

HB 1103

2023

1 A bill to be entitled
2 An act relating to boating-restricted areas; amending
3 s. 327.46, F.S.; authorizing counties and
4 municipalities to establish within certain portions of
5 the Florida Intracoastal Waterway slow speed, minimum
6 wake boating-restricted areas within a specified
7 distance from private or public marina pumpouts;
8 reenacting s. 327.41(2), F.S., relating to uniform
9 waterway regulatory markers, to incorporate the
10 amendment made to s. 327.46, F.S., in a reference
11 thereto; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (b) of subsection (1) of section
16 327.46, Florida Statutes, is amended to read:

17 327.46 Boating-restricted areas.—

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

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

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

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

40 b. Within 500 feet of fuel pumps or dispensers at any
41 marine fueling facility that sells motor fuel to the general
42 boating public on waterways more than 300 feet in width or
43 within 300 feet of the fuel pumps or dispensers at any licensed
44 terminal facility that sells motor fuel to the general boating
45 public on waterways not exceeding 300 feet in width.

46 c. Inside or within 300 feet of any lock structure.

47 2. An ordinance establishing a slow speed, minimum wake
48 boating-restricted area if the area is:

49 a. Within 300 feet of any bridge fender system.

50 b. Within 300 feet of any bridge span presenting a

51 vertical clearance of less than 25 feet or a horizontal
52 clearance of less than 100 feet.

53 c. On a creek, stream, canal, or similar linear waterway
54 if the waterway is less than 75 feet in width from shoreline to
55 shoreline.

56 d. On a lake or pond of less than 10 acres in total
57 surface area.

58 e. Within the boundaries of a permitted public mooring
59 field and a buffer around the mooring field of up to 100 feet.

60 f. Within 500 feet of any private or public marina
61 pumpout.

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

64 a. Designated as a public bathing beach or swim area,
65 except that such areas may not be created on waters that include
66 any portion of the Florida Intracoastal Waterway or that are
67 within 100 feet of the marked channel of the Florida
68 Intracoastal Waterway.

69 b. Within 300 feet of a dam, spillway, or flood control
70 structure.

71
72 Vessel exclusion zones created pursuant to this subparagraph
73 must be marked with uniform waterway markers permitted by the
74 commission in accordance with this chapter. Such zones may not
75 be marked by ropes.

HB 1103

2023

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

80 327.41 Uniform waterway regulatory markers.—

81 (2) Any county or municipality which has been granted a
82 boating-restricted area designation, by rule of the commission
83 pursuant to s. 327.46(1)(a), for a portion of the Florida
84 Intracoastal Waterway within its jurisdiction or which has
85 adopted a boating-restricted area by ordinance pursuant to s.
86 327.46(1)(b) or (c) or s. 379.2431(2)(p), or any other
87 governmental entity which has legally established a boating-
88 restricted area, may apply to the commission for permission to
89 place regulatory markers within the boating-restricted area.

90 Section 3. This act shall take effect July 1, 2023.