

1 A bill to be entitled
 2 An act relating to vessel regulations; amending s.
 3 327.46, F.S.; authorizing counties and municipalities
 4 to establish within certain portions of the Florida
 5 Intracoastal Waterway slow speed, minimum wake
 6 boating-restricted areas within a specified distance
 7 from private or public marina pumpouts; amending s.
 8 403.813, F.S.; removing a provision authorizing local
 9 governments to require permitting for certain floating
 10 vessel platforms; revising conditions under which
 11 local governments may require one-time registrations
 12 of floating vessel platforms; making technical
 13 changes; reenacting s. 327.41(2), F.S., relating to
 14 uniform waterway regulatory markers, to incorporate
 15 the amendment made to s. 327.46, F.S., in a reference
 16 thereto; providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:
 19

20 Section 1. Paragraph (b) of subsection (1) of section
 21 327.46, Florida Statutes, is amended to read:

22 327.46 Boating-restricted areas.—

23 (1) Boating-restricted areas, including, but not limited
 24 to, restrictions of vessel speeds and vessel traffic, may be
 25 established on the waters of this state for any purpose

26 necessary to protect the safety of the public if such
 27 restrictions are necessary based on boating accidents,
 28 visibility, hazardous currents or water levels, vessel traffic
 29 congestion, or other navigational hazards or to protect
 30 seagrasses on privately owned submerged lands.

31 (b) Municipalities and counties may establish the
 32 following boating-restricted areas by ordinance, including,
 33 notwithstanding the prohibition in s. 327.60(2)(c), within the
 34 portion of the Florida Intracoastal Waterway within their
 35 jurisdiction:

36 1. An ordinance establishing an idle speed, no wake
 37 boating-restricted area, if the area is:

38 a. Within 500 feet of any boat ramp, hoist, marine
 39 railway, or other launching or landing facility available for
 40 use by the general boating public on waterways more than 300
 41 feet in width or within 300 feet of any boat ramp, hoist, marine
 42 railway, or other launching or landing facility available for
 43 use by the general boating public on waterways not exceeding 300
 44 feet in width.

45 b. Within 500 feet of fuel pumps or dispensers at any
 46 marine fueling facility that sells motor fuel to the general
 47 boating public on waterways more than 300 feet in width or
 48 within 300 feet of the fuel pumps or dispensers at any licensed
 49 terminal facility that sells motor fuel to the general boating
 50 public on waterways not exceeding 300 feet in width.

- 51 c. Inside or within 300 feet of any lock structure.
- 52 2. An ordinance establishing a slow speed, minimum wake
- 53 boating-restricted area if the area is:
- 54 a. Within 300 feet of any bridge fender system.
- 55 b. Within 300 feet of any bridge span presenting a
- 56 vertical clearance of less than 25 feet or a horizontal
- 57 clearance of less than 100 feet.
- 58 c. On a creek, stream, canal, or similar linear waterway
- 59 if the waterway is less than 75 feet in width from shoreline to
- 60 shoreline.
- 61 d. On a lake or pond of less than 10 acres in total
- 62 surface area.
- 63 e. Within the boundaries of a permitted public mooring
- 64 field and a buffer around the mooring field of up to 100 feet.
- 65 f. Within 500 feet of any private or public marina
- 66 pumpout.
- 67 3. An ordinance establishing a vessel-exclusion zone if
- 68 the area is:
- 69 a. Designated as a public bathing beach or swim area,
- 70 except that such areas may not be created on waters that include
- 71 any portion of the Florida Intracoastal Waterway or that are
- 72 within 100 feet of the marked channel of the Florida
- 73 Intracoastal Waterway.
- 74 b. Within 300 feet of a dam, spillway, or flood control
- 75 structure.

76
 77 Vessel exclusion zones created pursuant to this subparagraph
 78 must be marked with uniform waterway markers permitted by the
 79 commission in accordance with this chapter. Such zones may not
 80 be marked by ropes.

81 Section 2. Paragraph (s) of subsection (1) of section
 82 403.813, Florida Statutes, is amended to read:

83 403.813 Permits issued at district centers; exceptions.—

84 (1) A permit is not required under this chapter, chapter
 85 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 86 chapter 25270, 1949, Laws of Florida, and a local government may
 87 not require a person claiming this exception to provide further
 88 department verification, for activities associated with the
 89 following types of projects; however, except as otherwise
 90 provided in this subsection, this subsection does not relieve an
 91 applicant from any requirement to obtain permission to use or
 92 occupy lands owned by the Board of Trustees of the Internal
 93 Improvement Trust Fund or a water management district in its
 94 governmental or proprietary capacity or from complying with
 95 applicable local pollution control programs authorized under
 96 this chapter or other requirements of county and municipal
 97 governments:

98 (s) The construction, installation, operation, or
 99 maintenance of floating vessel platforms or floating boat
 100 lifts, ~~provided that such structures:~~

101 1. To qualify for an exemption under this paragraph, the
 102 structure must:

103 a. Float at all times in the water for the sole purpose of
 104 supporting a vessel so that the vessel is out of the water when
 105 not in use;

106 b.2. Be ~~Are~~ wholly contained within a boat slip previously
 107 permitted under ss. 403.91-403.929, 1984 Supplement to the
 108 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 109 ~~do~~ not exceed a combined total of 500 square feet, or 200 square
 110 feet in an Outstanding Florida Water, when associated with a
 111 dock that is exempt under this subsection or associated with a
 112 permitted dock with no defined boat slip or attached to a
 113 bulkhead on a parcel of land where there is no other docking
 114 structure;

115 c.3. Not be ~~Are not~~ used for any commercial purpose or for
 116 mooring vessels that remain in the water when not in use, and ~~do~~
 117 not substantially impede the flow of water, create a
 118 navigational hazard, or unreasonably infringe upon the riparian
 119 rights of adjacent property owners, as defined in s. 253.141;

120 d.4. Be ~~Are~~ constructed and used so as to minimize adverse
 121 impacts to submerged lands, wetlands, shellfish areas, aquatic
 122 plant and animal species, and other biological communities,
 123 including locating such structures in areas where seagrasses are
 124 least dense adjacent to the dock or bulkhead; and

125 e.5. ~~Are~~ Not be constructed in areas specifically

126 prohibited for boat mooring under conditions of a permit issued
 127 in accordance with ss. 403.91-403.929, 1984 Supplement to the
 128 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 129 other form of authorization issued by a local government.

130 2. The owner of a structure ~~Structures~~ that qualifies
 131 ~~qualify~~ for an ~~this~~ exemption under this paragraph is not
 132 required ~~are relieved from any requirement~~ to obtain permission
 133 to use or occupy lands owned by the Board of Trustees of the
 134 Internal Improvement Trust Fund, and, with the exception of
 135 those structures attached to a bulkhead on a parcel of land
 136 where there is no docking structure, the structure may not be
 137 subject to any more stringent permitting requirements,
 138 registration requirements, or other regulation by any local
 139 government. For a floating vessel platform to be attached to a
 140 bulkhead on a parcel of land where there is no docking
 141 structure, a local government ~~governments~~ may require the
 142 platform owner to obtain a permit ~~either permitting~~ or one-time
 143 registration of the floating vessel platform ~~platforms to be~~
 144 ~~attached to a bulkhead on a parcel of land where there is no~~
 145 ~~other docking structure~~ as necessary to ensure compliance with
 146 local ordinances, codes, or regulations. A local government
 147 ~~governments~~ may require only a ~~either permitting~~ or one-time
 148 registration of all other floating vessel platforms where the
 149 platform owner self-certifies ~~as necessary to ensure~~ compliance
 150 with the exemption criteria in this section, to ensure

151 compliance with ~~local~~ ordinances, codes, state-delegated or
 152 state-mandated plans or programs, or regulations relating to
 153 building or zoning, which may not be applied more stringently
 154 ~~are no more stringent than,~~ or inconsistent with, the exemption
 155 criteria in this section and ~~or~~ address subjects other than
 156 subjects addressed by the exemption criteria in this section;
 157 and to ensure proper installation, maintenance, and
 158 precautionary or evacuation action following a tropical storm or
 159 hurricane watch of a floating vessel platform or floating boat
 160 lift that is proposed to be attached to a bulkhead or parcel of
 161 land where there is no other docking structure.

162 3. The exemption provided in this paragraph is ~~shall be~~ in
 163 addition to the exemption provided in paragraph (b). The
 164 department shall adopt a general permit by rule for the
 165 construction, installation, operation, or maintenance of those
 166 floating vessel platforms or floating boat lifts that do not
 167 qualify for the exemption provided in this paragraph but do not
 168 cause significant adverse impacts to occur individually or
 169 cumulatively. The issuance of such general permit constitutes
 170 ~~shall also constitute~~ permission to use or occupy lands owned by
 171 the Board of Trustees of the Internal Improvement Trust Fund. A
 172 local government ~~governments~~ may not impose a more stringent
 173 regulation, permitting requirement, registration requirement, or
 174 other regulation covered by such general permit. A local
 175 government ~~governments~~ may require a structure owner to obtain

176 either a permit ~~permitting~~ or one-time registration of floating
 177 vessel platforms as necessary to ensure compliance with the
 178 general permit in this section; to ensure compliance with local
 179 ordinances, codes, or regulations relating to building or zoning
 180 that are no more stringent than the general permit in this
 181 section; and to ensure proper installation and maintenance of a
 182 floating vessel platform or floating boat lift that is proposed
 183 to be attached to a bulkhead or parcel of land where there is no
 184 other docking structure.

185 Section 3. For the purpose of incorporating the amendment
 186 made by this act to section 327.46, Florida Statutes, in a
 187 reference thereto, subsection (2) of section 327.41, Florida
 188 Statutes, is reenacted to read:

189 327.41 Uniform waterway regulatory markers.—

190 (2) Any county or municipality which has been granted a
 191 boating-restricted area designation, by rule of the commission
 192 pursuant to s. 327.46(1)(a), for a portion of the Florida
 193 Intracoastal Waterway within its jurisdiction or which has
 194 adopted a boating-restricted area by ordinance pursuant to s.
 195 327.46(1)(b) or (c) or s. 379.2431(2)(p), or any other
 196 governmental entity which has legally established a boating-
 197 restricted area, may apply to the commission for permission to
 198 place regulatory markers within the boating-restricted area.

199 Section 4. This act shall take effect July 1, 2023.