

1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending s. 327.395, F.S.; deleting provisions
4 limiting boating safety requirements to people 21 years of
5 age or younger; prohibiting any person born after a
6 specified date from operating a motor of 10 horsepower or
7 greater without having identification and a boater safety
8 card issued by the Fish and Wildlife Conservation
9 Commission; amending s. 327.803, F.S.; revising certain
10 criteria for membership on the Boating Advisory Council;
11 requiring the commission, rather than the Governor, to
12 make certain appointments to the council; adding issues
13 upon which the council makes recommendations to the Fish
14 and Wildlife Conservation Commission and the Department of
15 Community Affairs; authorizing reimbursement for expenses
16 for members of the council; providing for members of the
17 council to be removed for cause; amending s. 370.06, F.S.;
18 providing for receipt of a saltwater products license
19 issued by the Fish and Wildlife Conservation Commission to
20 a firm or corporation; clarifying a provision barring
21 transfer of a saltwater products license; clarifying a
22 provision regarding the annual fee that an individual,
23 firm, or corporation must pay for a license; providing for
24 an increase in annual saltwater products license fees;
25 providing definitions; amending s. 370.13, F.S.; reducing
26 certificate transfer fees for 2005-2006; providing for
27 establishment of transfer fees in subsequent years;
28 reducing surcharge fees for 2005-2006; providing for the

29 establishment of surcharge fees in subsequent years;
 30 authorizing rulemaking by the Fish and Wildlife
 31 Conservation Commission; amending s. 372.83, F.S.;
 32 establishing penalties for certain persons who illegally
 33 take game; creating s. 372.831, F.S.; establishing
 34 penalties for violations of rules, regulations, or orders
 35 relating to the use of dogs for hunting wildlife; amending
 36 s. 372.988, F.S.; applying requirements regarding
 37 fluorescent orange material to persons hunting on private
 38 land; reenacting s. 372.83(1), F.S., relating to
 39 noncriminal infractions relating to wildlife laws, to
 40 incorporate the amendment to s. 372.988, F.S., in a
 41 reference thereto; repealing s. 372.674, F.S., relating to
 42 environmental education and the Advisory Council on
 43 Environmental Education; amending s. 372.672, F.S.,
 44 relating to the Florida Panther Research and Management
 45 Trust Fund, to conform; providing effective dates.

46

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

48

49 Section 1. Effective October 1, 2005, subsections (1) and
 50 (7) of section 327.395, Florida Statutes, are amended to read:

51 327.395 Boating safety identification cards.--

52 (1) ~~Until October 1, 2001,~~ A person born after September
 53 30, 1983, ~~1980,~~ and ~~on or after October 1, 2001,~~ a person ~~21~~
 54 ~~years of age or younger~~ may not operate a vessel powered by a
 55 motor of 10 horsepower or greater unless such person has in his
 56 or her possession aboard the vessel photographic identification

57 | and a boater safety identification card issued by the commission
 58 | which shows that he or she has:

59 | (a) Completed a commission-approved boater education
 60 | course that meets the minimum 8-hour instruction requirement
 61 | established by the National Association of State Boating Law
 62 | Administrators;

63 | (b) Passed a course equivalency examination approved by
 64 | the commission; or

65 | (c) Passed a temporary certificate examination developed
 66 | or approved by the commission.

67 | (7) A person who violates this section commits ~~is guilty~~
 68 | ~~of~~ a noncriminal infraction, punishable as provided in s.
 69 | 327.73.

70 | Section 2. Section 327.803, Florida Statutes, is amended
 71 | to read:

72 | 327.803 Boating Advisory Council.--

73 | (1) The Boating Advisory Council is created within the
 74 | Fish and Wildlife Conservation Commission and shall be composed
 75 | of 17 members. The members include:

76 | (a) One representative from the Fish and Wildlife
 77 | Conservation Commission, who shall serve as the chair of the
 78 | council.

79 | (b) One representative each from the Department of
 80 | Environmental Protection, the United States Coast Guard
 81 | Auxiliary, the United States Power Squadron, and the inland
 82 | navigation districts.

83 | (c) One representative of manatee protection interests,
 84 | one representative of the marine industries, two representatives

85 of water-related environmental groups, one representative of
 86 marine manufacturers, one representative of commercial vessel
 87 owners or operators, one representative of marine special events
 88 ~~sport boat racing~~, one representative actively involved and
 89 working full-time in the scuba diving industry who has
 90 experience in recreational boating, and two representatives of
 91 the boating public, each of whom shall be ~~nominated by the~~
 92 ~~executive director of the Fish and Wildlife Conservation~~
 93 ~~Commission and~~ appointed by the commission ~~Governor~~ to serve
 94 staggered 3-year ~~2-year~~ terms. Members appointed by the
 95 commission may serve no more than two full consecutive terms.

96 (d) One member of the House of Representatives, who shall
 97 be appointed by the Speaker of the House of Representatives.

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

100 (2) The council shall meet at the call of the chair, at
 101 the request of a majority of its membership, or at such times as
 102 may be prescribed by rule.

103 (3) The purpose of the council is to make recommendations
 104 to the Fish and Wildlife Conservation Commission and the
 105 Department of Community Affairs regarding issues affecting the
 106 boating community, including, but not limited to, issues related
 107 to:

108 (a) Boating and diving safety education.

109 (b) Boating-related facilities, including marinas and boat
 110 testing facilities.

111 (c) Boat usage.

112 (d) Boat access.

113 (e) Working waterfronts.

114 (4) Members of the council shall serve without
 115 compensation but are entitled to reimbursement for expenses as
 116 provided in s. 112.061.

117 (5) A vacancy on the council shall be filled for the
 118 remainder of the unexpired term in the same manner as the
 119 original appointment. Members whose terms have expired may
 120 continue to serve until replaced or reappointed.

121 (6) Members of the council may be removed for cause.

122 Section 3. Paragraphs (d) and (e) of subsection (2) of
 123 section 370.06, Florida Statutes, are amended to read:

124 370.06 Licenses.--

125 (2) SALTWATER PRODUCTS LICENSE.--

126 (d) A saltwater products license may be issued in the name
 127 of an individual or a valid commercial vessel ~~boat~~ registration
 128 number. However, a firm or corporation may only receive a
 129 license issued to a valid commercial vessel registration number.

130 A saltwater products license may not be transferred by the
 131 licenseholder to another individual, firm, or corporation. ~~Such~~
 132 ~~license is not transferable.~~ A decal shall be issued with each
 133 saltwater products license issued to a valid commercial vessel
 134 ~~boat~~ registration number. The saltwater products license decal
 135 shall be the same color as the vessel registration decal issued
 136 each year pursuant to s. 328.48(5) and shall indicate the period
 137 of time such license is valid. The saltwater products license
 138 decal shall be placed beside the vessel registration decal and,
 139 in the case of an undocumented vessel, shall be placed so that
 140 the vessel registration decal lies between the commercial vessel

141 registration number and the saltwater products license decal.
 142 Any saltwater products license decal for a previous year shall
 143 be removed from a vessel operating on the waters of the state.

144 (e) The annual fee for a saltwater products license is:

145 1. For a license issued in the name of an individual which
 146 authorizes only that individual to engage in commercial fishing
 147 activities from the shore or a vessel: a resident must pay \$50;
 148 a nonresident must pay \$200; or an alien must pay \$300.

149 2. For a license issued in the name of an individual which
 150 authorizes that named individual to engage in commercial fishing
 151 activities from the shore or a vessel and also authorizes each
 152 person who is fishing with the named individual aboard a vessel
 153 to engage in such activities: a resident must pay \$150; a
 154 nonresident must pay \$600; or an alien must pay \$900.

155 3. For a license issued to a valid commercial vessel
 156 registration number which authorizes each person aboard such
 157 registered vessel to engage in commercial fishing activities: a
 158 resident, or a resident firm or corporation, must pay \$100; a
 159 nonresident, or a nonresident firm or corporation, must pay
 160 \$400; or an alien, or an alien firm or corporation, must pay
 161 \$600. For purposes of this subparagraph, a resident firm or
 162 corporation means a firm or corporation formed under the laws of
 163 this state; a nonresident firm or corporation means a firm or
 164 corporation formed under the laws of any state other than
 165 Florida; and an alien firm or corporation means a firm or
 166 corporation organized under any laws other than laws of the
 167 United States, any United States territory or possession, or any
 168 state of the United States. ~~A resident shall pay an annual~~

169 ~~license fee of \$50 for a saltwater products license issued in~~
 170 ~~the name of an individual or \$100 for a saltwater products~~
 171 ~~license issued to a valid boat registration number. A~~
 172 ~~nonresident shall pay an annual license fee of \$200 for a~~
 173 ~~saltwater products license issued in the name of an individual~~
 174 ~~or \$400 for a saltwater products license issued to a valid boat~~
 175 ~~registration number. An alien shall pay an annual license fee of~~
 176 ~~\$300 for a saltwater products license issued in the name of an~~
 177 ~~individual or \$600 for a saltwater products license issued to a~~
 178 ~~valid boat registration number.~~

179 Section 4. Paragraph (b) of subsection (1) of section
 180 370.13, Florida Statutes, is amended to read:

181 370.13 Stone crab; regulation.--

182 (1) FEES AND EQUITABLE RENT.--

183 (b) Certificate fees.--

184 1. For each trap certificate issued by the commission
 185 under the requirements of the stone crab trap limitation program
 186 established by commission rule, there is an annual fee of \$.50
 187 per certificate. Replacement tags for lost or damaged tags cost
 188 \$.50 each, except that tags lost in the event of a major natural
 189 disaster declared as an emergency disaster by the Governor,
 190 shall be replaced for the cost of the tag as incurred by the
 191 commission.

192 2. For the 2005-2006 fishing year established by rule of
 193 the commission, the fee for transferring trap certificates is \$1
 194 per certificate transferred, except that the fee for eligible
 195 crew members is 50 cents per certificate transferred. In
 196 subsequent fishing years, the commission shall by rule establish

197 transfer fees not to exceed \$1 per trap certificate transferred
198 to eligible crew members and \$2 per trap certificate transferred
199 to all others. ~~Except for transfers to Eligible crew members~~
200 shall be as determined according to criteria established by rule
201 of the commission, ~~the fee for transferring certificates is \$2~~
202 ~~per certificate transferred to be paid by the purchaser of the~~
203 ~~certificate or certificates. The transfer fee for eligible crew~~
204 ~~members is \$1 per certificate.~~ Payment must be made by money
205 order or cashier's check, submitted with the certificate
206 transfer form developed by the commission.

207 3. For the 2005-2006 fishing year established by rule of
208 the commission, in addition to the transfer fee, a surcharge of
209 \$1 ~~\$2~~ per certificate transferred, or 25 percent of the actual
210 value of the transferred certificate, whichever is greater, will
211 be assessed the first time a certificate is transferred outside
212 the original holder's immediate family. In subsequent fishing
213 years, the commission shall by rule establish a surcharge fee
214 not to exceed \$2 per certificate transferred, or a surcharge fee
215 of 25 percent of the actual value of the transferred
216 certificate, whichever is greater, to be assessed the first time
217 a certificate is transferred outside the original holder's
218 immediate family.

219 4. Transfer fees and surcharges only apply to the actual
220 number of certificates received by the purchaser. A transfer of
221 a certificate is not effective until the commission receives a
222 notarized copy of the bill of sale as proof of the actual value
223 of the transferred certificate or certificates, which must also
224 be submitted with the transfer form and payment.

225 5. A transfer fee will not be assessed or required when
 226 the transfer is within a family as a result of the death or
 227 disability of the certificate owner. A surcharge will not be
 228 assessed for any transfer within an individual's immediate
 229 family.

230 Section 5. Subsection (6) is added to section 372.83,
 231 Florida Statutes, to read:

232 372.83 Noncriminal infractions; criminal penalties;
 233 suspension and revocation of licenses and permits.--

234 (6) Any person required to forfeit a hunting license
 235 issued pursuant to this chapter and who is temporarily or
 236 permanently ineligible, or temporarily or permanently prohibited
 237 from acquiring such a license, and who takes game is subject to
 238 the following penalties:

239 (a) A first violation is a misdemeanor of the first
 240 degree, punishable as provided in s. 775.082 or s. 775.083, with
 241 a minimum mandatory fine of \$500.

242 (b) A second or subsequent violation is a misdemeanor of
 243 the first degree, punishable as provided in s. 775.082 or s.
 244 775.83, with a mandatory fine of \$1,000.

245
 246 For purposes of this subsection, a violation means any judicial
 247 disposition other than acquittal or dismissal.

248 Section 6. Section 372.831, Florida Statutes, is created
 249 to read:

250 372.831 Dog hunting; criminal penalties; forfeiture of
 251 license.--

252 (1) Any person who violates rules of the commission or

253 other regulations or orders that require the identification of
 254 dogs used to take wildlife, or written permission from a
 255 landowner for the use of dogs to take wildlife on that
 256 landowner's property, is subject to the following penalties:

257 (a) A second violation within a 3-year period is a
 258 misdemeanor of the first degree, punishable as provided in s.
 259 775.082 or s. 775.083, with a minimum mandatory fine of \$250.

260 (b) A third violation within a 4-year period is a
 261 misdemeanor of the first degree, punishable as provided in s.
 262 775.082 or s. 775.083, with a minimum mandatory fine of \$500 and
 263 forfeiture of any hunting license issued pursuant to this
 264 chapter. Any hunting privileges under this chapter may not be
 265 acquired for a 1-year period following the date of the judicial
 266 disposition.

267 (c) A fourth or subsequent violation within a 5-year
 268 period is a misdemeanor of the first degree, punishable as
 269 provided in s. 775.082 or s. 775.083, with a mandatory fine of
 270 \$1,000 and forfeiture of any hunting license issued pursuant to
 271 this chapter. Any hunting privileges under this chapter may not
 272 be acquired for a 3-year period following the date of the
 273 judicial disposition.

274
 275 Violations committed before July 1, 2005, are not violations for
 276 purposes of the penalties in this subsection.

277 (2) A person who knowingly releases any dog on property
 278 without written permission from the landowner for the purpose of
 279 taking deer commits a misdemeanor of the first degree,
 280 punishable as provided in s. 775.082 or s. 775.083, with a

281 mandatory fine of \$1,000 and forfeiture of any hunting license
 282 issued pursuant to this chapter. Any hunting privileges under
 283 this chapter may not be acquired for a 1-year period following
 284 the date of the judicial disposition.

285
 286 For purposes of this section, a violation means any judicial
 287 disposition other than acquittal or dismissal.

288 Section 7. Section 372.988, Florida Statutes, is amended
 289 to read:

290 372.988 Required clothing for persons hunting deer.--It is
 291 unlawful for any person to hunt deer, or for any person to
 292 accompany another person hunting deer, during the open season
 293 for the taking of deer on public or private lands unless each
 294 person wears ~~shall wear~~ a total of at least 500 square inches of
 295 daylight fluorescent orange material as an outer garment. Such
 296 clothing shall be worn above the waistline and may include a
 297 head covering. ~~The provisions of~~ This section does ~~shall~~ not
 298 apply to any person hunting deer with a bow and arrow during
 299 seasons restricted to hunting with a bow and arrow.

300 Section 8. For the purpose of incorporating the amendments
 301 made by this act to section 372.988, Florida Statutes, in a
 302 reference thereto, subsection (1) of section 372.83, Florida
 303 Statutes, is reenacted to read:

304 372.83 Noncriminal infractions; criminal penalties;
 305 suspension and revocation of licenses and permits.--

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

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

312 (b) Rules, regulations, or orders relating to fish
 313 management areas.

314 (c) Rules, regulations, or orders relating to quota hunt
 315 permits, daily use permits, hunting zone assignments, camping
 316 restrictions, the use of alcoholic beverages, vehicle use, and
 317 check station requirements within wildlife management areas or
 318 other areas managed by the commission.

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

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

323 (f) Rules, regulations, or orders regulating vessel size
 324 or specifying motor restrictions on specified water bodies.

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

328 (h) Section 372.57, relating to hunting, fishing, and
 329 trapping licenses.

330 (i) Section 372.988, relating to required clothing for
 331 persons hunting deer.

332
 333 A person who fails to pay the civil penalty specified in s.
 334 372.711 within 30 days after being cited for a noncriminal
 335 infraction or to appear before the court pursuant to that
 336 section is guilty of a misdemeanor of the second degree,

337 punishable as provided in s. 775.082 or s. 775.083.

338 Section 9. Section 372.674, Florida Statutes, is repealed.

339 Section 10. Subsection (2) of section 372.672, Florida
340 Statutes, is amended to read:

341 372.672 Florida Panther Research and Management Trust
342 Fund.--

343 (2) Money from the fund shall be spent only for the
344 following purposes:

345 (a) To manage and protect existing Florida panther
346 populations by increasing panther food sources where food is a
347 limiting factor, determining conflicts between public use and
348 panther survival, maintaining sufficient genetic variability in
349 existing populations, and undertaking management and enforcement
350 activities that protect panther habitat.

351 (b) To educate the public concerning the value of the
352 panther and the necessity for panther management.

353 (c) To reestablish Florida panthers into areas of suitable
354 habitat, where feasible, by assessing the necessity of a captive
355 breeding program for purposes of reintroduction of the panthers
356 into the suitable habitat; selecting potential sites for
357 reintroduction and investigating associated human sociological
358 aspects; and assessing the potential for panther habitat
359 acquisition.

360 ~~(d) To fund and administer education programs authorized~~
361 ~~in s. 372.674.~~

362 Section 11. Except as otherwise expressly provided in this
363 act, this act shall take effect July 1, 2005.