

**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 Appropriations

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BILL: PCS/SB 606 (271670)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Agriculture, Environment, and General Government); and Senator Garcia

SUBJECT: Boating Safety

DATE: February 8, 2022

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Anderson/Carroll</u>	<u>Rogers</u>	<u>EN</u>	<u>Favorable</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Recommend: Fav/CS</u>
3.	<u>Reagan</u>	<u>Sadberry</u>	<u>AP</u>	<u>Pre-meeting</u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/SB 606 creates the “Boating Safety Act of 2022.”

Relating to liveries, the bill:

- Requires a no-cost, annual livery permit, effective January 1, 2023;
- Requires liveries to implement certain safety requirements; and
- Adds penalties for violations of livery requirements.

The bill increases or adds penalties for noncriminal infractions of vessel safety laws. It increases the additional civil penalty for noncriminal infractions of vessel laws from \$50 to \$100. It directs certain penalties to the Marine Resource Conservation Trust Fund to supplement law enforcement activities.

Relating to boating safety programs, the bill:

- Adds a \$500 fine for certain vessel operators;
- Requires the Florida Fish and Wildlife Conservation Commission (FWC) to maintain a program to ensure compliance with mandatory boating safety education requirements; and
- Creates the Illegal Boating Strike Team to enhance law enforcement activities.

The bill requires a physical residential or business address for vessel registration applicants, with a limited exception for live-aboard vessel owners.

The bill provides an appropriation of \$2 million in recurring funds from the General Revenue Fund to the FWC and authorizes seven positions with associated salary rate of \$322,763 for the Illegal Boating Strike Team. The bill also appropriates \$100,000 in recurring funds from the General Revenue Fund to the FWC and authorizes one position with associated salary rate of \$60,000, relating to ensuring compliance with mandatory boating safety education requirements. The bill also appropriates \$125,000 in nonrecurring funds for the 2022-2023 fiscal year from the General Revenue Fund to the FWC for the purpose of implementing the no-cost livery permitting requirement.

## 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.<sup>1</sup> The FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate.<sup>2</sup> Under Article IV, section 9 of the Florida Constitution, the 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.

Chapters 327 and 328, F.S., concerning vessel safety and vessel title certificates, liens, and registration, are enforced by the FWC's Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.<sup>3</sup> The Division of Law Enforcement manages the state's waterways to ensure boating safety for residents of and visitors to the state.<sup>4</sup> 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.<sup>5</sup>

### **Regulation of Liveries**

A livery vessel is defined as a vessel that is leased, rented, or chartered to another for consideration.<sup>6</sup> A livery may not knowingly lease, hire, or rent vessels:

- When the number of persons intending to use the vessel exceeds the number considered to constitute a maximum safety load for the vessel.

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<sup>1</sup> FLA. CONST. art. IV, s. 9.

<sup>2</sup> *Id.*; see also s. 379.102(1), F.S.

<sup>3</sup> 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.

<sup>4</sup> Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited Nov. 22, 2021).

<sup>5</sup> FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited Nov. 22, 2021). See s. 327.70(1) and (4), F.S.

<sup>6</sup> Section 327.02(24), F.S.

- When the horsepower of the motor exceeds the capacity of the vessel.
- When the vessel does not contain required safety equipment.
- When the vessel is not seaworthy.
- When the vessel is equipped with a motor of 10 horsepower or greater, unless the livery provides required pre-rental or pre-ride instruction, which must be provided by a person who has successfully completed a National Association of State Boating Law Administrators and state-approved boater safety course.
- Unless the livery displays boating safety information in a place visible to the renting public.<sup>7</sup>

A livery also may not knowingly lease, hire, or rent:

- Vessels powered by a motor of 10 horsepower or greater to any person who is required to comply with boater safety education requirements, unless the person presents photographic identification and a valid boater safety identification card to the livery, or meets one of the listed exemptions.<sup>8</sup>
- Personal watercraft to persons under 18 years of age or who have not received instruction in the safe handling of personal watercraft and provided a written statement attesting to that fact.<sup>9</sup>
- Personal watercraft without a proper insurance policy.<sup>10</sup>

Liveries are required to notify the proper authorities if a leased, hired, or rented vessel is unnecessarily overdue.<sup>11</sup> Violations of livery regulations are a second-degree misdemeanor.<sup>12</sup>

### **Boating Infractions and Penalties**

Chapter 327, F.S., the “Florida Vessel Safety Law,” addresses boating violations.<sup>13</sup> The law imposes a statutory duty to assist other persons in a vessel collision or accident, provide information to any injured parties or the owner of damaged property, and provide notice to law enforcement of the accident.<sup>14</sup> Leaving the scene of an accident that resulted in personal injury is a third-degree felony, and leaving the scene of an accident that resulted in property damage is a second-degree misdemeanor.<sup>15</sup>

Section 327.73, F.S., sets forth the fines for noncriminal infractions of the Florida Vessel Safety Law. Unless otherwise specified, the civil penalty for a noncriminal infraction is \$50.<sup>16</sup> If a person fails to appear or respond to a uniform boating citation, he or she is charged with the offense of failing to respond to a citation. Upon conviction, such person will be guilty of a second-degree misdemeanor.<sup>17</sup> Noncriminal violations include operating with an expired

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<sup>7</sup> Section 327.54(1), F.S.

<sup>8</sup> Section 327.54(2), F.S.

<sup>9</sup> Section 327.54(4), F.S.

<sup>10</sup> Section 327.54(5), F.S.

<sup>11</sup> Section 327.54(3), F.S.

<sup>12</sup> Section 327.54(6), F.S.

<sup>13</sup> Section 327.01, F.S.

<sup>14</sup> Section 327.30(1), (2), and (3), F.S.

<sup>15</sup> Section 327.30, F.S.

<sup>16</sup> Section 327.73(1), F.S.

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

registration, operating without a registration, and failing to display the appropriate registration information.

Several noncriminal violations are subject to increased penalties for additional offenses. For example, for a violation of navigation rules that does not result in an accident or that results in an accident without serious bodily injury or death, there is a maximum penalty of:

- \$250 for a first offense;
- \$750 for a second offense; and
- \$1,000 for a third or subsequent offense.<sup>18</sup>

For violating a springs protection zone, or operating a vessel in a careless manner that causes seagrass scarring within an aquatic preserve, except the Lake Jackson, Ocklawaha River, Wekiva River, and Rainbow Springs aquatic preserves, the penalty is:

- \$50 for a first offense;
- \$250 for a second offense occurring within 12 months of a prior conviction;
- \$500 for a third offense occurring within 36 months of a prior conviction; and
- \$1,000 for a fourth or subsequent offense occurring within 72 months of a prior conviction.<sup>19</sup>

For anchoring in an anchoring limitation area and anchoring or mooring in a prohibited area, the penalty is:

- A maximum of \$50 for a first offense;
- A maximum of \$100 for a second offense; and
- A maximum of \$250 for a third or subsequent offense.<sup>20</sup>

For violating areas where vessels creating special hazards are operating, the penalty is:

- \$50 for a first offense;
- \$100 for a second offense occurring within 12 months of a prior offense; and
- \$250 for a third offense occurring within 36 months of a prior offense.<sup>21</sup>

### **Mandatory Education for Violators**

A person who is convicted of two non-criminal boating safety infractions within a 12-month period must enroll in, attend (in-person or online), and successfully complete a National Association of State Boating Law Administrators and state-approved boater education course.<sup>22</sup> The person must file proof of completion of the course with the FWC's Boating and Waterways Section within 90 days of the violation and is not permitted to operate a vessel until proof is filed.<sup>23</sup>

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<sup>18</sup> Section 327.73(o), F.S.

<sup>19</sup> Section 327.73(x) and (y), F.S.

<sup>20</sup> Section 327.73(z) and (bb), F.S.

<sup>21</sup> Section 327.73(cc), F.S.

<sup>22</sup> Section 327.731(1)(a), F.S.

<sup>23</sup> Section 327.731(1)(b) and (c), F.S.

A person who is convicted of a criminal boating violation or a noncriminal boating safety infraction that resulted in a boating accident must complete the boater education course,<sup>24</sup> as well as a separate course for violators. The provider of the course for violators automatically sends proof of completion electronically to the FWC.<sup>25</sup>

### **Marine Resources Conservation Trust Fund**

The Marine Resources Conservation Trust Fund (MRCTF) within the FWC serves as a broad-based depository for funds from various marine-related and boating-related activities.<sup>26</sup> The FWC can administer the trust fund for the following purposes:

- Marine research;
- Fishery enhancement;
- Marine law enforcement;
- Administration of licensing programs for recreational fishing, saltwater products sales, and related information and education activities;
- FWC operations;
- Titling and registration of vessels;
- Marine turtle protection, research, and recovery activities;
- Rehabilitation of oyster harvesting areas;
- Boating research, boating-related programs and activities, and law enforcement on state waters; and
- The stone crab trap reduction program, the blue crab effort management program, the spiny lobster trap certificate program, and the trap retrieval program.<sup>27</sup>

The MRCTF will receive the proceeds from:

- All license fees for purse seines, saltwater products, nets, special activities, Apalachicola Bay oyster harvesting, and wholesale and retail saltwater products dealers;
- All funds collected from vessel registration and other related fees;
- All fees related to the spiny lobster, blue crab, and black sea bass trap retrieval program; the tarpon license program; the stone crab take endorsement; the blue crab take endorsement; and the spiny lobster trap certificate program;
- All fines and penalties relating to take, harvest, or possession of certain marine life; use of illegal nets; violations involving certain finfish; and violations involving saltwater products; and
- Other revenues as provided by law.<sup>28</sup>

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<sup>24</sup> Section 327.731(1), F.S.; *see also* FWC, *Mandatory Boating Education*, <https://myfwc.com/boating/regulations/mandatory-boating-education/> (last visited Oct. 6, 2021).

<sup>25</sup> FWC, *Mandatory Boating Education*, <https://myfwc.com/boating/regulations/mandatory-boating-education/> (last visited Oct. 6, 2021).

<sup>26</sup> Section 379.208(1), F.S.

<sup>27</sup> *Id.*

<sup>28</sup> Section 379.208(2), F.S.

## Vessel Titling and Registrations

All motorized vessels operating on Florida's public waterways must be titled and registered pursuant to ch. 328, F.S.<sup>29</sup> The Department of Highway Safety and Motor Vehicles (DHSMV) is responsible for issuing vessel registrations and titles.<sup>30</sup> Registration and title applications must be filed at a county tax collector or license plate agent office,<sup>31</sup> but the DHSMV is responsible for issuing vessel registrations.<sup>32</sup>

A purchaser of a new or used vessel has 30 days to title and register the vessel.<sup>33</sup> The required information for a vessel registration application includes: the owner's name and address; residency status; personal identification (a driver license or identification card) or business identification (a federal employer identification number or Florida state, city, or county business license or number); a complete description of the vessel; payment of the applicable fee; and proof of ownership of the vessel.<sup>34</sup> During the 30-day period before registration, the owner must carry proof of the date of purchase aboard the vessel.<sup>35</sup>

Every vessel operated, used, or stored on the waters of Florida must be registered unless it is:

- A vessel operated, used, and stored exclusively on private lakes and ponds;
- A vessel owned by the United States Government;
- A non-motor-powered vessel less than 16 feet in length;
- A federally documented vessel;
- A vessel already covered by a registration number awarded to it by another state or the U.S. Coast Guard, if the vessel is not located in this state for more than 90 consecutive days;
- A vessel from a country other than the United States, if the vessel is not located in this state for more than 90 days;
- An amphibious vessel for which a vehicle title is issued by the DHSMV;
- A vessel used solely for demonstration, testing, or sales promotional purposes by the manufacturer or dealer; or
- A vessel owned and operated by the state or a political subdivision thereof.<sup>36</sup>

No person may sell, assign, or transfer a vessel titled in the state without providing the purchaser or transferee a valid certificate of title with an assignment on it showing transfer of title to the purchaser or transferee.<sup>37</sup> The purchaser or transferee is required to file an application for a title transfer with the county tax collector within 30 days after a change in vessel ownership.<sup>38</sup> Unless

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<sup>29</sup> See s. 328.03, F.S. Certain vessels are not required to have a certificate of title, including, but not limited to, vessels used only on private lakes or ponds and vessels owned by the U.S. Government or a state or political subdivision thereof.

<sup>30</sup> Section 328.40, F.S.

<sup>31</sup> Section 328.48(1)(a), F.S.

<sup>32</sup> Section 328.48(3), F.S.

<sup>33</sup> Section 328.46(1), F.S.

<sup>34</sup> Section 328.48(1), F.S.

<sup>35</sup> Section 328.46(1), F.S.

<sup>36</sup> Section 328.48(2), F.S.

<sup>37</sup> Section 328.03(3), F.S.

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

specified otherwise, a person who fails to meet titling and registration requirements is guilty of a second degree misdemeanor.<sup>39</sup>

### **Wildlife Alert**

The Wildlife Alert Reward Association, Inc. (Wildlife Alert) is a 501(c)(3) non-profit organization created in 1979 that allows citizens to report known or suspected violations of Florida's fish, wildlife, environmental, and boating laws, and encourages citizen involvement in conservation and protection.<sup>40</sup> In 2014, Wildlife Alert and the FWC signed a letter of agreement recognizing Wildlife Alert as an FWC Citizen Support Organization.<sup>41</sup> Reporters who know or suspect a violation of Florida's fish, wildlife, environmental, or boating laws may call, text, or file an online report. They may be asked to provide information about the physical descriptions of violators and vehicles, license tag numbers, locations, and other pertinent information. Reporters may remain anonymous. The Wildlife Alert program offers rewards in exchange for information that leads to the arrest of poachers or other violators.<sup>42</sup>

### **III. Effect of Proposed Changes:**

**Section 1** names this act the "Boating Safety Act of 2022."

**Section 2** amends s. 327.30, F.S., to create an additional fine of up to \$1,000 for a violation of the vessel collision and accident laws, or any associated rule or order of the Fish and Wildlife Conservation Commission (FWC). A conviction is any judicial disposition other than acquittal or dismissal. Money from the additional fines shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund (MRCTF) to enhance law enforcement activities relating to boating infractions.

**Section 3** amends s. 327.54, F.S., to revise existing requirements for liveries. The bill defines the term "conviction" as any judicial disposition other than acquittal or dismissal. It defines "livery" as a person who offers a vessel for use by another 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. A vessel rented or leased by a livery is a livery vessel. The bill defines "seaworthy" to mean a vessel whose parts and equipment, including, but not limited to, engines, bilge pumps, and kill switches, are functional and reasonably fit for their intended purpose.

The bill provides that, effective January 1, 2023, a livery must obtain a no-cost annual livery permit from the FWC. To qualify for the permit, an applicant must:

- Provide the FWC with a list of vessels offered by the livery for lease or rent by another;
- Have a sufficient amount of U.S. Coast Guard-approved lawful personal flotation devices on site to accommodate the capacity of all vessels offered by the livery for lease or rent by another;

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<sup>39</sup> Section 328.21, F.S.

<sup>40</sup> FWC, *Wildlife Alert* (2014), available at <https://myfwc.com/media/4539/wildlife-alert.pdf> (last visited Nov. 22, 2021).

<sup>41</sup> FWC, *Wildlife Alert Reward Program* (2020), available at [https://flmtph.myfwc.com/media/19135/10\\_travis\\_wildlife-alert-pp-2020-mstm.pdf](https://flmtph.myfwc.com/media/19135/10_travis_wildlife-alert-pp-2020-mstm.pdf) (last visited Nov. 22, 2021).

<sup>42</sup> *Id.*

- Have on site all safety equipment required by the U.S. Coast Guard to equip all vessels offered by the livery for rent or lease by another; and
- Display boating safety information in a place visible to the renting public.

If the information required to qualify for a permit changes before the annual renewal of the permit, the livery must provide the FWC with the updated information within 10 days after the change. The bill authorizes the FWC to adopt rules to implement the no-cost livery permit program. A violation of the permit requirement is a misdemeanor of the first degree.

The bill prevents a livery from knowingly leasing or renting a derelict vessel or a vessel at risk of becoming derelict.

The bill removes the prohibition that a livery cannot knowingly lease or rent a vessel to any person if it is equipped with a motor of 10 horsepower or greater unless the livery provides pre-rental or pre-ride instruction. Instead, pre-rental or pre-ride instruction must be in compliance with rules established by the FWC. The bill provides that instruction on local characteristics of the waterway where the vessel will be operated includes navigational hazards, boating-restricted areas, and water depths, as well as emergency procedures such as appropriate responses to capsizing, falls overboard, taking on water, and vessel accidents. The bill reorganizes language requiring the person delivering this information to have successfully completed a boater safety course.

The bill adds that a livery may not knowingly lease or rent a vessel to any person unless the livery has a written agreement with the renter or lessee. The livery must maintain each agreement for no less than one year and must make it available for inspection by law enforcement upon request. The written agreement must include:

- The names, addresses, and dates of birth of all persons who will be aboard the vessel;
- The time the vessel must be returned to the livery or other specified location; and
- An emergency contact name, address, and telephone number.

A livery may not knowingly lease or rent a vessel to any person who is required to have photographic identification and a boating safety card or certificate, unless the person presents the required documentation for the operation of a vessel or is exempt from the requirement.

The following requirements, which currently apply to “personal watercraft,” are broadened to apply to “vessels”:<sup>43</sup>

- A livery may not knowingly lease or rent a vessel to any person under 18 years of age.
- A livery may not knowingly lease or rent a vessel to any person unless the livery first obtains a policy from a licensed insurance carrier in Florida, which insures the livery and renter against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the vessel. The policy must provide coverage of at least \$500,000 per

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<sup>43</sup> A “personal watercraft” is a vessel 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel. Section 327.02(36), F.S. A “vessel” includes 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. Section 327.02(47), F.S.



person and \$1 million per event. The livery and renter must have proof of insurance available for inspection at the location where the vessels are being leased or rented or offered for lease or rent. The livery shall provide the insurance carrier's name and address and the insurance policy number to each renter.

- The bill requires a person who receives instruction regarding the safe operation of vessels or pre-rental or pre-ride instruction to provide the livery with a signed form attesting to each component of the instruction. The FWC shall establish the form's content by rule. The bill also requires that the form be signed by the individual providing instruction, and the livery shall maintain the form for no less than 90 days and make the form available for inspection by law enforcement upon request.

The bill clarifies that if a vessel rented or leased by a livery is unnecessarily overdue more than one hour after the contracted rental time has expired, then the livery must notify law enforcement and the U.S. Coast Guard.

The bill requires that a livery must report an accident resulting in bodily injury, death, or disappearance of any person, or damage to any vessel or other property in an apparent aggregate amount of at least \$2,000 when the operator is incapable of making a report.

The bill provides that a livery shall make its facilities and records available for inspection within 24 hours of notice by law enforcement.

The bill provides penalties for violations of the livery requirements:

- A person who violates one or more statutory requirements for liveries, but not the no-cost livery permit requirement, and who has not been convicted of a violation of the livery requirements in the past three years, commits a misdemeanor of the second degree and may face imprisonment of no more than 60 days and/or a fine of no more than \$500.
- If the violation has occurred within three years after a previous conviction, the person commits a misdemeanor of the first degree and may face imprisonment of no more than one year and/or a fine of no more than \$1,000. There is an additional minimum mandatory fine of \$500.
- If the person commits another violation within five years after two previous convictions for violations of the livery requirements, the person commits a misdemeanor of the first degree and may face imprisonment of no more than one year and/or a fine of no more than \$1,000. There is an additional minimum mandatory fine of \$1,000.
- A person who commits more than one violation of the livery requirements, but not the no-cost livery permit requirement, within a three year period may not act as a livery during a 90-day period immediately after being charged. Effective January 1, 2023, the FWC may revoke or refuse to issue a no-cost livery permit based on repeated violations of the livery requirements.

**Section 4** amends s. 327.73, F.S., to increase the following penalties for noncriminal infractions:

- The maximum fine for an owner or operator of a vessel with an expired registration of six months or less is increased from \$50 to \$100 for a first and subsequent offense.

- The maximum fine for violating the navigation rules in a way that is not reckless and does not result in an accident, or results in an accident that does not cause serious bodily injury or death:
  - Is increased from \$250 to \$500 for a first offense.
  - Is increased from \$750 to \$1,000 for a second offense.
  - Is increased from \$1,000 to \$1,500 for a third or subsequent offense.
- The fine for operating a vessel outside a lawfully marked channel in a careless manner that causes seagrass scarring within an aquatic preserve, except the Lake Jackson, Ocklawaha River, Wekiva River, and Rainbow Springs aquatic preserves, is increased from \$50 to \$100 for a first offense.
- The fine for operating a vessel in violation of a springs protection zone is increased from \$50 to \$100 for a first offense.
- The maximum fine for anchoring a vessel in an anchoring limitation area:
  - Is increased from \$50 to \$100 for a first offense;
  - Is increased from \$100 to \$250 for a second offense; and
  - Is increased from \$250 to \$500 for a third or subsequent offense.
- The fine for violating an area where vessels creating a special hazard are operating:
  - Is increased from \$50 to \$100 for a first offense;
  - Is increased from \$100 to \$250 for a second offense occurring within 12 months after a prior offense; and
  - Is increased from \$250 to \$500 for a third offense occurring within 36 months after a prior offense.
- The maximum civil penalty for noncriminal violations of vessel laws is increased from \$50 to \$100, except as otherwise provided.

The bill adds the following penalties for noncriminal infractions:

- The maximum fine for improper transfer of vessel title is \$500.
- The maximum fine for failure to update vessel registration information is \$500.

The bill adds law enforcement purposes to the uses of fees and civil penalties collected pursuant to this section.

**Section 5** amends s. 327.731, F.S., relating to mandatory education for violators. The bill adds a fine of \$500 to the list of requirements that are triggered if a person is:

- Convicted of a criminal violation under ch. 327, F.S. (relating to vessel safety);
- Convicted of a noncriminal infraction under ch. 327, F.S., if it resulted in a reportable boating accident; or
- Convicted of two noncriminal infractions of vessel laws, if the infractions occurred within a 12-month period. These infractions relate to:
  - Careless operation;
  - Waterskiing, aquaplaning, parasailing, and similar activities;
  - Interfering with navigation;
  - Violating boating-restricted areas and speed limits;
  - Required safety equipment, lights, and shapes;
  - Violating navigation rules in a way that does not result in an accident, or that results in an accident not causing serious bodily injury or death;

- Personal watercraft;
- Boater safety education;
- Operating overloaded or overpowered vessels;
- Divers-down warning devices;
- Adequate mufflers on airboats;
- Displaying a flag on an airboat;
- Carelessly causing seagrass scarring; and
- Violating springs protection zones.

The clerk of the court shall remit the fines to be deposited into the MRCTF to support law enforcement activities.

The bill requires the FWC to maintain a program to ensure compliance with mandatory boating safety education requirements. The program must track any citation resulting in a conviction under this section and send notices to each person subject to the requirement for mandatory boating safety education.

**Section 6** amends s. 328.03, F.S., to provide that any person who does not properly transfer title of a vessel is subject to a maximum penalty of \$500.

**Section 7** amends s. 328.03, F.S., as amended by chapter 2019-76, Laws of Florida, to provide that any person who does not properly transfer title of a vessel is subject to a maximum penalty of \$500. This amendment is effective July 1, 2023.

**Section 8** amends s. 328.48, F.S., to add language requiring a vessel owner to provide a physical residential or business address when filing an application for vessel registration. The bill allows the FWC to authorize a live-aboard vessel owner to provide a post office box address in lieu of a physical residential or business address.

The bill adds language requiring a vessel owner's physical residential or business address on each certificate of registration issued.

The bill provides that a person who does not update his or her vessel registration information with the county tax collector within six months after a change to the information will be subject to a maximum penalty of \$500.

**Section 9** creates the Illegal Boating Strike Team. To this end, the bill appropriates \$2 million in recurring funds for the 2022-2023 fiscal year from the General Revenue Fund to the FWC and authorizes seven positions with associated salary rate of 322,763. The Illegal Boating Strike Team will coordinate law enforcement at the federal, state, and local levels to increase public safety and decrease boating accidents, injuries, fatalities, and criminal activity. In areas where illegal charters and illegal liveries are found to be operating, the strike team shall do all of the following:

- Enhance law enforcement activities by increasing intergovernmental coordination to address any criminal conduct or safety violation, taxes and fees, and licensure regulations by such charter and livery operations;
- Address unsafe customer pick-ups and drop-offs;

- Improve signage and set appropriate speed limits in waterways;
- Ensure correct and current information is used for vessel registration;
- Publicize existing reporting systems and use social media to encourage citizens to report illegal activities; and
- Develop educational campaigns to address and deter illegal charter operations, illegal livery operations, boating under the influence, and related public safety issues, and to encourage the reporting of boating violations.

**Section 10** appropriates \$100,000 in recurring funds for the 2022-2023 fiscal year from the General Revenue Fund to the FWC and authorizes one position with associated salary rate of \$60,000 to implement the amendment made to s. 327.731, F.S., by this act, relating to ensuring compliance with mandatory boating safety education requirements.

**Section 11** appropriates \$125,000 in nonrecurring funds for the 2022-2023 fiscal year from the General Revenue Fund to the FWC for the purpose of implementing the no-cost livery permitting requirement in s. 327.54(2), F.S.

**Section 12** provides that except as otherwise expressly provided, the effective date is July 1, 2022.

#### **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:**

Increased boating penalties are expected to have a positive fiscal impact to the state. The bill appropriates \$2 million in recurring funds from the General Revenue Fund to the Fish and Wildlife Conservation Commission (FWC) and authorizes seven positions with associated salary rate of 322,763 for the Illegal Boating Strike Team. The bill also appropriates \$100,000 in recurring funds from the General Revenue Fund to the FWC and authorizes one position with associated salary rate of \$60,000, relating to ensuring compliance with mandatory boating safety education requirements. The bill also appropriates \$125,000 in nonrecurring funds for the 2022-2023 fiscal year from the General Revenue Fund to the FWC for the purpose of implementing the no-cost livery permitting requirement.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill provides that violators of s. 327.30, F.S., (relating to vessel collisions, accidents, and casualties) may be ordered to pay an additional fine of up to \$1,000, which must be deposited into the Marine Resources Conservation Trust Fund (MRCTF).<sup>44</sup> However, the bill does not state who is responsible for ensuring the additional fine is deposited in the MRCTF.<sup>45</sup>

The Department of Revenue recommends the following replacement language for Line 73 of the bill: "\$1,000 per violation. All fines assessed and collected pursuant to this subsection shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the Marine."<sup>46</sup>

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 327.30, 327.54, 327.73, 327.731, 328.03, and 328.48.

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<sup>44</sup> Department of Revenue, *2022 Agency Legislative Bill Analysis* (Nov. 4, 2021) (on file with the Senate Committee on Environment and Natural Resources).

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

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

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

**PCS (271670) by Appropriations Committee (Recommended by Appropriations Subcommittee on Agriculture, Environment, and General Government):**

The committee substitute:

- Clarifies that the insurance policies purchased by a livery must cover both the livery and renter;
- Allows for the FWC to accept a P.O. Box address instead of a physical residential or business address for live-aboard vessel registration applications in certain cases; and
- Clarifies the clerk of the court shall remit all fines assessed and collected to the Department of Revenue to be deposited into the Marine Resources Conservation Trust Fund.

**B. Amendments:**

None.