

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [HB 1001](#)

TITLE: Vessels

SPONSOR(S): Griffiths

COMPANION BILL: [CS/SB 1388](#) (Trumbull)

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 104 Y's

7 N's

GOVERNOR'S ACTION:

Pending

SUMMARY

Effect of the Bill:

The bill makes several changes related to vessels and the enforcement of boating laws. Specifically, the bill:

- Prohibits a law enforcement officer from boarding a vessel or performing a vessel stop unless the officer has probable cause, and specifies that "probable cause" does not include any action to make a safety or marine sanitation equipment inspection.
- Creates a "Florida Freedom Boater" safety inspection decal.
- Prohibits a state agency, government entity, county, or municipality from restricting the use or sale of a watercraft based on the energy source used to power the watercraft.
- Revises the circumstances under which the Fish and Wildlife Conservation Commission (FWC) may establish springs protection zones.
- Prohibits FWC from issuing a fishing license to a commercial fishing vessel owned by any alien power.

Fiscal or Economic Impact:

The bill may have an indeterminate negative fiscal impact on FWC and the Department of Highway Safety and Motor Vehicles associated with creating the safety inspection decal and an indeterminate negative fiscal impact on county tax collectors associated with issuing and renewing the decals.

JUMP TO

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

ANALYSIS

EFFECT OF THE BILL:

HB 1001 passed as [CS/SB 1388](#).

Vessel Inspections

The bill prohibits a law enforcement officer from boarding a vessel or performing a vessel stop unless the officer has [probable cause](#) that a violation of a vessel safety law has occurred or is occurring. The bill also prohibits a law enforcement officer from performing a vessel stop or boarding a vessel for the sole purpose of conducting a safety or marine sanitation equipment inspection. The bill specifies that a violation of safety or marine sanitation equipment requirements may only be considered a secondary offense¹ rather than a primary offense. (Section 2)

Vessel Safety Inspection Decal

The bill requires the Fish and Wildlife Conservation Commission (FWC), in coordination with the Department of Highway Safety and Motor Vehicles, to create a "Florida Freedom Boater" safety inspection decal. The decal must be issued at the time of registration or renewal to signify that a vessel is deemed to have met safety equipment carriage and use requirements. The decal may not be valid for less than one year or more than five years at the time of issuance. (Section 3)

¹ A secondary offense is an offense for which the offender must have violated another law or rule in order to be cited or convicted.

Regulation of Watercrafts Based on Energy Source

The bill prohibits a state agency, government entity, county, or municipality from restricting the use or sale of a watercraft based on the energy source used to power the watercraft, including an energy source used for either propulsion or powering other functions. (Section 4)

Protection Zones for Springs

The bill revises the circumstances under which FWC may establish springs protection zones to specify that such zones may be established to prevent significant harm where the operation, anchoring, mooring, beaching, or grounding of vessels is determined to be the predominant cause of negative impacts.² The bill also revises FWC's authority with respect to regulating vessels within springs protection zones to specify that FWC may prohibit or modify the allowable means of anchoring, mooring, beaching, or grounding vessels rather than only prohibiting such activities. (Section 1)

Commercial Fishing Licenses

The bill prohibits FWC from issuing a fishing license to a commercial fishing vessel owned by any alien power. (Section 5)

Effective Date

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2025. (Section 6)

RULEMAKING:

The bill authorizes FWC to designate by rule the timeframe for the expiration of, and the specific design for, the "Florida Freedom Boater" safety inspection decal. The bill also revises FWC's authority to establish springs protection zones by rule by specifying that such zones may be established to prevent significant harm to springs.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate negative fiscal impact on FWC and the Department of Highway Safety and Motor Vehicles associated with creating the "Florida Freedom Boater" safety inspection decal.

LOCAL GOVERNMENT:

The bill may have an indeterminate negative fiscal impact on county tax collectors associated with issuing safety inspection decals at the time of vessel registration or renewal.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Water-based Law Enforcement

² The bill defines "significant harm" as negative impacts to water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent species where the operation, anchoring, mooring, beaching, or grounding of vessels is determined to be the predominant cause of these negative impacts.

The Fish and Wildlife Conservation Commission (FWC) was created by Art. IV, s. 9 of the Florida Constitution and is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources. FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Senate.³ Pursuant to its constitutional authority, FWC exercises the regulatory and executive powers of the state with respect to wild animal life, freshwater aquatic life, and marine life.

FWC is also the agency responsible for regulating boating safety in the state. Through its Division of Law Enforcement, FWC manages the state's waterways to ensure boating safety for residents and visitors to the state.⁴ This responsibility includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public water and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.⁵

Along with FWC, the sheriffs of the various counties and their deputies, municipal police officers, and any other law enforcement officers⁶ are empowered to order the removal of vessels deemed to be an interference or a hazard to public safety, enforce boating safety laws, and conduct certain vessel inspections.⁷

Probable Cause

The United States Supreme Court has recognized that warrantless searches of vehicles are distinct from those of a home or office.⁸ This ruling, traditionally applied to automobiles, has been extended to boats.⁹ This exception allows warrantless searches under two grounds: (1) reasonable suspicion that the vehicle occupants are dangerous and (2) those based on probable cause. Presently, in Florida, "probable cause" is defined as

...a practical, common-sense question. It is the probability of criminal activity, and not prima facie showing of such activity...The determination of probable cause involves factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act.¹⁰

Furthermore, Florida's courts have ruled there is a lesser standard of "probable cause"¹¹ for criminal cases when an officer is dealing with a vessel.¹² This is because searches are in the state's interest for the purposes of maritime safety and regulating fishing in the state's waters.¹³

Vessel Inspections

Current law prohibits law enforcement officers from boarding any vessel to make a safety or marine sanitation equipment inspection if the owner or operator is not aboard the vessel. When the owner or operator is aboard, the officer may board the vessel when the officer has probable cause or knowledge to believe that a boating law violation has occurred or is occurring. An officer may board a vessel when the operator refuses or is unable to display the safety or marine sanitation equipment required by law, if requested to do so by an officer, or when the safety or marine sanitation equipment to be inspected is permanently installed and is not visible for inspection unless the officer boards the vessel.¹⁴

³ Article [IV, s. 9, Fla. Const.](#)

⁴ FWC, Boating, <https://myfwc.com/boating/> (last visited Feb. 26, 2025).

⁵ FWC, Law Enforcement, <https://myfwc.com/about/inside-fwcl/> (last visited Feb. 26, 2025). See ss. [327.70\(1\)](#) and [327.70\(4\), F.S.](#)

⁶ Section [943.10, F.S.](#)

⁷ Section [327.70\(1\), F.S.](#)

⁸ *Cardwell v. Lewis*, 417 U.S. 583 (1974).

⁹ *U.S. v. Lauchli*, 724 F.2d 1279, 1282 (7th Cir. 1984).

¹⁰ *State v. Rodriguez Lopez*, 378 So. 3d 691, 697 (Fla. 2d DCA 2024) (citing *Polk v. Williams*, 565 So. 2d 1387, 1390 (Fla. 5th DCA 1990)).

¹¹ *Sherman v. State*, 419 So. 2d 375, 377 (Fla. 1st DCA 1982).

¹² See generally *Sherman*, 419 So. 2d 375.

¹³ See generally *State v. Casal*, 410 So. 2d 152 (Fla. 1982).

¹⁴ Section [327.56\(1\), F.S.](#)

Vessel Safety Inspection Decal

Presently, FWC creates and issues a new vessel safety decal annually.¹⁵ The decal is valid from the date of issuance until December 31 of that year.¹⁶ The decal is only issued after an officer-initiated inspection that determines that the vessel has met safety equipment carriage¹⁷ and use requirements. If a vessel properly displays the decal, a law enforcement officer may not stop the vessel for the sole purpose of inspecting the vessel's safety equipment. However, a law enforcement officer may stop a vessel if the officer has reasonable suspicion that a violation of a safety equipment carriage or use requirement has occurred or is occurring.¹⁸

Protection Zones for Springs

FWC is authorized to establish protection zones that restrict the speed and operation of vessels to protect and prevent harm to springs, including negative impacts to water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent species.¹⁹ To develop a springs protection zone, FWC consults and coordinates with the appropriate water management district, the Department of Environmental Protection, and the county and municipality, if applicable, where the zone is located.²⁰ The restrictions in a springs protection zone do not apply to certain law enforcement, firefighting, or rescue personnel operating a vessel in the course of performing their official duties or in emergency situations.²¹

¹⁵ Rule [68D-17.001, F.A.C.](#)

¹⁶ Rule [68D-17.001, F.A.C.](#)

¹⁷ FWC, *Equipment*, <https://myfwc.com/boating/safety-education/equipment/> (last visited Mar. 8, 2025).

¹⁸ Section [327.70, F.S.](#)

¹⁹ Section [327.45\(2\), F.S.](#)

²⁰ Section [327.45\(3\), F.S.](#) If the zone includes navigable waters of the United States, FWC is required to coordinate with the United States Coast Guard and the United States Army Corps of Engineers.

²¹ Section [327.45\(5\), F.S.](#)