

CHAPTER 2023-151

Committee Substitute for Committee Substitute for House Bill No. 847

An act relating to vessel regulations; amending s. 327.46, F.S.; authorizing counties and municipalities to establish boating-restricted areas for certain sewage pumpout stations within a specified distance of the marked channel of the Florida Intracoastal Waterway; amending s. 403.813, F.S.; removing a provision authorizing local governments to require permitting for certain floating vessel platforms; revising conditions under which local governments may require one-time registrations of floating vessel platforms; making technical changes; reenacting s. 327.41(2), F.S., relating to uniform waterway regulatory markers, to incorporate the amendment made to s. 327.46, F.S., in a reference thereto; providing an effective date.

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

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

327.46 Boating-restricted areas.—

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

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

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

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

b. Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width or within 300 feet of the fuel pumps or dispensers at

any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width.

- c. Inside or within 300 feet of any lock structure.
- 2. An ordinance establishing a slow speed, minimum wake boating-restricted area if the area is:
 - a. Within 300 feet of any bridge fender system.
 - b. Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.
 - c. On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to shoreline.
 - d. On a lake or pond of less than 10 acres in total surface area.
 - e. Within the boundaries of a permitted public mooring field and a buffer around the mooring field of up to 100 feet.
 - f. Within 500 feet of a sewage pumpout station at any public or private nonresidential marina if the sewage pumpout station is within 100 feet of the marked channel of the Florida Intracoastal Waterway.

3. An ordinance establishing a vessel-exclusion zone if the area is:

- a. Designated as a public bathing beach or swim area, except that such areas may not be created on waters that include any portion of the Florida Intracoastal Waterway or that are within 100 feet of the marked channel of the Florida Intracoastal Waterway.
- b. Within 300 feet of a dam, spillway, or flood control structure.

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

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

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, and a local government may not require a person claiming this exception to provide further department verification, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from

complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

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

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

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

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

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

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

~~e.5.~~ Are Not be constructed in areas specifically prohibited for boat mooring under conditions of a permit issued in accordance with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or part IV of chapter 373, or other form of authorization issued by a local government.

2. The owner of a structure ~~Structures that qualifies qualify for an this exemption under this paragraph is not required~~ are relieved from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund, and, with the exception of those structures attached to a bulkhead on a parcel of land where there is no docking structure, the structure may not be subject to any more stringent permitting requirements, registration requirements, or other regulation by any local government. For a floating vessel platform to be attached to a bulkhead on a parcel of land where there is no docking structure, a local government ~~governments~~ may require the platform owner to obtain a permit either ~~permitting~~ or one-time registration of the floating vessel platform ~~platforms to be attached to a bulkhead on a parcel of land where there is no other docking structure~~ as necessary to ensure compliance with local

ordinances, codes, or regulations. A local government governments may require only a ~~either permitting or~~ one-time registration of all other floating vessel platforms where the platform owner self-certifies as necessary to ensure compliance with the exemption criteria in this section; to ensure compliance with local ordinances, codes, state-delegated or state-mandated plans or programs, or regulations relating to building or zoning, which may not be applied more stringently are no more stringent than, or inconsistent with, the exemption criteria in this section and ~~or~~ address subjects other than subjects addressed by the exemption criteria in this section; and to ensure proper installation, maintenance, and precautionary or evacuation action following a tropical storm or hurricane watch of a floating vessel platform or floating boat lift that is proposed to be attached to a bulkhead or parcel of land where there is no other docking structure.

3. The exemption provided in this paragraph ~~is shall~~ be in addition to the exemption provided in paragraph (b). The department shall adopt a general permit by rule for the construction, installation, operation, or maintenance of those floating vessel platforms or floating boat lifts that do not qualify for the exemption provided in this paragraph but do not cause significant adverse impacts to occur individually or cumulatively. The issuance of such general permit constitutes ~~shall also constitute~~ permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund. A local government governments may not impose a more stringent regulation, permitting requirement, registration requirement, or other regulation covered by such general permit. A local government governments may require a structure owner to obtain either a permit permitting or one-time registration of floating vessel platforms as necessary to ensure compliance with the general permit in this section; to ensure compliance with local ordinances, codes, or regulations relating to building or zoning that are no more stringent than the general permit in this section; and to ensure proper installation and maintenance of a floating vessel platform or floating boat lift that is proposed to be attached to a bulkhead or parcel of land where there is no other docking structure.

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

327.41 Uniform waterway regulatory markers.—

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

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

Approved by the Governor May 25, 2023.

Filed in Office Secretary of State May 25, 2023.