishes, crustaceans, and shellfish. They also provide food for a multitude of marine species. Many animals find shelter either in the roots or branches of mangroves. Mangrove branches are rookeries, or nesting areas, for coastal birds such as brown pelicans and roseate spoonbills.<sup>36</sup> Mangroves also stabilize the shoreline and help prevent storm surge and erosion damage to coastal property.<sup>37</sup> They help maintain water quality and clarity by trapping sediments, absorbing nutrients, and removing pollutants from land that would otherwise harm the coastal ocean.<sup>38</sup>

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<sup>29</sup> Section 327.70 F.S.; *see* section 943.10(1), F.S., which defines “law enforcement officer” as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition also includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

<sup>30</sup> Section 327.44(3), F.S.; section 823.11(3), F.S.

<sup>31</sup> Section 327.44(5), F.S.; section 823.11(3)(b), F.S.

<sup>32</sup> Section 705.103(4), F.S.

<sup>33</sup> Department of Environmental Protection (DEP), *What is a mangrove?*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/what-mangrove> (last visited Jan. 31, 2020).

<sup>34</sup> *Id.*

<sup>35</sup> Section 403.9322, F.S.

<sup>36</sup> DEP, *Florida’s Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves> (last visited Jan. 31, 2020).

<sup>37</sup> FWC, *Mangrove Forests*, <https://myfwc.com/research/habitat/coastal-wetlands/information/mangroves/> (last visited Jan. 31, 2020).

<sup>38</sup> *Id.*

Mangroves can be damaged and destroyed by natural causes, but human activities such as coastal development are responsible for destroying more mangrove forests worldwide than any other type of coastal habitat.<sup>39</sup> The loss of mangrove habitat has been severe in Florida's three largest estuaries since the 1900s. Tampa Bay has lost nearly 50 percent of its mangrove forests and Charlotte Harbor estuary has lost nearly 60 percent. On Florida's East coast, the construction of mosquito ditches and impoundments has caused nearly 85 percent of the mangroves in the Indian River Lagoon to be inaccessible and unusable as nursery habitat for local fisheries.<sup>40</sup>

Currently, there are not any state regulations for anchoring or mooring near mangroves, although the trimming of mangroves is regulated under the Mangrove Trimming and Preservation Act.<sup>41</sup> Through the Mangrove Trimming and Preservation Act, the Legislature intends to protect and preserve mangrove resources valuable to our environment and economy from unregulated removal, defoliation, and destruction.<sup>42</sup>

### III. Effect of Proposed Changes:

**Section 1** of the bill creates s. 327.332, F.S., relating to special hazards requiring slow speeds by vessel operators. The bill specifies conditions under which a vessel is and is not considered to be operating at slow speed, minimum wake.

A vessel is considered to be operating at slow speed, minimum wake only if it is:

- Fully off plane and completely settled into the water; and
- Proceeding without wake or with minimum wake.

A vessel is not considered to be operating at slow speed, minimum wake if it is:

- Operating on plane;
- In the process of coming off plane and settling into the water or getting on plane; or
- Operating at a speed that creates a wake which unreasonably or unnecessarily endangers other vessels.

The bill prohibits a vessel operating at slow speed, minimum wake from proceeding at a speed greater than is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances.

The bill prohibits vessel operators from operating a vessel faster than slow speed, minimum wake upon approaching certain hazardous conditions and provides that a vessel operator found in violation of this requirement is guilty of a noncriminal infraction. The hazardous conditions are:

- Approaching within 300 feet of any emergency vessel, including but not limited to, a law enforcement vessel, a United States Coast Guard vessel, or firefighting vessel, when such emergency vessel has its emergency lights activated; and

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<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Section 403.9321-403.9333, F.S.

<sup>42</sup> Section 403.9323, F.S.

- Approaching within 300 feet of any construction vessel or barge displaying an orange flag indicating that the vessel or barge is actively engaged in construction operations.
  - The flag must be displayed from a pole that extends at least 10 feet above the tallest portion of the vessel or barge, or at least 5 feet above any superstructure permanently installed upon the vessel or barge.
  - The flag must meet certain requirements, including:
    - Be a size of at least 2 feet by 3 feet;
    - Include a wire or other stiffener or be otherwise constructed to ensure that the flag remains fully unfurled and extended in the absence of a wind or breeze; and
    - Be displayed so the visibility of the flag is not obscured in any direction.

The bill specifies that a person may not be cited for a violation during periods of low visibility, including any time between the hours from 30 minutes after sunset and 30 minutes before sunrise, unless the orange flag is illuminated and visible from a distance of at least 2 nautical miles.

The bill also provides that an owner of or responsible party for a construction vessel or barge that displays an orange flag when it is not actively engaged in construction operations is guilty of a noncriminal infraction.

The bill specifies that the speed and penalty provisions of this section do not apply to law enforcement, firefighting, or rescue vessels that are owned or operated by a governmental entity.

**Section 2** of the bill amends s. 327.4107, F.S., relating to vessels at risk of becoming derelict on waters of this state. The bill prohibits an owner or responsible party of a vessel at risk of becoming derelict, who has been issued a citation for a second violation for the same vessel, from anchoring or mooring the vessel to, or within 20 feet of, a mangrove or upland vegetation on public lands. The 20 foot distance is to be measured in a straight line from the point of the vessel closest to the outermost branches of the mangrove or vegetation. The bill provides that a violation is a noncriminal infraction.

The bill authorizes the Fish and Wildlife Conservation Commission (FWC) and its officers, and county sheriffs and deputies, municipal police officers, and other municipal officers to relocate or cause to be relocated at-risk vessels in violation to a distance of greater than 20 feet from any mangrove or upland vegetation. FWC or any law enforcement officer that relocates an at-risk vessel upon state waters is held harmless for any damages to the vessel resulting from relocation, unless the damage is the result of gross negligence or willful misconduct.

**Section 3** of the bill amends s. 327.73, F.S., relating to civil penalties for violations of specified vessel laws. The bill increases civil penalties for a violation of s. 327.4107, F.S., relating to vessels at risk of becoming derelict on waters of the state, from:

- \$50 to \$100 for a first offense;
- \$100 to \$250 for a second offense occurring 30 days or more after a previous offense; and
- \$250 to \$500 for a third or subsequent offense occurring 30 days or more after a previous offense.



The bill increases the maximum civil penalty for a violation of s. 327.4109, F.S., relating to anchoring or mooring in a prohibited area, from:

- \$50 to \$100 for a first offense;
- \$100 to \$250 for a second offense; and
- \$250 to \$500 for a third or subsequent offense.

The bill provides that a vessel which is the subject of three or more violations within 12 months for being at risk of becoming derelict on waters of the state or anchoring or mooring in a prohibited area, and which resulted in dispositions other than acquittal or dismissal, is declared to be a public nuisance and is subject to abandoned property provisions specific to derelict vessels in s. 705.103, F.S., and derelict vessel relocation and removal provisions in s. 823.11, F.S.

The bill creates civil penalties for a violation of s. 327.332, F.S., the new section relating to vessels creating special hazards:

- \$50 for a first offense;
- \$250 for a second offense occurring within 12 months after a prior offense; and
- \$500 for a third offense occurring within 36 months after a prior offense.

The bill adds to the list of violations resulting in a noncriminal infraction:

- The display of an orange flag when the vessel or barge is not actively engaged in construction operations, which would result in a civil penalty of \$50 pursuant to existing law; and
- Vessels at risk of becoming derelict that are found to be anchored within 20 feet of a mangrove or upland vegetation on public lands, which would result in a civil penalty of \$250.

**Section 4** of the bill amends s. 705.103, F.S., relating to procedures for abandoned or lost property. The bill provides specific procedures for lost or abandoned property present on the waters of the state that is a derelict vessel, a vessel at risk of becoming derelict, or a vessel anchored or moored in a prohibited area. When a law enforcement officer ascertains that such a vessel exists, the officer must cause a notice to be placed on the vessel in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED VESSEL. This vessel, to wit: ...(setting forth brief description)... is unlawfully upon waters of the state ...(setting forth brief description of location)... and must be removed within 21 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner and other interested parties may have the right to a hearing to challenge the determination that this vessel is derelict or otherwise in violation of the law. Please contact ... (contact information for person who can arrange for a hearing in accordance with this section) .... The owner will be liable for the costs of removal, storage, and publication of notice if this vessel is not removed by the owner. Dated this: ... (setting forth the date of posting of notice) ..., signed: ... (setting forth name, title, address, and telephone number of law enforcement officer) ....

Additionally, pursuant to existing law, the law enforcement agency must also mail a copy of the notice by certified mail, return receipt requested, to the owner. The mailed notice must inform the owner or responsible party that he or she has a right to a hearing to dispute the determination that the vessel is derelict or otherwise in violation of the law. If the owner requests a hearing, the Administrative Procedure Act must be followed. If, at the end of 21 days after the notice is posted and mailed, the owner or any person interested in the lost or abandoned vessel has not removed it or shown reasonable cause for failure to do so or if the vessel has been determined to have violated the law following a hearing, the law enforcement agency or its designee must remove the vessel from the waters of the state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so.

**Section 5** of the bill provides that the bill is effective on July 1, 2020.

**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:

There may be a positive fiscal impact to FWC due to the new and increased civil penalties provided under the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 327.332 of the Florida Statutes.

This bill substantially amends the following sections of the Florida Statutes: 327.4107, 327.73, and 705.103.

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

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

**CS by Environment and Natural Resources Committee on February 10, 2020:**

- Specifies conditions under which a vessel is and is not considered to be operating at slow speed, minimum wake.
- Exempts law enforcement, firefighting, or rescue vehicles that are owned and operated by a governmental entity from the provisions in the bill restricting speed around emergency and construction vessels.
- Prohibits an owner or responsible party for a vessel at risk of becoming derelict, who has received a citation for a second violation for the same vessel, from anchoring or mooring within 20 feet of a mangrove or to upland vegetation on public lands. Provides that a violation is a noncriminal infraction.
- Authorizes FWC and other law enforcement officers to relocate a vessel at risk of becoming derelict that is anchored or moored within 20 feet of a mangrove or to upland vegetation on public lands.
- Provides procedures, including notice and hearing requirements, for abandoned or lost derelict vessels, vessels at risk of becoming derelict, or vessels that are anchored or moored in a prohibited area.
- Deletes the appropriation to FWC to conduct a study of the impacts of long-term stored vessels.

**B. Amendments:**

None.