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CS/CS/HB 1103

2026 Legislature

1
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,

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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

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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.

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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

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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

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

144 Section 5. Paragraph (aa) of subsection (1) of section
 145 327.73, Florida Statutes, is amended to read:

146 327.73 Noncriminal infractions.—

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

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

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151 penalty is:

152 1. For a first offense, \$100.

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

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

157

158 A vessel that is the subject of three or more violations of s.
159 327.4107(2) which occur within a 24-month period and which
160 result in dispositions other than acquittal or dismissal must be
161 declared a public nuisance and subject to ss. 705.103(2) and (4)
162 and 823.11(3). For purposes of this paragraph, failure to appear
163 at a hearing or failure to pay the civil penalty constitutes a
164 disposition other than acquittal or dismissal unless such
165 failure to appear or such nonpayment is excused or set aside by
166 the court for good cause shown. The commission, an officer of
167 the commission, ~~or~~ a law enforcement agency or officer specified
168 in s. 327.70, or a code enforcement officer authorized under s.
169 327.4107(5) or s. 327.4111(5) may relocate, remove, or cause to
170 be relocated or removed such public nuisance vessels from waters
171 of this state. The commission, an officer of the commission, or
172 a law enforcement agency or officer acting pursuant to this
173 paragraph upon waters of this state shall be held harmless for
174 all damages to the vessel resulting from such relocation or
175 removal unless the damage results from gross negligence or

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

177

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

191 Section 6. Subsections (1), (3), and (4) of section
 192 327.74, Florida Statutes, are amended to read:

193 327.74 Uniform boating citations.—

194 (1) The commission shall prepare~~7~~ and supply to every law
 195 enforcement agency and code enforcement officer authorized under
 196 s. 327.4107(5) or s. 327.4111(5) in this state that enforce
 197 ~~which enforces~~ the laws of this state regulating the operation
 198 of vessels, an appropriate form boating citation containing a
 199 notice to appear, ~~(which must shall~~ be issued in prenumbered
 200 books with citations in quintuplicate~~)~~ and meet ~~meeting~~ the

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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.