

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

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

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

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BILL: SB 1378

INTRODUCER: Senator Rouson

SUBJECT: Vessels

DATE: February 7, 2020

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	<b>Pre-meeting</b>
2.			JU	
3.			RC	

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**I. Summary:**

SB 1378 prohibits vessel operators from operating a vessel faster than slow speed with minimum wake upon approaching certain hazardous conditions, including approaching an emergency or construction vessel. The bill provides that a vessel operator found in violation of this requirement is guilty of a noncriminal infraction. The bill includes requirements for a construction vessel or barge that displays an orange flag to indicate that it is actively engaged in construction operations.

The bill prohibits an owner or operator of a vessel from anchoring or mooring a vessel to, or within 20 feet of, a mangrove or vegetation upon, or within 20 feet of, public lands, unless certain conditions exist, including mechanical failure, weather that poses an unreasonable risk, or if the anchoring or mooring is within a state or locally permitted or designated dockage, mooring, or other anchorage area.

The bill increases several of the civil penalties for a vessel deemed at risk of becoming derelict and increases several of the maximum civil penalties for anchoring or mooring in a prohibited area. The bill also creates civil penalties for vessels that fail to reduce speed for special hazards as specified in the bill. 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.

The bill provides an appropriation of \$250,000 in nonrecurring funds from the General Revenue Fund to FWC to conduct a study of the impacts of long-term stored vessels on local communities and the state pursuant to existing law. The appropriation would begin in fiscal year 2020-2021 and would be awarded annually for four years through fiscal year 2023-2024.

## 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, 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

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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>.

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

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.
- 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.
- 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>

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>

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<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.

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

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>

## **Mangroves**

Mangroves are tropical plants that are adapted to loose, wet soils, salt water, and periodic submersion by tides.<sup>16</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>17</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 under some form of government or private ownership or control and are expressly set aside for preservation or conservation purposes.<sup>18</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>19</sup> Mangroves also stabilize the shoreline and help prevent storm surge and erosion damage to coastal property.<sup>20</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>21</sup>

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>22</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>23</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>24</sup> Through the Mangrove Trimming and Preservation Act, the Legislature intends to protect and

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

<sup>16</sup> DEP, *What is a mangrove?*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/what-mangrove> (last visited Jan. 31, 2020).

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

<sup>18</sup> Section 403.9322, F.S.

<sup>19</sup> DEP, *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves> (last visited Jan. 31, 2020).

<sup>20</sup> FWC, *Mangrove Forests*, <https://myfwc.com/research/habitat/coastal-wetlands/information/mangroves/> (last visited Jan. 31, 2020).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Section 403.9321-403.9333, F.S.

preserve mangrove resources valuable to our environment and economy from unregulated removal, defoliation, and destruction.<sup>25</sup>

### **Lease of Sovereignty Submerged Lands for Private Residential Docks and Piers**

The BOT is responsible for the administration and disposition of the state's sovereignty submerged lands.<sup>26</sup> Waterfront landowners must receive the BOT's authorization to build docks and related structures on sovereignty submerged lands. The Department of Environmental Protection (DEP) administers all staff functions on the BOT's behalf.<sup>27</sup>

Florida recognizes riparian rights for landowners with waterfront property bordering navigable waters, which include the rights of ingress, egress, boating, bathing, fishing, and others as defined by law.<sup>28</sup> Riparian landowners must obtain a sovereignty submerged lands authorization in the form of a letter of consent, consent by rule, or a lease prior to installation and maintenance of docks, piers, and boat ramps on sovereignty submerged land.<sup>29</sup>

A lease agreement between the state and the property owner transfers the use, possession, and control of sovereignty submerged lands to the property owner for up to 10 years.<sup>30</sup> A lease is renewable for successive terms of up to 10 years if the parties agree and the lessee complies with all terms of the lease and all applicable laws and rules.<sup>31</sup> Structures that were built on sovereignty submerged lands before the BOT adopted regulations were "grandfathered" into a lease or easement without having to meet current regulations.<sup>32</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>33</sup>

In 2016, the Legislature prohibited neglected vessels or those in deteriorating conditions from anchoring, mooring, or occupying the waters of the state.<sup>34</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;

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<sup>25</sup> Section 403.9323, F.S.

<sup>26</sup> Section 253.03(8)(b), F.S., defines submerged lands as publicly owned lands below the ordinary high-water mark of fresh waters and below the mean high-water line of salt waters extending seaward to the outer jurisdiction of the state.

<sup>27</sup> Section 253.03, F.S.

<sup>28</sup> Section 253.141(1), F.S.

<sup>29</sup> Fla. Admin. Code R. 18-21.005.

<sup>30</sup> Section 253.0347, F.S.

<sup>31</sup> *Id.*

<sup>32</sup> Former r. 18-21.00405, F.A.C. and r. 18-21.0081, F.A.C.

<sup>33</sup> Section 823.11(1)(b), F.S.

<sup>34</sup> Ch. 2016-108, s. 1, Laws of Fla. (creating s. 327.4107, F.S., effective Jul. 1, 2016).

- 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>35</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>36</sup> Further, such violation is punishable by a civil penalty of up to \$50,000 per violation per day.<sup>37</sup> Each day during any portion of which the violation occurs constitutes a separate offense.<sup>38</sup>

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>39</sup> punishable as provided in s. 327.73, F.S.<sup>40</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>41</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>42</sup>

<sup>35</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>36</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>37</sup> Sections 376.15(2) and 376.16(1), F.S.

<sup>38</sup> Section 376.16(1), F.S.

<sup>39</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>40</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>41</sup> Section 327.73(1)(bb), F.S.

<sup>42</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.

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

The Division of Law Enforcement of the 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>43</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>44</sup> The costs incurred for relocating or removing a derelict vessel are recoverable against the vessel owner.<sup>45</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>46</sup>

### **Long-term Study on Stored Vessels**

In 2019, the Legislature required FWC, contingent upon appropriation, to conduct, for no longer than two years, a study of the impacts of long-term stored vessels on local communities and the state.<sup>47</sup> FWC is required to submit a report of its findings to the Governor and the Legislature within six months after the date the study is completed.<sup>48</sup> The bill clarifies that the subsection governing the study expires January 1, 2024. The study must include:

- An investigation of whether, and to what extent, long-term stored vessels and vessels anchored or moored outside of public mooring fields for more than 30 days contribute to the number of derelict and abandoned vessels on the waters of the state;
- An investigation of the impacts of long-term stored vessels, vessels anchored or moored outside of public mooring fields for more than 30 days, and vessels anchored within public mooring fields on the local and state economies, public safety, and the environment during and after a significant tropical storm or hurricane event; and
- Recommendations for appropriate management options for long-term stored vessels and vessels anchored or moored outside of public mooring fields for more than 30 days to mitigate any identified negative impacts.<sup>49</sup>

There was not an appropriation made in the 2019-2020 fiscal year for the long-term study.<sup>50</sup>

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<sup>43</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>44</sup> Section 327.44(3), F.S.; section 823.11(3), F.S.

<sup>45</sup> Section 327.44(5), F.S.; section 823.11(3)(b), F.S.

<sup>46</sup> Section 705.103(4), F.S.

<sup>47</sup> Ch. 2019-54, s. 2, Laws of Fla.

<sup>48</sup> Section 327.4109(6)(d), F.S.

<sup>49</sup> Section 327.4109(6)(c), F.S.

<sup>50</sup> SB 2500 (2019).

### 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 that a vessel is operating at slow speed, minimum wake only if it is fully off plane and completely settled into the water.

The new section prohibits vessel operators from operating a vessel faster than slow speed with 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 auxiliary vessel, fire vessel, or tow vessel, with its emergency lights activated; and
- 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.
    - 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 one hour before sunset and one hour after 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 operations is guilty of a noncriminal infraction.

**Section 2** of the bill amends s. 327.4109, F.S., relating to prohibited anchoring and mooring. The bill prohibits an owner or operator of a vessel from anchoring or mooring a vessel to, or within 20 feet of, a mangrove or vegetation upon, or within 20 feet of, public lands, unless certain conditions exist. 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 from the outermost line of vegetation upon the public lands.

The conditions under which it would be allowed for an owner or operator of a vessel from anchoring or mooring to or near mangroves or vegetation upon public lands include if:

- The vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or persons onboard the vessel unless the vessel anchors. If this condition exists, the vessel may anchor for 3 business days or until the vessel is repaired, whichever occurs first.
- Imminent or existing weather conditions in the vicinity pose an unreasonable risk of harm to the vessel or persons onboard the vessel unless the vessel anchors. If this condition exists, the vessel may anchor until weather conditions no longer pose such a risk. During a hurricane or



tropical storm, this is deemed to be when the hurricane or tropical storm warning affecting the area has expired.

- The vessel is within a state or locally permitted or designated dockage, mooring, or other anchorage area.

**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 provides that a vessel which is the subject of three or more violations within 12 months which resulted in dispositions other than acquittal or dismissal shall be declared to be a public nuisance and are subject to relocation or removal.

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 which resulted in dispositions other than acquittal or dismissal shall be declared to be a public nuisance and are subject to relocation or removal.

The bill creates civil penalties for a violation of s. 327.332, F.S., the new section relating to vessels failing to reduce speed for 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. The violation would result in a civil penalty of \$50 pursuant to existing law.

**Section 4** of the bill provides an appropriation of \$250,000 in nonrecurring funds from the General Revenue Fund to FWC to conduct the study of the impacts of long-term stored vessels on local communities and the state that is required under existing law. The appropriation would begin in fiscal year 2020-2021 and would be awarded annually for four years through fiscal year 2023-2024.

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:**

The appropriation in Section 4 of the bill is for four years for a study that is to be completed in no longer than two years. It is unclear why the appropriation would be for a longer time period than current law requires for the study to be completed.

**VIII. Statutes Affected:**

This bill creates section 327.332 of the Florida Statutes.

This bill substantially amends sections 327.4109 and 327.73 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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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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