

By the Committee on Rules; and Senator DiCeglie

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1 A bill to be entitled
2 An act relating to vessels; amending s. 327.46, F.S.;
3 authorizing counties and municipalities to establish
4 slow speed, minimum wake boating-restricted areas
5 within a specified distance from certain sewage
6 pumpout facilities at public or private nonresidential
7 marinas within certain portions of the Florida
8 Intracoastal Waterway; amending s. 403.813, F.S.;
9 removing a provision authorizing local governments to
10 require permitting for certain floating vessel
11 platforms; revising conditions under which local
12 governments may require one-time registrations of
13 floating vessel platforms; making technical changes;
14 reenacting s. 327.41(2), F.S., relating to uniform
15 waterway regulatory markers, to incorporate the
16 amendment made to s. 327.46, F.S., in references
17 thereto; providing an effective date.

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

20
21 Section 1. Paragraph (b) of subsection (1) of section
22 327.46, Florida Statutes, is amended to read:

23 327.46 Boating-restricted areas.—

24 (1) Boating-restricted areas, including, but not limited
25 to, restrictions of vessel speeds and vessel traffic, may be
26 established on the waters of this state for any purpose
27 necessary to protect the safety of the public if such
28 restrictions are necessary based on boating accidents,
29 visibility, hazardous currents or water levels, vessel traffic

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30 congestion, or other navigational hazards or to protect
31 seagrasses on privately owned submerged lands.

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

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

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

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

52 c. Inside or within 300 feet of any lock structure.

53 2. An ordinance establishing a slow speed, minimum wake
54 boating-restricted area if the area is:

55 a. Within 300 feet of any bridge fender system.

56 b. Within 300 feet of any bridge span presenting a vertical
57 clearance of less than 25 feet or a horizontal clearance of less
58 than 100 feet.

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59 c. On a creek, stream, canal, or similar linear waterway if
60 the waterway is less than 75 feet in width from shoreline to
61 shoreline.

62 d. On a lake or pond of less than 10 acres in total surface
63 area.

64 e. Within the boundaries of a permitted public mooring
65 field and a buffer around the mooring field of up to 100 feet.

66 f. Within 500 feet of a sewage pumpout facility at a public
67 or private nonresidential marina on a waterway where the sewage
68 pumpout facility is within 100 feet of the marked portion of the
69 Florida Intracoastal Waterway.

70 3. An ordinance establishing a vessel-exclusion zone if the
71 area is:

72 a. Designated as a public bathing beach or swim area,
73 except that such areas may not be created on waters that include
74 any portion of the Florida Intracoastal Waterway or that are
75 within 100 feet of the marked channel of the Florida
76 Intracoastal Waterway.

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

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

84 Section 2. Paragraph (s) of subsection (1) of section
85 403.813, Florida Statutes, is amended to read:

86 403.813 Permits issued at district centers; exceptions.—

87 (1) A permit is not required under this chapter, chapter

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

101 (s) The construction, installation, operation, or
102 maintenance of floating vessel platforms or floating boat
103 lifts, ~~provided that such structures:~~

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

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

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

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117 structure;

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

123 ~~d.4. Be~~ Are constructed and used so as to minimize adverse
 124 impacts to submerged lands, wetlands, shellfish areas, aquatic
 125 plant and animal species, and other biological communities,
 126 including locating such structures in areas where seagrasses are
 127 least dense adjacent to the dock or bulkhead; and

128 ~~e.5. Are~~ Not be constructed in areas specifically
 129 prohibited for boat mooring under conditions of a permit issued
 130 in accordance with ss. 403.91-403.929, 1984 Supplement to the
 131 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 132 other form of authorization issued by a local government.

133 2. The owner of a structure ~~Structures~~ that qualifies
 134 ~~qualify~~ for an ~~this~~ exemption under this paragraph is not
 135 required ~~are relieved from any requirement~~ to obtain permission
 136 to use or occupy lands owned by the Board of Trustees of the
 137 Internal Improvement Trust Fund, and, with the exception of
 138 those structures attached to a bulkhead on a parcel of land
 139 where there is no docking structure, the structure may not be
 140 subject to any more stringent permitting requirements,
 141 registration requirements, or other regulation by any local
 142 government. For a floating vessel platform to be attached to a
 143 bulkhead on a parcel of land where there is no docking
 144 structure, a local government ~~governments~~ may require the
 145 platform owner to obtain a permit ~~either permitting~~ or one-time

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

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

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175 local government ~~governments~~ may not impose a more stringent
176 regulation, permitting requirement, registration requirement, or
177 other regulation covered by such general permit. A local
178 government ~~governments~~ may require a structure owner to obtain
179 either a permit ~~permitting~~ or one-time registration of floating
180 vessel platforms as necessary to ensure compliance with the
181 general permit in this section; to ensure compliance with local
182 ordinances, codes, or regulations relating to building or zoning
183 that are no more stringent than the general permit in this
184 section; and to ensure proper installation and maintenance of a
185 floating vessel platform or floating boat lift that is proposed
186 to be attached to a bulkhead or parcel of land where there is no
187 other docking structure.

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

192 327.41 Uniform waterway regulatory markers.—

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

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