

By the Committee on Natural Resources; and Senator Cowin

312-2042-04

1 A bill to be entitled
2 An act relating to vessel licenses; amending s.
3 372.57, F.S.; creating a Freshwater Vessel
4 License Pilot Program within the Fish and
5 Wildlife Conservation Commission; establishing
6 nonmandatory license fees and categories;
7 prohibiting the transfer of vessel licenses
8 under certain circumstances; requiring that
9 revenues from the sales of freshwater vessel
10 licenses be deposited into the State Game Trust
11 Fund; providing for the expiration of the pilot
12 program; creating a Vessel License Task Force
13 within the commission; providing for membership
14 of the task force; providing responsibilities
15 and duties of the task force; requiring the
16 task force to submit recommendations to the
17 commission and certain committees of the
18 Legislature; providing for expiration of the
19 task force; amending s. 372.562, F.S.;
20 providing exemptions from certain fees and
21 requirements for persons fishing from or
22 operating a freshwater vessel with a freshwater
23 vessel license; providing for expiration of the
24 exemption; providing effective dates.

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

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28 Section 1. Subsection (7) of section 372.57, Florida
29 Statutes, is amended, and subsections (16) and (17) are added
30 to that section, to read:

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1 372.57 Recreational licenses, permits, and
2 authorization numbers; fees established.--

3 (7) SALTWATER VESSEL LICENSES.--

4 (a) No person may operate any vessel wherein a fee is
5 paid, either directly or indirectly, for the purpose of
6 taking, attempting to take, or possessing any saltwater fish
7 for noncommercial purposes unless she or he has obtained a
8 license for each vessel for that purpose, and has paid the
9 license fee pursuant to paragraph (b), paragraph (c), or
10 paragraph (d)~~paragraphs (b) and (c)~~for such vessel.

11 (b) A license for any person who operates any vessel
12 licensed to carry more than 10 customers, wherein a fee is
13 paid, either directly or indirectly, for the purpose of taking
14 or attempting to take saltwater fish, is \$800 per year. The
15 license must be kept aboard the vessel at all times.

16 (c)~~1~~. A license for any person who operates any vessel
17 licensed to carry no more than 10 customers, or for any person
18 licensed to operate any vessel carrying 6 or fewer customers,
19 wherein a fee is paid, either directly or indirectly, for the
20 purpose of taking or attempting to take saltwater fish, is
21 \$400 per year.

22 (d)2. A license for any person licensed to operate any
23 vessel carrying 6 or fewer customers but who operates a vessel
24 carrying 4 or fewer customers, wherein a fee is paid, either
25 directly or indirectly, for the purpose of taking or
26 attempting to take saltwater fish, is \$200 per year. The
27 license must be kept aboard the vessel at all times.

28 (e)3. A person who operates a vessel required to be
29 licensed pursuant to paragraph (b), paragraph (c), or this
30 paragraph(d)may obtain a license in her or his own name, and
31 such license shall be transferable and apply to any vessel

1 operated by the purchaser, provided that the purchaser has
2 paid the appropriate license fee.

3 (f)~~(d)~~ A license for a recreational vessel not for
4 hire and for which no fee is paid, either directly or
5 indirectly, by guests for the purpose of taking or attempting
6 to take saltwater fish noncommercially is \$2,000 per year.
7 The license may be purchased at the option of the vessel owner
8 and must be kept aboard the vessel at all times. A log of
9 species taken and the date the species were taken shall be
10 maintained and a copy of the log filed with the commission at
11 the time of renewal of the license.

12 (g)~~(e)~~ The owner, operator, or custodian of a vessel
13 the operator of which has been licensed pursuant to paragraph
14 (a) must maintain and report such statistical data as required
15 by, and in a manner set forth in, the rules of the commission.

16 (16) FRESHWATER VESSEL LICENSE PILOT PROGRAM.--

17 (a) The Fish and Wildlife Conservation Commission
18 shall establish a 1-year nonmandatory freshwater vessel
19 license program which shall be implemented July 1, 2004.
20 Freshwater vessel licenses issued under this subsection will
21 expire on June 30, 2005, and are nonrenewable. Except as
22 provided in paragraph (e), any license issued under this pilot
23 program must be identified as a freshwater vessel license and
24 may not be transferred for use to other fishing vessels during
25 the time for which the license is valid. The owner, operator,
26 or custodian of a vessel licensed pursuant to this subsection
27 must maintain and report such statistical data as required by
28 the commission.

29 (b) A license for any vessel for hire as certified by
30 the United States Coast Guard to carry 11 or more passengers,
31 wherein a fee is paid either directly or indirectly for the

1 purpose of taking or attempting to take freshwater fish, is
2 \$800 per year. The license must be kept aboard the vessel at
3 all times.

4 (c) A license for any vessel for hire as certified by
5 the United States Coast Guard to carry 10 or fewer passengers
6 is \$400 per year, or for any vessel for hire carrying 6 or
7 fewer passengers, wherein a fee is paid either directly or
8 indirectly for the purpose of taking or attempting to take
9 freshwater fish, is \$400 per year. The license must be kept
10 aboard the vessel at all times.

11 (d) A license for any vessel for hire carrying 6 or
12 fewer passengers but that carries 4 or fewer passengers,
13 wherein a fee is paid either directly or indirectly for the
14 purpose of taking or attempting to take freshwater fish, is
15 \$200 per year. The license must be kept aboard the vessel at
16 all times.

17 (e) A person who must be licensed by the United States
18 Coast Guard to operate a vessel licensed under paragraph (b),
19 paragraph (c), or paragraph (d) may obtain a license in her or
20 his own name, and such shall be transferable and apply to any
21 vessel operated by the purchaser, provided that the purchaser
22 has paid the appropriate fee.

23 (f) Funds resulting from the sale of freshwater vessel
24 licenses authorized in this subsection shall be deposited into
25 the State Game Trust Fund within the Fish and Wildlife
26 Conservation Commission.

27 (g) This subsection expires July 1, 2005.

28 (17) VESSEL LICENSE TASK FORCE.--

29 (a) The Vessel License Task Force is created within
30 the Fish and Wildlife Conservation Commission for the purpose
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1 of reviewing the commission's vessel license programs to
2 determine:
3 1. If vessel licenses for saltwater and freshwater
4 vessels should be mandatory or permissive licenses;
5 2. If the vessel license programs should be repealed;
6 3. If fees generated from the sale of vessel licenses
7 are sufficient to offset the loss of revenue to the commission
8 which is generated by persons who are not required to purchase
9 an individual license because they are paying to fish from a
10 licensed vessel;
11 4. A fair and equitable fee for saltwater and
12 freshwater vessel licenses if the task force recommends that
13 the vessel license programs should not be repealed and further
14 finds that revenues from the sale of vessel licenses are not
15 adequate to cover the loss of revenue to the commission which
16 is generated by the reduction in the sale of individual
17 fishing licenses; and
18 5. A method of tracking the number of persons who pay
19 to fish from licensed vessels so that the commission can
20 better determine the user impact on saltwater and freshwater
21 resources.
22 (b) The Vessel License Task Force shall be comprised
23 of seven members and must include one member of the Florida
24 Guides Association, two freshwater fishing guides licensed by
25 the United States Coast Guard, one member working as a
26 part-time freshwater fishing guide, one saltwater fishing
27 guide licensed by the United States Coast Guard, one member
28 working as a part-time saltwater fishing guide, and one
29 representative from the Fish and Wildlife Conservation
30 Commission with knowledge of the commission's vessel license
31 programs, who is selected by the executive director but who

1 must not be a commissioner and who will serve as chair of the
2 task force. Members of the task force shall be selected by the
3 chair and must serve without compensation.

4 (c) The task force shall meet at the call of the
5 chair, or at the request of a majority of its members. Staff
6 of the commission shall serve as staff of the task force.

7 (d) By February 1, 2006, the task force shall submit
8 written recommendations to the Fish and Wildlife Conservation
9 Commission. Copies of the written recommendations must also be
10 submitted to the staff of the natural resources committees and
11 appropriations committees of the Senate and the House of
12 Representatives.

13 (e) This subsection expires July 1, 2006.

14 Section 2. Paragraphs (i) and (j) of subsection (2) of
15 section 372.562, Florida Statutes, are amended to read:

16 372.562 Recreational licenses and permits; exemptions
17 from fees and requirements.--

18 (2) A hunting, freshwater fishing, or saltwater
19 fishing license or permit is not required for:

20 (i) Any person fishing from a vessel licensed pursuant
21 to s. 372.57(7) or (16).

22 (j) Any person fishing from a vessel the operator of
23 which is licensed pursuant to s. 372.57(7) or (16).

24 Section 3. Effective July 1, 2005, paragraphs (i) and
25 (j) of subsection (2) of section 372.562, Florida Statutes, as
26 amended by this act, are amended to read:

27 372.562 Recreational licenses and permits; exemptions
28 from fees and requirements.--

29 (2) A hunting, freshwater fishing, or saltwater
30 fishing license or permit is not required for:

31

1 (i) Any person fishing from a vessel licensed pursuant
2 to s. 372.57(7) ~~or (16)~~.

3 (j) Any person fishing from a vessel the operator of
4 which is licensed pursuant to s. 372.57(7) ~~or (16)~~.

5 Section 4. Except as otherwise expressly provided in
6 this act, this act shall take effect upon becoming a law.

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8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 Senate Bill 1714

11 The committee substitute requires that the Fish & Wildlife
12 Conservation Commission create a 1-year nonmandatory
13 freshwater vessel license program to be implemented by July 1,
14 2004. The vessel license will be available to persons
15 operating a vessel that is hired for the purpose of
16 recreationally taking freshwater fish. The committee
17 substitute clarifies that the fees and categories for
18 freshwater vessel licenses are the same as the fees and
19 categories for the mandatory vessel license program currently
20 established for recreational saltwater fishing. The committee
21 substitute establishes a Vessel License Task Force within the
22 FWCC for the purpose of reviewing the commission's vessel
23 license program. Goals of the task force include determining
24 if vessel license revenues will generate as much revenue as
25 might be gained if individual saltwater and freshwater
26 licenses were sold to persons fishing from licensed vessels.
27 The committee substitute clarifies that the FWCC task force
28 representative is appointed by the executive director of the
29 FWCC, and may not be a FWCC commissioner. The FWCC
30 representative will serve as chair of the task force and is
31 responsible for appointing other task force members. Task
force recommendations must be submitted in writing to the FWCC
and to the appropriate committees of the Legislature no later
than February 1, 2006. The committee substitute creates an
exemption from individual fishing license requirements for
persons fishing from a licensed freshwater vessel, and
clarifies that upon the expiration of the pilot program, the
individual license exemption also expires.