

CHAPTER 2026-36

Committee Substitute for Committee Substitute for House Bill No. 1103

An act relating to local administration of vessel restrictions; amending ss. 327.4107 and 327.4111, F.S.; authorizing counties and municipalities to adopt ordinances authorizing code enforcement officers to administer the enforcement of certain provisions relating to vessels at risk of becoming derelict and long-term anchoring permit requirements, respectively; providing that such ordinances may not take effect until reviewed and approved by the Fish and Wildlife Conservation Commission; requiring the commission to adopt rules; amending s. 327.4108, F.S.; revising an exemption from anchoring limitation area requirements for certain vessels; amending s. 327.46, F.S.; authorizing municipalities and counties to adopt ordinances to extend boating-restricted areas under certain conditions; requiring the boundaries of such areas to be clearly marked with specified markers; amending ss. 327.73 and 327.74, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsections (5) and (6) of section 327.4107, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and a new subsection (5) is added to that section to read:

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

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

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

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

327.4111 Long-term anchoring.—

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

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

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

327.4108 Anchoring of vessels in anchoring limitation areas.—

(3)

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

Section 4. Paragraph (c) 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.

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

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

~~2.1.~~ An ordinance establishing an idle speed, no wake boating-restricted area, if the area is within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway.

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

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

b. Subject to unsafe levels of vessel traffic congestion.

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

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

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

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

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

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

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

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

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

Approved by the Governor April 20, 2026.

Filed in Office Secretary of State April 20, 2026.