

1 A bill to be entitled
2 An act relating to local administration of vessel
3 restrictions; amending ss. 327.4107 and 327.4111,
4 F.S.; authorizing counties and municipalities to adopt
5 ordinances authorizing code enforcement officers to
6 administer the enforcement of certain provisions
7 relating to vessels at risk of becoming derelict and
8 long-term anchoring permit requirements, respectively;
9 providing that such ordinances may not take effect
10 until reviewed and approved by the Fish and Wildlife
11 Conservation Commission; requiring the commission to
12 adopt rules; amending s. 327.4108, F.S.; revising an
13 exemption from anchoring limitation area requirements
14 for certain vessels; amending s. 327.46, F.S.;
15 authorizing municipalities and counties to adopt
16 ordinances to extend boating-restricted areas under
17 certain conditions; requiring the boundaries of such
18 areas to be clearly marked with specified markers;
19 amending ss. 327.73 and 327.74, F.S.; conforming
20 provisions to changes made by the act; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 **Section 1. Subsections (5) and (6) of section 327.4107,**

26 **Florida Statutes, are renumbered as subsections (6) and (7),**
27 **respectively, and a new subsection (5) is added to that section**
28 **to read:**

29 327.4107 Vessels at risk of becoming derelict on waters of
30 this state.—

31 (5) (a) A county or municipality may authorize by ordinance
32 a code enforcement officer as defined in s. 162.21(1) to
33 administer this section relating to the identification, notice,
34 corrective action, relocation, removal, storage, destruction, or
35 disposal of public nuisance vessels and vessels at risk of
36 becoming derelict. However, such ordinance may not take effect
37 until it has been reviewed and approved by the commission. The
38 commission shall adopt rules to implement this subsection.

39 (b) Code enforcement officers authorized under this
40 subsection may issue a noncriminal infraction, punishable as
41 provided in s. 327.73, pursuant to the uniform boating citation
42 system under s. 327.74 for violations as specified in subsection
43 (2). Such citations are exempt from the requirements of s.
44 162.21(3) (c) and (d).

45 **Section 2. Subsections (5) through (9) of section**
46 **327.4111, Florida Statutes, are renumbered as subsections (6)**
47 **through (10), respectively, and a new subsection (5) is added to**
48 **that section to read:**

49 327.4111 Long-term anchoring.—

50 (5) (a) A county or municipality may authorize by ordinance

51 a code enforcement officer as defined in s. 162.21(1) to
52 administer this section relating to the enforcement of long-term
53 anchoring permit requirements within its jurisdiction. However,
54 such ordinance may not take effect until it has been reviewed
55 and approved by the commission. The commission shall adopt rules
56 to implement this subsection.

57 (b) Code enforcement officers authorized under this
58 subsection may issue a noncriminal infraction, punishable as
59 provided in s. 327.73, pursuant to the uniform boating citation
60 system under s. 327.74 for violations specified in subsection
61 (4). Such citations are exempt from the requirements of s.
62 162.21(3)(c) and (d).

63 **Section 3. Paragraph (d) of subsection (3) of section**
64 **327.4108, Florida Statutes, is amended to read:**

65 327.4108 Anchoring of vessels in anchoring limitation
66 areas.—

67 (3)

68 (d) A vessel upon the waters of this state and within
69 Monroe County for which the owner or occupant has established
70 the vessel as a domicile in accordance with s. 222.17 is exempt
71 from paragraph (a) until at least 60 ~~100~~ new moorings are
72 available for public use within 1 mile of the Key West Bight
73 City Dock. Until such time, the commission shall designate the
74 area within 1 mile of the Key West Bight City Dock as a priority
75 for the investigation and removal of derelict vessels.

76 **Section 4. Paragraph (c) of subsection (1) of section**
77 **327.46, Florida Statutes, is amended to read:**

78 327.46 Boating-restricted areas.—

79 (1) Boating-restricted areas, including, but not limited
80 to, restrictions of vessel speeds and vessel traffic, may be
81 established on the waters of this state for any purpose
82 necessary to protect the safety of the public if such
83 restrictions are necessary based on boating accidents,
84 visibility, hazardous currents or water levels, vessel traffic
85 congestion, or other navigational hazards or to protect
86 seagrasses on privately owned submerged lands.

87 (c) Municipalities and counties may adopt ~~have the~~
88 ~~authority to establish by ordinance~~ the following ordinances for
89 ~~other~~ boating-restricted areas:

90 1. An ordinance regulating vessel speed and operation
91 within 300 feet of a confluence of water bodies presenting a
92 blind corner, up to a distance of 1,000 feet if such extended
93 area is necessary to ensure safe navigation and visibility for
94 approaching vessels. The boundaries of such areas must be
95 clearly marked by uniform waterway regulatory markers consistent
96 with commission rules.

97 2.1. ~~An ordinance~~ establishing an idle speed, no wake
98 boating-restricted area, if the area is within 300 feet of a
99 confluence of water bodies presenting a blind corner, a bend in
100 a narrow channel or fairway, or such other area if an

101 intervening obstruction to visibility may obscure other vessels
102 or other users of the waterway.

103 ~~3.2.~~ An ordinance establishing a slow speed, minimum wake,
104 or numerical speed limit boating-restricted area if the area is:

105 a. Within 300 feet of a confluence of water bodies
106 presenting a blind corner, a bend in a narrow channel or
107 fairway, or such other area if an intervening obstruction to
108 visibility may obscure other vessels or other users of the
109 waterway.

110 b. Subject to unsafe levels of vessel traffic congestion.

111 c. Subject to hazardous water levels or currents, or
112 containing other navigational hazards.

113 d. An area that accident reports, uniform boating
114 citations, vessel traffic studies, or other creditable data
115 demonstrate to present a significant risk of collision or a
116 significant threat to boating safety.

117 ~~4.3.~~ An ordinance establishing a vessel-exclusion zone if
118 the area is reserved exclusively:

119 a. As a canoe trail or otherwise limited to vessels under
120 oars or under sail.

121 b. For a particular activity and user group separation
122 must be imposed to protect the safety of those participating in
123 such activity.

124
125 Any of the ordinances adopted pursuant to this paragraph may

~~shall~~ not take effect until the commission has reviewed the ordinance and determined by substantial competent evidence that the ordinance is necessary to protect public safety pursuant to this paragraph. Any application for approval of an ordinance shall be reviewed and acted upon within 90 days after receipt of a completed application. Within 30 days after a municipality or county submits an application for approval to the commission, the commission shall advise the municipality or county as to what information, if any, is needed to deem the application complete. An application shall be considered complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. The commission's action on the application shall be subject to review under chapter 120. The commission shall initiate rulemaking no later than January 1, 2010, to provide criteria and procedures for reviewing applications and procedures for providing for public notice and participation pursuant to this paragraph.

Section 5. Paragraph (aa) of subsection (1) of section 327.73, Florida Statutes, is amended to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(aa) Section 327.4107, relating to vessels at risk of becoming derelict on waters of this state, for which the civil

penalty is:

1. For a first offense, \$100.

2. For a second offense occurring 30 days or more after a first offense, \$250.

3. For a third or subsequent offense occurring 30 days or more after a previous offense, \$500.

A vessel that is the subject of three or more violations of s. 327.4107(2) which occur within a 24-month period and which result in dispositions other than acquittal or dismissal must be declared a public nuisance and subject to ss. 705.103(2) and (4) and 823.11(3). For purposes of this paragraph, failure to appear at a hearing or failure to pay the civil penalty constitutes a disposition other than acquittal or dismissal unless such failure to appear or such nonpayment is excused or set aside by the court for good cause shown. The commission, an officer of the commission, ~~or~~ a law enforcement agency or officer specified in s. 327.70, or a code enforcement officer authorized under s. 327.4107(5) or s. 327.4111(5) may relocate, remove, or cause to be relocated or removed such public nuisance vessels from waters of this state. The commission, an officer of the commission, or a law enforcement agency or officer acting pursuant to this paragraph upon waters of this state shall be held harmless for all damages to the vessel resulting from such relocation or removal unless the damage results from gross negligence or

willful misconduct as these terms are defined in s. 823.11.

A person cited for a violation of this subsection is deemed to be charged with a noncriminal infraction, must be cited for such an infraction, and must be cited to appear before the county court. The civil penalty for any such infraction is \$100, except as otherwise provided in this section. A person who fails to appear or otherwise properly respond to a uniform boating citation, in addition to the charge relating to the violation of the boating laws of this state, must be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect must be provided at the time such uniform boating citation is issued.

Section 6. Subsections (1), (3), and (4) of section 327.74, Florida Statutes, are amended to read:

327.74 Uniform boating citations.—

(1) The commission shall prepare, and supply to every law enforcement agency and code enforcement officer authorized under s. 327.4107(5) or s. 327.4111(5) in this state that enforce ~~which enforces~~ the laws of this state regulating the operation of vessels, an appropriate form boating citation containing a notice to appear, ~~(which must shall~~ be issued in prenumbered books with citations in quintuplicate) and meet ~~meeting~~ the

201 requirements of this chapter or any laws of this state
202 regulating boating. ~~The, which~~ form must ~~shall~~ be consistent
203 with the state's county court rules and the procedures
204 established by the commission.

205 (3) Every law enforcement officer and code enforcement
206 officer authorized under s. 327.4107(5) or s. 327.4111(5), upon
207 issuing a boating citation to an alleged violator of any
208 provision of the boating laws of this state or any boating
209 ordinance of any municipality, shall deposit the original and
210 one copy of such boating citation with a court having
211 jurisdiction over the alleged offense or with its traffic
212 violations bureau within 5 days after issuance to the violator.

213 (4) The chief administrative officer of every law
214 enforcement agency and code enforcement office authorized under
215 s. 327.4107(5) or s. 327.4111(5) shall require that ~~the return~~
216 ~~to him or her of~~ the commission record copy of every boating
217 citation issued by an officer under his or her supervision to an
218 alleged violator of any boating law or ordinance be returned to
219 him or her, as well as ~~and~~ all copies of every boating citation
220 that ~~which~~ has been spoiled or upon which any entry has been
221 made and not issued to an alleged violator.

222 **Section 7.** This act shall take effect July 1, 2026.