

By the Committee on Water & Resource Management and
Representatives Alexander, Brummer, Merchant, Cantens, Kelly,
Waters, Betancourt, Lee and Boyd

1 A bill to be entitled
2 An act relating to responsibilities of the Fish
3 and Wildlife Conservation Commission; amending
4 s. 327.02, F.S.; revising definitions; amending
5 s. 327.22, F.S., relating to the regulation of
6 vessels by municipalities or counties; creating
7 s. 327.302, F.S.; providing for boating
8 accident report forms; amending s. 327.32,
9 F.S., relating to limitations of liability for
10 negligent operation of a vessel; revising the
11 standards of care; amending s. 327.33, F.S.;
12 revising provisions relating to reckless or
13 careless operation of a vessel; providing
14 penalties; renumbering and amending s. 861.065,
15 F.S.; revising divers-down flag requirements;
16 revising requirements for operation of vessels
17 in the vicinity of a divers-down flag;
18 providing penalties; amending s. 327.35, F.S.,
19 relating to boating under the influence (BUI);
20 revising blood and breath alcohol levels;
21 revising penalties; revising circumstances for
22 consideration of previous violations; providing
23 exemptions; amending s. 327.355, F.S., relating
24 to operation of vessels by persons under 21
25 years of age who have consumed alcoholic
26 beverages; amending s. 327.36, F.S., relating
27 to mandatory adjudication of certain offenses;
28 amending s. 327.37, F.S.; requiring persons
29 engaging in water skiing, parasailing, or
30 aquaplaning to wear a noninflatable flotation
31 device; amending s. 327.39, F.S., relating to

1 the regulation of personal watercraft;
2 requiring the use of noninflatable flotation
3 devices; prohibiting the lease, hiring, or
4 rental of personal watercraft under certain
5 circumstances; providing a penalty; providing
6 commission rulemaking authority; amending s.
7 327.395, F.S., relating to boating safety
8 identification cards; requiring that certain
9 boater education or boater safety courses
10 include a component relating to divers;
11 amending s. 327.40, F.S.; clarifying
12 requirements for uniform waterway markers for
13 safety and navigation; providing permit
14 exemptions; providing commission rulemaking
15 authority; amending s. 327.41, F.S.; clarifying
16 requirements for uniform waterway regulatory
17 markers; amending s. 327.46, F.S.; clarifying
18 rulemaking authority for the commission to
19 establish restricted areas for public safety
20 purposes; creating s. 327.49, F.S.; providing
21 for the testing of vessels and vessel motors;
22 amending s. 327.54, F.S., relating to liveries;
23 revising requirements for preride or prerenal
24 instruction; revising age requirements for the
25 lease, hire, or rental of personal watercraft;
26 requiring liveries to carry liability
27 insurance; providing a penalty; amending s.
28 327.60, F.S.; prohibiting local regulations
29 from discriminating against personal
30 watercraft; amending s. 327.72, F.S.;
31 increasing time for payment of civil penalties;

1 amending s. 327.73, F.S., relating to
2 noncriminal infractions; reenacting s.
3 327.73(1)(p) for the purpose of incorporating
4 the amendment to s. 327.39, F.S.; providing
5 additional time for payment of civil penalties;
6 providing additional penalties; providing for
7 additional court costs in certain
8 circumstances; authorizing public works or
9 community service in certain circumstances;
10 amending s. 327.731, F.S., relating to
11 mandatory education for violators; correcting a
12 cross reference; amending s. 327.803, F.S.;
13 providing for an increase in membership of the
14 Boating Advisory Council; modifying purpose;
15 amending s. 328.48, F.S.; clarifying vessel
16 registration requirements; amending s. 328.56,
17 F.S.; clarifying vessel registration number
18 requirements; amending s. 328.70, F.S.;
19 providing requirements for classification of
20 recreational vessels and livery vessels;
21 amending s. 328.72, F.S.; providing
22 requirements for display of antique vessel
23 registration numbers and decals; amending s.
24 328.76, F.S.; clarifying vessel registration
25 fees used for aquatic weed research and
26 control; amending s. 370.06, F.S., relating to
27 saltwater products license requirements;
28 clarifying disability exemptions; amending s.
29 370.0605, F.S.; revising saltwater fishing
30 licenses and providing fees; clarifying
31 disability exemptions; authorizing the

1 commission to designate free saltwater fishing
2 days by rule; amending s. 370.12, F.S.;
3 deleting obsolete language relating to marine
4 animal programs; creating ss. 370.45 and
5 370.46, F.S.; providing for freshwater fishing
6 licenses and permits; providing for fees and
7 disposition thereof; providing for disability
8 exemptions; amending s. 372.561, F.S., relating
9 to licenses to take wild animal life;
10 clarifying disability exemption requirements;
11 amending s. 372.57, F.S.; revising provisions
12 relating to the taking of fish and wildlife to
13 conform to the act; amending ss. 372.571,
14 372.5712, 372.5715, 372.573, and 372.65, F.S.;
15 correcting cross references; amending s.
16 372.66, F.S., relating to licenses for fur and
17 hide dealers; eliminating certain licenses and
18 fees; amending ss. 372.661 and 372.83, F.S.;
19 correcting a reference and cross references;
20 amending s. 316.193, F.S., relating to driving
21 under the influence; revising circumstances for
22 consideration of previous violations; amending
23 s. 316.635, F.S.; providing for jurisdiction
24 over boating infractions committed by minors;
25 amending ss. 318.32 and 318.38, F.S.; providing
26 for disposition of boating infractions by the
27 court hearing traffic infractions; amending s.
28 320.08, F.S.; correcting cross references;
29 amending s. 713.78, F.S.; defining "vessel" for
30 purposes of provisions relating to liens for
31 recovering, towing, or storing vehicles and

1 documented vessels; amending s. 715.07, F.S.;
2 correcting a cross reference; amending s.
3 938.17, F.S., relating to county delinquency
4 prevention; providing for the assessment of
5 additional court costs for certain criminal
6 boating offenses; amending s. 947.146, F.S.;
7 providing authority for control release of
8 certain BUI offenders; amending s. 985.05, F.S.;
9 providing for disposition of certain court
10 records pertaining to boating offenses;
11 amending s. 985.212, F.S.; providing that
12 fingerprinting children for boating violations
13 is not prohibited; providing effective dates.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 327.02, Florida Statutes, is
18 amended to read:

19 327.02 Definitions of terms used in this chapter and
20 in chapter 328.--As used in this chapter and in chapter 328,
21 unless the context clearly requires a different meaning, the
22 term:

23 (1) "Alien" means a person who is not a citizen of the
24 United States.

25 (2) "Boating accident" means a collision, accident, or
26 casualty involving a vessel in or upon, or entering into or
27 exiting from, the water, including capsizing, collision with
28 another vessel or object, sinking, personal injury, death,
29 disappearance of any person from on board under circumstances
30 which indicate the possibility of death or injury, or property
31 damage to any vessel or dock.

1 (3) "Canoe" means a light, narrow vessel with curved
2 sides and with both ends pointed. A canoe-like vessel with a
3 transom may not be excluded from the definition of a canoe if
4 the width of its transom is less than 45 percent of the width
5 of its beam or it has been designated as a canoe by the United
6 States Coast Guard.

7 (4) "Commercial vessel" means:

8 (a) Any vessel primarily engaged in the taking or
9 landing of saltwater fish or saltwater products or freshwater
10 fish or freshwater products, or any vessel licensed pursuant
11 to s. 370.06 from which commercial quantities of saltwater
12 products are harvested, from within and without the waters of
13 this state for sale either to the consumer, retail dealer, or
14 wholesale dealer.

15 (b) Any other vessel, except a recreational vessel as
16 defined in this section ~~engaged in any activity wherein a fee~~
17 ~~is paid by the user, either directly or indirectly, to the~~
18 ~~owner, operator, or custodian of the vessel.~~

19 (5) "Commission" means the Fish and Wildlife
20 Conservation Commission.

21 (6) "Dealer" means any person authorized by the
22 Department of Revenue to buy, sell, resell, or otherwise
23 distribute vessels. Such person shall have a valid sales tax
24 certificate of registration issued by the Department of
25 Revenue and a valid commercial or occupational license
26 required by any county, municipality, or political subdivision
27 of the state in which the person operates.

28 (7) "Division" means the Division of Law Enforcement
29 of the Fish and Wildlife Conservation Commission.

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1 (8) "Documented vessel" means a vessel for which a
2 valid certificate of documentation is outstanding pursuant to
3 46 C.F.R. part 67.

4 (9) "Floating structure" means a floating entity, with
5 or without accommodations built thereon, which is not
6 primarily used as a means of transportation on water but which
7 serves purposes or provides services typically associated with
8 a structure or other improvement to real property. The term
9 "floating structure" includes, but is not limited to, each
10 entity used as a residence, place of business or office with
11 public access, hotel or motel, restaurant or lounge,
12 clubhouse, meeting facility, storage or parking facility,
13 mining platform, dredge, dragline, or similar facility or
14 entity represented as such. Floating structures are expressly
15 excluded from the definition of the term "vessel" provided in
16 this section. Incidental movement upon water or resting
17 partially or entirely on the bottom shall not, in and of
18 itself, preclude an entity from classification as a floating
19 structure.

20 (10) "Florida Intracoastal Waterway" means the
21 Atlantic Intracoastal Waterway, the Georgia state line north
22 of Fernandina to Miami; the Port Canaveral lock and canal to
23 the Atlantic Intracoastal Waterway; the Atlantic Intracoastal
24 Waterway, Miami to Key West; the Okeechobee Waterway, Stuart
25 to Fort Myers; the St. Johns River, Jacksonville to Sanford;
26 the Gulf Intracoastal Waterway, Anclote to Fort Myers; the
27 Gulf Intracoastal Waterway, Carrabelle to Tampa Bay;
28 Carrabelle to Anclote open bay section (using Gulf of Mexico);
29 the Gulf Intracoastal Waterway, Carrabelle to the Alabama
30 state line west of Pensacola; and the Apalachicola,
31 Chattahoochee, and Flint Rivers in Florida.

1 (11) "Homemade vessel" means any vessel built after
2 October 31, 1972, for which a federal hull identification
3 number is not required to be assigned by the manufacturer
4 pursuant to federal law, or any vessel constructed or
5 assembled prior to November 1, 1972, by other than a licensed
6 manufacturer for his or her own use or the use of a specific
7 person. A vessel assembled from a manufacturer's kit or
8 constructed from an unfinished manufactured hull shall be
9 considered to be a homemade vessel if such a vessel is not
10 required to have a hull identification number assigned by the
11 United States Coast Guard. A rebuilt or reconstructed vessel
12 shall in no event be construed to be a homemade vessel.

13 (12) "Houseboat" means any vessel which is used
14 primarily as a residence for a minimum of 21 days during any
15 30-day period, in a county of this state, and this residential
16 use of the vessel is to the preclusion of the use of the
17 vessel as a means of transportation.

18 (13) "Length" means the measurement from end to end
19 over the deck parallel to the centerline excluding sheer.

20 (14) "Lien" means a security interest which is
21 reserved or created by a written agreement recorded with the
22 department which secures payment or performance of an
23 obligation and is generally valid against third parties.

24 (15) "Lienholder" means a person holding a security
25 interest in a vessel, which interest is recorded with the
26 department.

27 (16) "Live-aboard vessel" means:

28 (a) Any vessel used solely as a residence; or

29 (b) Any vessel represented as a place of business, a
30 professional or other commercial enterprise, or a legal
31 residence.

1
2 A commercial fishing boat is expressly excluded from the term
3 "live-aboard vessel."

4 (17) "Livery vessel" means any vessel leased, rented,
5 or chartered to another for consideration.

6 (18)~~(17)~~ "Manufactured vessel" means any vessel built
7 after October 31, 1972, for which a federal hull
8 identification number is required pursuant to federal law, or
9 any vessel constructed or assembled prior to November 1, 1972,
10 by a duly licensed manufacturer.

11 (19)~~(18)~~ "Marina" means a licensed commercial facility
12 which provides secured public moorings or dry storage for
13 vessels on a leased basis. A commercial establishment
14 authorized by a licensed vessel manufacturer as a dealership
15 shall be considered a marina for nonjudicial sale purposes.

16 (20)~~(19)~~ "Marine sanitation device" means any
17 equipment other than a toilet, for installation on board a
18 vessel, which is designed to receive, retain, treat, or
19 discharge sewage, and any process to treat such sewage. Marine
20 sanitation device Types I, II, and III shall be defined as
21 provided in 33 C.F.R. part 159.

22 (21) "Marker" means any channel mark or other aid to
23 navigation, information or regulatory mark, isolated danger
24 mark, safe water mark, special mark, inland waters obstruction
25 mark, or mooring buoy in, on, or over the waters of the state
26 or the shores thereof, and includes, but is not limited to, a
27 sign, beacon, buoy, or light.

28 (22)~~(20)~~ "Motorboat" means any vessel equipped with
29 machinery for propulsion, irrespective of whether the
30 propulsion machinery is in actual operation ~~which is propelled~~
31

1 ~~or powered by machinery and which is used or capable of being~~
2 ~~used as a means of transportation on water.~~

3 (23)~~(21)~~ "Navigation rules" means the International
4 Navigational Rules Act of 1977, 33 U.S.C. appendix following
5 s. 1602, as amended, including the annexes thereto in effect
6 ~~on June 1, 1983~~, for vessels on waters outside of established
7 navigational lines of demarcation as specified in 33 C.F.R.
8 part 80 or the Inland Navigational Rules Act of 1980, 33
9 U.S.C. s. 2001 et seq., as amended, including the annexes
10 thereto in effect on December 24, 1981, for vessels on all
11 waters not outside of such lines of demarcation.

12 ~~(22) "Noncommercial vessel" means any vessel other~~
13 ~~than a commercial vessel as defined in this section.~~

14 (24)~~(23)~~ "Nonresident" means a citizen of the United
15 States who has not established residence in this state and has
16 not continuously resided in this state for 1 year and in one
17 county for the 6 months immediately preceding the initiation
18 of a vessel titling or registration action.

19 (25)~~(24)~~ "Operate" means to be in charge of or in
20 command of or in actual physical control of a vessel upon the
21 waters of this state, or to exercise control over or to have
22 responsibility for a vessel's navigation or safety while the
23 vessel is underway upon the waters of this state, or to
24 control or steer a vessel being towed by another vessel upon
25 the waters of the state; ~~provided, however, that this~~
26 ~~definition shall not apply to a person on a vessel that is~~
27 ~~docked or otherwise made fast to the shore and shall not apply~~
28 ~~to a vessel owner or operator who designates a driver pursuant~~
29 ~~to s. 327.35.~~

30 (26)~~(25)~~ "Owner" means a person, other than a
31 lienholder, having the property in or title to a vessel. The

1 term includes a person entitled to the use or possession of a
2 vessel subject to an interest in another person, reserved or
3 created by agreement and securing payment of performance of an
4 obligation, but the term excludes a lessee under a lease not
5 intended as security.

6 (27)~~(26)~~ "Person" means an individual, partnership,
7 firm, corporation, association, or other entity.

8 (28)~~(27)~~ "Personal watercraft" means a ~~small class A-1~~
9 ~~or A-2~~ vessel less than 16 feet in length which uses an
10 ~~outboard motor, or an~~ inboard motor powering a water jet pump,
11 as its primary source of motive power and which is designed to
12 be operated by a person sitting, standing, or kneeling on, ~~or~~
13 ~~being towed behind~~ the vessel, rather than in the conventional
14 manner of sitting or standing inside the vessel.

15 (29)~~(28)~~ "Portable toilet" means a device consisting
16 of a lid, seat, containment vessel, and support structure that
17 is specifically designed to receive, retain, and discharge
18 human waste and that is capable of being removed from a vessel
19 by hand.

20 (30)~~(29)~~ "Prohibited activity" means such activity as
21 will impede or disturb navigation or creates a safety hazard
22 on waterways of this state.

23 (31)~~(30)~~ "Racing shell," "rowing scull," or "racing
24 kayak" means a manually propelled vessel which is recognized
25 by national or international racing associations for use in
26 competitive racing and in which all occupants, with the
27 exception of a coxswain, if one is provided, row, scull, or
28 paddle and which is not designed to carry and does not carry
29 any equipment not solely for competitive racing.

30 (32) "Recreational vessel" means any vessel:
31

1 (a) Manufactured and used primarily for noncommercial
2 purposes; or

3 (b) Leased, rented, or chartered to a person for the
4 person's noncommercial use.

5 (33)~~(31)~~ "Registration" means a state operating
6 license on a vessel which is issued with an identifying
7 number, an annual certificate of registration, and a decal
8 designating the year for which a registration fee is paid.

9 ~~(32) "Regulatory marker" means any anchored or fixed~~
10 ~~marker in, on, or over the water, or anchored platform on the~~
11 ~~surface of the water, other than a marker provided in s.~~
12 ~~327.40, and includes, but is not limited to, a bathing beach~~
13 ~~marker, speed zone marker, information marker, restricted zone~~
14 ~~marker, congested area marker, or warning marker.~~

15 (34)~~(33)~~ "Resident" means a citizen of the United
16 States who has established residence in this state and has
17 continuously resided in this state for 1 year and in one
18 county for the 6 months immediately preceding the initiation
19 of a vessel titling or registration action.

20 (35)~~(34)~~ "Sailboat" means any vessel whose sole source
21 of propulsion is the wind ~~natural element (i.e., wind).~~

22 (36)~~(35)~~ "Unclaimed vessel" means any undocumented
23 vessel, including its machinery, rigging, and accessories,
24 which is in the physical possession of any marina, garage, or
25 repair shop for repairs, improvements, or other work with the
26 knowledge of the vessel owner and for which the costs of such
27 services have been unpaid for a period in excess of 90 days
28 from the date written notice of the completed work is given by
29 the marina, garage, or repair shop to the vessel owner.

30 (37)~~(36)~~ "Vessel" is synonymous with boat as
31 referenced in s. 1(b), Art. VII of the State Constitution and

1 includes every description of watercraft, barge, and air boat,
2 other than a seaplane on the water, used or capable of being
3 used as a means of transportation on water.

4 (38)~~(37)~~ "Waters of this state" means any navigable
5 waters of the United States within the territorial limits of
6 this state, and the marginal sea adjacent to this state and
7 the high seas when navigated as a part of a journey or ride to
8 or from the shore of this state, and all the inland lakes,
9 rivers, and canals under the jurisdiction of this state.

10 Section 2. Subsection (1) of section 327.22, Florida
11 Statutes, is amended to read:

12 327.22 Regulation of vessels by municipalities or
13 counties.--

14 (1) Nothing in this chapter shall be construed to
15 prohibit any municipality or county that expends money for the
16 patrol, regulation, and maintenance of any lakes, rivers, or
17 waters, and for other boating-related activities in such
18 municipality or county, from regulating vessels resident in
19 such municipality or county. Any county or municipality may
20 adopt ordinances which provide for enforcement of noncriminal
21 violations of restricted areas ~~s. 327.33 relating to the~~
22 ~~careless operation of a vessel~~ which results in the
23 endangering or damaging of property, by citation mailed to
24 registered owner of the vessel. Any such ordinance shall apply
25 only in legally established ~~designated~~ restricted areas which
26 are properly marked as permitted pursuant to ss. 327.40 and
27 327.41 ~~and in need of shoreline protection~~. Any county and
28 the municipalities located within the county may jointly
29 regulate vessels.

30 Section 3. Section 327.302, Florida Statutes, is
31 created to read:

1 327.302 Accident report forms.--
2 (1) The commission shall prepare and, upon request,
3 supply to police departments, sheriffs, and other appropriate
4 agencies or individuals forms for accident reports as required
5 in this chapter, suitable with respect to the persons required
6 to make such reports and the purposes to be served. The forms
7 must call for sufficiently detailed information to disclose,
8 with reference to a boating accident, the cause and conditions
9 existing at the time of the accident and the persons and
10 vessels involved. Accident report forms may call for the
11 policy numbers of liability insurance and the names of
12 carriers covering any vessel involved in an accident required
13 to be reported under this chapter.

14 (2) Every accident report required to be made in
15 writing must be made on the appropriate form approved by the
16 commission and must contain all the information required
17 therein unless not available. Notwithstanding any other
18 provisions of this section, an accident report produced
19 electronically by a law enforcement officer must, at a
20 minimum, contain the same information as is required on those
21 forms approved by the commission.

22 Section 4. Section 327.32, Florida Statutes, is
23 amended to read:

24 327.32 Vessel declared dangerous instrumentality;
25 civil liability.--All vessels, of whatever classification,
26 shall be considered dangerous instrumentalities in this state,
27 and any operator of a vessel shall, during any utilization of
28 the vessel, exercise the ~~highest~~ highest degree of care, caution, and
29 circumspection ordinarily exercised by a cautious and prudent
30 mariner under similar circumstances in order to prevent
31 injuries to others. Limitation of liability for negligent

1 ~~reckless or careless~~ operation of a vessel shall be governed
2 by the provisions of 46 U.S.C. appendix ss. 181-189 ~~confined~~
3 ~~to the operator in immediate charge of the vessel and not~~
4 ~~imposed upon the owner of the vessel, unless the owner is the~~
5 ~~operator or is present in the vessel when any injury or damage~~
6 ~~is occasioned by the reckless or careless operation of such~~
7 ~~vessel, whether such recklessness or carelessness consists of~~
8 ~~a violation of the provisions of the statutes of this state,~~
9 ~~or disregard in observing such care and such operation as the~~
10 ~~rules of the common law require.~~

11 Section 5. Subsections (1) and (2) of section 327.33,
12 Florida Statutes, are amended to read:

13 327.33 Reckless or careless operation of vessel.--

14 (1) It is unlawful to operate a vessel in a reckless
15 manner. A person is guilty of reckless operation of a vessel
16 who operates any vessel, or manipulates any water skis,
17 aquaplane, or similar device, in willful or wanton disregard
18 for the safety of persons or property at a speed or in a
19 manner as to endanger, or likely to endanger, life or limb, or
20 damage the property of, or injure any person. Reckless
21 operation of a vessel includes, but is not limited to, a
22 violation of s. 327.331(6). Any person who violates a
23 provision of this subsection commits ~~is guilty of~~ a
24 misdemeanor of the first degree, punishable as provided in s.
25 775.082 or s. 775.083.

26 (2) Any person operating a vessel upon the waters of
27 this state shall operate the vessel in a reasonable and
28 prudent manner, having regard for other waterborne traffic,
29 posted speed and wake restrictions, ~~the presence of a~~
30 ~~divers-down flag as defined in s. 861.065,~~ and all other
31 attendant circumstances so as not to endanger the life, limb,

1 or property of any person. ~~Any person operating a vessel on a~~
2 ~~river, inlet, or navigation channel shall make a reasonable~~
3 ~~effort to maintain a distance of 100 feet from any divers-down~~
4 ~~flag.~~ The failure to operate a vessel in a manner described
5 in this subsection constitutes careless operation. However,
6 vessel wake and shoreline wash resulting from the reasonable
7 and prudent operation of a vessel shall, absent negligence,
8 not constitute damage or endangerment to property. Any person
9 who violates the provisions of this subsection commits ~~is~~
10 ~~guilty of~~ a noncriminal violation as defined in s. 775.08.

11 Section 6. Section 861.065, Florida Statutes, is
12 renumbered as section 327.331, Florida Statutes, and amended
13 to read:

14 327.331 ~~861.065~~ Divers; definitions; divers-down flag
15 required; obstruction to navigation of certain waters;
16 penalty.--

17 (1) As used in this section:

18 (a) "Diver" means any person who is wholly or
19 partially submerged in the waters of the state and is equipped
20 with a face mask and snorkel or underwater breathing
21 apparatus.

22 (b)(2) "Underwater breathing apparatus" means ~~shall~~
23 ~~mean~~ any apparatus, whether self-contained or connected to a
24 distant source of air or other gas, whereby a person wholly or
25 partially submerged in water is enabled to obtain or reuse air
26 or any other gas or gases for breathing without returning to
27 the surface of the water.

28 (c)(3) "Divers-down flag" means ~~shall mean~~ a flag that
29 meets the following specifications: ~~is either square or~~
30 ~~rectangular, to approximately 4 units high by 5 units long,~~
31 ~~with a 1-unit diagonal stripe. The divers-down flag shall~~

1 ~~have a white diagonal stripe on a red background. The stripe~~
2 ~~shall begin at the top staff-side of the flag and extend~~
3 ~~diagonally to the opposite lower corner. The flag shall be~~
4 ~~free-flying and shall be lowered when all divers are aboard or~~
5 ~~ashore. The minimum size shall be 12 by 12 inches.~~

6 1. The flag must be square or rectangular. If
7 rectangular, the length must not be less than the height, or
8 more than 25 percent longer than the height. The flag must
9 have a wire or other stiffener to hold it fully unfurled and
10 extended in the absence of a wind or breeze.

11 2. The flag must be red with a white diagonal stripe
12 that begins at the top staff-side of the flag and extends
13 diagonally to the lower opposite corner. The width of the
14 stripe must be 25 percent of the height of the flag.

15 3. The minimum size for any divers-down flag displayed
16 on a buoy or float towed by the diver is 12 inches by 12
17 inches. The minimum size for any divers-down flag displayed
18 from a vessel or structure is 20 inches by 24 inches.

19 4. Any divers-down flag displayed from a vessel must
20 be displayed from the highest point of the vessel or such
21 other location which provides that the visibility of the
22 divers-down flag is not obstructed in any direction.

23 ~~(2)(4)~~ All divers must ~~shall~~ prominently display a
24 divers-down flag in the area in which the diving occurs, other
25 than when diving in an area customarily used for swimming
26 only.

27 ~~(3)(5)~~ No diver or group of divers shall display one
28 or more divers-down flags on a river, inlet, or navigation
29 channel, except in case of emergency, in a manner which shall
30 unreasonably constitute a navigational hazard.

31

1 ~~(4)~~(6) Divers shall make reasonable efforts to stay
2 within 100 feet of the divers-down flag on rivers, inlets, and
3 navigation channels. Any person operating a vessel on a river,
4 inlet, or navigation channel must make a reasonable effort to
5 maintain a distance of at least 100 feet from any divers-down
6 flag.

7 (5) Divers must make reasonable efforts to stay within
8 300 feet of the divers-down flag on all waters other than
9 rivers, inlets, and navigation channels. Any person operating
10 a vessel on waters other than a river, inlet, or navigation
11 channel must make a reasonable effort to maintain a distance
12 of at least 300 feet from any divers-down flag.

13 (6) Any vessel other than a law enforcement or rescue
14 vessel that approaches within 100 feet of a divers-down flag
15 on a river, inlet, or navigation channel, or within 300 feet
16 of a divers-down flag on waters other than a river, inlet, or
17 navigation channel, must proceed no faster than is necessary
18 to maintain headway and steerageway.

19 (7) The divers-down flag must be lowered once all
20 divers are aboard or ashore. No person may operate any vessel
21 displaying a divers-down flag unless the vessel has one or
22 more divers in the water.

23 ~~(8)~~(7) Any willful violation of this section shall be
24 a misdemeanor of the second degree punishable as provided by
25 s. 775.082 or s. 775.083.

26 Section 7. Effective October 1, 2001, subsection (8)
27 of section 327.331, Florida Statutes, as amended by this act,
28 is amended to read:

29 327.331 Divers; definitions; divers-down flag
30 required; obstruction to navigation of certain waters;
31 penalty.--

1 (8) Except as provided in s. 327.33,any willful
2 violation of this section shall be a noncriminal infraction
3 punishable as provided in s. 327.73 ~~misdemeanor of the second~~
4 ~~degree punishable as provided by s. 775.082 or s. 775.083.~~

5 Section 8. Subsections (3), (4), (5), (6), and (10) of
6 section 327.35, Florida Statutes, are amended to read:

7 327.35 Boating under the influence; penalties;
8 "designated drivers".--

9 (3) Any person:

10 (a) Who is in violation of subsection (1);

11 (b) Who operates a vessel; and

12 (c) Who, by reason of such operation, causes:

13 1. Damage to the property or person of another commits
14 a misdemeanor of the first degree, punishable as provided in
15 s. 775.082 or s. 775.083.

16 2. Serious bodily injury to another, as defined in s.
17 316.1933, commits a felony of the third degree, punishable as
18 provided in s. 775.082, s. 775.083, or s. 775.084.

19 3. The death of any human being commits BUI
20 manslaughter, and commits:

21 a. A felony of the second degree, punishable as
22 provided in s. 775.082, s. 775.083, or s. 775.084.

23 b. A felony of the first degree, punishable as
24 provided in s. 775.082, s. 775.083, or s. 775.084, if:

25 (I) At the time of the accident, the person knew, or
26 should have known, that the accident occurred; and

27 (II) The person failed to give information and render
28 aid as required by s. 327.30 ~~316.062~~.

29
30 This sub-subparagraph does not require that the person knew
31 that the accident resulted in injury or death.

1 (4) Any person who is convicted of a violation of
2 subsection (1) and who has a blood-alcohol level or
3 breath-alcohol level of 0.16 ~~0.20~~ or higher, or any person who
4 is convicted of a violation of subsection (1) and who at the
5 time of the offense was accompanied in the vessel by a person
6 under the age of 18 years, shall be punished:

7 (a) By a fine of:

- 8 1. Not less than \$500 or more than \$1,000 for a first
9 conviction.
10 2. Not less than \$1,000 or more than \$2,000 for a
11 second conviction.
12 3. Not less than \$2,000 or more than \$5,000 for a
13 third conviction.

14 (b) By imprisonment for:

- 15 1. Not more than 9 months for a first conviction.
16 2. Not more than 12 months for a second conviction.
17 3. Not more than 12 months for a third conviction.
18

19 For the purposes of this subsection, only the instant offense
20 is required to be a violation of subsection (1) by a person
21 who has a blood-alcohol level or breath-alcohol level of 0.16
22 ~~0.20~~ or higher.

23 (5) In addition to any sentence or fine, the court
24 shall place all offenders ~~any offender~~ convicted of violating
25 this section on monthly reporting probation and shall require
26 completion of ~~attendance at~~ a substance abuse course specified
27 by the court, which must include a psychosocial evaluation of
28 the offender. If ~~and~~ the agency conducting the course refers
29 ~~may refer~~ the offender to an authorized substance abuse
30 treatment service provider for substance abuse ~~evaluation and~~
31 treatment, in addition to any sentence or fine imposed under

1 this section, completion of all such education, evaluation,
2 and treatment is a condition of reporting probation. The
3 offender shall assume reasonable costs for such education,
4 evaluation, and treatment, ~~with completion of all such~~
5 ~~education, evaluation, and treatment being a condition of~~
6 ~~reporting probation.~~ The referral to treatment resulting from
7 a psychosocial evaluation shall ~~may~~ not be waived without a
8 supporting independent psychosocial evaluation conducted by an
9 authorized substance abuse treatment provider ~~agency~~ appointed
10 by the court, which shall have ~~and with~~ access to the original
11 psychosocial evaluation before the independent psychosocial
12 evaluation is completed. The court shall review the results
13 and recommendations of both evaluations before determining the
14 request for waiver. The offender shall bear the full cost of
15 this procedure. The term "substance abuse" means the abuse of
16 alcohol or any substance named or described in Schedules I
17 through V of s. 893.03. If an offender referred to treatment
18 under this subsection fails to report for or complete such
19 treatment or fails to complete the substance abuse education
20 course and evaluation, the agency conducting the course shall
21 notify the court and the offender's probation officer of the
22 failure. Upon receipt of the notice, the court shall order
23 the offender not to operate any vessel upon the waters of this
24 state for the remainder of the period of probation.

25 (6) With respect to any person convicted of a
26 violation of subsection (1), regardless of any other penalty
27 imposed:

28 (a) For the first conviction, the court shall place
29 the defendant on probation for a period not to exceed 1 year
30 and, as a condition of such probation, shall order the
31 defendant to participate in public service or a community work

1 project for a minimum of 50 hours. The court must also, as a
2 condition of probation, order the impoundment or
3 immobilization of the vessel that was operated by or in the
4 actual control of the defendant or any one vehicle registered
5 in the defendant's name at the time of impoundment or
6 immobilization, for a period of 10 days or for the unexpired
7 term of any lease or rental agreement that expires within 10
8 days. The impoundment or immobilization must not occur
9 concurrently with the incarceration of the defendant. The
10 impoundment or immobilization order may be dismissed in
11 accordance with paragraph (e) or paragraph (f). The total
12 period of probation and incarceration may not exceed 1 year.

13 (b) For the second conviction for an offense that
14 occurs within a period of 5 years after the date of a prior
15 conviction for violation of this section, the court shall
16 order imprisonment for not less than 10 days. The court must
17 also, as a condition of probation, order the impoundment or
18 immobilization of the vessel that was operated by or in the
19 actual control of the defendant or any one vehicle registered
20 in the defendant's name at the time of impoundment or
21 immobilization, for a period of 30 days or for the unexpired
22 term of any lease or rental agreement that expires within 30
23 days. The impoundment or immobilization must not occur
24 concurrently with the incarceration of the defendant. The
25 impoundment or immobilization order may be dismissed in
26 accordance with paragraph (e) or paragraph (f). At least 48
27 hours of confinement must be consecutive.

28 (c) For the third or subsequent conviction for an
29 offense that occurs within a period of 10 years after the date
30 of a prior conviction for violation of this section, the court
31 shall order imprisonment for not less than 30 days. The court

1 must also, as a condition of probation, order the impoundment
2 or immobilization of the vessel that was operated by or in the
3 actual control of the defendant or any one vehicle registered
4 in the defendant's name at the time of impoundment or
5 immobilization, for a period of 90 days or for the unexpired
6 term of any lease or rental agreement that expires within 90
7 days. The impoundment or immobilization must not occur
8 concurrently with the incarceration of the defendant. The
9 impoundment or immobilization order may be dismissed in
10 accordance with paragraph (e) or paragraph (f). At least 48
11 hours of confinement must be consecutive.

12 (d) The court must at the time of sentencing the
13 defendant issue an order for the impoundment or immobilization
14 of a vessel. Within 7 business days after the date that the
15 court issues the order of impoundment, ~~and once again 30~~
16 ~~business days before the actual impoundment or immobilization~~
17 ~~of the vessel~~, the clerk of the court must send notice by
18 certified mail, return receipt requested, to the registered
19 owner of each vessel, if the registered owner is a person
20 other than the defendant, and to each person of record
21 claiming a lien against the vessel.

22 (e) A person who owns but was not operating the vessel
23 when the offense occurred may submit to the court a police
24 report indicating that the vessel was stolen at the time of
25 the offense or documentation of having purchased the vessel
26 after the offense was committed from an entity other than the
27 defendant or the defendant's agent. If the court finds that
28 the vessel was stolen or that the sale was not made to
29 circumvent the order and allow the defendant continued access
30 to the vessel, the order must be dismissed and the owner of
31 the vessel will incur no costs. If the court denies the

1 request to dismiss the order of impoundment or immobilization,
2 the petitioner may request an evidentiary hearing.

3 (f) A person who owns but was not operating the vessel
4 when the offense occurred, and whose vessel was stolen or who
5 purchased the vessel after the offense was committed directly
6 from the defendant or the defendant's agent, may request an
7 evidentiary hearing to determine whether the impoundment or
8 immobilization should occur. If the court finds that either
9 the vessel was stolen or the purchase was made without
10 knowledge of the offense, that the purchaser had no
11 relationship to the defendant other than through the
12 transaction, and that such purchase would not circumvent the
13 order and allow the defendant continued access to the vessel,
14 the order must be dismissed and the owner of the vessel will
15 incur no costs.

16 (g) All costs and fees for the impoundment or
17 immobilization, including the cost of notification, must be
18 paid by the owner of the vessel or, if the vessel is leased or
19 rented, by the person leasing or renting the vessel, unless
20 the impoundment or immobilization order is dismissed.

21 (h) The person who owns a vessel that is impounded or
22 immobilized under this paragraph, or a person who has a lien
23 of record against such a vessel and who has not requested a
24 review of the impoundment pursuant to paragraph (e) or
25 paragraph (f), may, within 10 days after the date that person
26 has knowledge of the location of the vessel, file a complaint
27 in the county in which the owner resides to determine whether
28 the vessel was wrongfully taken or withheld from the owner or
29 lienholder. Upon the filing of a complaint, the owner or
30 lienholder may have the vessel released by posting with the
31 court a bond or other adequate security equal to the amount of

1 the costs and fees for impoundment or immobilization,
2 including towing or storage, to ensure the payment of the
3 costs and fees if the owner or lienholder does not prevail.
4 When the bond is posted and the fee is paid as set forth in s.
5 28.24, the clerk of the court shall issue a certificate
6 releasing the vessel. At the time of release, after reasonable
7 inspection, the owner or lienholder must give a receipt to the
8 towing or storage company indicating any loss or damage to the
9 vessel or to the contents of the vessel.

10 (i) A defendant, in the court's discretion, may be
11 required to serve all or any portion of a term of imprisonment
12 to which the defendant has been sentenced pursuant to this
13 section in a residential alcoholism treatment program or a
14 residential drug abuse treatment program. Any time spent in
15 such a program must be credited by the court toward the term
16 of imprisonment.

17

18 For the purposes of this section, any conviction for a
19 violation of s. 316.193, a previous conviction for the
20 violation of former s. 316.1931, former s. 327.351, former s.
21 860.01, or former s. 316.028, or a previous conviction outside
22 this state for driving or boating under the influence, driving
23 or boating while intoxicated, driving or boating with an
24 unlawful blood-alcohol level, driving or boating with an
25 unlawful breath-alcohol level, or any other similar
26 alcohol-related or drug-related traffic or boating offense, is
27 also considered a previous conviction for violation of this
28 section.

29 (10) It is the intent of the Legislature to encourage
30 boaters to have a "designated driver." Therefore, this section
31 shall not apply to a person on a vessel that is docked or

1 otherwise made fast to the shore and shall not apply to a
2 vessel owner or operator who is not in actual physical control
3 of the vessel and who has designated a driver who does not
4 consume any alcoholic beverages, any chemical substance set
5 forth in s. 877.111, or any substance controlled under chapter
6 893.

7 Section 9. Paragraph (a) of subsection (1) of section
8 327.355, Florida Statutes, is amended to read:

9 327.355 Operation of vessels by persons under 21 years
10 of age who have consumed alcoholic beverages.--

11 (1)(a) Notwithstanding s. 327.35, it is unlawful for a
12 person under the age of 21 who has a breath-alcohol level of
13 0.02 ~~percent~~ or higher to operate or be in actual physical
14 control of a vessel.

15 Section 10. Paragraph (a) of subsection (2) of section
16 327.36, Florida Statutes, is amended to read:

17 327.36 Mandatory adjudication; prohibition against
18 accepting plea to lesser included offense.--

19 (2)(a) No trial judge may accept a plea of guilty to a
20 lesser offense from a person who is charged with a violation
21 of s. 327.35, manslaughter resulting from the operation of a
22 vessel, or vessel homicide and who has been given a breath or
23 blood test to determine blood or breath alcohol content, the
24 results of which show a blood-alcohol level or breath-alcohol
25 level ~~blood or breath alcohol content by weight~~ of 0.16
26 ~~percent~~ or more.

27 Section 11. Paragraphs (a) and (b) of subsection (2)
28 of section 327.37, Florida Statutes, are amended to read:

29 327.37 Water skis, parasails, and aquaplanes
30 regulated.--

31

1 (2)(a) A person may not engage in water skiing,
2 parasailing, aquaplaning, or any similar activity at any time
3 between the hours from one-half hour after sunset to one-half
4 hour before sunrise.

5 (b) A person may not engage in water skiing,
6 parasailing, aquaplaning, or any similar activity unless such
7 person is wearing a noninflatable type I, type II, type III,
8 or ~~noninflatable~~ type V personal flotation device approved by
9 the United States Coast Guard.

10 Section 12. Subsections (1), (4), (5), and (6) of
11 section 327.39, Florida Statutes, are amended to read:

12 327.39 Personal watercraft regulated.--

13 (1) A person may not operate a personal watercraft
14 unless each person riding on or being towed behind such vessel
15 is wearing a type I, type II, type III, or type V personal
16 flotation device, other than an inflatable device, approved by
17 the United States Coast Guard.

18 (4) A personal watercraft must at all times be
19 operated in a reasonable and prudent manner. Maneuvers which
20 unreasonably or unnecessarily endanger life, limb, or
21 property, including, but not limited to, weaving through
22 congested vessel traffic, jumping the wake of another vessel
23 unreasonably or unnecessarily close to such other vessel or
24 when visibility around such other vessel is obstructed, and
25 swerving at the last possible moment to avoid collision shall
26 constitute reckless operation of a vessel, as provided in s.
27 327.33(1). Any person operating a personal watercraft must
28 comply with the provisions of s. 327.33.

29 (5) No person under the age of 14 shall operate any ~~a~~
30 personal watercraft on the waters of this state.

31

1 (6)(a) It is unlawful for the owner of any personal
2 watercraft or any person having charge over or control of a
3 personal watercraft to authorize or knowingly permit the same
4 to be operated by a person under 14 years of age in violation
5 of this section.

6 (b)1. It is unlawful for the owner of any leased,
7 hired, or rented personal watercraft, or any person having
8 charge over or control of a leased, hired, or rented personal
9 watercraft, to authorize or knowingly permit the watercraft to
10 be operated by any person who has not received instruction in
11 the safe handling of personal watercraft, in compliance with
12 rules established by the commission.

13 2. Any person receiving instruction in the safe
14 handling of personal watercraft pursuant to a program
15 established by rule of the commission must provide the owner
16 of, or person having charge of or control over, a leased,
17 hired, or rented personal watercraft with a written statement
18 attesting to the same.

19 3. The commission shall have the authority to
20 establish rules pursuant to chapter 120 prescribing the
21 instruction to be given, which shall take into account the
22 nature and operational characteristics of personal watercraft
23 and general principles and regulations pertaining to boating
24 safety.

25 (c) Any person who violates this subsection commits
26 ~~shall be guilty of~~ a misdemeanor of the second degree,
27 punishable as provided in s. 775.082 or s. 775.083.

28 Section 13. Subsections (3) through (10) of section
29 327.395, Florida Statutes, are renumbered as subsections (4)
30 through (11), respectively, and a new subsection (3) is added
31 to said section, to read:

1 327.395 Boating safety identification cards.--
2 (3) Any commission-approved boater education or boater
3 safety course, course-equivalency examination developed or
4 approved by the commission, or temporary certificate
5 examination developed or approved by the commission must
6 include a component regarding diving vessels, awareness of
7 divers in the water, divers-down flags, and the requirements
8 of s. 327.331.

9 Section 14. Subsections (1) and (2) of section 327.40,
10 Florida Statutes, are amended to read:

11 327.40 Uniform waterway markers for safety and
12 navigation.--

13 (1) Waterways in Florida, ~~unmarked by the Coast Guard,~~
14 which need marking for safety or navigation purposes, shall be
15 marked under the United States Aids to Navigation System, 33
16 C.F.R. part 62. Until December 31, 2003, channel markers and
17 obstruction markers conforming to the Uniform State Waterway
18 Marking System, 33 C.F.R. subpart 66.10, may continue to be
19 used on waters of this state that are not navigable waters of
20 the United States Uniform Safety and Navigation System
21 ~~adopted by the advisory panel of state officials to the~~
22 ~~Merchant Marine Council of the United States Coast Guard.~~

23 (2)(a) Application for marking inland lakes and state
24 waters and any navigable waters under concurrent jurisdiction
25 of the Coast Guard and the division shall be made to the
26 division, accompanied by a map locating the approximate
27 placement of markers, a list of the markers to be place, a
28 statement of the specification of the markers, a statement of
29 ~~concerning~~ the purpose of marking, and the names of persons
30 responsible for the placement and upkeep of such markers. The
31 division will assist the applicant to secure the proper

1 permission from the Coast Guard where required, make such
2 investigations as needed, and issue a permit. The division
3 shall furnish the applicant with the information concerning
4 the system adopted and the rules ~~regulations~~ existing for
5 placing and maintaining the ~~uniform safety and navigation~~
6 markers. The division shall keep records of all approvals
7 given and counsel with individuals, counties, municipalities,
8 motorboat clubs, or other groups desiring to mark waterways
9 for safety and navigation purposes in Florida.

10 (b) No person or municipality, county, or other
11 governmental entity shall place any safety or navigation
12 markers in, on, or over the waters or shores of the state
13 without a permit from the division.

14 (c) The commission is authorized to adopt rules
15 pursuant to chapter 120 to implement this section.

16 Section 15. Section 327.41, Florida Statutes, is
17 amended to read:

18 327.41 Uniform waterway regulatory markers.--

19 (1) ~~The Fish and Wildlife Conservation~~ commission
20 shall adopt rules ~~and regulations~~ pursuant to chapter 120
21 establishing a uniform system of regulatory markers for the
22 waters of the state Florida Intracoastal Waterway, compatible
23 with the system of regulatory markers prescribed by the United
24 States Coast Guard in the United States Aids to Navigation
25 System, 33 C.F.R. part 62, ~~and shall give due regard to the~~
26 ~~System of Uniform Waterway Markers approved by the Advisory~~
27 ~~Panel of State Officials to the Merchant Marine Council,~~
28 ~~United States Coast Guard.~~

29 (2) Any county or municipality which has been granted
30 a restricted area designation, pursuant to s. 327.46, for a
31 portion of the Florida Intracoastal Waterway within its

1 jurisdiction or which has adopted a restricted area by
2 ordinance pursuant to s. 327.22, s. 327.60, or s.
3 370.12(2)(o), or any other governmental entity which has
4 legally established a restricted area, may apply to the ~~Fish~~
5 ~~and Wildlife Conservation~~ commission for permission to place
6 regulatory markers within the restricted area.

7 (3) Application for placing regulatory markers in the
8 waters of the state on the Florida Intracoastal Waterway shall
9 be made to the division as provided in s. 327.40 of Marine
10 ~~Resources,~~ accompanied by a map locating the approximate
11 ~~placement of the markers, a statement of the specification of~~
12 ~~the markers, a statement of purpose of the markers, and a~~
13 ~~statement of the city or county responsible for the placement~~
14 ~~and upkeep of the markers.~~

15 (4) No person or municipality, county, or other
16 governmental entity shall place any regulatory markers in, on,
17 or over the waters of the state or the shores thereof Florida
18 ~~Intracoastal Waterway~~ without a permit from the division
19 pursuant to s. 327.40 of Marine Resources.

20 (5) Aquaculture leaseholds shall be marked as required
21 by this section, and the commission may approve alternative
22 marking requirements as a condition of the lease pursuant to
23 s. 253.68. The provisions of this section notwithstanding, no
24 permit shall be required for the placement of markers required
25 by such a lease.

26 (6) The commission is authorized to adopt rules
27 pursuant to chapter 120 to implement ~~the provisions of this~~
28 section.

29 Section 16. Section 327.46, Florida Statutes, is
30 amended to read:

31 327.46 Restricted areas.--

1 (1)(a) The commission has ~~shall have~~ the authority to
2 establish ~~for establishing,~~ by rule, pursuant to chapter 120,
3 restricted areas on the waters of the state for any purpose
4 deemed necessary for the safety of the public, including, but
5 not limited to, vessel boat speeds and vessel boat traffic,
6 where such restrictions are deemed necessary based on boating
7 accidents, visibility, hazardous currents or water levels
8 tides, vessel traffic congestion, or other navigational
9 hazards. Each such restricted area shall be developed in
10 consultation and coordination with the governing body of the
11 county or municipality in which the restricted area is located
12 and, where required, with the United States Coast Guard and
13 the United States Army Corps of Engineers. ~~Restricted areas~~
14 ~~shall be established in accordance with procedures under~~
15 ~~chapter 120.~~

16 (2) It is unlawful for any person to operate a vessel
17 in a prohibited manner or to carry on any prohibited activity,
18 as defined in this chapter, deemed a safety hazard or
19 interference with navigation as provided above within a
20 restricted water area which has been clearly marked by
21 regulatory markers ~~buoys or some other distinguishing device~~
22 ~~as a bathing or otherwise restricted area in accordance with~~
23 ~~and marked as authorized under this chapter.~~ ~~provided, that~~

24 (3) This section shall not apply in the case of an
25 emergency or to a law enforcement, firefighting, patrol or
26 rescue vessel owned or operated by a governmental entity
27 craft.

28 Section 17. Section 327.49, Florida Statutes, is
29 created to read:

30 327.49 Testing vessels and vessel motors.--Subject to
31 reasonable rules adopted by the commission pursuant to chapter

1 120, manufacturers of vessels and vessel motors that operate
2 vessel and vessel motor test facilities shall be authorized to
3 test such vessels, vessel motors, or combinations thereof on
4 the waters of the state to ensure that they meet generally
5 accepted boating safety standards.

6 Section 18. Section 327.54, Florida Statutes, is
7 amended to read:

8 327.54 Liveries; safety regulations; penalty.--

9 (1) A livery may not knowingly lease, hire, or rent a
10 vessel to any person:

11 (a) When the number of persons intending to use the
12 vessel exceeds the number considered to constitute a maximum
13 safety load for the vessel as specified on the authorized
14 persons capacity plate of the vessel.

15 (b) When the horsepower of the motor exceeds the
16 capacity of the vessel.

17 (c) When the vessel does not contain the required
18 safety equipment required under s. 327.50.

19 (d) When the vessel is not seaworthy.

20 (e) When the vessel is equipped with a motor of 10
21 horsepower or greater, unless the livery provides ~~there is a~~
22 prerental or preride instruction that includes, but need not
23 be limited to:in the safe operation of the vessel by the
24 livery.

25 1. Operational characteristics of the vessel to be
26 rented.

27 2. Safe vessel operation and vessel right-of-way.

28 3. The responsibility of the vessel operator for the
29 safe and proper operation of the vessel.

30 4. Local characteristics of the waterway where the
31 vessel will be operated.

1
2 Any person delivering the information specified in this
3 paragraph must have successfully completed a boater safety
4 course approved by the National Association of State Boating
5 Law Administrators and this state.

6 (f) Unless the livery displays boating safety
7 information in a place visible to the renting public. The
8 commission shall prescribe by rule pursuant to chapter 120,
9 the contents and size of the boating safety information to be
10 displayed.

11 (2) A livery may not knowingly lease, hire, or rent
12 any vessel powered by a motor of 10 horsepower or greater to
13 any person who is required to comply with s. 327.395, unless
14 such person presents a valid boater safety identification card
15 to the livery.

16 (3) If a vessel is unnecessarily overdue, the livery
17 shall notify the proper authorities.

18 (4)(a) A livery may not knowingly lease, hire, or rent
19 a personal watercraft to any person who is under 18 ~~16~~ years
20 of age.7

21 (b) A livery may not knowingly ~~nor may it~~ lease, hire,
22 or rent a personal ~~such~~ watercraft to any person who has not
23 received instruction in the safe handling of personal
24 watercraft, in compliance with rules established by the
25 commission pursuant to chapter 120 ~~or other vessel to any~~
26 ~~other person, unless the livery displays boating safety~~
27 ~~information about the safe and proper operation of vessels and~~
28 ~~requires a signature by the lessee that he or she has received~~
29 ~~instruction in the safe handling of the personal watercraft in~~
30 ~~compliance with standards established by the department.~~

31

1 (c) Any person receiving instruction in the safe
2 handling of personal watercraft pursuant to a program
3 established by rule of the commission must provide the livery
4 with a written statement attesting to the same.

5 (5) A livery may not lease, hire, or rent any personal
6 watercraft or offer to lease, hire, or rent any personal
7 watercraft unless the livery first obtains and carries in full
8 force and effect a policy from a licensed insurance carrier in
9 this state, insuring against any accident, loss, injury,
10 property damage, or other casualty caused by or resulting from
11 the operation of the personal watercraft. The insurance
12 policy shall provide coverage of at least \$500,000 per person
13 and \$1 million per event. The livery must have proof of such
14 insurance available for inspection at the location where
15 personal watercraft are being leased, hired, or rented, or
16 offered for lease, hire, or rent, and shall provide to each
17 renter the insurance carrier's name and address and the
18 insurance policy number.

19 ~~(6)(5)~~ Any person convicted of violating this section
20 ~~commits is guilty of~~ a misdemeanor of the second degree,
21 punishable as provided in s. 775.082 or s. 775.083.

22 ~~(6) When the livery has complied with subsections (1),~~
23 ~~(2), (3), and (4), its liability ceases and the person leasing~~
24 ~~the vessel from the livery is liable for any violations of~~
25 ~~this chapter and is personally liable for any accident or~~
26 ~~injury occurring while in charge of such vessel.~~

27 Section 19. Subsection (1) of section 327.60, Florida
28 Statutes, is amended to read:

29 327.60 Local regulations; limitations.--

30 (1) The provisions of ss. 327.01, 327.02,
31 327.30-327.40, 327.44-327.50, 327.54, 327.56, 327.65,

1 328.40-328.48, 328.52-328.58, 328.62, and 328.64 shall govern
2 the operation, equipment, and all other matters relating
3 thereto whenever any vessel shall be operated upon the
4 waterways or when any activity regulated hereby shall take
5 place thereon. Nothing in these sections shall be construed to
6 prevent the adoption of any ordinance or local law relating to
7 operation and equipment of vessels, except that no such
8 ordinance or local law may apply to the Florida Intracoastal
9 Waterway and except that such ordinances or local laws shall
10 be operative only when they are not in conflict with this
11 chapter or any amendments thereto or regulations thereunder.
12 Any ordinance or local law adopted pursuant to this section
13 may not discriminate against personal watercraft as defined in
14 s. 327.02.

15 Section 20. Section 327.72, Florida Statutes, is
16 amended to read:

17 327.72 Penalties.--Any person failing to comply with
18 the provisions of this chapter or chapter 328 not specified in
19 s. 327.73 or not paying the civil penalty ~~fine~~ specified in
20 said section within 30 ~~10~~ days, except as otherwise provided
21 in this chapter or chapter 328, commits ~~is guilty of~~ a
22 misdemeanor of the second degree, punishable as provided in s.
23 775.082 or s. 775.083.

24 Section 21. Paragraph (k) of subsection (1) and
25 subsection (4) of section 327.73, Florida Statutes, are
26 amended, subsections, (9), (10), and (11) are added to said
27 section, and paragraph (p) of subsection (1) of said section
28 is reenacted for the purpose of incorporating the amendments
29 to section 327.39, Florida Statutes, in a reference, to read:

30 327.73 Noncriminal infractions.--
31

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

3 (k) Violations relating to restricted areas and speed
4 limits:

5 1. Established by the commission ~~department~~ pursuant
6 to s. 327.46.

7 2. Established by local governmental authorities
8 pursuant to s. 327.22 or s. 327.60.

9 3. Speed limits established pursuant to s. 370.12(2).

10 (p) Section 327.39(1), (2), (3), and (5), relating to
11 personal watercraft.

12

13 Any person cited for a violation of any such provision shall
14 be deemed to be charged with a noncriminal infraction, shall
15 be cited for such an infraction, and shall be cited to appear
16 before the county court. The civil penalty for any such
17 infraction is \$50, except as otherwise provided in this
18 section. Any person who fails to appear or otherwise properly
19 respond to a uniform boating citation shall, in addition to
20 the charge relating to the violation of the boating laws of
21 this state, be charged with the offense of failing to respond
22 to such citation and, upon conviction, be guilty of a
23 misdemeanor of the second degree, punishable as provided in s.
24 775.082 or s. 775.083. A written warning to this effect shall
25 be provided at the time such uniform boating citation is
26 issued.

27 (4) Any person charged with a noncriminal infraction
28 under this section may:

29 (a) Pay the civil penalty, either by mail or in
30 person, within 30 ~~±0~~ days of the date of receiving the
31 citation; or,

1 (b) If he or she has posted bond, forfeit bond by not
2 appearing at the designated time and location.

3
4 If the person cited follows either of the above procedures, he
5 or she shall be deemed to have admitted the noncriminal
6 infraction and to have waived the right to a hearing on the
7 issue of commission of the infraction. Such admission shall
8 not be used as evidence in any other proceedings.

9 (9)(a) Any person who fails to comply with the court's
10 requirements or who fails to pay the civil penalties specified
11 in this section within the 30-day period provided for in s.
12 327.72 must pay an additional court cost of \$12, which shall
13 be used by the clerks of the courts to defray the costs of
14 tracking unpaid uniform boating citations.

15 (b) Any person who fails to comply with the court's
16 requirements as to civil penalties specified in this section
17 due to demonstrated financial hardship shall be authorized to
18 satisfy such civil penalties by public works or community
19 service. Each hour of such service shall be applied, at the
20 rate of the minimum wage, toward payment of the person's civil
21 penalties; provided, however, that if the person has a trade
22 or profession for which there is a community service need and
23 application, the rate for each hour of such service shall be
24 the average standard wage for such trade or profession. Any
25 person who fails to comply with the court's requirements as to
26 such civil penalties who does not demonstrate financial
27 hardship may also, at the discretion of the court, be
28 authorized to satisfy such civil penalties by public works or
29 community service in the same manner.

30 (c) If the noncriminal infraction has caused or
31 resulted in the death of another, the court may require the

1 person who committed the infraction to perform 120 community
2 service hours in addition to any other penalties.

3 (10) Any person cited for any noncriminal infraction
4 which results in an accident that causes the death of another,
5 or which results in an accident that causes "serious bodily
6 injury" of another as defined in s. 327.353(1), shall not have
7 the provisions of subsection (4) available to him or her but
8 must appear before the designated official at the time and
9 location of the scheduled hearing.

10 (11)(a) Court costs that are to be in addition to the
11 stated civil penalty shall be imposed by the court in an
12 amount not less than the following:

- 13 1. For swimming or diving infractions, \$3.
14 2. For nonmoving boating infractions, \$6
15 3. For boating infractions listed in s. 327.731(1),
16 \$10.

17 (b) In addition to the court cost assessed under
18 paragraph (a), the court shall impose a \$3 court cost for each
19 noncriminal infraction, to be distributed as provided in s.
20 938.01, and a \$2 court cost as provided in s. 938.15 when
21 assessed by a municipality or county.

22
23 Court costs imposed under this subsection may not exceed \$30.
24 A criminal justice selection center or both local criminal
25 justice access and assessment centers may be funded from these
26 court costs.

27 Section 22. Effective October 1, 2001, paragraph (u)
28 is added to subsection (1) of section 327.73, Florida
29 Statutes, to read:

30 327.73 Noncriminal infractions.--
31

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

3 (u) Section 327.331, relating to divers-down flags,
4 except for violations meeting the requirements of s. 327.33.

5
6 Any person cited for a violation of any such provision shall
7 be deemed to be charged with a noncriminal infraction, shall
8 be cited for such an infraction, and shall be cited to appear
9 before the county court. The civil penalty for any such
10 infraction is \$50, except as otherwise provided in this
11 section. Any person who fails to appear or otherwise properly
12 respond to a uniform boating citation shall, in addition to
13 the charge relating to the violation of the boating laws of
14 this state, be charged with the offense of failing to respond
15 to such citation and, upon conviction, be guilty of a
16 misdemeanor of the second degree, punishable as provided in s.
17 775.082 or s. 775.083. A written warning to this effect shall
18 be provided at the time such uniform boating citation is
19 issued.

20 Section 23. Effective October 1, 2001, subsection (1)
21 of section 327.731, Florida Statutes, is amended to read:

22 327.731 Mandatory education for violators.--

23 (1) Every person convicted of a criminal violation of
24 this chapter, every person convicted of a noncriminal
25 infraction under this chapter if the infraction resulted in a
26 reportable boating accident, and every person convicted of two
27 noncriminal infractions as defined in s. 327.73(1)(h) through
28 (k), (m) through (p), and (s) through (u)~~(s), and (t)~~, said
29 infractions occurring within a 12-month period, must:

30 (a) Enroll in, attend, and successfully complete, at
31 his or her own expense, a boating safety course that meets

1 minimum standards established by the commission by rule;
2 however, the commission may provide by rule pursuant to
3 chapter 120 for waivers of the attendance requirement for
4 violators residing in areas where classroom presentation of
5 the course is not available;

6 (b) File with the commission within 90 days proof of
7 successful completion of the course;

8 (c) Refrain from operating a vessel until he or she
9 has filed the proof of successful completion of the course
10 with the commission.

11

12 Any person who has successfully completed an approved boating
13 course shall be exempt from these provisions upon showing
14 proof to the commission as specified in paragraph (b).

15 Section 24. Subsections (1) and (3) of section 327.803,
16 Florida Statutes, are amended to read:

17 327.803 Boating Advisory Council.--

18 (1) The Boating Advisory Council is created within the
19 Fish and Wildlife Conservation Commission and shall be
20 composed of 17 ~~16~~ members. The members include:

21 (a) One representative from the Fish and Wildlife
22 Conservation Commission, who shall serve as the chair of the
23 council.

24 (b) One representative each from the Department of
25 Environmental Protection, the United States Coast Guard
26 Auxiliary, the United States Power Squadron, and the inland
27 navigation districts.

28 (c) One representative of manatee protection
29 interests, one representative of the marine industries, two
30 representatives of water-related environmental groups, one
31 representative of marine manufacturers, one representative of

1 commercial vessel owners or operators, one representative of
2 sport boat racing, one representative actively involved and
3 working full-time in the scuba diving industry who has
4 experience in recreational boating, and two representatives of
5 the boating public, each of whom shall be nominated by the
6 executive director of the Fish and Wildlife Conservation
7 Commission and appointed by the Governor to serve staggered
8 2-year terms.

9 (d) One member of the House of Representatives, who
10 shall be appointed by the Speaker of the House of
11 Representatives.

12 (e) One member of the Senate, who shall be appointed
13 by the President of the Senate.

14 (3) The purpose of the council is to make
15 recommendations to the Fish and Wildlife Conservation
16 Commission and the Department of Community Affairs regarding
17 issues affecting the boating community, including, but not
18 limited to, issues related to:

19 (a) Boating and diving safety education.

20 (b) Boating-related facilities, including marinas and
21 boat testing facilities.

22 (c) Boat usage.

23 Section 25. Subsection (2) of section 328.48, Florida
24 Statutes, is amended to read:

25 328.48 Vessel registration, application, certificate,
26 number, decal, duplicate certificate.--

27 (2) All vessels used ~~operated~~ on the waters of the
28 state must be registered, either commercial or recreational
29 ~~noncommercial~~ as defined in this chapter ~~herein~~, except as
30 follows:

31

1 (a) A vessel used exclusively on private lakes and
2 ponds.

3 (b) A vessel owned by the United States Government.

4 (c) A vessel used exclusively as a ship's lifeboat.

5 (d) A non-motor-powered vessel.

6 Section 26. Section 328.56, Florida Statutes, is
7 amended to read:

8 328.56 Vessel registration number.--Each vessel that
9 is used ~~operated~~ on the waters of the state must display a
10 commercial or recreational ~~noncommercial~~ Florida registration
11 number, unless it is:

12 (1) A vessel used exclusively on private lakes and
13 ponds.

14 (2) A vessel owned by the United States Government.

15 (3) A vessel used exclusively as a ship's lifeboat.

16 (4) A non-motor-powered vessel.

17 (5) A federally documented vessel.

18 (6) A vessel already covered by a registration number
19 in full force and effect which has been awarded to it pursuant
20 to a federally approved numbering system of another state or
21 by the United States Coast Guard in a state without a
22 federally approved numbering system, if the vessel has not
23 been within this state for a period in excess of 90
24 consecutive days.

25 (7) A vessel operating under a valid temporary
26 certificate of number.

27 (8) A vessel from a country other than the United
28 States temporarily using the waters of this state.

29 (9) An undocumented vessel used exclusively for
30 racing.

31

1 Section 27. Section 328.70, Florida Statutes, is
2 amended to read:

3 328.70 Legislative intent with respect to uniform
4 registration fee, classification of vessels.--

5 (a) It is declared to be the intent of the Legislature
6 that all vessels in the state be subject to a uniform
7 registration fee at a rate based on the length of the vessels.
8 It is also declared to be the intent of the Legislature that
9 all vessels be classified as either "commercial" or
10 "recreational noncommercial" and that all such vessels be
11 registered according to the provisions of s. 328.72.

12 (b) Any vessel which is required to be registered and
13 meets the definition of a commercial vessel shall be
14 classified and registered as a "commercial vessel."

15 (c) Any vessel which is required to be registered and
16 is not used ~~operated~~ for commercial purposes shall be
17 classified and registered as a "recreational noncommercial
18 vessel."

19 (d) Livery vessels shall be classified as "commercial"
20 or "recreational" based on the manner in which they are used.

21 Section 28. Subsections (2) and (6) of section 328.72,
22 Florida Statutes, are amended to read:

23 328.72 Classification; registration; fees and charges;
24 surcharge; disposition of fees; fines; marine turtle
25 stickers.--

26 (2) ANTIQUE VESSEL REGISTRATION FEE.--

27 (a) A vessel that is at least 30 years old, used only
28 for recreational noncommercial purposes, and powered by the
29 vessel's original-type power plant may be registered as an
30 antique vessel. When applying for registration as an antique
31 vessel, the owner of such a vessel shall submit certification,

1 as prescribed by the Department of Highway Safety and Motor
2 Vehicles or from a marine surveyor that the vessel meets the
3 requirements of this paragraph.

4 (b) The registration number for an antique vessel
5 shall be permanently attached to each side of the forward half
6 of the vessel ~~displayed~~ as provided in ss. 328.48 and 328.54.

7 (c) The Department of Highway Safety and Motor
8 Vehicles may issue a decal identifying the vessel as an
9 antique vessel. The decal shall be displayed as provided in
10 ss. 328.48 ~~327.11~~ and 328.54 ~~327.14~~.

11 (6) CHANGE OF CLASSIFICATION.--If the classification
12 of a vessel changes from recreational ~~noncommercial~~ to
13 commercial, or from commercial to recreational ~~noncommercial~~,
14 and a current registration certificate has been issued to the
15 owner, the owner shall within 30 days forward his or her
16 certificate to the county tax collector with a fee of \$2.25
17 and a new certificate shall be issued.

18 Section 29. Paragraph (C) of subsection (1) of section
19 328.76, Florida Statutes, is amended to read:

20 328.76 Marine Resources Conservation Trust Fund;
21 vessel registration funds; appropriation and distribution.--

22 (1) Except as otherwise specified and less any
23 administrative costs, all funds collected from the
24 registration of vessels through the Department of Highway
25 Safety and Motor Vehicles and the tax collectors of the state
26 shall be deposited in the Marine Resources Conservation Trust
27 Fund for recreational channel marking; public launching
28 facilities; law enforcement and quality control programs;
29 aquatic weed control; manatee protection, recovery, rescue,
30 rehabilitation, and release; and marine mammal protection and
31

1 recovery. The funds collected pursuant to s. 328.72(1) shall
2 be transferred as follows:

3 (c) Two dollars from each recreational ~~noncommercial~~
4 vessel registration fee, except that for class A-1 vessels,
5 shall be transferred to the Invasive Plant Control Trust Fund
6 for aquatic weed research and control.

7 Section 30. Effective July 1, 2000, paragraph (a) of
8 subsection (2) of section 370.06, Florida Statutes, is amended
9 to read:

10 370.06 Licenses.--

11 (2) SALTWATER PRODUCTS LICENSE.--

12 (a) Every person, firm, or corporation that sells,
13 offers for sale, barter, or exchanges for merchandise any
14 saltwater products, or which harvests saltwater products with
15 certain gear or equipment as specified by law, must have a
16 valid saltwater products license, except that the holder of an
17 aquaculture certificate under s. 597.004 is not required to
18 purchase and possess a saltwater products license in order to
19 possess, transport, or sell marine aquaculture products. Each
20 saltwater products license allows the holder to engage in any
21 of the activities for which the license is required. The
22 license must be in the possession of the licenseholder or
23 aboard the vessel and shall be subject to inspection at any
24 time that harvesting activities for which a license is
25 required are being conducted. A restricted species endorsement
26 on the saltwater products license is required to sell to a
27 licensed wholesale dealer those species which the state, by
28 law or rule, has designated as "restricted species." This
29 endorsement may be issued only to a person who is at least 16
30 years of age, or to a firm certifying that over 25 percent of
31 its income or \$5,000 of its income, whichever is less, is

1 attributable to the sale of saltwater products pursuant to a
2 license issued under this paragraph or a similar license from
3 another state. This endorsement may also be issued to a
4 for-profit corporation if it certifies that at least \$5,000 of
5 its income is attributable to the sale of saltwater products
6 pursuant to a license issued under this paragraph or a similar
7 license from another state. However, if at least 50 percent of
8 the annual income of a person, firm, or for-profit corporation
9 is derived from charter fishing, the person, firm, or
10 for-profit corporation must certify that at least \$2,500 of
11 the income of the person, firm, or corporation is attributable
12 to the sale of saltwater products pursuant to a license issued
13 under this paragraph or a similar license from another state,
14 in order to be issued the endorsement. Such income attribution
15 must apply to at least 1 year out of the last 3 years. For the
16 purpose of this section "income" means that income which is
17 attributable to work, employment, entrepreneurship, pensions,
18 retirement benefits, and social security benefits. To renew an
19 existing restricted species endorsement, a marine aquaculture
20 producer possessing a valid saltwater products license with a
21 restricted species endorsement may apply income from the sale
22 of marine aquaculture products to licensed wholesale dealers.

23 1. The ~~Fish and Wildlife Conservation~~ commission is
24 authorized to require verification of such income. Acceptable
25 proof of income earned from the sale of saltwater products
26 shall be:

27 a. Copies of trip ticket records generated pursuant to
28 this subsection (marine fisheries information system),
29 documenting qualifying sale of saltwater products;

30 b. Copies of sales records from locales other than
31 Florida documenting qualifying sale of saltwater products;

1 c. A copy of the applicable federal income tax return,
2 including Form 1099 attachments, verifying income earned from
3 the sale of saltwater products;

4 d. Crew share statements verifying income earned from
5 the sale of saltwater products; or

6 e. A certified public accountant's notarized statement
7 attesting to qualifying source and amount of income.

8

9 Any provision of this section or any other section of the
10 Florida Statutes to the contrary notwithstanding, any person
11 who owns a retail seafood market or restaurant at a fixed
12 location for at least 3 years who has had an occupational
13 license for 3 years prior to January 1, 1990, who harvests
14 saltwater products to supply his or her retail store and has
15 had a saltwater products license for 1 of the past 3 years
16 prior to January 1, 1990, may provide proof of his or her
17 verification of income and sales value at the person's retail
18 seafood market or restaurant and in his or her saltwater
19 products enterprise by affidavit and shall thereupon be issued
20 a restricted species endorsement.

21 2. Exceptions from income requirements shall be as
22 follows:

23 a. A permanent restricted species endorsement shall be
24 available to those persons age 62 and older who have qualified
25 for such endorsement for at least 3 out of the last 5 years.

26 b. Active military duty time shall be excluded from
27 consideration of time necessary to qualify and shall not be
28 counted against the applicant for purposes of qualifying.

29 c. Upon the sale of a used commercial fishing vessel
30 owned by a person, firm, or corporation possessing or eligible
31 for a restricted species endorsement, the purchaser of such

1 vessel shall be exempted from the qualifying income
2 requirement for the purpose of obtaining a restricted species
3 endorsement for a period of 1 year after purchase of the
4 vessel.

5 d. Upon the death or permanent disablement of a person
6 possessing a restricted species endorsement, an immediate
7 family member wishing to carry on the fishing operation shall
8 be exempted from the qualifying income requirement for the
9 purpose of obtaining a restricted species endorsement for a
10 period of 1 year after the death or disablement.

11 e. A restricted species endorsement may be issued on
12 an individual saltwater products license to a person age 62 or
13 older who documents that at least \$2,500 is attributable to
14 the sale of saltwater products pursuant to the provisions of
15 this paragraph.

16 f. A permanent restricted species endorsement may also
17 be issued on an individual saltwater products license to a
18 person age 70 or older who has held a saltwater products
19 license for at least 3 of the last 5 license years.

20 g.(I) Any resident who is certified to be totally and
21 permanently disabled by ~~a verified written statement, based~~
22 ~~upon the criteria for permanent total disability in chapter~~
23 ~~440 from a physician licensed in this state, by any branch of~~
24 ~~the United States Armed Services, by the Social Security~~
25 ~~Administration, or by the United States Department of Veterans~~
26 ~~Affairs or its predecessor, or by any branch of the United~~
27 States Armed Forces, upon proof of the same, or any resident
28 certified to be totally disabled by the United States Social
29 Security Administration, upon proof of the same, or any
30 ~~resident who holds a valid identification card issued by the~~
31 ~~Department of Veterans' Affairs pursuant to s. 295.17, shall~~

1 be exempted from the income requirements if he or she also has
2 held a saltwater products license for at least 3 of the last 5
3 license years prior to the date of the disability.

4 (II) A Disability Award Notice issued by the United
5 States Social Security Administration is not sufficient
6 certification for a resident to obtain the income exemption
7 unless the notice certifies that the resident is totally ~~and~~
8 ~~permanently~~ disabled.

9
10 At least one saltwater products license bearing a restricted
11 species endorsement shall be aboard any vessel harvesting
12 restricted species in excess of any bag limit or when fishing
13 under a commercial quota or in commercial quantities, and such
14 vessel shall have a commercial vessel registration. This
15 subsection does not apply to any person, firm, or corporation
16 licensed under s. 370.07(1)(a)1. or (b) for activities
17 pursuant to such licenses. A saltwater products license may be
18 issued in the name of an individual or a valid boat
19 registration number. Such license is not transferable. A decal
20 shall be issued with each saltwater products license issued to
21 a valid boat registration number. The saltwater products
22 license decal shall be the same color as the vessel
23 registration decal issued each year pursuant to s. 328.48(5)
24 and shall indicate the period of time such license is valid.
25 The saltwater products license decal shall be placed beside
26 the vessel registration decal and, in the case of an
27 undocumented vessel, shall be placed so that the vessel
28 registration decal lies between the vessel registration number
29 and the saltwater products license decal. Any saltwater
30 products license decal for a previous year shall be removed
31 from a vessel operating on the waters of the state. A resident

1 shall pay an annual license fee of \$50 for a saltwater
2 products license issued in the name of an individual or \$100
3 for a saltwater products license issued to a valid boat
4 registration number. A nonresident shall pay an annual license
5 fee of \$200 for a saltwater products license issued in the
6 name of an individual or \$400 for a saltwater products license
7 issued to a valid boat registration number. An alien shall pay
8 an annual license fee of \$300 for a saltwater products license
9 issued in the name of an individual or \$600 for a saltwater
10 products license issued to a valid boat registration number.
11 Any person who sells saltwater products pursuant to this
12 license may sell only to a licensed wholesale dealer. A
13 saltwater products license must be presented to the licensed
14 wholesale dealer each time saltwater products are sold, and an
15 imprint made thereof. The wholesale dealer shall keep records
16 of each transaction in such detail as may be required by rule
17 of the ~~Fish and Wildlife Conservation~~ commission not in
18 conflict with s. 370.07(6), and shall provide the holder of
19 the saltwater products license with a copy of the record. It
20 is unlawful for any licensed wholesale dealer to buy saltwater
21 products from any unlicensed person under the provisions of
22 this section, except that a licensed wholesale dealer may buy
23 from another licensed wholesale dealer. It is unlawful for any
24 licensed wholesale dealer to buy saltwater products designated
25 as "restricted species" from any person, firm, or corporation
26 not possessing a restricted species endorsement on his or her
27 saltwater products license under the provisions of this
28 section, except that a licensed wholesale dealer may buy from
29 another licensed wholesale dealer. The commission shall be the
30 licensing agency, may contract with private persons or
31 entities to implement aspects of the licensing program, and

1 shall establish by rule a marine fisheries information system
2 in conjunction with the licensing program to gather fisheries
3 data.

4 Section 31. Effective July 1, 2000, paragraph (a) of
5 subsection (2) and subsections (4) and (12) of section
6 370.0605, Florida Statutes, are amended, and paragraph (e) is
7 added to subsection (2) of said section, to read:

8 370.0605 Saltwater fishing license required; fees.--

9 (2) Saltwater fishing license fees are as follows:

10 (a)1. For a resident ~~of the state~~, \$12 for a 1-year
11 license.

12 2. For a resident ~~of the state~~, \$60 for 5 consecutive
13 years from the date of purchase.

14 3. For a nonresident ~~of the state~~, ~~\$5 for a 3-day~~
15 ~~license~~, \$15 for a 7-day license, and \$30 for a 1-year
16 license.

17 4. For a combination license for a resident to take
18 freshwater fish and saltwater fish, \$24 for a 1-year license.

19 5. For a combination license for a resident to hunt
20 and to take freshwater fish and saltwater fish, \$34 for a
21 1-year license.

22 6.4. For purposes of this section, "resident" has the
23 same meaning as that found in s. 372.001.

24 (e) The fee for a permanent saltwater fishing,
25 freshwater fishing, and hunting license for a resident 64
26 years of age or older is \$12.

27 (4) A saltwater fishing license must be issued,
28 without license fee, to any resident who is certified:

29 (a) To be totally and permanently disabled by the
30 ~~verified written statement which is based upon the criteria~~
31 ~~for permanent total disability in chapter 440 of a physician~~

1 ~~licensed in this state, by any branch of the United States~~
2 ~~Armed Services, by the Social Security Administration, or by~~
3 ~~the United States Department of Veterans Affairs or its~~
4 ~~predecessor, or by any branch of the United States Armed~~
5 ~~Forces, upon proof of the same. Any license issued under this~~
6 ~~paragraph after January 1, 1997, expires, and must be reissued~~
7 ~~upon request, after 5 years and every 5 years thereafter; or~~
8 ~~who holds a valid identification card issued by the Department~~
9 ~~of Veterans' Affairs pursuant to s. 295.17.~~

10 (b) To be totally disabled A Disability Award Notice
11 issued by the United States Social Security Administration,
12 upon proof of the same. Any license issued under this
13 provision after October 1, 1999, expires, and must be reissued
14 upon proof of certification as provided in this paragraph,
15 after 2 years and every 2 years thereafter. ~~is not sufficient~~
16 ~~certification for obtaining a permanent fishing license under~~
17 ~~this section unless the notice certifies a resident is totally~~
18 ~~and permanently disabled. Any license issued after January 1,~~
19 ~~1997, expires after 5 years and must be reissued, upon~~
20 ~~request, every 5 years thereafter.~~

21 (c) Notwithstanding any other provision of this
22 subsection, any person who has received after July 1, 1997,
23 and before July 1, 2000, a valid disability license under this
24 subsection retains the rights vested thereunder until the
25 license has expired.

26 (12) ~~The Fish and Wildlife Conservation~~ commission may
27 designate by rule no more than 2 consecutive or nonconsecutive
28 days in each year as free saltwater fishing days. ~~"Disabled~~
29 ~~Angler Fishing Days."~~ ~~Notwithstanding any other provision of~~
30 ~~this chapter, any disabled person may take saltwater marine~~
31 ~~fish for noncommercial purposes on a free saltwater fishing~~

1 ~~day Disabled Angler Fishing Day~~ without obtaining or
2 possessing a license or paying a license fee as prescribed in
3 this section. A ~~disabled~~ person who takes saltwater marine
4 fish on a free saltwater fishing day ~~Disabled Angler Fishing~~
5 ~~Day~~ without obtaining a license or paying a fee must comply
6 with all laws, rules, and regulations governing holders of a
7 fishing license and all other conditions and limitations
8 regulating the taking of saltwater marine fish as are imposed
9 by law or rule.

10 Section 32. Paragraph (a) of subsection (4) of section
11 370.12, Florida Statutes, is amended to read:

12 370.12 Marine animals; regulation.--

13 (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

14 (a) Each fiscal year the Save the Manatee Trust Fund
15 shall be available to fund an impartial scientific benchmark
16 census of the manatee population in the state. Weather
17 permitting, the study shall be conducted annually by the ~~Fish~~
18 ~~and Wildlife Conservation~~ commission and the results shall be
19 made available to the President of the Senate, the Speaker of
20 the House of Representatives, and the Governor and Cabinet for
21 use in the evaluation and development of manatee protection
22 measures. In addition, the Save the Manatee Trust Fund shall
23 be available for annual funding of activities of public and
24 private organizations and those of the commission intended to
25 provide manatee and marine mammal protection and recovery
26 effort; manufacture and erection of informational and
27 regulatory signs; production, publication, and distribution of
28 educational materials; participation in manatee and marine
29 mammal research programs, including carcass salvage and other
30 programs; programs intended to assist the recovery of the
31 manatee as an endangered species, assist the recovery of the

1 endangered or threatened marine mammals, and prevent the
2 endangerment of other species of marine mammals; and other
3 similar programs intended to protect and enhance the recovery
4 of the manatee and other species of marine mammals. The
5 commission shall annually solicit advisory recommendations
6 from ~~the Save the Manatee Committee affiliated with the Save~~
7 ~~the Manatee Club, as identified and recognized in Executive~~
8 ~~Order 85-19,~~ on the use of funds from the Save the Manatee
9 Trust Fund.

10 Section 33. Effective July 1, 2000, section 370.45,
11 Florida Statutes, is created to read:

12 370.45 Issuance of licenses or permits to take
13 freshwater aquatic life; costs; reporting.--

14 (1) The provisions of this section shall apply to such
15 licenses or permits as are established in this chapter.

16 (2) The commission shall issue licenses and permits
17 for taking freshwater aquatic life upon proof by the applicant
18 that she or he is entitled to such license or permit. The
19 commission shall establish the forms for such licenses and
20 permits. Each applicant for a license, permit, or
21 authorization shall provide the applicant's social security
22 number on the application form. Disclosure of social security
23 numbers obtained through this requirement shall be limited to
24 the purpose of administration of the Title IV-D program for
25 child support enforcement and use by the commission, and as
26 otherwise provided by law.

27 (3) Licenses and permits for the state may be sold by
28 the commission, by any tax collector in this state, or by any
29 appointed subagent.

30 (4)(a) In addition to any license or permit fee, \$1.50
31 shall be charged for each license or fish management area

1 permit sold. Such charge is for the purpose of, and the source
2 from which is subtracted, all administrative costs of issuing
3 a license or permit, including, but not limited to, printing,
4 distribution, and credit card fees.

5 (b) Tax collectors may retain \$1 for each license or
6 fish management area permit sold.

7 (5) Licenses and permits shall be issued, without fee,
8 to any resident who is certified:

9 (a) To be totally and permanently disabled by the
10 United States Department of Veterans Affairs or its
11 predecessor, or by any branch of the United States Armed
12 Forces, upon proof of the same. Any license issued under this
13 provision after January 1, 1997, expires, and must be reissued
14 upon request, after 5 years and every 5 years thereafter; or

15 (b) To be totally disabled by the United States Social
16 Security Administration, upon proof of same. Any license
17 issued under this provision after October 1, 1999, expires,
18 and must be reissued upon proof of certification, after 2
19 years and every 2 years thereafter.

20 (c) Notwithstanding any other provision of this
21 subsection, any person who has received after July 1, 1997,
22 and before July 1, 2000, a valid disability license retains
23 the rights vested thereunder until the license has expired.

24 (6)(a) Tax collectors shall remit license and permit
25 moneys, along with a report of funds collected and other
26 required documentation, to the commission within 7 days
27 following the last business day of the week in which the fees
28 were received by the tax collector. The tax collector shall
29 maintain records of all such licenses and permits which are
30 sold and all stamps issued, voided, stolen, or lost. The tax
31 collector is responsible to the commission for the fee for all

1 licenses and permits sold and for the value of all stamps
2 reported as lost. The tax collector shall report stolen
3 permits to the appropriate law enforcement agency. The tax
4 collector shall submit a written report and a copy of the law
5 enforcement agency's report to the commission within 5 days
6 after discovering the theft. The value of a validation stamp
7 is \$5.

8 (b) Tax collectors are also responsible for fees for
9 all licenses and permits sold by their subagents and for the
10 value of all stamps reported as lost. The commission may
11 adopt rules to implement this section.

12 (c) Not later than August 15 of each year, each county
13 tax collector shall submit to the commission all unissued
14 stamps for the previous year along with a written audit
15 report, on forms prescribed or approved by the commission, of
16 the numbers of the unissued stamps.

17 (7) Within 30 days after the submission of the annual
18 audit report, each county tax collector shall provide the
19 commission with a written audit report on unissued, sold, and
20 voided licenses, permits, and stamps with a certified
21 reconciliation statement prepared by a certified public
22 accountant. Concurrent with the submission of the
23 certification, the county tax collector shall remit to the
24 commission the monetary value of all licenses, permits, and
25 stamps that are unaccounted for. Each tax collector is also
26 responsible for fees for all licenses, permits, and stamps
27 distributed by the tax collector to subagents, sold by the tax
28 collector, or reported by the tax collector as lost.

29 Section 34. Effective July 1, 2000, section 370.46,
30 Florida Statutes, is created to read:

31

1 370.46 Licenses and permits; exemptions; fees.--No
2 person, except as provided in this section, shall take
3 freshwater fish within this state without having first
4 obtained a license, permit, or authorization and paid the fees
5 set forth in this section, unless such license is issued
6 without fee as provided in s. 370.45. Such license, permit, or
7 authorization shall authorize the person to whom it is issued
8 to take freshwater fish in accordance with law and commission
9 rules. Such license, permit, or authorization is not
10 transferable. Each license or permit must bear on its face in
11 indelible ink the name of the person to whom it is issued and
12 other information requested by the commission. Such license,
13 permit, or authorization issued by the commission or any agent
14 must be in the personal possession of the person to whom
15 issued while taking freshwater fish. The failure of such
16 person to exhibit such license, permit, or authorization to
17 the commission or its wildlife officers when such person is
18 found taking freshwater fish is a violation of law. A
19 positive form of identification is required when using an
20 authorization, a lifetime license, or a 5-year license, or
21 when otherwise required by the license or permit. The
22 lifetime licenses and 5-year licenses provided for in this
23 section shall be embossed with the name, date of birth, date
24 of issuance, and other pertinent information as deemed
25 necessary by the commission. A certified copy of the
26 applicant's birth certificate shall accompany each application
27 for a lifetime license for a resident 12 years of age or
28 younger. Each applicant for a license, permit, or
29 authorization shall provide the applicant's social security
30 number on the application form. Disclosure of social security
31 numbers obtained through this requirement shall be limited to

1 the purpose of administration of the Title IV-D child support
2 enforcement program and use by the commission, and as
3 otherwise provided by law.
4 (1) A license or permit is not required for:
5 (a) Any child under 16 years of age, except as
6 otherwise provided in this chapter.
7 (b) Any person freshwater fishing in the person's
8 county of residence on the person's homestead or the homestead
9 of the person's spouse or minor child, or any minor child
10 freshwater fishing on the homestead of her or his parent.
11 (c) Any resident who is a member of the Armed Forces
12 of the United States, who is not stationed in this state, when
13 home on leave for 30 days or less, upon submission of orders.
14 (d) Any resident when freshwater fishing with live or
15 natural bait, using poles or lines which are not equipped with
16 a fishing line retrieval mechanism, and freshwater fishing for
17 noncommercial purposes in the county of her or his residence,
18 except on legally established fish management areas. This
19 paragraph may be cited as the "Dempsey J. Barron, W. D.
20 Childers, and Joe Kershaw Cane Pole Tax Repeal Act of 1976."
21 (e) Any person fishing in a fish pond of 20 acres or
22 less which is located entirely within the private property of
23 the fish pond owner.
24 (f) Any person fishing in a fish pond which is
25 licensed in accordance with s. 372.5705.
26 (g) Any person freshwater fishing who has been
27 accepted as a client for developmental services by the
28 Department of Children and Family Services, which department
29 shall furnish such person proof thereof.
30 (h) Any resident 65 years of age or older who has in
31 her or his possession proof of age and residency. A free

1 license may be obtained from any tax collector's office upon
2 proof of age and residency.

3 (2) For residents and nonresidents, the license and
4 fees for noncommercial fishing in this state, and the activity
5 authorized thereby, are as follows:

6 (a) A fishing license for a resident to take
7 freshwater fish in this state is \$12.

8 (b) A fishing license for a nonresident to take
9 freshwater fish in this state for 7 consecutive days is \$15.

10 (c) A combination license for a resident to take
11 freshwater fish and saltwater fish is \$24 for a 1-year
12 license.

13 (d) A fishing license for a nonresident to take
14 freshwater fish in this state is \$30.

15 (e) A combination fishing and hunting license for a
16 resident to take freshwater fish and game in this state is
17 \$22.

18 (f) A combination license for a resident to hunt and
19 to take freshwater fish and saltwater fish is \$34 for a 1-year
20 license.

21 (g) A sportsman's license for a resident is \$66. The
22 sportsman's license authorizes the holder to take freshwater
23 fish and game, subject to state and federal laws, rules, and
24 regulations, including rules of the commission, in effect at
25 the time of taking, and authorizes the same activities
26 authorized by a management area permit, a muzzle-loading gun
27 permit, a turkey permit, a Florida waterfowl permit, and an
28 archery permit. A nonresident may not purchase a sportsman's
29 license.

30 (3) In addition to any license required by this
31 chapter, the following permits and fees for certain fishing,

1 and recreational uses, and the activities authorized thereby,
2 are:
3 (a)1. Management area permits to fish or otherwise use
4 for outdoor recreational purposes land owned, leased, or
5 managed by the commission or the state for the use and benefit
6 of the commission, up to \$25 annually. Permits and fees for
7 short-term use of land owned, leased, or managed by the
8 commission may be established by rule of the commission for
9 any activity on such lands. Such permits and fees may be in
10 lieu of or in addition to the annual management area permit.
11 Other than for fishing, the provisions of this subparagraph
12 shall not apply on any lands not owned by the commission,
13 unless the commission has obtained the written consent of the
14 owner or primary custodian of such lands.
15 2. A recreational user permit fee to fish or otherwise
16 use for outdoor recreational purposes land leased by the
17 commission from private nongovernmental owners, except for
18 those lands located directly north of the Apalachicola
19 National Forest, east of the Ochlockonee River until the point
20 the river meets the dam forming Lake Talquin, and south of the
21 closest federal highway. The fee for this permit shall be
22 based upon economic compensation desired by the landowner,
23 fish population levels, and administrative costs. The permit
24 fee shall be set by commission rule on a per-acre basis. On
25 property currently in the private landowner payment program,
26 the prior year's landowner payment shall be used to augment
27 the recreational user permit fee so as to decrease the permit
28 fee for the users of that property. The spouse and dependent
29 children of a permittee are exempt from the recreational user
30 permit fee when engaged in outdoor recreational activities
31 other than hunting in the company of the

1 permittee. Notwithstanding any other provision of this
2 chapter, there are no other exclusions, exceptions, or
3 exemptions from this permit fee. The recreational user permit
4 fee, less an administrative permit fee of up to \$25 per
5 permit, shall be remitted to the landowner as provided in the
6 lease agreement for each area.

7 (b) A special use permit for limited-entry fishing,
8 where such fishing is authorized by commission rule, shall be
9 up to \$100 per day but shall not exceed \$250 per week.

10 Notwithstanding any other provision of this chapter, there are
11 no exclusions, exceptions, or exemptions from this fee. In
12 addition to the fee, the commission may charge each applicant
13 for a special use permit a nonrefundable application fee of up
14 to \$10.

15 (c) The fee for a permanent hunting, freshwater
16 fishing, and saltwater and fishing license for a resident 64
17 years of age or older is \$12.

18 (4) The commission is authorized to reduce the fees
19 for licenses and permits under this section for residents of
20 those states with which the commission has entered into
21 reciprocal agreements with respect to such fees.

22 (5) The commission may designate by rule no more than
23 2 consecutive or nonconsecutive days in each year as free
24 fishing days. Notwithstanding any other provision of this
25 chapter, any person may take freshwater fish for noncommercial
26 purposes on a free fishing day without obtaining or possessing
27 a license or paying a license fee as prescribed in this
28 section. A person who takes freshwater fish on a free fishing
29 day without obtaining a license or paying a fee must comply
30 with all laws, rules, and regulations governing holders of a
31 fishing license and all other conditions and limitations

1 regulating the taking of freshwater fish as are imposed by law
2 or rule.

3 (6) A resident lifetime sportsman's license authorizes
4 the holder to engage in the following noncommercial
5 activities:

6 (a) To take or attempt to take or possess freshwater
7 fish, marine fish, and game, consistent with state and federal
8 laws, rules, and regulations, including rules of the
9 commission, in effect at the time of taking.

10 (b) All activities authorized by a management area
11 permit, a muzzle-loading gun permit, a turkey permit, an
12 archery permit, a Florida waterfowl permit, a snook permit,
13 and a crawfish permit.

14 (7) The fee for a resident lifetime sportsman's
15 license is:

16 (a) 4 years of age or younger.....\$400
17 (b) 5-12 years of age.....\$700
18 (c) 13 years of age or older.....\$1,000

19 (8) A resident lifetime freshwater fishing license
20 authorizes the holder to engage in the following noncommercial
21 activities:

22 (a) To take or attempt to take or possess freshwater
23 fish consistent with state and federal laws, rules, and
24 regulations, including rules of the commission, in effect at
25 the time of taking.

26 (b) All activities authorized by a management area
27 permit, excluding hunting.

28 (9) The fee for a resident lifetime freshwater fishing
29 license is:

30 (a) 4 years of age or younger.....\$125
31 (b) 5-12 years of age.....\$225

1 (c) 13 years of age or older.....\$300
2 (10) Fees collected pursuant to s. 370.0605(2) for
3 5-year saltwater fishing licenses, fees collected pursuant to
4 s. 370.0605(6)(e) for replacement 5-year and lifetime
5 licenses, fees collected pursuant to s. 370.0615 for lifetime
6 saltwater fishing licenses, and 30 percent of the fee for the
7 lifetime sportsman's license shall be transferred within 30
8 days following the last day of the month in which the license
9 fees were received by the commission to the Marine Resources
10 Conservation Trust Fund.

11 (11) The following 5-year licenses are authorized:
12 (a) A 5-year freshwater fishing license for a resident
13 to take or attempt to take or possess freshwater fish in this
14 state for 5 consecutive years is \$60 and authorizes the holder
15 to engage in noncommercial activities to take or attempt to
16 take or possess freshwater fish consistent with state and
17 federal laws, rules, and regulations, including rules of the
18 commission, in effect at the time of taking.

19 (12) Proceeds from the sale of 5-year licenses as
20 provided in this chapter shall be deposited into the Dedicated
21 License Trust Fund. One-fifth of the total proceeds derived
22 from the sale of 5-year licenses and replacement 5-year
23 licenses, and all interest derived therefrom, shall be
24 available for appropriation annually.

25 Section 35. Effective July 1, 2000, section 372.561,
26 Florida Statutes, is amended to read:

27 372.561 Issuance of licenses to take wild animal life
28 ~~or freshwater aquatic life~~; costs; reporting.--

29 (1) The provisions of this section shall apply to such
30 licenses or permits as are established in s. 372.57.

31

1 (2) The commission shall issue licenses and permits to
2 take wild animal life ~~or freshwater aquatic life~~ upon proof by
3 the applicant for licensure that she or he is entitled to such
4 license or permit. The commission shall establish the forms
5 for such licenses and permits. Each applicant for a license,
6 permit, or authorization shall provide the applicant's social
7 security number on the application form. Disclosure of social
8 security numbers obtained through this requirement shall be
9 limited to the purpose of administration of the Title IV-D
10 program for child support enforcement and use by the
11 commission, and as otherwise provided by law.

12 (3) Licenses and permits for the state may be sold by
13 the commission, by any tax collector in this state, or by any
14 appointed subagent.

15 (4)(a) In addition to any license or permit fee, the
16 sum of \$1.50 shall be charged for each license or management
17 area permit sold. Such charge is for the purpose of, and the
18 source from which is subtracted, all administrative costs of
19 issuing a license or permit, including, but not limited to,
20 printing, distribution, and credit card fees.

21 (b) Tax collectors may retain \$1 for each license or
22 management area permit sold.

23 (5) Hunting ~~and fishing~~ licenses and permits shall be
24 issued, without fee, to any resident who is certified:

25 (a) To be totally and permanently disabled by the
26 United States Department of Veterans Affairs or its
27 predecessor, or ~~by the United States Social Security~~
28 ~~Administration~~, by any branch of the United States Armed
29 Forces, ~~or by the verified written statement which is based~~
30 ~~upon the criteria for permanent and total disability in~~
31 ~~chapter 440 of a physician licensed in this state or who holds~~

1 ~~a valid identification card issued under the provisions of s.~~
2 ~~295.17, upon proof of the same. Any license issued under this~~
3 ~~paragraph after January 1, 1997, expires, and must be reissued~~
4 ~~upon request, after 5 years and must be reissued, upon~~
5 ~~request, every 5 years thereafter; or-~~

6 (b) To be totally disabled A Disability Award Notice
7 issued by the United States Social Security Administration,
8 upon proof of the same. Any license issued under this
9 provision after October 1, 1999, expires, and must be reissued
10 upon proof of certification as provided in this paragraph,
11 after 2 years and every 2 years thereafter is not sufficient
12 certification for obtaining a permanent hunting and fishing
13 license under this section unless said form certifies a
14 resident is totally and permanently disabled.

15 (c) Notwithstanding any other provision of this
16 subsection, any person who has received after July 1, 1997,
17 and before July 1, 2000, a valid disability license issued
18 under this subsection retains the rights vested thereunder
19 until the license has expired.

20 (6)(a) Tax collectors shall remit license and permit
21 moneys, along with a report of funds collected and other
22 required documentation, to the commission within 7 days
23 following the last business day of the week in which the fees
24 were received by the tax collector. The tax collector shall
25 maintain records of all such licenses and permits which are
26 sold, and all stamps issued voided, stolen, or lost. The tax
27 collector is responsible to the commission for the fee for all
28 licenses and permits sold and for the value of all stamps
29 reported as lost. The tax collector shall report stolen
30 permits to the appropriate law enforcement agency. The tax
31 collector shall submit a written report and a copy of the law

1 enforcement agency's report to the commission within 5 days
2 after discovering the theft. The value of a validation stamp
3 is \$5.

4 (b) Tax collectors are also responsible for fees for
5 all licenses and permits sold by their subagents and for the
6 value of all stamps reported as lost. The commission may
7 adopt rules to implement this section.

8 (c) Not later than August 15 of each year, each county
9 tax collector shall submit to the commission all unissued
10 stamps for the previous year along with a written audit
11 report, on forms prescribed or approved by the commission, of
12 the numbers of the unissued stamps.

13 (7) Within 30 days after the submission of the annual
14 audit report, each county tax collector shall provide the
15 commission with a written audit report on unissued, sold, and
16 voided licenses, permits, and stamps with a certified
17 reconciliation statement prepared by a certified public
18 accountant. Concurrent with the submission of the
19 certification, the county tax collector shall remit to the
20 commission the monetary value of all licenses, permits, and
21 stamps that are unaccounted for. Each tax collector is also
22 responsible for fees for all licenses, permits, and stamps
23 distributed by him or her to subagents, sold by him or her, or
24 reported by him or her as lost.

25 Section 36. Effective July 1, 2000, section 372.57,
26 Florida Statutes, is amended to read:

27 372.57 Licenses and permits; exemptions; fees.--No
28 person, except as provided herein, shall take game, ~~freshwater~~
29 ~~fish~~, or fur-bearing animals within this state without having
30 first obtained a license, permit, or authorization and paid
31 the fees hereinafter set forth, unless such license is issued

1 without fee as provided in s. 372.561. Such license, permit,
2 or authorization shall authorize the person to whom it is
3 issued to take game, ~~freshwater fish~~, or fur-bearing animals
4 in accordance with law and commission rules. Such license,
5 permit, or authorization is not transferable. Each license or
6 permit must bear on its face in indelible ink the name of the
7 person to whom it is issued and other information requested by
8 the commission. Such license, permit, or authorization issued
9 by the commission or any agent must be in the personal
10 possession of the person to whom issued while taking game,
11 ~~freshwater fish~~, or fur-bearing animals. The failure of such
12 person to exhibit such license, permit, or authorization to
13 the commission or its wildlife officers, when such person is
14 found taking game, ~~freshwater fish~~, or fur-bearing animals, is
15 a violation of law. A positive form of identification is
16 required when using an authorization, a lifetime license, a
17 5-year license, or when otherwise required by the license or
18 permit. The lifetime licenses and 5-year licenses provided
19 herein shall be embossed with the name, date of birth, ~~the~~
20 date of issuance, and other pertinent information as deemed
21 necessary by the commission. A certified copy of the
22 applicant's birth certificate shall accompany each application
23 ~~all applications~~ for a lifetime license for a resident
24 ~~residents~~ 12 years of age or and younger. Each applicant for a
25 license, permit, or authorization shall provide the
26 applicant's social security number on the application form.
27 Disclosure of social security numbers obtained through this
28 requirement shall be limited to the purpose of administration
29 of the Title IV-D child support enforcement program and use by
30 the commission, and as otherwise provided by law.

31 (1) A license or permit is not required for:

- 1 (a) Any child under 16 years of age except as
2 otherwise provided in this chapter.
- 3 (b) Any person hunting ~~or fishing~~ in the person's
4 county of residence on the person's homestead or the homestead
5 of the person's spouse or minor child, or any minor child
6 hunting ~~or fishing~~ on the homestead of her or his parent.
- 7 (c) Any resident who is a member of the Armed Forces
8 of the United States, who is not stationed in this state, when
9 home on leave for 30 days or less, upon submission of orders.
- 10 ~~(d) Any resident when fishing with live or natural
11 bait, using poles or lines which are not equipped with a
12 fishing line retrieval mechanism, and fishing for
13 noncommercial purposes in the county of her or his residence,
14 except on legally established fish management areas. This
15 paragraph, as amended by chapter 76-156, Laws of Florida, may
16 be cited as the "Dempsey J. Barron, W. D. Childers, and Joe
17 Kershaw Cane Pole Tax Repeal Act of 1976."~~
- 18 ~~(e) Any person fishing in a fish pond of 20 acres or
19 less which is located entirely within the private property of
20 the fish pond owner.~~
- 21 ~~(f) Any person fishing in a fish pond which is
22 licensed in accordance with s. 372.5705.~~
- 23 ~~(g) Any person fishing who has been accepted as a
24 client for developmental services by the Department of
25 Children and Family Services, which department shall furnish
26 such person proof thereof.~~
- 27 (d)(h) Any resident 65 years of age or older who has
28 in her or his possession proof of age and residency. A free
29 license may be obtained from any tax collector's office upon
30 proof of age and residency.
- 31

1 (2) For residents and nonresidents, the license and
2 fees for noncommercial ~~fishing and for~~ hunting and trapping in
3 this state, and the activity authorized thereby, are as
4 follows:
5 ~~(a) A fishing license for a resident to take~~
6 ~~freshwater fish in this state is \$12.~~
7 ~~(b) A fishing license for a nonresident to take~~
8 ~~freshwater fish in this state for 7 consecutive days is \$15.~~
9 ~~(c) A fishing license for a nonresident to take~~
10 ~~freshwater fish in this state is \$30.~~
11 (a)~~(e)~~ A hunting license for a resident to take game
12 in this state is \$11.
13 (b)~~(f)~~ A hunting license for a nonresident to take
14 game in this state is \$150.
15 (c)~~(g)~~ A hunting license for a nonresident to take
16 game in this state for 10 consecutive days is \$25.
17 (d)~~(h)~~ A license for a resident and nonresident to
18 take fur-bearing animals in this state is \$25.
19 (e)~~(d)~~ A combination ~~fishing and hunting~~ license for a
20 resident to take freshwater fish and game in this state is
21 \$22.
22 (f) A combination license for a resident to hunt and
23 to take freshwater fish and saltwater fish is \$34 for a 1-year
24 license.
25 (g) A permanent hunting, freshwater fishing, and
26 saltwater fishing license for a resident 64 years of age or
27 older is \$12.
28 (h)~~(i)~~ A sportsman's license for a resident is \$66.
29 The sportsman's license authorizes the holder to take
30 freshwater fish and game, subject to state and federal laws,
31 rules, and regulations, including ~~and~~ rules of the commission,

1 in effect at the time of taking, and authorizes the same
2 activities authorized by a management area permit, a
3 muzzle-loading gun permit, a turkey permit, a Florida
4 waterfowl permit, and an archery permit. A nonresident may
5 not purchase a sportsman's license.

6 (3) A resident or nonresident taking fur-bearing
7 animals by the use of guns or dogs only and not by the use of
8 traps or other devices, and not for commercial purposes, who
9 has purchased the license provided for hunting in this
10 section, received a no-cost license, or is exempt from the
11 license requirements of this chapter is not required to
12 purchase a the license ~~provided in paragraph (2)(h)~~. A
13 resident who is age 65 or older is not required to purchase a
14 the license ~~provided in paragraph (2)(h)~~.

15 (4) In addition to any license required by this
16 chapter, the following permits and fees for certain hunting,
17 ~~fishing~~, and recreational uses, and the activities authorized
18 thereby, are:

19 (a) A Florida waterfowl permit to take wild ducks or
20 geese within this state or its coastal waters is \$3.

21 (b)1. Management area permits to hunt, ~~fish~~, or
22 otherwise use for outdoor recreational purposes, land owned,
23 leased, or managed by the commission or the state ~~of Florida~~
24 for the use and benefit of the commission, up to \$25 annually.
25 Permits, and fees thereof, for short-term use of land which is
26 owned, leased, or managed by the commission may be established
27 by rule of the commission for any activity on such lands.
28 Such permits and fees may be in lieu of or in addition to the
29 annual management area permit. Other than for hunting ~~or~~
30 ~~fishing~~, the provisions of this subparagraph ~~paragraph~~ shall
31 not apply on any lands not owned by the commission, unless the

1 commission shall have obtained the written consent of the
2 owner or primary custodian of such lands.

3 2. A recreational user permit fee to hunt, ~~fish,~~ or
4 otherwise use for outdoor recreational purposes, ~~land~~ leased
5 by the commission from private nongovernmental owners, except
6 for those lands located directly north of the Apalachicola
7 National Forest, east of the Ochlockonee River until the point
8 the river meets the dam forming Lake Talquin, and south of the
9 closest federal highway. The fee for this permit shall be
10 based upon economic compensation desired by the landowner,
11 game population levels, desired hunter density, and
12 administrative costs. The permit fee shall be set by
13 commission rule on a per-acre basis. On property currently in
14 the private landowner payment program, the prior year's
15 landowner payment shall be used to augment the recreational
16 user permit fee so as to decrease the permit fee for the users
17 of that property. One minor dependent child, 16 years old or
18 under, per permittee may hunt under the supervision of the
19 permittee and is exempt from the permit fee. ~~The spouse and~~
20 ~~dependent children of a permittee are exempt from the permit~~
21 ~~fee when engaged in outdoor recreational activities other than~~
22 ~~hunting in the company of the permittee.~~ Notwithstanding any
23 other provision of this chapter, there are no other
24 exclusions, exceptions, or exemptions from this permit fee.
25 The recreational user permit fee, less an administrative
26 permit fee of up to \$25 per permit, shall be remitted to the
27 landowner as provided in the lease agreement for each area.

28 (c) A muzzle-loading gun permit to hunt within this
29 state with a muzzle-loading gun during those game seasons in
30 which hunting with a modern firearm is not allowed is \$5.
31

1 (d) An archery permit to hunt within this state with a
2 bow and arrow during those game seasons in which hunting with
3 a firearm is not allowed is \$5.

4 (e) A Florida turkey permit to take wild turkeys
5 within this state is \$5.

6 (f) A special use permit for limited entry hunting ~~or~~
7 ~~fishing~~, where such hunting ~~or fishing~~ is authorized by
8 commission rule, shall be up to \$100 per day but shall not
9 exceed \$250 per week. Notwithstanding any other provision of
10 this chapter, there are no exclusions, exceptions, or
11 exemptions from this fee. In addition to the fee, the
12 commission may charge each applicant for a special use permit
13 a nonrefundable application fee of up to \$10.

14 (g) The fee for a permanent hunting and fishing
15 license for a resident 64 years of age or older is \$12.

16 (5) The commission is authorized to reduce the fees
17 for licenses and permits under this section for residents of
18 those states with which the commission has entered into
19 reciprocal agreements with respect to such fees.

20 ~~(6) The commission may designate by rule no more than~~
21 ~~2 consecutive or nonconsecutive days in each year as free~~
22 ~~fishing days. Notwithstanding any other provision of this~~
23 ~~chapter, any person may take freshwater fish for noncommercial~~
24 ~~purposes on a free fishing day without obtaining or possessing~~
25 ~~a license or paying a license fee as prescribed in this~~
26 ~~section. A person who takes freshwater fish on a free fishing~~
27 ~~day without obtaining a license or paying a fee must comply~~
28 ~~with all laws and regulations governing holders of a fishing~~
29 ~~license and all other conditions and limitations regulating~~
30 ~~the taking of freshwater fish as are imposed by law or rule.~~

31

1 ~~(7)~~(6) A resident lifetime sportsman's license
2 authorizes the holder to engage in the following noncommercial
3 activities:

4 (a) To take or attempt to take or possess freshwater
5 fish, saltwater ~~marine~~ fish, and game, consistent with state
6 and federal laws, rules, and regulations, including ~~and~~ rules
7 of the commission, in effect at the time of taking.

8 (b) All activities authorized by a management area
9 permit, a muzzle-loading gun permit, a turkey permit, an
10 archery permit, a Florida waterfowl permit, a snook permit,
11 and a crawfish permit.

12 ~~(8)~~(7) The fee for a resident lifetime sportsman's
13 license is:

- 14 (a) 4 years of age or younger.....\$400
15 (b) 5-12 years of age.....\$700
16 (c) 13 years of age or older.....\$1,000

17 ~~(9)~~(8) A resident lifetime hunting license authorizes
18 the holder to engage in the following noncommercial
19 activities:

20 (a) To take or attempt to take or possess game
21 consistent with state and federal laws, rules, and
22 regulations, including ~~and~~ rules of the commission, in effect
23 at the time of taking.

24 (b) All activities authorized by a management area
25 permit, excluding fishing, a muzzle-loading gun permit, a
26 turkey permit, an archery permit, and a Florida waterfowl
27 permit.

28 ~~(10)~~(9) The fee for a resident lifetime hunting
29 license ~~is shall be~~:

- 30 (a) 4 years of age or younger.....\$200
31 (b) 5-12 years of age.....\$350

1 (c) 13 years of age or older.....\$500
2 ~~(11) A resident lifetime freshwater fishing license~~
3 ~~authorizes the holder to engage in the following noncommercial~~
4 ~~activities:~~
5 ~~(a) To take or attempt to take or possess freshwater~~
6 ~~fish consistent with state and federal regulations and rules~~
7 ~~of the commission in effect at the time of taking.~~
8 ~~(b) All activities authorized by a management area~~
9 ~~permit, excluding hunting.~~
10 ~~(12) The fee for a resident lifetime freshwater~~
11 ~~fishing license shall be:~~
12 ~~(a) 4 years of age or younger.....\$125~~
13 ~~(b) 5-12 years of age.....\$225~~
14 ~~(c) 13 years of age or older.....\$300~~
15 ~~(13) Fees collected pursuant to s. 370.0605(2) for~~
16 ~~5-year saltwater fishing licenses, fees collected pursuant to~~
17 ~~s. 370.0605(6)(e) for replacement 5-year and lifetime~~
18 ~~licenses, fees collected pursuant to s. 370.0615 for lifetime~~
19 ~~saltwater fishing licenses, and 30 percent of the fee for the~~
20 ~~lifetime sportsman's license shall be transferred within 30~~
21 ~~days following the last day of the month in which the license~~
22 ~~fees were received by the commission to the Marine Resources~~
23 ~~Conservation Trust Fund.~~
24 ~~(14) The following 5-year licenses are authorized:~~
25 ~~(a) A 5-year freshwater fishing license for a resident~~
26 ~~to take or attempt to take or possess freshwater fish in this~~
27 ~~state for 5 consecutive years is \$60 and authorizes the holder~~
28 ~~to engage in noncommercial activities to take or attempt to~~
29 ~~take or possess freshwater fish consistent with state and~~
30 ~~federal regulations and rules of the commission in effect at~~
31 ~~the time of taking.~~

1 (10)~~(b)~~ A 5-year hunting license for a resident to
2 take or attempt to take or possess game in this state for 5
3 consecutive years is \$55 and authorizes the holder to engage
4 in noncommercial activities to take or attempt to take or
5 possess game consistent with state and federal laws, rules,
6 and regulations, including ~~and~~ rules of the commission, in
7 effect at the time of taking.

8 (11)~~(15)~~ Proceeds from the sale of 5-year licenses as
9 provided in this chapter shall be deposited into the Dedicated
10 License Trust Fund. One-fifth of the total proceeds derived
11 from the sale of 5-year licenses and replacement 5-year
12 licenses, and all interest derived therefrom, shall be
13 available for appropriation annually.

14 Section 37. Section 372.571, Florida Statutes, is
15 amended to read:

16 372.571 Expiration of licenses and permits.--Each
17 license or permit issued under this chapter must be dated when
18 issued. Each license or permit issued under this chapter
19 remains valid for 12 months after the date of issuance, except
20 for a lifetime license issued pursuant to s. 372.57 which is
21 valid from the date of issuance until the death of the
22 individual to whom the license is issued unless otherwise
23 revoked in accordance with s. 372.99, or a 5-year license
24 issued pursuant to s. 372.57 which is valid for 5 consecutive
25 years from the date of purchase unless otherwise revoked in
26 accordance with s. 372.99 or a license issued pursuant to s.
27 372.57(2)(c)~~(b) or (g)~~, which is valid for the period
28 specified on the license. A resident lifetime license or a
29 resident 5-year license that has been purchased by a resident
30 of this state and who subsequently resides in another state
31 shall be honored for activities authorized by that license.

1 Section 38. Subsection (1) of section 372.5712,
2 Florida Statutes, is amended to read:

3 372.5712 Florida waterfowl permit revenues.--

4 (1) The commission shall expend the revenues generated
5 from the sale of the Florida waterfowl permit as provided in
6 s. 372.57(4)(a) or that pro rata portion of any license that
7 includes waterfowl hunting privileges, as provided in s.
8 372.57(2)(h)(i)and~~(10)(14)(b)~~as follows: A maximum of 5
9 percent of the gross revenues shall be expended for
10 administrative costs; a maximum of 25 percent of the gross
11 revenues shall be expended for waterfowl research approved by
12 the commission; and a maximum of 70 percent of the gross
13 revenues shall be expended for projects approved by the
14 commission, in consultation with the Waterfowl Advisory
15 Council, for the purpose of protecting and propagating
16 migratory waterfowl and for the development, restoration,
17 maintenance, and preservation of wetlands within the state.

18 Section 39. Subsection (1) of section 372.5715,
19 Florida Statutes, is amended to read:

20 372.5715 Florida wild turkey permit revenues.--

21 (1) The commission shall expend the revenues generated
22 from the sale of the turkey permit as provided for in s.
23 372.57(4)(e) or that pro rata portion of any license that
24 includes turkey hunting privileges as provided for in s.
25 372.57(2)(h)(i)and~~(10)(14)(b)~~for research and management of
26 wild turkeys.

27 Section 40. Section 372.573, Florida Statutes, is
28 amended to read:

29 372.573 Management area permit revenues.--The
30 commission shall expend the revenue generated from the sale of
31 the management area permit as provided for in s. 372.57(4)(b)

1 or that pro rata portion of any license that includes
2 management area privileges as provided for in s.
3 372.57(2)(h)~~(i)~~and (10)~~(14)(b)~~for the lease, management, and
4 protection of lands for public hunting, fishing, and other
5 outdoor recreation.

6 Section 41. Paragraph (a) of subsection (1) of section
7 372.65, Florida Statutes, is amended to read:

8 372.65 Freshwater fish dealer's license.--

9 (1) No person shall engage in the business of taking
10 for sale or selling any frogs or freshwater fish, including
11 live bait, of any species or size, or importing any exotic or
12 nonindigenous fish, until such person has obtained a license
13 and paid the fee therefor as set forth herein. The license
14 issued shall be in the possession of the person to whom issued
15 while such person is engaging in the business of taking for
16 sale or selling freshwater fish or frogs, is not transferable,
17 shall bear on its face in indelible ink the name of the person
18 to whom it is issued, and shall be affixed to a license
19 identification card issued by the commission. Such license is
20 not valid unless it bears the name of the person to whom it is
21 issued and is so affixed. The failure of such person to
22 exhibit such license to the commission or any of its wildlife
23 officers when such person is found engaging in such business
24 is a violation of law. The license fees and activities
25 permitted under particular licenses are as follows:

26 (a) The fee for a resident commercial fishing license,
27 which permits a resident to take freshwater fish or frogs by
28 any lawful method prescribed by the commission and to sell
29 such fish or frogs, shall be \$25. The license provided for in
30 this paragraph shall also allow noncommercial fishing as
31

1 provided by law and commission rules, and the license in s.
2 370.46 ~~372.57(2)(a)~~ shall not be required.

3 Section 42. Section 372.66, Florida Statutes, is
4 amended to read:

5 372.66 License required for fur and hide dealers.--

6 (1) It is unlawful for any person to engage in the
7 business of a dealer or buyer in alligator skins or green or
8 dried furs in the state or purchase such skins within the
9 state until such person has been licensed as herein provided.

10 (2) Any resident dealer or buyer who solicits business
11 through the mails, or by advertising, or who travels to buy or
12 employs or has other agents or buyers, shall be deemed a
13 resident state dealer and must ~~shall be required to~~ pay a
14 license fee of \$100 per annum ~~and shall pay an agent's license~~
15 ~~fee of \$5 per annum for each agent or traveling buyer employed~~
16 ~~by or buying for such licensed state dealer.~~

17 ~~(3) Any resident dealer or buyer who does not solicit~~
18 ~~by mail, advertise, travel to buy or employ or have agents or~~
19 ~~traveling buyers shall be deemed a resident local dealer and~~
20 ~~shall be required to pay a license fee of \$10 per annum.~~

21 ~~(3)(4)~~ A nonresident dealer or buyer must ~~shall be~~
22 ~~required to~~ pay a license fee of \$500 per annum ~~and shall pay~~
23 ~~a license fee of \$100 per annum for each agent, resident buyer~~
24 ~~or traveling buyer employed by or buying for or acting as~~
25 ~~agent for such nonresident buyer.~~

26 ~~(5) All agents' licenses shall be applied for by, and~~
27 ~~issued to, a resident state dealer or nonresident dealer and~~
28 ~~shall show name and residence of such agent and shall be in~~
29 ~~possession of such agent at all times when engaged in buying~~
30 ~~furs or hides. Application for such licenses shall be made to~~
31

1 ~~the Fish and Wildlife Conservation Commission on blanks~~
2 ~~furnished by it.~~

3 (4)~~(6)~~ All dealers and buyers shall forward to the
4 Fish and Wildlife Conservation Commission each 2 weeks during
5 open season a report showing number and kind of hides bought
6 and name of trapper from whom bought and the trapper's license
7 number, or if trapper is exempt from license under any of the
8 provisions of this chapter, such report shall show the nature
9 of such exemption. No common carrier shall knowingly ship or
10 transport or receive for transportation any hides or furs
11 unless such shipments have marked thereon name of shipper and
12 the number of her or his fur-animal license or fur dealer's
13 license.

14 Section 43. Subsection (2) of section 372.661, Florida
15 Statutes, is amended to read:

16 372.661 Private hunting preserve, license;
17 exception.--

18 (2) A commercial hunting preserve license, which shall
19 exempt patrons of licensed preserves from the licensure
20 requirements of s. 372.57(2)(a), (b), (c), and (h)~~(e), (f),~~
21 ~~(g), and (i)~~, (4)(a), (c), (d), and (e), (6), (8), and (10)
22 ~~(7), (9), and (14)(b)~~ while hunting on the licensed preserve
23 property, shall be \$500. Such commercial hunting preserve
24 license shall be available only to those private hunting
25 preserves licensed pursuant to this section which are operated
26 exclusively for commercial purposes, which are open to the
27 public, and for which a uniform fee is charged to patrons for
28 hunting privileges.

29 Section 44. Paragraph (h) of subsection (1) of section
30 372.83, Florida Statutes, is amended to read:

31

1 372.83 Noncriminal infractions; criminal penalties;
2 suspension and revocation of licenses and permits.--

3 (1) A person is guilty of a noncriminal infraction,
4 punishable as provided in s. 372.711, if she or he violates
5 any of the following provisions:

6 (h) Section 372.57, relating to hunting, ~~fishing,~~ and
7 trapping licenses.

8
9 A person who fails to pay the civil penalty specified in s.
10 372.711 within 30 days after being cited for a noncriminal
11 infraction or to appear before the court pursuant to that
12 section is guilty of a misdemeanor of the second degree,
13 punishable as provided in s. 775.082 or s. 775.083.

14 Section 45. Subsection (6) of section 316.193, Florida
15 Statutes, is amended to read:

16 316.193 Driving under the influence; penalties.--

17 (6) With respect to any person convicted of a
18 violation of subsection (1), regardless of any penalty imposed
19 pursuant to subsection (2), subsection (3), or subsection (4):

20 (a) For the first conviction, the court shall place
21 the defendant on probation for a period not to exceed 1 year
22 and, as a condition of such probation, shall order the
23 defendant to participate in public service or a community work
24 project for a minimum of 50 hours; or the court may order
25 instead, that any defendant pay an additional fine of \$10 for
26 each hour of public service or community work otherwise
27 required, if, after consideration of the residence or location
28 of the defendant at the time public service or community work
29 is required, payment of the fine is in the best interests of
30 the state. However, the total period of probation and
31 incarceration may not exceed 1 year. The court must also, as a

1 condition of probation, order the impoundment or
2 immobilization of the vehicle that was operated by or in the
3 actual control of the defendant or any one vehicle registered
4 in the defendant's name at the time of impoundment or
5 immobilization, for a period of 10 days or for the unexpired
6 term of any lease or rental agreement that expires within 10
7 days. The impoundment or immobilization must not occur
8 concurrently with the incarceration of the defendant. The
9 impoundment or immobilization order may be dismissed in
10 accordance with paragraph (e), paragraph (f), or paragraph
11 (g).

12 (b) For the second conviction for an offense that
13 occurs within a period of 5 years after the date of a prior
14 conviction for violation of this section, the court shall
15 order imprisonment for not less than 10 days. The court must
16 also, as a condition of probation, order the impoundment or
17 immobilization of the vehicle that was operated by or in the
18 actual control of the defendant or any one vehicle registered
19 in the defendant's name at the time of impoundment or
20 immobilization, for a period of 30 days or for the unexpired
21 term of any lease or rental agreement that expires within 30
22 days. The impoundment or immobilization must not occur
23 concurrently with the incarceration of the defendant. The
24 impoundment or immobilization order may be dismissed in
25 accordance with paragraph (e), paragraph (f), or paragraph
26 (g). At least 48 hours of confinement must be consecutive.

27 (c) For the third or subsequent conviction for an
28 offense that occurs within a period of 10 years after the date
29 of a prior conviction for violation of this section, the court
30 shall order imprisonment for not less than 30 days. The court
31 must also, as a condition of probation, order the impoundment

1 or immobilization of the vehicle that was operated by or in
2 the actual control of the defendant or any one vehicle
3 registered in the defendant's name at the time of impoundment
4 or immobilization, for a period of 90 days or for the
5 unexpired term of any lease or rental agreement that expires
6 within 90 days. The impoundment or immobilization must not
7 occur concurrently with the incarceration of the defendant.
8 The impoundment or immobilization order may be dismissed in
9 accordance with paragraph (e), paragraph (f), or paragraph
10 (g). At least 48 hours of confinement must be consecutive.

11 (d) The court must at the time of sentencing the
12 defendant issue an order for the impoundment or immobilization
13 of a vehicle. Within 7 business days after the date that the
14 court issues the order of impoundment or immobilization, the
15 clerk of the court must send notice by certified mail, return
16 receipt requested, to the registered owner of each vehicle, if
17 the registered owner is a person other than the defendant, and
18 to each person of record claiming a lien against the vehicle.

19 (e) A person who owns but was not operating the
20 vehicle when the offense occurred may submit to the court a
21 police report indicating that the vehicle was stolen at the
22 time of the offense or documentation of having purchased the
23 vehicle after the offense was committed from an entity other
24 than the defendant or the defendant's agent. If the court
25 finds that the vehicle was stolen or that the sale was not
26 made to circumvent the order and allow the defendant continued
27 access to the vehicle, the order must be dismissed and the
28 owner of the vehicle will incur no costs. If the court denies
29 the request to dismiss the order of impoundment or
30 immobilization, the petitioner may request an evidentiary
31 hearing.

1 (f) A person who owns but was not operating the
2 vehicle when the offense occurred, and whose vehicle was
3 stolen or who purchased the vehicle after the offense was
4 committed directly from the defendant or the defendant's
5 agent, may request an evidentiary hearing to determine whether
6 the impoundment or immobilization should occur. If the court
7 finds that either the vehicle was stolen or the purchase was
8 made without knowledge of the offense, that the purchaser had
9 no relationship to the defendant other than through the
10 transaction, and that such purchase would not circumvent the
11 order and allow the defendant continued access to the vehicle,
12 the order must be dismissed and the owner of the vehicle will
13 incur no costs.

14 (g) The court shall also dismiss the order of
15 impoundment or immobilization of the vehicle if the court
16 finds that the family of the owner of the vehicle has no other
17 private means of transportation.

18 (h) All costs and fees for the impoundment or
19 immobilization, including the cost of notification, must be
20 paid by the owner of the vehicle or, if the vehicle is leased
21 or rented, by the person leasing or renting the vehicle,
22 unless the impoundment or immobilization order is dismissed.
23 All provisions of s. 713.78 shall apply.

24 (i) The person who owns a vehicle that is impounded or
25 immobilized under this paragraph, or a person who has a lien
26 of record against such a vehicle and who has not requested a
27 review of the impoundment pursuant to paragraph (e), paragraph
28 (f), or paragraph (g), may, within 10 days after the date that
29 person has knowledge of the location of the vehicle, file a
30 complaint in the county in which the owner resides to
31 determine whether the vehicle was wrongfully taken or withheld

1 from the owner or lienholder. Upon the filing of a complaint,
2 the owner or lienholder may have the vehicle released by
3 posting with the court a bond or other adequate security equal
4 to the amount of the costs and fees for impoundment or
5 immobilization, including towing or storage, to ensure the
6 payment of such costs and fees if the owner or lienholder does
7 not prevail. When the bond is posted and the fee is paid as
8 set forth in s. 28.24, the clerk of the court shall issue a
9 certificate releasing the vehicle. At the time of release,
10 after reasonable inspection, the owner or lienholder must give
11 a receipt to the towing or storage company indicating any loss
12 or damage to the vehicle or to the contents of the vehicle.

13 (j) A defendant, in the court's discretion, may be
14 required to serve all or any portion of a term of imprisonment
15 to which the defendant has been sentenced pursuant to this
16 section in a residential alcoholism treatment program or a
17 residential drug abuse treatment program. Any time spent in
18 such a program must be credited by the court toward the term
19 of imprisonment.

20
21 For the purposes of this section, any conviction for a
22 violation of s. 327.35; a previous conviction for the
23 violation of former s. 316.1931, former s. 327.351, former s.
24 860.01, or former s. 316.028; or a previous conviction outside
25 this state for driving or boating under the influence, driving
26 or boating while intoxicated, driving or boating with an
27 unlawful blood-alcohol level, driving or boating with an
28 unlawful breath-alcohol level, or any other similar
29 alcohol-related or drug-related traffic or boating offense, is
30 also considered a previous conviction for violation of this
31 section. However, in satisfaction of the fine imposed pursuant

1 to this section, the court may, upon a finding that the
2 defendant is financially unable to pay either all or part of
3 the fine, order that the defendant participate for a specified
4 additional period of time in public service or a community
5 work project in lieu of payment of that portion of the fine
6 which the court determines the defendant is unable to pay. In
7 determining such additional sentence, the court shall consider
8 the amount of the unpaid portion of the fine and the
9 reasonable value of the services to be ordered; however, the
10 court may not compute the reasonable value of services at a
11 rate less than the federal minimum wage at the time of
12 sentencing.

13 Section 46. Subsections (1), (2), and (3) of section
14 316.635, Florida Statutes, are amended to read:

15 316.635 Courts having jurisdiction over traffic and
16 boating violations; powers relating to custody and detention
17 of minors.--

18 (1) A court which has jurisdiction over traffic and
19 boating violations shall have original jurisdiction in the
20 case of any minor who is alleged to have committed a violation
21 of law or of a county or municipal ordinance pertaining to the
22 operation of a motor vehicle or vessel; however, any traffic
23 or boating offense that is punishable by law as a felony shall
24 be under the jurisdiction of the circuit court.

25 (2) If a minor is arrested for the commission of a
26 criminal traffic or boating offense and transportation is
27 necessary, the minor shall not be placed in any police car or
28 other vehicle which at the same time contains an adult under
29 arrest, except upon special order of the circuit court.

30 However, if the minor is alleged to have participated with an
31

1 adult in the same offense or transaction, the minor may be
2 transported in the same vehicle with the adult.

3 (3) If a minor is taken into custody for a criminal
4 traffic or boating offense or a violation of chapter 322 and
5 the minor does not demand to be taken before a magistrate, the
6 arresting officer or booking officer shall immediately notify,
7 or cause to be notified, the minor's parents, guardian, or
8 responsible adult relative of the action taken. After making
9 every reasonable effort to give notice, the arresting officer
10 or booking officer may:

11 (a) Issue a notice to appear pursuant to chapter 901
12 and release the minor to a parent, guardian, responsible adult
13 relative, or other responsible adult;

14 (b) Issue a notice to appear pursuant to chapter 901
15 and release the minor pursuant to s. 903.06;

16 (c) Issue a notice to appear pursuant to chapter 901
17 and deliver the minor to an appropriate substance abuse
18 treatment or rehabilitation facility or refer the minor to an
19 appropriate medical facility as provided in s. 901.29. If the
20 minor cannot be delivered to an appropriate substance abuse
21 treatment or rehabilitation facility or medical facility, the
22 arresting officer may deliver the minor to an appropriate
23 intake office of the Department of Juvenile Justice, which
24 shall take custody of the minor and make any appropriate
25 referrals; or

26 (d) If the violation constitutes a felony and the
27 minor cannot be released pursuant to s. 903.03, transport and
28 deliver the minor to an appropriate Department of Juvenile
29 Justice intake office. Upon delivery of the minor to the
30 intake office, the department shall assume custody and proceed
31 pursuant to chapter 984 or chapter 985.

1
2 If action is not taken pursuant to paragraphs (a)-(d), the
3 minor shall be delivered to the Department of Juvenile
4 Justice, and the department shall make every reasonable effort
5 to contact the parents, guardian, or responsible adult
6 relative to take custody of the minor. If there is no parent,
7 guardian, or responsible adult relative available, the
8 department may retain custody of the minor for up to 24 hours.

9 Section 47. Subsection (1) of section 318.32, Florida
10 Statutes, is amended to read:

11 318.32 Jurisdiction; limitations.--

12 (1) Hearing officers shall be empowered to accept
13 pleas from and decide the guilt or innocence of any person,
14 adult or juvenile, charged with any civil traffic or boating
15 infraction and shall be empowered to adjudicate or withhold
16 adjudication of guilt in the same manner as a county court
17 judge under the statutes, rules, and procedures presently
18 existing or as subsequently amended, except that hearing
19 officers shall not:

20 (a) Have the power to hold a defendant in contempt of
21 court, but shall be permitted to file a motion for order of
22 contempt with the appropriate state trial court judge;

23 (b) Hear a case involving a traffic crash or boating
24 accident resulting in injury or death; or

25 (c) Hear a criminal traffic or boating offense case or
26 a case involving a civil traffic or boating infraction issued
27 in conjunction with a criminal traffic or boating offense.

28 Section 48. Section 318.38, Florida Statutes, is
29 amended to read:

30 318.38 Nonseverability.--If the provisions of s.
31 318.32 authorizing hearing officers to impose the same

1 sanctions as county court judges for civil traffic or boating
2 infractions are found to be unconstitutional by the Florida
3 Supreme Court, then the hearing officers shall have no further
4 jurisdiction over any civil traffic or boating infractions.

5 Section 49. Paragraphs (d) and (e) of subsection (5)
6 of section 320.08, Florida Statutes, are amended to read:

7 320.08 License taxes.--Except as otherwise provided
8 herein, there are hereby levied and imposed annual license
9 taxes for the operation of motor vehicles, mopeds, motorized
10 bicycles as defined in s. 316.003(2), and mobile homes, as
11 defined in s. 320.01, which shall be paid to and collected by
12 the department or its agent upon the registration or renewal
13 of registration of the following:

14 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE
15 WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.--

16 (d) A wrecker, as defined in s. 320.01(40), which is
17 used to tow a vessel as defined in s. 327.02(37)+~~36~~, a
18 disabled, abandoned, stolen-recovered, or impounded motor
19 vehicle as defined in s. 320.01(38), or a replacement motor
20 vehicle as defined in s. 320.01(39): \$30 flat.

21 (e) A wrecker, as defined in s. 320.01(40), which is
22 used to tow any motor vehicle, regardless of whether or not
23 such motor vehicle is a disabled motor vehicle as defined in
24 s. 320.01(38), a replacement motor vehicle as defined in s.
25 320.01(39), a vessel as defined in s. 327.02(37)+~~36~~, or any
26 other cargo, as follows:

27 1. Gross vehicle weight of 10,000 pounds or more, but
28 less than 15,000 pounds: \$87 flat.

29 2. Gross vehicle weight of 15,000 pounds or more, but
30 less than 20,000 pounds: \$131 flat.

31

- 1 3. Gross vehicle weight of 20,000 pounds or more, but
2 less than 26,000 pounds: \$186 flat.
- 3 4. Gross vehicle weight of 26,000 pounds or more, but
4 less than 35,000 pounds: \$240 flat.
- 5 5. Gross vehicle weight of 35,000 pounds or more, but
6 less than 44,000 pounds: \$300 flat.
- 7 6. Gross vehicle weight of 44,000 pounds or more, but
8 less than 55,000 pounds: \$572 flat.
- 9 7. Gross vehicle weight of 55,000 pounds or more, but
10 less than 62,000 pounds: \$678 flat.
- 11 8. Gross vehicle weight of 62,000 pounds or more, but
12 less than 72,000 pounds: \$800 flat.
- 13 9. Gross vehicle weight of 72,000 pounds or more:
14 \$979 flat.

15 Section 50. Paragraph (b) of subsection (1) of section
16 713.78, Florida Statutes, is amended to read:

17 713.78 Liens for recovering, towing, or storing
18 vehicles and documented ~~undocumented~~ vessels.--

19 (1) For the purposes of this section, the term:

20 (b) "Vessel" means every description of watercraft,
21 barge, and air boat used or capable of being used as a means
22 of transportation on water, other than a seaplane or a

23 ~~"documented" has the same meaning as the term "undocumented~~
24 ~~vessel" as defined in s. 327.02(8)(36).~~

25 Section 51. Paragraph (a) of subsection (2) of section
26 715.07, Florida Statutes, is amended to read:

27 715.07 Vehicles parked on private property; towing.--

28 (2) The owner or lessee of real property, or any
29 person authorized by the owner or lessee, which person may be
30 the designated representative of the condominium association
31 if the real property is a condominium, may cause any vehicle

1 parked on such property without her or his permission to be
2 removed by a person regularly engaged in the business of
3 towing vehicles, without liability for the costs of removal,
4 transportation, or storage or damages caused by such removal,
5 transportation, or storage, under any of the following
6 circumstances:

7 (a) The towing or removal of any vehicle from private
8 property without the consent of the registered owner or other
9 legally authorized person in control of that vehicle is
10 subject to strict compliance with the following conditions and
11 restrictions:

12 1.a. Any towed or removed vehicle must be stored at a
13 site within 10 miles of the point of removal in any county of
14 500,000 population or more, and within 15 miles of the point
15 of removal in any county of less than 500,000 population. That
16 site must be open for the purpose of redemption of vehicles on
17 any day that the person or firm towing such vehicle is open
18 for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when
19 closed, shall have prominently posted a sign indicating a
20 telephone number where the operator of the site can be reached
21 at all times. Upon receipt of a telephoned request to open
22 the site to redeem a vehicle, the operator shall return to the
23 site within 1 hour or she or he will be in violation of this
24 section.

25 b. If no towing business providing such service is
26 located within the area of towing limitations set forth in
27 sub-subparagraph a., the following limitations apply: any
28 towed or removed vehicle must be stored at a site within 20
29 miles of the point of removal in any county of 500,000
30 population or more, and within 30 miles of the point of
31 removal in any county of less than 500,000 population.

1 2. The person or firm towing or removing the vehicle
2 shall, within 30 minutes of completion of such towing or
3 removal, notify the municipal police department or, in an
4 unincorporated area, the sheriff of such towing or removal,
5 the storage site, the time the vehicle was towed or removed,
6 and the make, model, color, and license plate number of the
7 vehicle and shall obtain the name of the person at that
8 department to whom such information was reported and note that
9 name on the trip record.

10 3. If the registered owner or other legally authorized
11 person in control of the vehicle arrives at the scene prior to
12 removal or towing of the vehicle, the vehicle shall be
13 disconnected from the towing or removal apparatus, and that
14 person shall be allowed to remove the vehicle without
15 interference upon the payment of a reasonable service fee of
16 not more than one-half of the posted rate for such towing
17 service as provided in subparagraph 6., for which a receipt
18 shall be given, unless that person refuses to remove the
19 vehicle which is otherwise unlawfully parked.

20 4. The rebate or payment of money or any other
21 valuable consideration from the individual or firm towing or
22 removing vehicles to the owners or operators of the premises
23 from which the vehicles are towed or removed, for the
24 privilege of removing or towing those vehicles, is prohibited.

25 5. Except for property appurtenant to and obviously a
26 part of a single-family residence, and except for instances
27 when notice is personally given to the owner or other legally
28 authorized person in control of the vehicle that the area in
29 which that vehicle is parked is reserved or otherwise
30 unavailable for unauthorized vehicles and subject to being
31 removed at the owner's or operator's expense, any property

1 owner or lessee, or person authorized by the property owner or
2 lessee, prior to towing or removing any vehicle from private
3 property without the consent of the owner or other legally
4 authorized person in control of that vehicle, must post a
5 notice meeting the following requirements:

6 a. The notice must be prominently placed at each
7 driveway access or curb cut allowing vehicular access to the
8 property, within 5 feet from the public right-of-way line. If
9 there are no curbs or access barriers, the signs must be
10 posted not less than one sign for each 25 feet of lot
11 frontage.

12 b. The notice must clearly indicate, in not less than
13 2-inch high, light-reflective letters on a contrasting
14 background, that unauthorized vehicles will be towed away at
15 the owner's expense. The words "tow-away zone" must be
16 included on the sign in not less than 4-inch high letters.

17 c. The notice must also provide the name and current
18 telephone number of the person or firm towing or removing the
19 vehicles, if the property owner, lessee, or person in control
20 of the property has a written contract with the towing
21 company.

22 d. The sign structure containing the required notices
23 must be permanently installed with the words "tow-away zone"
24 not less than 3 feet and not more than 6 feet above ground
25 level and must be continuously maintained on the property for
26 not less than 24 hours prior to the towing or removal of any
27 vehicles.

28 e. The local government may require permitting and
29 inspection of these signs prior to any towing or removal of
30 vehicles being authorized.

31

1 f. A business with 20 or fewer parking spaces
2 satisfies the notice requirements of this subparagraph by
3 prominently displaying a sign stating "Reserved Parking for
4 Customers Only Unauthorized Vehicles Will be Towed Away At the
5 Owner's Expense" in not less than 4-inch high,
6 light-reflective letters on a contrasting background.

7
8 A business owner or lessee may authorize the removal of a
9 vehicle by a towing company when the vehicle is parked in such
10 a manner that restricts the normal operation of business; and
11 if a vehicle parked on a public right-of-way obstructs access
12 to a private driveway the owner, lessee, or agent may have the
13 vehicle removed by a towing company upon signing an order that
14 the vehicle be removed without a posted tow-away zone sign.

15 6. Any person or firm that tows or removes vehicles
16 and proposes to require an owner, operator, or person in
17 control of a vehicle to pay the costs of towing and storage
18 prior to redemption of the vehicle must file and keep on
19 record with the local law enforcement agency a complete copy
20 of the current rates to be charged for such services and post
21 at the storage site an identical rate schedule and any written
22 contracts with property owners, lessees, or persons in control
23 of property which authorize such person or firm to remove
24 vehicles as provided in this section.

25 7. Any person or firm towing or removing any vehicles
26 from private property without the consent of the owner or
27 other legally authorized person in control of the vehicles
28 shall, on any trucks, wreckers as defined in s.
29 713.78(1)(c)~~(b)~~, or other vehicles used in the towing or
30 removal, have the name, address, and telephone number of the
31 company performing such service clearly printed in contrasting

1 colors on the driver and passenger sides of the vehicle. The
2 name shall be in at least 3-inch permanently affixed letters,
3 and the address and telephone number shall be in at least
4 1-inch permanently affixed letters.

5 8. Vehicle entry for the purpose of removing the
6 vehicle shall be allowed with reasonable care on the part of
7 the person or firm towing the vehicle. Such person or firm
8 shall be liable for any damage occasioned to the vehicle if
9 such entry is not in accordance with the standard of
10 reasonable care.

11 9. When a vehicle has been towed or removed pursuant
12 to this section, it must be released to its owner or custodian
13 within one hour after requested. Any vehicle owner,
14 custodian, or agent shall have the right to inspect the
15 vehicle before accepting its return, and no release or waiver
16 of any kind which would release the person or firm towing the
17 vehicle from liability for damages noted by the owner or other
18 legally authorized person at the time of the redemption may be
19 required from any vehicle owner, custodian, or agent as a
20 condition of release of the vehicle to its owner. A detailed,
21 signed receipt showing the legal name of the company or person
22 towing or removing the vehicle must be given to the person
23 paying towing or storage charges at the time of payment,
24 whether requested or not.

25 (b) These requirements shall be the minimum standards
26 and shall not preclude enactment of additional regulations by
27 any municipality or county including the right to regulate
28 rates when vehicles are towed from private property.

29 Section 52. Subsection (2) of section 938.17, Florida
30 Statutes, is amended to read:

31 938.17 County delinquency prevention.--

1 (2) In counties in which the sheriff's office is a
2 partner in a juvenile assessment center pursuant to s.
3 985.209, or a partner in a suspension program developed in
4 conjunction with the district school board in the county of
5 the sheriff's jurisdiction, the court shall assess court costs
6 of \$3 per case, in addition to any other authorized cost or
7 fine, on every person who, with respect to a charge,
8 indictment, prosecution commenced, or petition of delinquency
9 filed in that county or circuit, pleads guilty, nolo
10 contendere to, or is convicted of, or adjudicated delinquent
11 for, or has an adjudication withheld for, a felony or
12 misdemeanor, or a criminal traffic or boating offense, or a
13 handicapped parking violation under state law, or a violation
14 of any municipal or county ordinance, if the violation
15 constitutes a misdemeanor under state law.

16 Section 53. Paragraph (j) of subsection (3) of section
17 947.146, Florida Statutes, is amended to read:

18 947.146 Control Release Authority.--

19 (3) Within 120 days prior to the date the state
20 correctional system is projected pursuant to s. 216.136 to
21 exceed 99 percent of total capacity, the authority shall
22 determine eligibility for and establish a control release date
23 for an appropriate number of parole ineligible inmates
24 committed to the department and incarcerated within the state
25 who have been determined by the authority to be eligible for
26 discretionary early release pursuant to this section. In
27 establishing control release dates, it is the intent of the
28 Legislature that the authority prioritize consideration of
29 eligible inmates closest to their tentative release date. The
30 authority shall rely upon commitment data on the offender
31 information system maintained by the department to initially

1 identify inmates who are to be reviewed for control release
2 consideration. The authority may use a method of objective
3 risk assessment in determining if an eligible inmate should be
4 released. Such assessment shall be a part of the department's
5 management information system. However, the authority shall
6 have sole responsibility for determining control release
7 eligibility, establishing a control release date, and
8 effectuating the release of a sufficient number of inmates to
9 maintain the inmate population between 99 percent and 100
10 percent of total capacity. Inmates who are ineligible for
11 control release are inmates who are parole eligible or inmates
12 who:

13 (j) Are convicted, or have been previously convicted,
14 of DUI manslaughter under s. 316.193(3)(c)3. or BUI
15 manslaughter under s. 327.35(3)(c)3., and are sentenced, or
16 have been sentenced at any time, as a habitual offender for
17 such offense, or have been sentenced at any time in another
18 jurisdiction as a habitual offender for such offense;

19
20 In making control release eligibility determinations under
21 this subsection, the authority may rely on any document
22 leading to or generated during the course of the criminal
23 proceedings, including, but not limited to, any presentence or
24 postsentence investigation or any information contained in
25 arrest reports relating to circumstances of the offense.

26 Section 54. Subsections (1) and (2) of section 985.05,
27 Florida Statutes, are amended to read:

28 985.05 Court records.--

29 (1) The clerk of the court shall make and keep records
30 of all cases brought before it pursuant to this part. The
31 court shall preserve the records pertaining to a child charged

1 with committing a delinquent act or violation of law until the
2 child reaches 24 years of age or reaches 26 years of age if he
3 or she is a serious or habitual delinquent child, until 5
4 years after the last entry was made, or until 3 years after
5 the death of the child, whichever is earlier, and may then
6 destroy them, except that records made of traffic or boating
7 offenses in which there is no allegation of delinquency may be
8 destroyed as soon as this can be reasonably accomplished. The
9 court shall make official records of all petitions and orders
10 filed in a case arising pursuant to this part and of any other
11 pleadings, certificates, proofs of publication, summonses,
12 warrants, and writs that are filed pursuant to the case.

13 (2) The clerk shall keep all official records required
14 by this section separate from other records of the circuit
15 court, except those records pertaining to motor vehicle
16 violations, which shall be forwarded to the Department of
17 Highway Safety and Motor Vehicles, and except those records
18 pertaining to boating violations, which shall be forwarded to
19 the Fish and Wildlife Conservation Commission. Except as
20 provided in ss. 943.053 and 985.04(4), official records
21 required by this part are not open to inspection by the
22 public, but may be inspected only upon order of the court by
23 persons deemed by the court to have a proper interest therein,
24 except that a child and the parents, guardians, or legal
25 custodians of the child and their attorneys, law enforcement
26 agencies, the Department of Juvenile Justice and its
27 designees, the Parole Commission, and the Department of
28 Corrections shall always have the right to inspect and copy
29 any official record pertaining to the child. The court may
30 permit authorized representatives of recognized organizations
31 compiling statistics for proper purposes to inspect, and make

1 abstracts from, official records under whatever conditions
2 upon the use and disposition of such records the court may
3 deem proper and may punish by contempt proceedings any
4 violation of those conditions.

5 Section 55. Subsection (3) of section 985.212, Florida
6 Statutes, is amended to read:

7 985.212 Fingerprinting and photographing.--

8 (3) This section does not prohibit the fingerprinting
9 or photographing of child traffic or boating violators. All
10 records of such traffic or boating violations shall be kept in
11 the full name of the violator and shall be open to inspection
12 and publication in the same manner as adult traffic or boating
13 violations. This section does not apply to the photographing
14 of children by the Department of Juvenile Justice or the
15 Department of Children and Family Services.

16 Section 56. Except as otherwise provided herein, this
17 act shall take effect October 1, 2000.

18

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20 HOUSE SUMMARY

21 Revises, reorganizes, and clarifies various provisions
22 pertaining to responsibilities of the Fish and Wildlife
23 Conservation Commission relating to boating safety and
24 fishing, hunting, and trapping licenses.

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