

1
2 An act relating to the responsibilities of the
3 Fish and Wildlife Conservation Commission;
4 amending s. 320.08058, F.S.; clarifying
5 purposes for which manatee license plate fees
6 are used; amending s. 327.02, F.S.; revising
7 definitions; amending s. 327.04, F.S., relating
8 to rules; amending s. 327.22, F.S., relating to
9 the regulation of vessels by municipalities or
10 counties; creating s. 327.302, F.S.; providing
11 for boating accident report forms; amending s.
12 327.33, F.S.; revising provisions relating to
13 reckless or careless operation of a vessel;
14 providing penalties; renumbering and amending
15 s. 861.065, F.S.; revising divers-down flag
16 requirements; revising requirements for
17 operation of vessels in the vicinity of a
18 divers-down flag; providing penalties; amending
19 s. 327.331, F.S.; providing for noncriminal
20 infractions, effective October 1, 2001;
21 amending s. 327.355, F.S., relating to
22 operation of vessels by persons under 21 years
23 of age who have consumed alcoholic beverages;
24 amending s. 327.36, F.S., relating to mandatory
25 adjudication of certain offenses; amending s.
26 327.37, F.S.; requiring persons engaging in
27 water skiing, parasailing, or aquaplaning to
28 wear a noninflatable flotation device; amending
29 s. 327.39, F.S., relating to the regulation of
30 personal watercraft; requiring the use of
31 noninflatable flotation devices; prohibiting

1 the lease, hiring, or rental of personal
2 watercraft under certain circumstances;
3 providing a penalty; providing commission
4 rulemaking authority; amending s. 327.395,
5 F.S., relating to boating safety identification
6 cards; requiring that certain boater education
7 or boater safety courses include a component
8 relating to divers; amending s. 327.40, F.S.;
9 clarifying requirements for uniform waterway
10 markers for safety and navigation; providing
11 permit exemptions; providing commission
12 rulemaking authority; amending s. 327.41, F.S.;
13 clarifying requirements for uniform waterway
14 regulatory markers; amending s. 327.46, F.S.;
15 clarifying rulemaking authority for the
16 commission to establish restricted areas for
17 public safety purposes; creating s. 327.49,
18 F.S.; providing for the testing of vessels and
19 vessel motors; amending s. 327.53, F.S.;
20 relating to marine sanitation; amending s.
21 327.54, F.S., relating to liveries; revising
22 requirements for preride or prerental
23 instruction; revising age requirements for the
24 lease, hire, or rental of personal watercraft;
25 requiring liveries to carry liability
26 insurance; providing a penalty; amending s.
27 327.60, F.S.; prohibiting local regulations
28 from discriminating against personal
29 watercraft; amending s. 327.72, F.S.;
30 increasing time for payment of civil penalties;
31 amending s. 327.73, F.S., relating to

1 noncriminal infractions; reenacting s.
2 327.73(1)(p), F.S., for the purpose of
3 incorporating the amendment to s. 327.39, F.S.;
4 providing additional time for payment of civil
5 penalties; providing additional penalties;
6 providing for additional court costs in certain
7 circumstances; authorizing public works or
8 community service in certain circumstances;
9 amending s. 327.73, F.S.; effective October 1,
10 2001; relating to noncriminal infractions for
11 violations of vessel laws; amending s. 327.731,
12 F.S., relating to mandatory education for
13 violators; correcting a cross reference;
14 amending s. 327.803, F.S.; providing for an
15 increase in membership of the Boating Advisory
16 Council; modifying purpose; amending s. 328.48,
17 F.S.; clarifying vessel registration
18 requirements; amending s. 328.56, F.S.;
19 clarifying vessel registration number
20 requirements; amending s. 328.66, F.S.;
21 relating to county vessel registration fees;
22 amending s. 328.70, F.S.; providing
23 requirements for classification of recreational
24 vessels and livery vessels; amending s. 328.72,
25 F.S.; relating to vessel registration;
26 providing requirements for display of antique
27 vessel registration numbers and decals;
28 amending s. 328.72, F.S., providing for the
29 distribution of vessel registration fees
30 effective July 1, 2001; amending s. 328.76,
31 F.S.; clarifying the use of vessel registration

1 fees; effective July 1, 2001, amending 370.06,
2 F.S., relating to saltwater products license
3 requirements; clarifying disability exemptions;
4 deleting obsolete provisions; amending s.
5 370.0605, F.S., providing for combination
6 licenses; providing for a fee for electronic
7 license sales; amending s. 372.57, F.S.;
8 providing for combination licenses; amending s.
9 372.561, F.S.; providing that licenses and
10 permits for hunting, saltwater fishing, and
11 freshwater fishing must be issued, without fee,
12 to certain disabled persons; amending s.
13 372.574, F.S.; providing for a fee for
14 electronic license sales; providing for the
15 replacement of a lost or destroyed license or
16 permit; providing a fee; amending s. 372.66,
17 F.S.; deleting the nonresident fur dealer agent
18 license, the resident fur dealer agent license,
19 and the resident local fur dealer license;
20 amending s. 372.83, F.S.; providing that it is
21 unlawful to make, forge, or counterfeit any
22 hunting or fishing license; providing
23 penalties; amending s. 713.78, F.S.; revising
24 definition; repealing s. 258.398, F.S.,
25 removing designation of Lake Weir as an aquatic
26 preserve; providing effective dates; repealing
27 s. 370.14(10), (11), F.S., relating to
28 saltwater fishing licenses; providing effective
29 dates.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Paragraph (b) of subsection (1) of section
2 320.08058, Florida Statutes, is amended to read:

3 320.08058 Specialty license plates.--

4 (1) MANATEE LICENSE PLATES.--

5 (b) The manatee license plate annual use fee must be
6 deposited into the Save the Manatee Trust Fund, created within
7 the Fish and Wildlife Conservation Commission, and shall be
8 used only for the purposes specified in s. 370.12(4). ~~The~~
9 ~~funds deposited in the Save the Manatee Trust Fund may be used~~
10 ~~only for manatee-related environmental education; manatee~~
11 ~~research; facilities, as provided in s. 370.12(4)(b); and~~
12 ~~manatee protection and recovery.~~

13 Section 2. Section 327.02, Florida Statutes, is
14 amended to read:

15 327.02 Definitions of terms used in this chapter and
16 in chapter 328.--As used in this chapter and in chapter 328,
17 unless the context clearly requires a different meaning, the
18 term:

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

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

28 (3) "Canoe" means a light, narrow vessel with curved
29 sides and with both ends pointed. A canoe-like vessel with a
30 transom may not be excluded from the definition of a canoe if
31 the width of its transom is less than 45 percent of the width

1 of its beam or it has been designated as a canoe by the United
2 States Coast Guard.

3 (4) "Commercial vessel" means:

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

11 (b) Any other vessel, except a recreational vessel as
12 defined in this section engaged in any activity wherein a fee
13 is paid by the user, either directly or indirectly, to the
14 owner, operator, or custodian of the vessel.

15 (5) "Commission" means the Fish and Wildlife
16 Conservation Commission.

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

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

26 (8) "Documented vessel" means a vessel for which a
27 valid certificate of documentation is outstanding pursuant to
28 46 C.F.R. part 67.

29 (9) "Floating structure" means a floating entity, with
30 or without accommodations built thereon, which is not
31 primarily used as a means of transportation on water but which

1 serves purposes or provides services typically associated with
2 a structure or other improvement to real property. The term
3 "floating structure" includes, but is not limited to, each
4 entity used as a residence, place of business or office with
5 public access, hotel or motel, restaurant or lounge,
6 clubhouse, meeting facility, storage or parking facility,
7 mining platform, dredge, dragline, or similar facility or
8 entity represented as such. Floating structures are expressly
9 excluded from the definition of the term "vessel" provided in
10 this section. Incidental movement upon water or resting
11 partially or entirely on the bottom shall not, in and of
12 itself, preclude an entity from classification as a floating
13 structure.

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

26 (11) "Homemade vessel" means any vessel built after
27 October 31, 1972, for which a federal hull identification
28 number is not required to be assigned by the manufacturer
29 pursuant to federal law, or any vessel constructed or
30 assembled prior to November 1, 1972, by other than a licensed
31 manufacturer for his or her own use or the use of a specific

1 person. A vessel assembled from a manufacturer's kit or
2 constructed from an unfinished manufactured hull shall be
3 considered to be a homemade vessel if such a vessel is not
4 required to have a hull identification number assigned by the
5 United States Coast Guard. A rebuilt or reconstructed vessel
6 shall in no event be construed to be a homemade vessel.

7 (12) "Houseboat" means any vessel which is used
8 primarily as a residence for a minimum of 21 days during any
9 30-day period, in a county of this state, and this residential
10 use of the vessel is to the preclusion of the use of the
11 vessel as a means of transportation.

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

14 (14) "Lien" means a security interest which is
15 reserved or created by a written agreement recorded with the
16 Department of Highway Safety and Motor Vehicles pursuant to s.
17 328.15 which secures payment or performance of an obligation
18 and is generally valid against third parties.

19 (15) "Lienholder" means a person holding a security
20 interest in a vessel, which interest is recorded with the
21 Department of Highway Safety and Motor Vehicles pursuant to s.
22 328.15..

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

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

25 (b) Any vessel represented as a place of business, a
26 professional or other commercial enterprise, or a legal
27 residence.

28
29 A commercial fishing boat is expressly excluded from the term
30 "live-aboard vessel."
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1 (17) "Livery vessel" means any vessel leased, rented,
2 or chartered to another for consideration.

3 (18)~~(17)~~ "Manufactured vessel" means any vessel built
4 after October 31, 1972, for which a federal hull
5 identification number is required pursuant to federal law, or
6 any vessel constructed or assembled prior to November 1, 1972,
7 by a duly licensed manufacturer.

8 (19)~~(18)~~ "Marina" means a licensed commercial facility
9 which provides secured public moorings or dry storage for
10 vessels on a leased basis. A commercial establishment
11 authorized by a licensed vessel manufacturer as a dealership
12 shall be considered a marina for nonjudicial sale purposes.

13 (20)~~(19)~~ "Marine sanitation device" means any
14 equipment other than a toilet, for installation on board a
15 vessel, which is designed to receive, retain, treat, or
16 discharge sewage, and any process to treat such sewage. Marine
17 sanitation device Types I, II, and III shall be defined as
18 provided in 33 C.F.R. part 159.

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

25 (22)~~(20)~~ "Motorboat" means any vessel equipped with
26 machinery for propulsion, irrespective of whether the
27 propulsion machinery is in actual operation ~~which is propelled~~
28 ~~or powered by machinery and which is used or capable of being~~
29 ~~used as a means of transportation on water.~~

30 (23)~~(21)~~ "Navigation rules" means the International
31 Navigational Rules Act of 1977, 33 U.S.C. appendix following

1 s. 1602, as amended, including the annexes thereto ~~in effect~~
2 ~~on June 1, 1983,~~ for vessels on waters outside of established
3 navigational lines of demarcation as specified in 33 C.F.R.
4 part 80 or the Inland Navigational Rules Act of 1980, 33
5 U.S.C. s. 2001 et seq., as amended, including the annexes
6 ~~thereto in effect on December 24, 1981,~~ for vessels on all
7 waters not outside of such lines of demarcation.

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

10 (24)~~(23)~~ "Nonresident" means a citizen of the United
11 States who has not established residence in this state and has
12 not continuously resided in this state for 1 year and in one
13 county for the 6 months immediately preceding the initiation
14 of a vessel titling or registration action.

15 (25)~~(24)~~ "Operate" means to be in charge of or in
16 command of or in actual physical control of a vessel upon the
17 waters of this state, or to exercise control over or to have
18 responsibility for a vessel's navigation or safety while the
19 vessel is underway upon the waters of this state, or to
20 control or steer a vessel being towed by another vessel upon
21 the waters of the state; ~~provided, however, that this~~
22 ~~definition shall not apply to a person on a vessel that is~~
23 ~~docked or otherwise made fast to the shore and shall not apply~~
24 ~~to a vessel owner or operator who designates a driver pursuant~~
25 ~~to s. 327.35.~~

26 (26)~~(25)~~ "Owner" means a person, other than a
27 lienholder, having the property in or title to a vessel. The
28 term includes a person entitled to the use or possession of a
29 vessel subject to an interest in another person, reserved or
30 created by agreement and securing payment of performance of an

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1 obligation, but the term excludes a lessee under a lease not
2 intended as security.

3 (27)~~(26)~~ "Person" means an individual, partnership,
4 firm, corporation, association, or other entity.

5 (28)~~(27)~~ "Personal watercraft" means a ~~small class A-1~~
6 ~~or A-2~~ vessel less than 16 feet in length which uses an
7 ~~outboard motor, or an~~ inboard motor powering a water jet pump,
8 as its primary source of motive power and which is designed to
9 be operated by a person sitting, standing, or kneeling on, ~~or~~
10 ~~being towed behind~~ the vessel, rather than in the conventional
11 manner of sitting or standing inside the vessel.

12 (29)~~(28)~~ "Portable toilet" means a device consisting
13 of a lid, seat, containment vessel, and support structure that
14 is specifically designed to receive, retain, and discharge
15 human waste and that is capable of being removed from a vessel
16 by hand.

17 (30)~~(29)~~ "Prohibited activity" means such activity as
18 will impede or disturb navigation or creates a safety hazard
19 on waterways of this state.

20 (31)~~(30)~~ "Racing shell," "rowing scull," or "racing
21 kayak" means a manually propelled vessel which is recognized
22 by national or international racing associations for use in
23 competitive racing and in which all occupants, with the
24 exception of a coxswain, if one is provided, row, scull, or
25 paddle and which is not designed to carry and does not carry
26 any equipment not solely for competitive racing.

27 (32) "Recreational vessel" means any vessel:

28 (a) Manufactured and used primarily for noncommercial
29 purposes; or

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

1 (33)~~(31)~~ "Registration" means a state operating
2 license on a vessel which is issued with an identifying
3 number, an annual certificate of registration, and a decal
4 designating the year for which a registration fee is paid.

5 ~~(32) "Regulatory marker" means any anchored or fixed~~
6 ~~marker in, on, or over the water, or anchored platform on the~~
7 ~~surface of the water, other than a marker provided in s.~~
8 ~~327.40, and includes, but is not limited to, a bathing beach~~
9 ~~marker, speed zone marker, information marker, restricted zone~~
10 ~~marker, congested area marker, or warning marker.~~

11 (34)~~(33)~~ "Resident" means a citizen of the United
12 States who has established residence in this state and has
13 continuously resided in this state for 1 year and in one
14 county for the 6 months immediately preceding the initiation
15 of a vessel titling or registration action.

16 (35)~~(34)~~ "Sailboat" means any vessel whose sole source
17 of propulsion is the wind ~~natural element (i.e., wind).~~

18 (36)~~(35)~~ "Unclaimed vessel" means any undocumented
19 vessel, including its machinery, rigging, and accessories,
20 which is in the physical possession of any marina, garage, or
21 repair shop for repairs, improvements, or other work with the
22 knowledge of the vessel owner and for which the costs of such
23 services have been unpaid for a period in excess of 90 days
24 from the date written notice of the completed work is given by
25 the marina, garage, or repair shop to the vessel owner.

26 (37)~~(36)~~ "Vessel" is synonymous with boat as
27 referenced in s. 1(b), Art. VII of the State Constitution and
28 includes every description of watercraft, barge, and air boat,
29 other than a seaplane on the water, used or capable of being
30 used as a means of transportation on water.

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1 ~~(38)~~(37) "Waters of this state" means any navigable
2 waters of the United States within the territorial limits of
3 this state, and the marginal sea adjacent to this state and
4 the high seas when navigated as a part of a journey or ride to
5 or from the shore of this state, and all the inland lakes,
6 rivers, and canals under the jurisdiction of this state.

7 Section 3. Section 327.04, Florida Statutes, is
8 amended to read:

9 327.04 Rules.--The commission ~~department~~ has authority
10 to adopt rules pursuant to ss. 120.536(1) and 120.54 to
11 implement the provisions of this chapter conferring powers or
12 duties upon it.

13 Section 4. Subsection (1) of section 327.22, Florida
14 Statutes, is amended to read:

15 327.22 Regulation of vessels by municipalities or
16 counties.--

17 (1) Nothing in this chapter shall be construed to
18 prohibit any municipality or county that expends money for the
19 patrol, regulation, and maintenance of any lakes, rivers, or
20 waters, and for other boating-related activities in such
21 municipality or county, from regulating vessels resident in
22 such municipality or county. Any county or municipality may
23 adopt ordinances which provide for enforcement of noncriminal
24 violations of restricted areas s. ~~327.33~~ relating to the
25 ~~careless operation of a vessel~~ which results in the
26 endangering or damaging of property, by citation mailed to
27 registered owner of the vessel. Any such ordinance shall apply
28 only in legally established ~~designated~~ restricted areas which
29 are properly marked as permitted pursuant to ss. 327.40 and
30 327.41 and in need of shoreline protection. Any county and
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1 the municipalities located within the county may jointly
2 regulate vessels.

3 Section 5. Effective October 1, 2000, section 327.302,
4 Florida Statutes, is created to read:

5 327.302 Accident report forms.--

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

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

26 Section 6. Effective October 1, 2000, subsections (1)
27 and (2) of section 327.33, Florida Statutes, are amended to
28 read:

29 327.33 Reckless or careless operation of vessel.--

30 (1) It is unlawful to operate a vessel in a reckless
31 manner. A person is guilty of reckless operation of a vessel

1 who operates any vessel, or manipulates any water skis,
2 aquaplane, or similar device, in willful or wanton disregard
3 for the safety of persons or property at a speed or in a
4 manner as to endanger, or likely to endanger, life or limb, or
5 damage the property of, or injure any person. Reckless
6 operation of a vessel includes, but is not limited to, a
7 violation of s. 327.331(6). Any person who violates a
8 provision of this subsection commits ~~is guilty of~~ a
9 misdemeanor of the first degree, punishable as provided in s.
10 775.082 or s. 775.083.

11 (2) Any person operating a vessel upon the waters of
12 this state shall operate the vessel in a reasonable and
13 prudent manner, having regard for other waterborne traffic,
14 posted speed and wake restrictions, ~~the presence of a~~
15 ~~divers-down flag as defined in s. 861.065,~~ and all other
16 attendant circumstances so as not to endanger the life, limb,
17 or property of any person. ~~Any person operating a vessel on a~~
18 ~~river, inlet, or navigation channel shall make a reasonable~~
19 ~~effort to maintain a distance of 100 feet from any divers-down~~
20 ~~flag.~~ The failure to operate a vessel in a manner described
21 in this subsection constitutes careless operation. However,
22 vessel wake and shoreline wash resulting from the reasonable
23 and prudent operation of a vessel shall, absent negligence,
24 not constitute damage or endangerment to property. Any person
25 who violates the provisions of this subsection commits ~~is~~
26 ~~guilty of~~ a noncriminal violation as defined in s. 775.08.

27 Section 7. Effective October 1, 2000, section 861.065,
28 Florida Statutes, is renumbered as section 327.331, Florida
29 Statutes, and amended to read:

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1 327.331 ~~861.065~~ Divers; definitions; divers-down flag
2 required; obstruction to navigation of certain waters;
3 penalty.--

4 (1) As used in this section:

5 (a) "Diver" means any person who is wholly or
6 partially submerged in the waters of the state and is equipped
7 with a face mask and snorkel or underwater breathing
8 apparatus.

9 ~~(b)(2)~~ "Underwater breathing apparatus" means ~~shall~~
10 ~~mean~~ any apparatus, whether self-contained or connected to a
11 distant source of air or other gas, whereby a person wholly or
12 partially submerged in water is enabled to obtain or reuse air
13 or any other gas or gases for breathing without returning to
14 the surface of the water.

15 ~~(c)(3)~~ "Divers-down flag" means ~~shall mean~~ a flag that
16 meets the following specifications: ~~is either square or~~
17 ~~rectangular, to approximately 4 units high by 5 units long,~~
18 ~~with a 1-unit diagonal stripe. The divers-down flag shall~~
19 ~~have a white diagonal stripe on a red background. The stripe~~
20 ~~shall begin at the top staff-side of the flag and extend~~
21 ~~diagonally to the opposite lower corner. The flag shall be~~
22 ~~free-flying and shall be lowered when all divers are aboard or~~
23 ~~ashore. The minimum size shall be 12 by 12 inches.~~

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

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

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

7 4. Any divers-down flag displayed from a vessel must
8 be displayed from the highest point of the vessel or such
9 other location which provides that the visibility of the
10 divers-down flag is not obstructed in any direction.

11 (2)(4) All divers must ~~shall~~ prominently display a
12 divers-down flag in the area in which the diving occurs, other
13 than when diving in an area customarily used for swimming
14 only.

15 (3)(5) No diver or group of divers shall display one
16 or more divers-down flags on a river, inlet, or navigation
17 channel, except in case of emergency, in a manner which shall
18 unreasonably constitute a navigational hazard.

19 (4)(6) Divers shall make reasonable efforts to stay
20 within 100 feet of the divers-down flag on rivers, inlets, and
21 navigation channels. Any person operating a vessel on a river,
22 inlet, or navigation channel must make a reasonable effort to
23 maintain a distance of at least 100 feet from any divers-down
24 flag.

25 (5) Divers must make reasonable efforts to stay within
26 300 feet of the divers-down flag on all waters other than
27 rivers, inlets, and navigation channels. Any person operating
28 a vessel on waters other than a river, inlet, or navigation
29 channel must make a reasonable effort to maintain a distance
30 of at least 300 feet from any divers-down flag.

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1 (6) Any vessel other than a law enforcement or rescue
2 vessel that approaches within 100 feet of a divers-down flag
3 on a river, inlet, or navigation channel, or within 300 feet
4 of a divers-down flag on waters other than a river, inlet, or
5 navigation channel, must proceed no faster than is necessary
6 to maintain headway and steerageway.

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

11 (8)(7) Any willful violation of this section shall be
12 a misdemeanor of the second degree punishable as provided by
13 s. 775.082 or s. 775.083.

14 Section 8. Effective October 1, 2001, subsection (8)
15 of section 327.331, Florida Statutes, as amended by this act,
16 is amended to read:

17 327.331 Divers; definitions; divers-down flag
18 required; obstruction to navigation of certain waters;
19 penalty.--

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

24 Section 9. Paragraph (a) of subsection (1) of section
25 327.355, Florida Statutes, is amended to read:

26 327.355 Operation of vessels by persons under 21 years
27 of age who have consumed alcoholic beverages.--

28 (1)(a) Notwithstanding s. 327.35, it is unlawful for a
29 person under the age of 21 who has a breath-alcohol level of
30 0.02 ~~percent~~ or higher to operate or be in actual physical
31 control of a vessel.

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

3 327.36 Mandatory adjudication; prohibition against
4 accepting plea to lesser included offense.--

5 (2)(a) No trial judge may accept a plea of guilty to a
6 lesser offense from a person who is charged with a violation
7 of s. 327.35, manslaughter resulting from the operation of a
8 vessel, or vessel homicide and who has been given a breath or
9 blood test to determine blood or breath alcohol content, the
10 results of which show a blood-alcohol level or breath-alcohol
11 level ~~blood or breath alcohol content by weight~~ of 0.16
12 ~~percent~~ or more.

13 Section 11. Effective October 1, 2000, paragraphs (a)
14 and (b) of subsection (2) of section 327.37, Florida Statutes,
15 are amended to read:

16 327.37 Water skis, parasails, and aquaplanes
17 regulated.--

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

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

27 Section 12. Effective October 1, 2000, subsections
28 (1), (4), (5), and (6) of section 327.39, Florida Statutes,
29 are amended to read:

30 327.39 Personal watercraft regulated.--

31

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

6 (4) A personal watercraft must at all times be
7 operated in a reasonable and prudent manner. Maneuvers which
8 unreasonably or unnecessarily endanger life, limb, or
9 property, including, but not limited to, weaving through
10 congested vessel traffic, jumping the wake of another vessel
11 unreasonably or unnecessarily close to such other vessel or
12 when visibility around such other vessel is obstructed, and
13 swerving at the last possible moment to avoid collision shall
14 constitute reckless operation of a vessel, as provided in s.
15 327.33(1). Any person operating a personal watercraft must
16 comply with the provisions of s. 327.33.

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

19 (6)(a) It is unlawful for the owner of any personal
20 watercraft or any person having charge over or control of a
21 personal watercraft to authorize or knowingly permit the same
22 to be operated by a person under 14 years of age in violation
23 of this section.

24 (b)1. It is unlawful for the owner of any leased,
25 hired, or rented personal watercraft, or any person having
26 charge over or control of a leased, hired, or rented personal
27 watercraft, to authorize or knowingly permit the watercraft to
28 be operated by any person who has not received instruction in
29 the safe handling of personal watercraft, in compliance with
30 rules established by the commission.

31

1 2. 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 owner
4 of, or person having charge of or control over, a leased,
5 hired, or rented personal watercraft with a written statement
6 attesting to the same.

7 3. The commission shall have the authority to
8 establish rules pursuant to chapter 120 prescribing the
9 instruction to be given, which shall take into account the
10 nature and operational characteristics of personal watercraft
11 and general principles and regulations pertaining to boating
12 safety.

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

16 Section 13. Effective October 1, 2000, subsections (3)
17 through (10) of section 327.395, Florida Statutes, are
18 renumbered as subsections (4) through (11), respectively, and
19 a new subsection (3) is added to said section, to read:

20 327.395 Boating safety identification cards.--

21 (3) Any commission-approved boater education or boater
22 safety course, course-equivalency examination developed or
23 approved by the commission, or temporary certificate
24 examination developed or approved by the commission must
25 include a component regarding diving vessels, awareness of
26 divers in the water, divers-down flags, and the requirements
27 of s. 327.331.

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

30 327.40 Uniform waterway markers for safety and
31 navigation.--

1 (1) Waterways in Florida, ~~unmarked by the Coast Guard,~~
2 which need marking for safety or navigation purposes, shall be
3 marked under the United States Aids to Navigation System, 33
4 C.F.R. part 62. Until December 31, 2003, channel markers and
5 obstruction markers conforming to the Uniform State Waterway
6 Marking System, 33 C.F.R. subpart 66.10, may continue to be
7 used on waters of this state that are not navigable waters of
8 the United States Uniform Safety and Navigation System
9 ~~adopted by the advisory panel of state officials to the~~
10 ~~Merchant Marine Council of the United States Coast Guard.~~

11 (2)(a) Application for marking inland lakes and state
12 waters and any navigable waters under concurrent jurisdiction
13 of the Coast Guard and the division shall be made to the
14 division, accompanied by a map locating the approximate
15 placement of markers, a list of the markers to be placed, a
16 statement of the specification of the markers, a statement of
17 ~~concerning~~ the purpose of marking, and the names of persons
18 responsible for the placement and upkeep of such markers. The
19 division will assist the applicant to secure the proper
20 permission from the Coast Guard where required, make such
21 investigations as needed, and issue a permit. The division
22 shall furnish the applicant with the information concerning
23 the system adopted and the rules ~~regulations~~ existing for
24 placing and maintaining the ~~uniform safety and navigation~~
25 markers. The division shall keep records of all approvals
26 given and counsel with individuals, counties, municipalities,
27 motorboat clubs, or other groups desiring to mark waterways
28 for safety and navigation purposes in Florida.

29 (b) No person or municipality, county, or other
30 governmental entity shall place any safety or navigation
31

1 markers in, on, or over the waters or shores of the state
2 without a permit from the division.

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

5 Section 15. Section 327.41, Florida Statutes, is
6 amended to read:

7 327.41 Uniform waterway regulatory markers.--

8 (1) ~~The Fish and Wildlife Conservation~~ commission
9 shall adopt rules ~~and regulations~~ pursuant to chapter 120
10 establishing a uniform system of regulatory markers for the
11 waters of the state Florida Intracoastal Waterway, compatible
12 with the system of regulatory markers prescribed by the United
13 States Coast Guard in the United States Aids to Navigation
14 System, 33 C.F.R. part 62, and shall give due regard to the
15 ~~System of Uniform Waterway Markers approved by the Advisory~~
16 ~~Panel of State Officials to the Merchant Marine Council,~~
17 ~~United States Coast Guard.~~

18 (2) Any county or municipality which has been granted
19 a restricted area designation, pursuant to s. 327.46, for a
20 portion of the Florida Intracoastal Waterway within its
21 jurisdiction or which has adopted a restricted area by
22 ordinance pursuant to s. 327.22, s. 327.60, or s.
23 370.12(2)(o), or any other governmental entity which has
24 legally established a restricted area, may apply to the ~~Fish~~
25 ~~and Wildlife Conservation~~ commission for permission to place
26 regulatory markers within the restricted area.

27 (3) Application for placing regulatory markers in the
28 waters of the state on the Florida Intracoastal Waterway shall
29 be made to the division as provided in s. 327.40 ~~of Marine~~
30 ~~Resources,~~ accompanied by a map locating the approximate
31 ~~placement of the markers, a statement of the specification of~~

1 ~~the markers, a statement of purpose of the markers, and a~~
2 ~~statement of the city or county responsible for the placement~~
3 ~~and upkeep of the markers.~~

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

9 (5) Aquaculture leaseholds shall be marked as required
10 by this section, and the commission may approve alternative
11 marking requirements as a condition of the lease pursuant to
12 s. 253.68. The provisions of this section notwithstanding, no
13 permit shall be required for the placement of markers required
14 by such a lease.

15 (6) The commission is authorized to adopt rules
16 pursuant to chapter 120 to implement ~~the provisions of this~~
17 ~~section.~~

18 Section 16. Section 327.46, Florida Statutes, is
19 amended to read:

20 327.46 Restricted areas.--

21 (1)(a) The commission has ~~shall have~~ the authority to
22 establish ~~for establishing,~~ by rule, pursuant to chapter 120,
23 restricted areas on the waters of the state for any purpose
24 deemed necessary for the safety of the public, including, but
25 not limited to, vessel ~~boat~~ speeds and vessel ~~boat~~ traffic,
26 where such restrictions are deemed necessary based on boating
27 accidents, visibility, hazardous currents or water levels
28 ~~tides,~~ vessel traffic congestion, or other navigational
29 hazards. Each such restricted area shall be developed in
30 consultation and coordination with the governing body of the
31 county or municipality in which the restricted area is located

1 and, where required, with the United States Coast Guard and
2 the United States Army Corps of Engineers. ~~Restricted areas~~
3 ~~shall be established in accordance with procedures under~~
4 ~~chapter 120.~~

5 (2) It is unlawful for any person to operate a vessel
6 in a prohibited manner or to carry on any prohibited activity,
7 as defined in this chapter, deemed a safety hazard or
8 interference with navigation as provided above within a
9 restricted water area which has been clearly marked by
10 regulatory markers ~~buoys or some other distinguishing device~~
11 ~~as a bathing or otherwise restricted area in accordance with~~
12 ~~and marked as authorized under this chapter.~~ 7 provided, that

13 (3) This section shall not apply in the case of an
14 emergency or to a law enforcement, firefighting, patrol or
15 rescue vessel owned or operated by a governmental entity
16 craft.

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

19 327.49 Testing vessels and vessel motors.--Subject to
20 reasonable rules adopted by the commission, manufacturers of
21 vessels and vessel motors that operate vessel and vessel motor
22 test facilities may be authorized to test such vessels, vessel
23 motors, or combinations thereof, on the waters of the state to
24 ensure that they meet generally accepted boating safety
25 standards.

26 Section 18. Subsection (2) of section 327.53, Florida
27 Statutes, is amended to read:

28 327.53 Marine sanitation.--

29 (2)(a) Every houseboat shall be equipped with at least
30 one permanently installed toilet which shall be properly
31 connected to a United States Coast Guard certified or labeled

1 Type III marine sanitation device. If the toilet is
2 simultaneously connected to both a Type III marine sanitation
3 device and to another approved marine sanitation device, the
4 valve or other mechanism selecting between the two marine
5 sanitation devices shall be set to direct all sewage to the
6 Type III marine sanitation device and, while the vessel is on
7 the waters of the state, shall be locked or otherwise secured
8 by the boat operator, so as to prevent resetting.

9 ~~(b) A houseboat on which a Type I marine sanitation~~
10 ~~device was installed before January 30, 1980, need not install~~
11 ~~a Type III device until October 1, 1996. A houseboat on which~~
12 ~~a Type II marine sanitation device was installed before July~~
13 ~~1, 1994, need not install a Type III device until October 1,~~
14 ~~1996.~~

15 Section 19. Effective October 1, 2000, section 327.54,
16 Florida Statutes, is amended to read:

17 327.54 Liveries; safety regulations; penalty.--

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

20 (a) When the number of persons intending to use the
21 vessel exceeds the number considered to constitute a maximum
22 safety load for the vessel as specified on the authorized
23 persons capacity plate of the vessel.

24 (b) When the horsepower of the motor exceeds the
25 capacity of the vessel.

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

28 (d) When the vessel is not seaworthy.

29 (e) When the vessel is equipped with a motor of 10
30 horsepower or greater, unless the livery provides ~~there is a~~
31 ~~prerental or preride instruction~~ that includes, but need not

1 be limited to:~~in the safe operation of the vessel by the~~
2 ~~livery.~~

3 1. Operational characteristics of the vessel to be
4 rented.

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

6 3. The responsibility of the vessel operator for the
7 safe and proper operation of the vessel.

8 4. Local characteristics of the waterway where the
9 vessel will be operated.

10

11 Any person delivering the information specified in this
12 paragraph must have successfully completed a boater safety
13 course approved by the National Association of State Boating
14 Law Administrators and this state.

15 (f) Unless the livery displays boating safety
16 information in a place visible to the renting public. The
17 commission shall prescribe by rule pursuant to chapter 120,
18 the contents and size of the boating safety information to be
19 displayed.

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

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

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

30 (b) A livery may not knowingly ~~nor may it~~ lease, hire,
31 or rent a personal ~~such~~ watercraft to any person who has not

1 received instruction in the safe handling of personal
2 watercraft, in compliance with rules established by the
3 commission pursuant to chapter 120 ~~or other vessel to any~~
4 ~~other person, unless the livery displays boating safety~~
5 ~~information about the safe and proper operation of vessels and~~
6 ~~requires a signature by the lessee that he or she has received~~
7 ~~instruction in the safe handling of the personal watercraft in~~
8 ~~compliance with standards established by the department.~~

9 (c) Any person receiving instruction in the safe
10 handling of personal watercraft pursuant to a program
11 established by rule of the commission must provide the livery
12 with a written statement attesting to the same.

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

27 ~~(6)(5)~~ (5) Any person convicted of violating this section
28 commits is guilty of a misdemeanor of the second degree,
29 punishable as provided in s. 775.082 or s. 775.083.

30 ~~(6)~~ (6) ~~When the livery has complied with subsections (1),~~
31 ~~(2), (3), and (4), its liability ceases and the person leasing~~

1 ~~the vessel from the livery is liable for any violations of~~
2 ~~this chapter and is personally liable for any accident or~~
3 ~~injury occurring while in charge of such vessel.~~

4 Section 20. Subsection (1) of section 327.60, Florida
5 Statutes, is amended to read:

6 327.60 Local regulations; limitations.--

7 (1) The provisions of ss. 327.01, 327.02,
8 327.30-327.40, 327.44-327.50, 327.54, 327.56, 327.65,
9 328.40-328.48, 328.52-328.58, 328.62, and 328.64 shall govern
10 the operation, equipment, and all other matters relating
11 thereto whenever any vessel shall be operated upon the
12 waterways or when any activity regulated hereby shall take
13 place thereon. Nothing in these sections shall be construed to
14 prevent the adoption of any ordinance or local law relating to
15 operation and equipment of vessels, except that no such
16 ordinance or local law may apply to the Florida Intracoastal
17 Waterway and except that such ordinances or local laws shall
18 be operative only when they are not in conflict with this
19 chapter or any amendments thereto or regulations thereunder.
20 Any ordinance or local law which has been adopted pursuant to
21 this section or to any other state law may not discriminate
22 against personal watercraft as defined in s. 327.02.

23 Section 21. Effective October 1, 2000, section 327.72,
24 Florida Statutes, is amended to read:

25 327.72 Penalties.--Any person failing to comply with
26 the provisions of this chapter or chapter 328 not specified in
27 s. 327.73 or not paying the civil penalty ~~fine~~ specified in
28 said section within 30 ~~10~~ days, except as otherwise provided
29 in this chapter or chapter 328, commits ~~is guilty of~~ a
30 misdemeanor of the second degree, punishable as provided in s.
31 775.082 or s. 775.083.

1 Section 22. Effective October 1, 2000, paragraph (k)
2 of subsection (1) and subsection (4) of section 327.73,
3 Florida Statutes, are amended, subsections, (9), (10), and
4 (11) are added to said section, and paragraph (p) of
5 subsection (1) of said section is reenacted for the purpose of
6 incorporating the amendments to section 327.39, Florida
7 Statutes, in a reference, to read:

8 327.73 Noncriminal infractions.--

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

11 (k) Violations relating to restricted areas and speed
12 limits:

13 1. Established by the commission ~~department~~ pursuant
14 to s. 327.46.

15 2. Established by local governmental authorities
16 pursuant to s. 327.22 or s. 327.60.

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

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

20
21 Any person cited for a violation of any such provision shall
22 be deemed to be charged with a noncriminal infraction, shall
23 be cited for such an infraction, and shall be cited to appear
24 before the county court. The civil penalty for any such
25 infraction is \$50, except as otherwise provided in this
26 section. Any person who fails to appear or otherwise properly
27 respond to a uniform boating citation shall, in addition to
28 the charge relating to the violation of the boating laws of
29 this state, be charged with the offense of failing to respond
30 to such citation and, upon conviction, be guilty of a
31 misdemeanor of the second degree, punishable as provided in s.

1 775.082 or s. 775.083. A written warning to this effect shall
2 be provided at the time such uniform boating citation is
3 issued.

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

6 (a) Pay the civil penalty, either by mail or in
7 person, within 30 ~~10~~ days of the date of receiving the
8 citation; or,

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

11

12 If the person cited follows either of the above procedures, he
13 or she shall be deemed to have admitted the noncriminal
14 infraction and to have waived the right to a hearing on the
15 issue of commission of the infraction. Such admission shall
16 not be used as evidence in any other proceedings.

17 (9)(a) Any person who fails to comply with the court's
18 requirements or who fails to pay the civil penalties specified
19 in this section within the 30-day period provided for in s.
20 327.72 must pay an additional court cost of \$12, which shall
21 be used by the clerks of the courts to defray the costs of
22 tracking unpaid uniform boating citations.

23 (b) Any person who fails to comply with the court's
24 requirements as to civil penalties specified in this section
25 due to demonstrated financial hardship shall be authorized to
26 satisfy such civil penalties by public works or community
27 service. Each hour of such service shall be applied, at the
28 rate of the minimum wage, toward payment of the person's civil
29 penalties; provided, however, that if the person has a trade
30 or profession for which there is a community service need and
31 application, the rate for each hour of such service shall be

1 the average standard wage for such trade or profession. Any
2 person who fails to comply with the court's requirements as to
3 such civil penalties who does not demonstrate financial
4 hardship may also, at the discretion of the court, be
5 authorized to satisfy such civil penalties by public works or
6 community service in the same manner.

7 (c) If the noncriminal infraction has caused or
8 resulted in the death of another, the court may require the
9 person who committed the infraction to perform 120 community
10 service hours in addition to any other penalties.

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

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

- 21 1. For swimming or diving infractions, \$3.
- 22 2. For nonmoving boating infractions, \$6
- 23 3. For boating infractions listed in s. 327.731(1),
24 \$10.

25 (b) In addition to the court cost assessed under
26 paragraph (a), the court shall impose a \$3 court cost for each
27 noncriminal infraction, to be distributed as provided in s.
28 938.01, and a \$2 court cost as provided in s. 938.15 when
29 assessed by a municipality or county.

30

31

1 Court costs imposed under this subsection may not exceed \$30.
2 A criminal justice selection center or both local criminal
3 justice access and assessment centers may be funded from these
4 court costs.

5 Section 23. Effective October 1, 2001, paragraph (u)
6 is added to subsection (1) of section 327.73, Florida
7 Statutes, to read:

8 327.73 Noncriminal infractions.--

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

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

13

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

28 Section 24. Effective October 1, 2001, subsection (1)
29 of section 327.731, Florida Statutes, is amended to read:

30 327.731 Mandatory education for violators.--

31

1 (1) Every person convicted of a criminal violation of
2 this chapter, every person convicted of a noncriminal
3 infraction under this chapter if the infraction resulted in a
4 reportable boating accident, and every person convicted of two
5 noncriminal infractions as defined in s. 327.73(1)(h) through
6 (k), (m) through (p), and (s) through (u)~~(s), and (t)~~, said
7 infractions occurring within a 12-month period, must:

8 (a) Enroll in, attend, and successfully complete, at
9 his or her own expense, a boating safety course that meets
10 minimum standards established by the commission by rule;
11 however, the commission may provide by rule pursuant to
12 chapter 120 for waivers of the attendance requirement for
13 violators residing in areas where classroom presentation of
14 the course is not available;

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

17 (c) Refrain from operating a vessel until he or she
18 has filed the proof of successful completion of the course
19 with the commission.
20

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

24 Section 25. Subsections (1) and (3) of section
25 327.803, Florida Statutes, are amended to read:

26 327.803 Boating Advisory Council.--

27 (1) The Boating Advisory Council is created within the
28 Fish and Wildlife Conservation Commission and shall be
29 composed of 17 ~~16~~ members. The members include:
30
31

1 (a) One representative from the Fish and Wildlife
2 Conservation Commission, who shall serve as the chair of the
3 council.

4 (b) One representative each from the Department of
5 Environmental Protection, the United States Coast Guard
6 Auxiliary, the United States Power Squadron, and the inland
7 navigation districts.

8 (c) One representative of manatee protection
9 interests, one representative of the marine industries, two
10 representatives of water-related environmental groups, one
11 representative of marine manufacturers, one representative of
12 commercial vessel owners or operators, one representative of
13 sport boat racing, one representative actively involved and
14 working full-time in the scuba diving industry who has
15 experience in recreational boating, and two representatives of
16 the boating public, each of whom shall be nominated by the
17 executive director of the Fish and Wildlife Conservation
18 Commission and appointed by the Governor to serve staggered
19 2-year terms.

20 (d) One member of the House of Representatives, who
21 shall be appointed by the Speaker of the House of
22 Representatives.

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

25 (3) The purpose of the council is to make
26 recommendations to the Fish and Wildlife Conservation
27 Commission and the Department of Community Affairs regarding
28 issues affecting the boating community, including, but not
29 limited to, issues related to:

30 (a) Boating and diving safety education.
31

1 (b) Boating-related facilities, including marinas and
2 boat testing facilities.

3 (c) Boat usage.

4 Section 26. Subsection (2) of section 328.48, Florida
5 Statutes, is amended to read:

6 328.48 Vessel registration, application, certificate,
7 number, decal, duplicate certificate.--

8 (2) All vessels used ~~operated~~ on the waters of the
9 state must be registered, either commercial or recreational
10 ~~noncommercial~~ as defined in this chapter herein, except as
11 follows:

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

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

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

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

17 Section 27. Section 328.56, Florida Statutes, is
18 amended to read:

19 328.56 Vessel registration number.--Each vessel that
20 is used ~~operated~~ on the waters of the state must display a
21 commercial or recreational ~~noncommercial~~ Florida registration
22 number, unless it is:

23 (1) A vessel used exclusively on private lakes and
24 ponds.

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

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

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

28 (5) A federally documented vessel.

29 (6) A vessel already covered by a registration number
30 in full force and effect which has been awarded to it pursuant
31 to a federally approved numbering system of another state or

1 by the United States Coast Guard in a state without a
2 federally approved numbering system, if the vessel has not
3 been within this state for a period in excess of 90
4 consecutive days.

5 (7) A vessel operating under a valid temporary
6 certificate of number.

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

9 (9) An undocumented vessel used exclusively for
10 racing.

11 Section 28. Subsection (1) of section 328.66, Florida
12 Statutes, is amended to read:

13 328.66 County and municipality optional registration
14 fee.--

15 (1) Any county may impose an annual registration fee
16 on vessels registered, operated, or stored in the water within
17 its jurisdiction. This fee shall be 50 percent of the
18 applicable state registration fee. However, the first \$1 of
19 every registration imposed under this subsection shall be
20 remitted to the state for deposit in the Save the Manatee
21 Trust Fund created within the Fish and Wildlife Conservation
22 Commission, and shall be used only for the purposes specified
23 in s. 370.12(4)~~for expenditure solely on activities related~~
24 ~~to the preservation of manatees~~. All other moneys received
25 from such fee shall be expended for the patrol, regulation,
26 and maintenance of the lakes, rivers, and waters and for other
27 boating-related activities of such municipality or county. A
28 municipality that was imposing a registration fee before April
29 1, 1984, may continue to levy such fee, notwithstanding the
30 provisions of this section.

31

1 Section 29. 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 30. Subsections (2), (6), (7), and (11) of
22 section 328.72, 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 (7) SERVICE FEE.--In addition to other registration
19 fees, the vessel owner shall pay the tax collector a \$2.25
20 service fee for each registration issued, replaced, or
21 renewed. Except as provided in subsection (15), all fees,
22 other than the service charge, collected by a tax collector
23 must be remitted to the department not later than 7 working
24 days following the last day of the week in which the money was
25 remitted. Vessels may travel in salt water or fresh water.

26 (11) VOLUNTARY CONTRIBUTIONS.--The application form
27 for boat registration shall include a provision to allow each
28 applicant to indicate a desire to pay an additional voluntary
29 contribution to the Save the Manatee Trust Fund to be used for
30 the purposes specified in s. 370.12(4). ~~for manatee and~~
31 ~~marine mammal research, protection, recovery, rescue,~~

1 ~~rehabilitation, and release.~~ This contribution shall be in
2 addition to all other fees and charges. The amount of the
3 request for a voluntary contribution solicited shall be \$2 or
4 \$5 per registrant. A registrant who provides a voluntary
5 contribution of \$5 or more shall be given a sticker or emblem
6 by the tax collector to display, which signifies support for
7 the Save the Manatee Trust Fund. All voluntary contributions
8 shall be deposited in the Save the Manatee Trust Fund and
9 shall be used for the purposes specified in s. 370.12(4).~~for~~
10 ~~use according to this subsection. The first \$2 of voluntary~~
11 ~~contribution by a vessel registrant shall be available for the~~
12 ~~manatee protection and recovery effort pursuant to s.~~
13 ~~370.12(4)(a). Any additional amount of voluntary contribution~~
14 ~~by a vessel registrant shall also be for the purpose of the~~
15 ~~manatee protection and recovery effort, except that any~~
16 ~~voluntary contribution in excess of the first \$2 voluntary~~
17 ~~contribution by a vessel registrant but not exceeding \$2 shall~~
18 ~~be available for manatee rehabilitation by those facilities~~
19 ~~approved to rescue, rehabilitate, and release manatees~~
20 ~~pursuant to s. 370.12(4)(b).~~The form shall also include
21 language permitting a voluntary contribution of \$5 per
22 applicant, which contribution shall be transferred into the
23 Election Campaign Financing Trust Fund. A statement providing
24 an explanation of the purpose of the trust fund shall also be
25 included.

26 Section 31. Effective July 1, 2001, subsection (15) of
27 section 328.72, Florida Statutes, is amended to read:

28 328.72 Classification; registration; fees and charges;
29 surcharge; disposition of fees; fines; marine turtle
30 stickers.--

31

1 (15) DISTRIBUTION OF FEES.--Moneys designated for the
2 use of the counties, as specified in subsection (1), shall be
3 distributed by the tax collector to the board of county
4 commissioners for use as provided in this section. Such
5 moneys ~~deposited pursuant to s. 328.76~~ to be returned to the
6 counties are for the sole purposes of providing recreational
7 channel marking and public launching facilities and other
8 boating-related activities, for removal of vessels and
9 floating structures deemed a hazard to public safety and
10 health for failure to comply with s. 327.53, and for manatee
11 and marine mammal protection and recovery. ~~The department~~
12 ~~shall ascertain, as a guideline in determining the amounts of~~
13 ~~distributions each county may receive, the number of~~
14 ~~noncommercial vessels registered in the county during the~~
15 ~~preceding fiscal year according to the fee schedule provided~~
16 ~~in subsection (1) and shall promulgate rules to effectuate~~
17 ~~this. Each fiscal year, prior to determination of~~
18 ~~distributions to the counties under this section, an amount~~
19 ~~equal to \$1 for each vessel registered in this state shall be~~
20 ~~transferred to the Save the Manatee Trust Fund for manatee and~~
21 ~~marine mammal research, protection, and recovery.~~

22 Section 32. Paragraphs (a) and (b) of subsection (1)
23 of section 328.76, Florida Statutes, are amended to read:

24 328.76 Marine Resources Conservation Trust Fund;
25 vessel registration funds; appropriation and distribution.--

26 (1) Except as otherwise specified and less any
27 administrative costs, all funds collected from the
28 registration of vessels through the Department of Highway
29 Safety and Motor Vehicles and the tax collectors of the state
30 shall be deposited in the Marine Resources Conservation Trust
31 Fund for recreational channel marking; public launching

1 facilities; law enforcement and quality control programs;
2 aquatic weed control; manatee protection, recovery, rescue,
3 rehabilitation, and release; and marine mammal protection and
4 recovery. The funds collected pursuant to s. 328.72(1) shall
5 be transferred as follows:

6 (a) In each fiscal year, an amount equal to ~~\$1.50~~\$1
7 for each vessel registered in this state shall be transferred
8 to the Save the Manatee Trust Fund and shall be used only for
9 the purposes specified in s. 370.12(4).~~for manatee and marine~~
10 ~~mammal research, protection, and recovery in accordance with~~
11 ~~the provisions of s. 370.12(4)(a).~~

12 ~~(b) In addition, in each fiscal year, an amount equal~~
13 ~~to 50 cents for each vessel registered in this state shall be~~
14 ~~transferred to the Save the Manatee Trust Fund in accordance~~
15 ~~with the provisions of s. 370.12(4)(b) for use by those~~
16 ~~facilities approved to rescue, rehabilitate, and release~~
17 ~~manatees as authorized pursuant to the Fish and Wildlife~~
18 ~~Service of the United States Department of the Interior.~~

19 Section 33. Effective July 1, 2001, subsection (1) of
20 section 328.76, Florida Statutes, is amended to read:

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

23 (1) Except as otherwise specified and less any
24 administrative costs, all funds collected from the
25 registration of vessels through the Department of Highway
26 Safety and Motor Vehicles and the tax collectors of the state,
27 except for those funds designated for the use of the counties
28 pursuant to s. 328.72(1), shall be deposited in the Marine
29 Resources Conservation Trust Fund for recreational channel
30 marking; public launching facilities; law enforcement and
31 quality control programs; aquatic weed control; manatee

1 protection, recovery, rescue, rehabilitation, and release; and
2 marine mammal protection and recovery. The funds collected
3 pursuant to s. 328.72(1) shall be transferred as follows:

4 (a) In each fiscal year, an amount equal to \$1.50 for
5 each vessel registered in this state shall be transferred to
6 the Save the Manatee Trust Fund and shall be used only for the
7 purposes specified in s. 370.12(4) for manatee and marine
8 mammal research, protection, and recovery in accordance with
9 the provisions of s. 370.12(4)(a).

10 (b) In addition, in each fiscal year, an amount equal
11 to 50 cents for each vessel registered in this state shall be
12 transferred to the Save the Manatee Trust Fund in accordance
13 with the provisions of s. 370.12(4)(b) for use by those
14 facilities approved to rescue, rehabilitate, and release
15 manatees as authorized pursuant to the Fish and Wildlife
16 Service of the United States Department of the Interior.

17 (c) Two dollars from each noncommercial vessel
18 registration fee, except that for class A-1 vessels, shall be
19 transferred to the Invasive Plant Control Trust Fund for
20 aquatic weed research and control.

21 (d) Forty percent of the registration fees from
22 commercial vessels shall be transferred to the Invasive Plant
23 Control Trust Fund for aquatic plant research and control.

24 (e) Forty percent of the registration fees from
25 commercial vessels shall be transferred by the Department of
26 Highway Safety and Motor Vehicles, on a monthly basis, to the
27 General Inspection Trust Fund of the Department of Agriculture
28 and Consumer Service. These funds shall be used for shellfish
29 and aquaculture law enforcement and quality control programs.

30
31

1 Section 34. Paragraph (a) of subsection (2) and
2 subsection (3) of section 370.06, Florida Statutes, are
3 amended to read:

4 370.06 Licenses.--

5 (2) SALTWATER PRODUCTS LICENSE.--

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

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

17 1. The ~~Fish and Wildlife Conservation~~ commission is
18 authorized to require verification of such income. Acceptable
19 proof of income earned from the sale of saltwater products
20 shall be:

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

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

26 c. A copy of the applicable federal income tax return,
27 including Form 1099 attachments, verifying income earned from
28 the sale of saltwater products;

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

31

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

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

16 2. Exceptions from income requirements shall be as
17 follows:

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

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

24 c. Upon the sale of a used commercial fishing vessel
25 owned by a person, firm, or corporation possessing or eligible
26 for a restricted species endorsement, the purchaser of such
27 vessel shall be exempted from the qualifying income
28 requirement for the purpose of obtaining a restricted species
29 endorsement for a period of 1 year after purchase of the
30 vessel.

31

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

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

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

16 g.(I) Any resident who is certified to be totally and
17 permanently disabled by ~~a verified written statement, based~~
18 ~~upon the criteria for permanent total disability in chapter~~
19 ~~440 from a physician licensed in this state, by any branch of~~
20 ~~the United States Armed Services, by the Social Security~~
21 ~~Administration, or by the United States Department of Veterans~~
22 ~~Affairs or its predecessor, or by any branch of the United~~
23 States Armed Forces, or who holds a valid identification card
24 issued by the Department of Veterans' Affairs pursuant to s.
25 295.17, upon proof of the same, or any resident certified to
26 be totally disabled by the United States Social Security
27 Administration, upon proof of the same, or any resident who
28 ~~holds a valid identification card issued by the Department of~~
29 ~~Veterans' Affairs pursuant to s. 295.17, shall be exempted~~
30 from the income requirements if he or she also has held a
31

1 saltwater products license for at least 3 of the last 5
2 license years prior to the date of the disability.

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

8
9 At least one saltwater products license bearing a restricted
10 species endorsement shall be aboard any vessel harvesting
11 restricted species in excess of any bag limit or when fishing
12 under a commercial quota or in commercial quantities, and such
13 vessel shall have a commercial vessel registration. This
14 subsection does not apply to any person, firm, or corporation
15 licensed under s. 370.07(1)(a)1. or (b) for activities
16 pursuant to such licenses. A saltwater products license may be
17 issued in the name of an individual or a valid boat
18 registration number. Such license is not transferable. A decal
19 shall be issued with each saltwater products license issued to
20 a valid boat registration number. The saltwater products
21 license decal shall be the same color as the vessel
22 registration decal issued each year pursuant to s. 328.48(5)
23 and shall indicate the period of time such license is valid.
24 The saltwater products license decal shall be placed beside
25 the vessel registration decal and, in the case of an
26 undocumented vessel, shall be placed so that the vessel
27 registration decal lies between the vessel registration number
28 and the saltwater products license decal. Any saltwater
29 products license decal for a previous year shall be removed
30 from a vessel operating on the waters of the state. A resident
31 shall pay an annual license fee of \$50 for a saltwater

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

1 in conjunction with the licensing program to gather fisheries
2 data.

3 (3) NET LICENSES.--Except for cast nets and bait
4 seines which are 100 feet in length or less and which have a
5 mesh that is 3/8 inch or less, all nets used to take
6 finfish, including, but not limited to, gill nets, trammel
7 nets, and beach seines, must be licensed or registered. Each
8 net used to take finfish for commercial purposes, or by a
9 nonresident, must be licensed under a saltwater products
10 license issued pursuant to subsection (2) and must bear the
11 number of such license. ~~A noncommercial resident net
12 registration must be issued to each net used to take finfish
13 for noncommercial purposes and may only be issued to residents
14 of the state. Each net so registered must bear the name of the
15 person in whose name the net is registered.~~

16 Section 35. Paragraph (a) of subsection (2), and
17 subsections (4), (6), and (12) of section 370.0605, F.S., are
18 amended to read:

19 370.0605 Saltwater fishing license required; fees.--

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

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

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

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

28 4. For a combination license for a resident to take
29 freshwater fish and saltwater fish, \$24 for a 1-year license.
30
31

1 5. For a combination license for a resident to hunt
2 and to take freshwater fish and saltwater fish, \$34 for a
3 1-year license.

4 ~~6.4.~~ For purposes of this section, "resident" has the
5 same meaning as that found in s. 372.001.

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

8 (a) To be totally and permanently disabled by the
9 ~~verified written statement which is based upon the criteria~~
10 ~~for permanent total disability in chapter 440 of a physician~~
11 ~~licensed in this state, by any branch of the United States~~
12 ~~Armed Services, by the Social Security Administration, or by~~
13 ~~the United States Department of Veterans Affairs or its~~
14 ~~predecessor, or by any branch of the United States Armed~~
15 ~~Forces, or who holds a valid identification card issued by the~~
16 ~~Department of Veterans' Affairs pursuant to s. 295.17, upon~~
17 ~~proof of same. Any license issued under this paragraph after~~
18 ~~January 1, 1997, expires after 5 years. Upon request, the~~
19 ~~license shall be reissued for a 5 year period and shall be~~
20 ~~reissued every 5 years thereafter; or who holds a valid~~
21 ~~identification card issued by the Department of Veterans'~~
22 ~~Affairs pursuant to s. 295.17.~~

23 (b) To be totally disabled ~~A Disability Award Notice~~
24 ~~issued~~ by the United States Social Security Administration,
25 upon proof of same. Any license issued under this paragraph
26 after October 1, 1999, expires September 30, 2001. Upon proof
27 of certification as provided in this paragraph, the license
28 shall be reissued for a 2-year period and shall be reissued
29 every 2 years thereafter. ~~is not sufficient certification for~~
30 ~~obtaining a permanent fishing license under this section~~
31 ~~unless the notice certifies a resident is totally and~~

1 ~~permanently disabled. Any license issued after January 1,~~
2 ~~1997, expires after 5 years and must be reissued, upon~~
3 ~~request, every 5 years thereafter.~~

4 (c) Notwithstanding any other provision of this
5 subsection, any person who has received after July 1, 1997,
6 and before July 1, 2000, a valid disability license under this
7 subsection retains the rights vested thereunder until the
8 license has expired.

9 (6)(a) The Fish and Wildlife Conservation Commission,
10 all county tax collectors, or any appointed subagent may sell
11 licenses and permits and collect fees pursuant to this
12 section. A fee for electronic license sales may be
13 established by competitive-bid procedures that are overseen by
14 the commission.

15 (b) The commission is the issuing department for the
16 purpose of issuing licenses and permits and collecting fees
17 pursuant to this section.

18 (c) In addition to the license and permit fee
19 collected, the sum of \$1.50 shall be charged for each license.
20 Such charge shall be for the purpose of, and the source from
21 which is subtracted, all administrative costs of issuance,
22 including, but not limited to, printing, distribution, and
23 credit card fees. Tax collectors may retain \$1.50 for each
24 license sold.

25 (d)1. Each county tax collector shall maintain records
26 of all such licenses, permits, and stamps that are sold,
27 voided, stolen, or lost. Licenses and permits must be issued
28 and reported, and fees must be remitted, in accordance with
29 the procedures established in chapter 372.

30 2. Not later than August 15 of each year, each county
31 tax collector shall submit to the Fish and Wildlife

1 Conservation Commission a written audit report, on forms
2 prescribed or approved by the commission, as to the numbers of
3 all unissued licenses and permits ~~stamps~~ for the previous
4 fiscal year along with all unissued pictorial permits ~~a~~
5 ~~written audit report, on forms prescribed or approved by the~~
6 ~~Fish and Wildlife Conservation Commission, as to the numbers~~
7 ~~of the unissued stamps.~~

8 (e) A license or permit to replace a lost or destroyed
9 license or permit may be obtained by submitting an application
10 for replacement. The fee is \$10 for each application for
11 replacement of a lifetime license and \$2 for each application
12 for replacement for any other license or permit. Such fees
13 shall be for the purpose of, and the source from which is
14 subtracted, all administrative costs of issuing the license or
15 permit, including, but not limited to, printing, distribution,
16 and credit card fees. Tax collectors may retain \$1 for each
17 application for a replacement license or permit processed.

18 (12) The ~~Fish and Wildlife Conservation~~ commission may
19 designate by rule no more than 2 consecutive or nonconsecutive
20 days in each year as free saltwater fishing days. ~~"Disabled~~
21 ~~Angler Fishing Days."~~ Notwithstanding any other provision of
22 this chapter, any ~~disabled~~ person may take saltwater marine
23 fish for noncommercial purposes on a free saltwater fishing
24 day ~~Disabled Angler Fishing Day~~ without obtaining or
25 possessing a license or paying a license fee as prescribed in
26 this section. A ~~disabled~~ person who takes saltwater marine
27 fish on a free saltwater fishing day ~~Disabled Angler Fishing~~
28 ~~Day~~ without obtaining a license or paying a fee must comply
29 with all laws, rules, and regulations governing holders of a
30 fishing license and all other conditions and limitations
31

1 regulating the taking of saltwater ~~marine~~ fish as are imposed
2 by law or rule.

3 Section 36. Section 372.561, Florida Statutes, is
4 amended to read:

5 372.561 Issuance of licenses to take wild animal life
6 or freshwater aquatic life; costs; reporting.--

7 (1) ~~The provisions of This section applies shall apply~~
8 to such licenses or permits as are established in s. 372.57.

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

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

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

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

31

1 (5)(a) Hunting and fishing licenses and permits shall
2 be issued, without fee, to any resident who is certified:

3 1. To be totally and permanently disabled by the
4 United States Department of Veterans Affairs or its
5 predecessor ~~or, by the United States Social Security~~
6 ~~Administration,~~by any branch of the United States Armed
7 Forces, ~~or by the verified written statement which is based~~
8 ~~upon the criteria for permanent and total disability in~~
9 ~~chapter 440 of a physician licensed in this state~~ or who holds
10 a valid identification card issued under the provisions of s.
11 295.17, upon proof of the same. Any license issued under this
12 provision after January 1, 1997, expires after 5 years and
13 must be reissued, upon request, every 5 years thereafter.

14 2. To be totally disabled ~~A Disability Award Notice~~
15 ~~issued~~ by the United States Social Security Administration
16 upon proof of the same. Any license issued under this
17 provision after October 1, 1999, expires after 2 years and
18 must be reissued, upon proof of certification as provided in
19 this subsection, every 2 years thereafter ~~is not sufficient~~
20 ~~certification for obtaining a permanent hunting and fishing~~
21 ~~license under this section unless said form certifies a~~
22 ~~resident is totally and permanently disabled.~~

23 (b) Notwithstanding any other provisions of this
24 section, any person who has received after July 1, 1997, and
25 before July 1, 2000, a valid disability license issued under
26 this subsection, retains the rights vested thereunder until
27 the license has expired.

28 (6)(a) Tax collectors shall remit license and permit
29 moneys, along with a report of funds collected and other
30 required documentation, to the commission within 7 days
31 following the last business day of the week in which the fees

1 were received by the tax collector. The tax collector shall
2 maintain records of all such licenses and permits which are
3 sold, ~~and all stamps issued~~ voided, stolen, or lost. The tax
4 collector is responsible to the commission for the fee for all
5 licenses and permits sold and for the value of all licenses
6 and permits ~~stamps~~ reported as lost. The tax collector shall
7 report stolen licenses and permits to the appropriate law
8 enforcement agency. The tax collector shall submit a written
9 report and a copy of the law enforcement agency's report to
10 the commission within 5 days after discovering the theft. ~~The~~
11 ~~value of a validation stamp is \$5.~~

12 (b) Tax collectors are also responsible for fees for
13 all licenses and permits sold by their subagents and for the
14 value of all licenses and permits ~~stamps~~ reported as lost.
15 The commission may adopt rules to implement this section.

16 (c) Not later than August 15 of each year, each county
17 tax collector shall submit to the commission a written audit
18 report, on forms prescribed or approved by the commission, as
19 to the numbers of all unissued licenses and permits ~~stamps~~ for
20 the previous year along with all unissued pictorial permits ~~a~~
21 ~~written audit report, on forms prescribed or approved by the~~
22 ~~commission, of the numbers of the unissued stamps.~~

23 (7) Within 30 days after the submission of the annual
24 audit report, each county tax collector shall provide the
25 commission with a written audit report on unissued, sold, and
26 voided licenses, permits, and stamps with a certified
27 reconciliation statement prepared by a certified public
28 accountant. Concurrent with the submission of the
29 certification, the county tax collector shall remit to the
30 commission the monetary value of all licenses, permits, and
31 stamps that are unaccounted for. Each tax collector is also

1 responsible for fees for all licenses, permits, and stamps
2 distributed by him or her to subagents, sold by him or her, or
3 reported by him or her as lost.

4 Section 37. New paragraphs (i) and (j) are created in
5 subsection (2), of section 372.57, F.S., and current paragraph
6 (i) is renumbered as paragraph (k) and amended, to read:

7 372.57 Licenses and permits; exemptions; fees.--No
8 person, except as provided herein, shall take game, freshwater
9 fish, or fur-bearing animals within this state without having
10 first obtained a license, permit, or authorization and paid
11 the fees hereinafter set forth, unless such license is issued
12 without fee as provided in s. 372.561. Such license, permit,
13 or authorization shall authorize the person to whom it is
14 issued to take game, freshwater fish, or fur-bearing animals
15 in accordance with law and commission rules. Such license,
16 permit, or authorization is not transferable. Each license or
17 permit must bear on its face in indelible ink the name of the
18 person to whom it is issued and other information requested by
19 the commission. Such license, permit, or authorization issued
20 by the commission or any agent must be in the personal
21 possession of the person to whom issued while taking game,
22 freshwater fish, or fur-bearing animals. The failure of such
23 person to exhibit such license, permit, or authorization to
24 the commission or its wildlife officers, when such person is
25 found taking game, freshwater fish, or fur-bearing animals, is
26 a violation of law. A positive form of identification is
27 required when using an authorization, a lifetime license, a
28 5-year license, or when otherwise required by the license or
29 permit. The lifetime licenses and 5-year licenses provided
30 herein shall be embossed with the name, date of birth, ~~the~~
31 date of issuance, and other pertinent information as deemed

1 necessary by the commission. A certified copy of the
2 applicant's birth certificate shall accompany each application
3 ~~all applications~~ for a lifetime license for a resident
4 ~~residents~~ 12 years of age or ~~and~~ younger. Each applicant for a
5 license, permit, or authorization shall provide the
6 applicant's social security number on the application form.
7 Disclosure of social security numbers obtained through this
8 requirement shall be limited to the purpose of administration
9 of the Title IV-D child support enforcement program and use by
10 the commission, and as otherwise provided by law.

11 (2) For residents and nonresidents, the license and
12 fees for noncommercial fishing and for hunting and trapping in
13 this state, and the activity authorized thereby, are as
14 follows:

15 (i) A combination license for a resident to hunt and
16 to take freshwater fish and saltwater fish is \$34 for a 1-year
17 license.

18 (j) A permanent hunting and freshwater fishing license
19 for a resident 64 years of age or older is \$12.

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

29 Section 38. Section 372.574, Florida Statutes, is
30 amended to read:

31

1 372.574 Appointment of subagents for the sale of
2 hunting, fishing, and trapping licenses and permits.--

3 (1) A county tax collector who elects to sell licenses
4 and permits may appoint any person as a subagent for the sale
5 of fishing, hunting, and trapping licenses and permits that
6 the tax collector is allowed to sell. The following are
7 requirements for subagents:

8 (a) Each subagent must serve at the pleasure of the
9 county tax collector.

10 (b) Neither an employee of the county tax collector
11 nor her or his relative or next of kin, by blood or otherwise,
12 may be appointed as a subagent.

13 (c) The tax collector may require each subagent to
14 post an appropriate bond as determined by the tax collector,
15 using an insurance company acceptable to the tax collector.
16 In lieu of such bond, the tax collector may purchase blanket
17 bonds covering all or selected subagents or may allow a
18 subagent to post such other security as is required by the tax
19 collector.

20 (d) A subagent may sell licenses and permits as are
21 determined by the tax collector at such specific locations
22 within the county and in states contiguous to Florida as will
23 best serve the public interest and convenience in obtaining
24 licenses and permits. The commission may uniformly prohibit
25 subagents from selling certain licenses or permits.

26 (e) It is unlawful for any person to handle licenses
27 or permits for a fee or compensation of any kind unless she or
28 he has been appointed as a subagent.

29 (f) Any person who willfully violates any of the
30 provisions of this law is guilty of a misdemeanor of the
31

1 second degree, punishable as provided in s. 775.082 or s.
2 775.083.

3 (g) A subagent may charge and receive as her or his
4 compensation 50 cents for each license or permit sold. This
5 charge is in addition to the sum required by law to be
6 collected for the sale and issuance of each license or permit.

7 (h) A subagent shall submit payment for and report the
8 sale of licenses and permits to the tax collector as
9 prescribed by the tax collector but no less frequently than
10 monthly.

11 (i) Subagents shall submit an activity report for
12 sales made during the reporting period on forms prescribed or
13 approved by the commission. Periodic audits may be performed
14 at the discretion of the commission.

15 (2) If a tax collector elects not to appoint
16 subagents, the commission may appoint subagents within that
17 county. Subagents shall serve at the pleasure of the
18 commission. The commission may establish, by rule, procedures
19 for selection of subagents. The following are requirements
20 for subagents so appointed:

21 (a) The commission may require each subagent to post
22 an appropriate bond as determined by the commission, using an
23 insurance company acceptable to the commission. In lieu of
24 the bond, the commission may purchase blanket bonds covering
25 all or selected subagents or may allow a subagent to post
26 other security as required by the commission.

27 (b) A subagent may sell licenses and permits as
28 authorized by the commission at specific locations within the
29 county and in states as will best serve the public interest
30 and convenience in obtaining licenses and permits. The
31

1 commission may prohibit subagents from selling certain
2 licenses or permits.

3 (c) It is unlawful for any person to handle licenses
4 or permits for a fee or compensation of any kind unless he or
5 she has been appointed as a subagent.

6 (d) Any person who willfully violates any of the
7 provisions of this section commits a misdemeanor of the second
8 degree, punishable as provided in s. 775.082 or s. 775.083.

9 (e) A subagent may charge and receive as his or her
10 compensation 50 cents for each license or permit sold. This
11 charge is in addition to the sum required by law to be
12 collected for the sale and issuance of each license or permit.
13 In addition, no later than July 1, 1997, a subagent fee for
14 the sale of licenses over the telephone by credit card shall
15 be established by competitive bid procedures which are
16 overseen by the Fish and Wildlife Conservation Commission. A
17 fee for electronic license sales may be established by
18 competitive-bid procedures that are overseen by the Fish and
19 Wildlife Conservation Commission.

20 (f) A subagent shall submit payment for and report the
21 sale of licenses and permits to the commission as prescribed
22 by the commission.

23 (g) Subagents shall maintain records of all licenses
24 and permits sold ~~and all stamps issued~~, voided, stolen, or
25 lost. Subagents are responsible to the commission for the
26 fees for all licenses and permits sold and for the value of
27 all licenses and permits ~~stamps~~ reported as lost. Subagents
28 must report all stolen licenses and permits ~~validation stamps~~
29 to the appropriate law enforcement agency. The subagent shall
30 submit a written report and a copy of the law enforcement
31 agency's report to the commission within 5 days after

1 discovering the theft. ~~The value of a lost validation stamp is~~
2 ~~\$5.~~

3 (h) Subagents shall submit an activity report for
4 sales made during the reporting period on forms prescribed or
5 approved by the commission. Periodic audits may be performed
6 at the discretion of the commission.

7 (i) By July 15 of each year, each subagent shall
8 submit to the commission all unissued stamps for the previous
9 year along with a written audit report, on forms prescribed or
10 approved by the commission, on the numbers of the unissued
11 stamps.

12 (3) The Fish and Wildlife Conservation Commission or
13 any other law enforcement agency may carry out any
14 investigation necessary to secure information required to
15 carry out and enforce this section.

16 (4)~~(3)~~ All social security numbers that ~~which~~ are
17 provided pursuant to ss. 372.561 and 372.57 and are contained
18 in records of any subagent appointed under ~~pursuant to~~ this
19 section are confidential as provided in those sections.

20 Section 39. Section 372.66, Florida Statutes, is
21 amended to read:

22 372.66 License required for fur and hide dealers.--

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

27 (2) Any resident dealer or buyer who solicits business
28 through the mails, or by advertising, or who travels to buy or
29 employs or has other agents or buyers, shall be deemed a
30 resident state dealer and must ~~shall be required to~~ pay a
31 license fee of \$100 per annum ~~and shall pay an agent's license~~

1 ~~fee of \$5 per annum for each agent or traveling buyer employed~~
2 ~~by or buying for such licensed state dealer.~~

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

7 ~~(3)(4) A nonresident dealer or buyer must shall be~~
8 ~~required to pay a license fee of \$500 per annum and shall pay~~
9 ~~a license fee of \$100 per annum for each agent, resident buyer~~
10 ~~or traveling buyer employed by or buying for or acting as~~
11 ~~agent for such nonresident buyer.~~

12 ~~(5) All agents' licenses shall be applied for by, and~~
13 ~~issued to, a resident state dealer or nonresident dealer and~~
14 ~~shall show name and residence of such agent and shall be in~~
15 ~~possession of such agent at all times when engaged in buying~~
16 ~~furs or hides. Application for such licenses shall be made to~~
17 ~~the Fish and Wildlife Conservation Commission on blanks~~
18 ~~furnished by it.~~

19 ~~(4)(6) All dealers and buyers shall forward to the~~
20 ~~Fish and Wildlife Conservation Commission each 2 weeks during~~
21 ~~open season a report showing number and kind of hides bought~~
22 ~~and name of trapper from whom bought and the trapper's license~~
23 ~~number, or if trapper is exempt from license under any of the~~
24 ~~provisions of this chapter, such report shall show the nature~~
25 ~~of such exemption. A No common carrier may not shall~~
26 ~~knowingly ship or transport or receive for transportation any~~
27 ~~hides or furs unless such shipments have marked thereon name~~
28 ~~of shipper and the number of her or his fur-animal license or~~
29 ~~fur dealer's license.~~

30 Section 40. Section 372.83, Florida Statutes, is
31 amended to read:

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 (a) Rules, regulations, or orders relating to the
7 filing of reports or other documents required of persons who
8 are licensed or who hold permits issued by the commission.

9 (b) Rules, regulations, or orders relating to fish
10 management areas.

11 (c) Rules, regulations, or orders relating to quota
12 hunt permits, daily use permits, hunting zone assignments,
13 camping restrictions, the use of alcoholic beverages, vehicle
14 use, and check station requirements within wildlife management
15 areas or other areas managed by the commission.

16 (d) Rules, regulations, or orders requiring permits
17 free of charge to possess captive wildlife for personal use.

18 (e) Rules, regulations, or orders establishing size or
19 slot limits for freshwater game fish.

20 (f) Rules, regulations, or orders regulating vessel
21 size or specifying motor restrictions on specified water
22 bodies.

23 (g) Rules, regulations, or orders relating to the
24 registration of off-road vehicles and airboats operated on
25 state lands.

26 (h) Section 372.57, relating to hunting, fishing, and
27 trapping licenses.

28 (i) Section 372.988, relating to required clothing for
29 persons hunting deer.

30
31

1 A person who fails to pay the civil penalty specified in s.
2 372.711 within 30 days after being cited for a noncriminal
3 infraction or to appear before the court pursuant to that
4 section is guilty of a misdemeanor of the second degree,
5 punishable as provided in s. 775.082 or s. 775.083.

6 (2) A person is guilty of a misdemeanor of the second
7 degree, punishable as provided in s. 775.082 or s. 775.083, if
8 she or he violates any of the following rules, regulations, or
9 orders of the commission:

10 (a) Rules, regulations, or orders that specify season
11 or time periods for the taking of freshwater fish or wildlife.

12 (b) Rules, regulations, or orders that specify bag
13 limits or restrict methods of taking freshwater fish or
14 wildlife.

15 (c) Rules, regulations, or orders that relate to the
16 sale, possession for sale, purchase, transfer, transportation,
17 or importation of freshwater fish or wildlife.

18 (d) Rules, regulations, or orders that prohibit public
19 access for specified periods to wildlife management areas or
20 other areas managed by the commission.

21 (e) Rules, regulations, or orders that require a
22 person to pay a fee to obtain a permit to possess captive
23 wildlife or that require the maintenance of records relating
24 to captive wildlife.

25 (f) All other rules, regulations, and orders of the
26 commission, except those specified in subsection (1).

27 (3) It is unlawful for any person to make, forge,
28 counterfeit, or reproduce a freshwater fishing, hunting, or
29 saltwater fishing license unless authorized by the commission.
30 It is unlawful for any person to knowingly have in his or her
31 possession a forgery, counterfeit, or imitation of such a

1 license unless possession by the person has been fully
2 authorized by the commission. A person who violates this
3 subsection commits a felony of the third degree, punishable as
4 provided in s. 775.082, s. 775.083, or s. 775.084.

5 ~~(4)(3)~~ Unless otherwise provided in this chapter, a
6 person who violates any provision of this chapter is guilty,
7 for the first offense, of a misdemeanor of the second degree,
8 punishable as provided in s. 775.082 or s. 775.083, and is
9 guilty, for the second offense or any subsequent offense, of a
10 misdemeanor of the first degree, punishable as provided in s.
11 775.082 or s. 775.083.

12 ~~(5)(4)~~ The court may order the suspension or
13 revocation of any license or permit issued to a person
14 pursuant to this chapter, if that person commits a criminal
15 offense specified in this chapter or a noncriminal infraction
16 specified in this section.

17 Section 41. Paragraph (b) of subsection (1) of section
18 713.78, Florida Statutes, is amended to read:

19 713.78 Liens for recovering, towing, or storing
20 vehicles and documented ~~undocumented~~ vessels.--

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

22 (b) "Vessel" means every description of watercraft,
23 barge, and air boat used or capable of being used as a means
24 of transportation on water, other than a seaplane or a
25 ~~"documented has the same meaning as the term "undocumented~~
26 ~~vessel" as defined in s. 327.02(8)(36).~~

27 Section 42. Section 258.398, Florida Statutes, 1997
28 edition, and subsections (10) and (11) of section 370.14,
29 Florida Statutes, are repealed.

30 Section 43. Except where otherwise provided, this act
31 shall take effect July 1, 2000.