

By the Appropriations Committee on Agriculture, Environment, and General Government; and Senator Trumbull

601-03465-25

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A bill to be entitled

An act relating to vessels; providing a short title; amending s. 253.0346, F.S.; including Clean Marine Manufacturers within the Clean Marine Program; amending s. 327.45, F.S.; specifying that the Fish and Wildlife Conservation Commission's authorization to establish protection zones includes modifying the allowable means of certain vessel positioning to prevent significant harm to certain springs; revising what constitutes significant harm; amending s. 327.47, F.S.; authorizing certain grants to be awarded for the construction and maintenance of publicly owned parking for boat-hauling vehicles and trailers; amending s. 327.56, F.S.; prohibiting an officer from performing a vessel stop or boarding a vessel without probable cause; prohibiting an officer from performing a vessel stop or boarding a vessel under certain circumstances; providing that a violation of safety or marine sanitation equipment requirements is a secondary rather than a primary offense; amending s. 327.70, F.S.; requiring the commission, in coordination with the Department of Highway Safety and Motor Vehicles, to create the "Florida Freedom Boater" safety inspection decal for specified purposes; providing for the award of such decal; providing requirements for such decal; authorizing an officer to stop a vessel for a lawful purpose when the officer has probable cause or knowledge to believe a violation of certain provisions has occurred or is occurring; creating s.

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327.75, F.S.; providing a short title; defining the terms "energy source" and "watercraft"; prohibiting specified entities from restricting the use or sale of watercraft based on the energy source used by such watercraft; amending s. 379.226, F.S.; revising provisions prohibiting the issuance of a license to a vessel owned by certain alien powers; providing an effective date.

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

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

Section 2. Subsection (3) of section 253.0346, Florida Statutes, is amended to read:

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

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

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

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

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

1. Actively maintains designation under the program.
2. Complies with the terms of the lease.

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59 3. Does not change use during the term of the lease.

60 4. Is available to the public on a first-come, first-served
61 basis.

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

66 Section 3. Subsection (2) of section 327.45, Florida
67 Statutes, is amended to read:

68 327.45 Protection zones for springs.—

69 (2) The commission may establish by rule protection zones
70 that restrict the speed and operation of vessels, or that
71 prohibit or modify the allowable means of anchoring, mooring,
72 beaching, or grounding ~~of~~ vessels, to protect and prevent
73 significant harm to first, second, and third magnitude springs
74 and springs groups, including their associated spring runs, as
75 determined by the commission using the most recent Florida
76 Geological Survey springs bulletin. Significant ~~This~~ harm
77 includes negative impacts to water quality, water quantity,
78 hydrology, wetlands, and aquatic and wetland-dependent species
79 where the operation, anchoring, mooring, beaching, or grounding
80 of vessels is determined to be the predominant cause of negative
81 impacts.

82 Section 4. Section 327.47, Florida Statutes, is amended to
83 read:

84 327.47 Competitive grant programs.—The commission shall
85 develop and administer competitive grant programs funded with
86 moneys transferred pursuant to s. 206.606(1)(d). Grants may be
87 awarded for the construction and maintenance of publicly owned

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88 boat ramps, parking for boat-hauling vehicles and trailers,
89 piers, and docks; boater education; deployment of manatee
90 technical avoidance technology; and economic development
91 initiatives that promote boating in the state. The commission
92 may adopt rules pursuant to chapter 120 to implement this
93 section.

94 Section 5. Section 327.56, Florida Statutes, is amended to
95 read:

96 327.56 Safety and marine sanitation equipment inspections;
97 probable cause; qualified.—

98 (1) An ~~No~~ officer may not ~~shall~~ board any vessel or perform
99 a vessel stop in this state unless ~~to make a safety or marine~~
100 ~~sanitation equipment inspection if the owner or operator is not~~
101 ~~aboard. When the owner or operator is aboard, an officer may~~
102 ~~board a vessel with consent or when the officer has probable~~
103 ~~cause or knowledge to believe that a violation of a provision of~~
104 ~~this chapter has occurred or is occurring.~~

105 (2) An officer may not perform a vessel stop or board a
106 vessel for the sole purpose of performing a safety or marine
107 sanitation equipment inspection. A violation of safety or marine
108 sanitation equipment requirements is a secondary offense, rather
109 than a primary offense ~~An officer may board a vessel when the~~
110 ~~operator refuses or is unable to display the safety or marine~~
111 ~~sanitation equipment required by law, if requested to do so by a~~
112 ~~law enforcement officer, or when the safety or marine sanitation~~
113 ~~equipment to be inspected is permanently installed and is not~~
114 ~~visible for inspection unless the officer boards the vessel.~~

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

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

119 327.70 Enforcement of this chapter and chapter 328.—

120 (2)(a)1. The commission, in coordination with the
121 Department of Highway Safety and Motor Vehicles, shall create a
122 "Florida Freedom Boater" safety inspection decal for issue at
123 the time of registration or renewal, signifying that the vessel
124 is deemed to have met the safety equipment carriage and use
125 requirements of this chapter. Upon demonstrated compliance with
126 the safety equipment carriage and use requirements of this
127 chapter at the time of registration or renewal ~~during a safety~~
128 ~~inspection initiated by a law enforcement officer,~~ the operator
129 of a vessel shall be issued a "Florida Freedom Boater" safety
130 inspection decal ~~signifying that the vessel is deemed to have~~
131 ~~met the safety equipment carriage and use requirements of this~~
132 ~~chapter at the time and location of such inspection.~~ The
133 commission may designate by rule the timeframe for expiration
134 of, and the specific design for, the "Florida Freedom Boater"
135 safety inspection decal. However, a decal may not be valid for
136 less than 1 calendar year or more than 5 years at the time of
137 issue and, at a minimum, must meet the standards specified in
138 this paragraph. ~~All decals issued by the commission on or before~~
139 ~~December 31, 2018, are no longer valid after that date.~~

140 2. The "Florida Freedom Boater" safety inspection decal, ~~if~~
141 ~~displayed,~~ must be located within 6 inches of the inspected
142 vessel's properly displayed vessel registration decal. For
143 nonmotorized vessels that are not required to be registered, the
144 "Florida Freedom Boater" safety inspection decal, ~~if displayed,~~
145 must be located above the waterline on the forward half of the

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port side of the vessel.

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

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

327.75 Watercraft Energy Source Freedom Act.—

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

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

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

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

(3) PROHIBITION ON RESTRICTIONS BASED ON ENERGY SOURCE.—Notwithstanding any other law to the contrary, a state agency, municipality, governmental entity, or county may not restrict the use or sale of a watercraft based on the energy source used to power the watercraft, including an energy source used for

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175 propulsion or used for powering other functions of the
176 watercraft.

177 Section 8. Subsection (3) of section 379.226, Florida
178 Statutes, is amended to read:

179 379.226 Florida Territorial Waters Act; alien-owned
180 commercial fishing vessels; prohibited acts; enforcement.—

181 (3) No license shall be issued by the Fish and Wildlife
182 Conservation Commission under s. 379.361~~7~~, to any vessel owned in
183 whole or in part by any alien power, ~~which subscribes to the~~
184 ~~doctrine of international communism, or any subject or national~~
185 ~~thereof, who subscribes to the doctrine of international~~
186 ~~communism, or any individual who subscribes to the doctrine of~~
187 ~~international communism, or who shall have signed a treaty of~~
188 ~~trade, friendship and alliance or a nonaggression pact with any~~
189 ~~communist power. The commission shall grant or withhold said~~
190 ~~licenses where other alien vessels are involved on the basis of~~
191 ~~reciprocity and retorsion, unless the nation concerned shall be~~
192 ~~designated as a friendly ally or neutral by a formal suggestion~~
193 ~~transmitted to the Governor of Florida by the Secretary of State~~
194 ~~of the United States. Upon the receipt of such suggestion~~
195 ~~licenses shall be granted under s. 379.361, without regard to~~
196 ~~reciprocity and retorsion, to vessels of such nations.~~

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