

By Senator Trumbull

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1 A bill to be entitled
2 An act relating to vessels; providing a short title;
3 amending s. 327.02, F.S.; providing that the term
4 "probable cause" does not include specified actions
5 relating to safety or marine sanitation equipment
6 inspections; amending s. 253.0346, F.S.; including
7 Clean Marine Manufacturers within the Clean Marine
8 Program; amending s. 327.47, F.S.; authorizing certain
9 grants to be awarded for the construction and
10 maintenance of publicly owned parking for boat-hauling
11 vehicles and trailers; amending s. 327.56, F.S.;
12 prohibiting certain officers from performing a vessel
13 stop or boarding a vessel without probable cause or
14 specified knowledge; requiring such officers to make
15 good faith attempts to not board vessels without the
16 owner or operator on board; providing that violations
17 of safety and marine sanitation equipment requirements
18 are considered secondary offenses; removing provisions
19 authorizing certain officers to board a vessel under
20 certain circumstances; removing provisions relating to
21 the inspection of floating structures; amending s.
22 327.70, F.S.; requiring the Florida Fish and Wildlife
23 Commission, in coordination with the Department of
24 Highway Safety and Motor Vehicles, to create the
25 "Florida Freedom Boater" safety inspection decal for
26 specified purposes; providing for the award of such
27 decal; providing requirements for such decal; creating
28 s. 327.75, F.S.; providing a short title; providing
29 definitions; prohibiting specified entities from

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30 restricting the use or sale of watercrafts based on
31 the energy source used by such watercrafts; providing
32 severability; providing an effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

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36 Section 1. This act may be cited as the "Boater Freedom
37 Act."

38 Section 2. Subsections (39) through (48) of section 327.02,
39 Florida Statutes, are renumbered as subsections (40) through
40 (49), respectively, and a new subsection (39) is added to that
41 section, to read:

42 327.02 Definitions.—As used in this chapter and in chapter
43 328, unless the context clearly requires a different meaning,
44 the term:

45 (39) "Probable cause" does not include any action to make a
46 safety or marine sanitation equipment inspection.

47 Section 3. Subsection (3) of section 253.0346, Florida
48 Statutes, is amended to read:

49 253.0346 Lease of sovereignty submerged lands for marinas,
50 boatyards, mooring fields, and marine retailers.—

51 (3) For a facility designated by the department as a Clean
52 Marina, Clean Boatyard, Clean Marine Manufacturer, or Clean
53 Marine Retailer under the Clean Marina Program:

54 (a) A discount of 10 percent on the annual lease fee shall
55 apply if the facility:

- 56 1. Actively maintains designation under the program.
- 57 2. Complies with the terms of the lease.
- 58 3. Does not change use during the term of the lease.

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59 (b) Extended-term lease surcharges shall be waived if the
60 facility:

- 61 1. Actively maintains designation under the program.
- 62 2. Complies with the terms of the lease.
- 63 3. Does not change use during the term of the lease.
- 64 4. Is available to the public on a first-come, first-served
65 basis.

66 (c) If the facility is in arrears on lease fees or fails to
67 comply with paragraph (b), the facility is not eligible for the
68 discount or waiver under this subsection until arrears have been
69 paid and compliance with the program has been met.

70 Section 4. Section 327.47, Florida Statutes, is amended to
71 read:

72 327.47 Competitive grant programs.—The commission shall
73 develop and administer competitive grant programs funded with
74 moneys transferred pursuant to s. 206.606(1)(d). Grants may be
75 awarded for the construction and maintenance of publicly owned
76 boat ramps, parking for boat-hauling vehicles and trailers,
77 piers, and docks; boater education; deployment of manatee
78 technical avoidance technology; and economic development
79 initiatives that promote boating in the state. The commission
80 may adopt rules pursuant to chapter 120 to implement this
81 section.

82 Section 5. Section 327.56, Florida Statutes, is amended to
83 read:

84 327.56 Safety and marine sanitation equipment inspections;
85 probable cause; qualified.—

86 (1) An ~~No~~ officer may not ~~shall~~ board any vessel or perform
87 a vessel stop in this state unless the officer has probable

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88 cause or knowledge to believe that a violation of this chapter
89 has occurred or is occurring. An officer shall ~~to~~ make a good
90 faith attempt to not board a vessel ~~safety or marine sanitation~~
91 equipment inspection if the owner or operator is not aboard.

92 (2) When the owner or operator is aboard, an officer may
93 board a vessel with consent or when the officer has probable
94 cause or knowledge to believe that a violation of ~~a provision of~~
95 this chapter has occurred or is occurring.

96 (3) A violation of safety and marine sanitation equipment
97 requirements may only be considered a secondary offense, rather
98 than a primary offense ~~An officer may board a vessel when the~~
99 ~~operator refuses or is unable to display the safety or marine~~
100 ~~sanitation equipment required by law, if requested to do so by a~~
101 ~~law enforcement officer, or when the safety or marine sanitation~~
102 ~~equipment to be inspected is permanently installed and is not~~
103 ~~visible for inspection unless the officer boards the vessel.~~

104 ~~(2)~~ ~~Inspection of floating structures for compliance with~~
105 ~~this section shall be as provided in s. 403.091.~~

106 Section 6. Subsection (2) of section 327.70, Florida
107 Statutes, is amended to read:

108 327.70 Enforcement of this chapter and chapter 328.—

109 (2) (a) 1. The commission, in coordination with the
110 Department of Highway Safety and Motor Vehicles, shall create a
111 “Florida Freedom Boater” safety inspection decal for issue at
112 the time of registration or renewal signifying that the vessel
113 is deemed to have met the safety equipment carriage and use
114 requirements of this chapter. Upon demonstrated compliance with
115 the safety equipment carriage and use requirements of this
116 chapter at the time of registration or renewal ~~during a safety~~

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117 ~~inspection initiated by a law enforcement officer, the operator~~
118 of a vessel shall be issued a "Florida Freedom Boater" safety
119 inspection decal signifying that the vessel is deemed to have
120 met the safety equipment carriage and use requirements of this
121 chapter ~~at the time and location of such inspection~~. The
122 commission may designate by rule the timeframe for expiration
123 of, and the specific design for, the "Florida Freedom Boater"
124 safety inspection decal. However, a decal may not be valid for
125 less than 1 calendar year or more than 5 years at the time of
126 issue and, at a minimum, must meet the standards specified in
127 this paragraph. ~~All decals issued by the commission on or before~~
128 ~~December 31, 2018, are no longer valid after that date.~~

129 2. The "Florida Freedom Boater" safety inspection decal, ~~if~~
130 ~~displayed~~, must be located within 6 inches of the inspected
131 vessel's properly displayed vessel registration decal. For
132 nonmotorized vessels that are not required to be registered, the
133 "Florida Freedom Boater" safety inspection decal, ~~if displayed~~,
134 must be located above the waterline on the forward half of the
135 port side of the vessel.

136 (b) ~~If a vessel properly displays a valid safety inspection~~
137 ~~decal created or approved by the division, a law enforcement~~
138 ~~officer may not stop the vessel for the sole purpose of~~
139 ~~inspecting the vessel for compliance with the safety equipment~~
140 ~~carriage and use requirements of this chapter unless there is~~
141 ~~reasonable suspicion that a violation of a safety equipment~~
142 ~~carriage or use requirement has occurred or is occurring. This~~
143 subsection does not restrict a law enforcement officer from
144 stopping a vessel for any other lawful purpose when the officer
145 has probable cause or knowledge to believe that a violation has

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146 occurred or is occurring.

147 Section 7. Section 327.75, Florida Statutes, is created to
148 read:

149 327.75 Watercraft Energy Source Freedom.—

150 (1) SHORT TITLE.—This section may be cited as the
151 “Watercraft Energy Source Freedom Act.”

152 (2) DEFINITIONS.—For the purposes of this section, the
153 term:

154 (a) “Energy source” means any source of energy used to
155 power a watercraft, including, but not limited to, gasoline,
156 diesel fuel, electricity, hydrogen, and solar power.

157 (b) “Watercraft” means any vessel or craft designed for
158 navigation on water, including boats and personal watercraft.

159 (3) PROHIBITION ON RESTRICTIONS BASED ON ENERGY SOURCE.—
160 Notwithstanding any other law to the contrary, a state agency,
161 municipality, government entity, or county may not restrict the
162 use or sale of a watercraft based on the energy source used to
163 power the watercraft, including an energy source used for
164 propulsion or used for powering other functions of the
165 watercraft.

166 Section 8. If any provision of this act or its application
167 to any person or circumstance is held invalid, the invalidity
168 shall not affect the remaining provisions or applications of
169 this act which can be given effect without the invalid provision
170 or application.

171 Section 9. This act shall take effect July 1, 2025.