

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.)

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

BILL: SB 1314

INTRODUCER: Senator Wright

SUBJECT: Boating-restricted Areas

DATE: March 17, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Favorable
2.			CA	
3.			RC	

I. Summary:

SB 1314 allows local governments to establish by ordinance no wake boating-restricted areas within 500 feet of any private or public marina pumpout.

II. Present Situation:

Boating-Restricted Areas

Boating-restricted areas, which may restrict the speed and operation of vessels, may be established on the waters of the state for any purpose necessary to protect the safety of the public, taking into account boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards, as well as seagrass protection on privately-owned submerged lands.¹

Local governments have the authority to establish certain boating-restricted areas by ordinance, including within the portion of the Florida Intracoastal Waterway within their jurisdiction.²

These areas include:

- Idle-speed, no wake boating-restricted areas, if the area is:
 - Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width;
 - Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width;
 - Within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width; or

¹ Section 327.46(1), F.S.

² Section 327.46(1), F.S. Apart from this authorization, local governments are generally prohibited from regulating any vessel upon the Florida Intracoastal Waterway. Section 327.60(2)(c), F.S.

- Inside or within 300 feet of any lock structure;
- Slow speed, minimum wake boating-restricted areas if the area is:
 - Within 300 feet of any bridge fender system;
 - Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet;
 - On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline or shoreline;
 - On a lake or pond of less than 10 acres in total surface area; or
 - Within the boundaries of a permitted public mooring field and a buffer around the mooring field of up to 100 feet; and
- Vessel-exclusion zones if the area is:
 - Designated as a public bathing beach or swim area, except that such areas may not be created on waters that include any portion of the Florida Intracoastal Waterway or that are within 100 feet of the marked channel of the Florida Intracoastal Waterway; or
 - Within 300 feet of a dam, spillway, or flood control structure.³

Local governments also have the authority to establish by ordinance the following other boating-restricted areas:

- An idle speed, no wake boating-restricted area, if the area is within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway;
- A slow speed, minimum wake, or numerical speed limit boating-restricted area if the area is:
 - Within 300 feet of a confluence of waterbodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway;
 - Subject to unsafe levels of vessel traffic congestion;
 - Subject to hazardous water levels or currents, or containing other navigational hazards; or
 - An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a significant risk of collision or a significant threat to boating safety; and
- A vessel-exclusion zone if the area is reserved exclusively:
 - As a canoe trail or otherwise limited to vessels under oars or under sail; or
 - For a particular activity and user group separation must be imposed to protect the safety of the participants.⁴

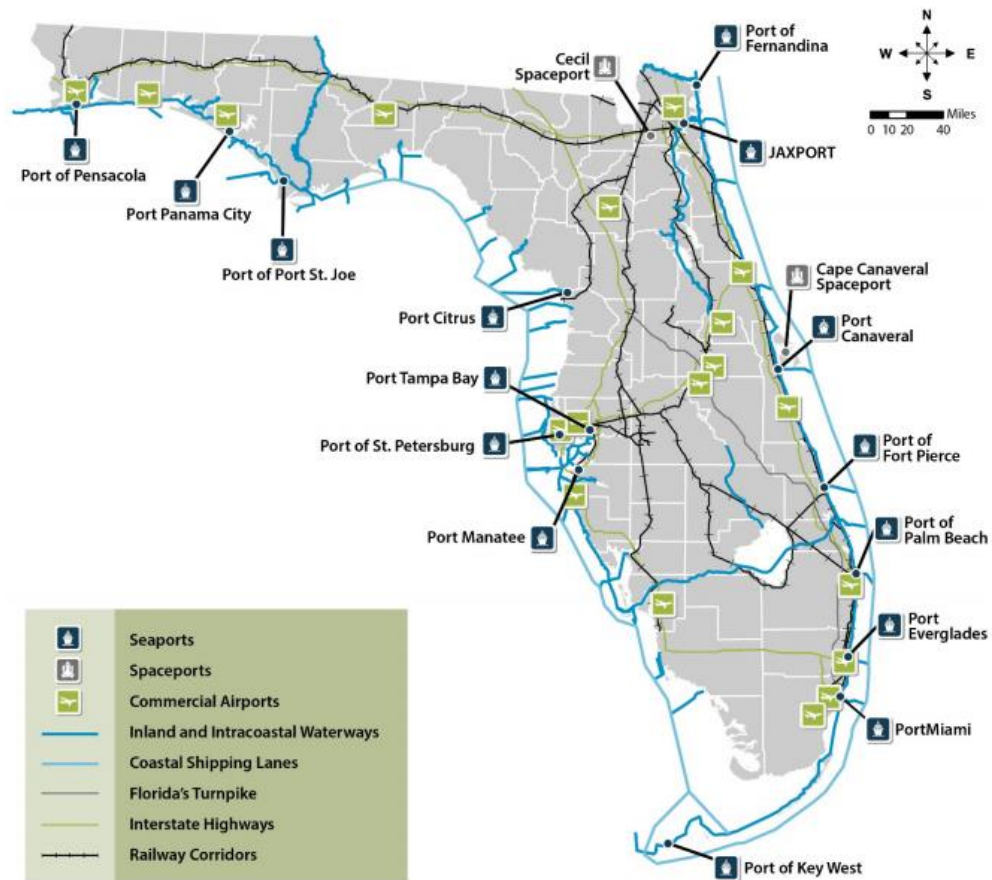
Florida Intracoastal Waterway

The Florida Intracoastal Waterway consists of the following waterways: the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway, Stuart to Fort Myers; the St. Johns River, Jacksonville to Sanford; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; Carrabelle to Anclote open bay section, using the Gulf of

³ *Id.*

⁴ *Id.*

Mexico; the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and the Apalachicola, Chattahoochee, and Flint rivers in Florida.⁵ The map below shows the Florida Intracoastal Waterway.⁶



Marina Pumpout

Florida law prohibits the discharge of raw sewage from any vessel or any floating structure in Florida waters.⁷ An operator of any vessel which is plumbed so that a toilet may be flushed into the water or so that a holding tank may be emptied into the water must take certain measures to prevent direct discharge of sewage while the vessel is on waters of the state.⁸ All waste from

⁵ Section 327.02(15), F.S.

⁶ Florida Department of Transportation, *Florida Waterways System Plan*, Figure 1-2 on p. 1-12 (2015), available at https://www.fdot.gov/docs/default-source/seaport/pdfs/2015-Florida-Waterways-System-Plan_Final.pdf (last visited Mar. 15, 2023).

⁷ Section 327.53(4), F.S.

⁸ *Id.*

Type III marine sanitation devices⁹ must be disposed of in an approved sewage pump-out facility.¹⁰ A violation of the marine sanitation laws is a noncriminal infraction.¹¹

III. Effect of Proposed Changes:

Section 1 amends s. 327.46, F.S., adds areas within 500 feet of any private or public marina pumpout to the list of slow speed, minimum wake boating-restricted areas that municipalities and counties may establish by ordinance, including within the portion of the Florida Intracoastal Waterway within their jurisdiction.

Section 2 reenacts s. 327.41(2), F.S., for the purpose of incorporating the amendment made by this bill to the law governing boating restricted areas in a reference thereto.

Section 3 provides an effective date of July 1, 2023.

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.

⁹ Type III marine sanitation devices are typically a holding tank where sewage is stored until it can be discharged shore-side or at sea (beyond three miles from shore). U.S. Environmental Protection Agency, *Marine Sanitation Devices (MSDs)*, <https://www.epa.gov/vessels-marinas-and-ports/marine-sanitation-devices-msds> (last visited Mar. 15, 2023).

¹⁰ Section 327.53(4), F.S.

¹¹ Section 327.53(6)(a), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 327.46 of the Florida Statutes.

This bill reenacts section 327.41(2) 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.