

By the Committee on Government Efficiency Appropriations; and
Senator Smith

593-2337-05

1 A bill to be entitled
2 An act relating to the Fish and Wildlife
3 Conservation Commission; amending s. 327.803,
4 F.S.; revising the membership of the Boating
5 Advisory Council; increasing the terms of
6 office of members appointed by the Governor and
7 limiting the number of consecutive terms they
8 may serve; adding issues upon which the council
9 makes recommendations to the commission and the
10 Department of Community Affairs; authorizing
11 reimbursement of expenses for members of the
12 council; providing for the filling of
13 vacancies; providing for members of the council
14 to be removed for cause; amending s. 370.06,
15 F.S.; providing for receipt of a saltwater
16 products license issued by the commission to a
17 firm or corporation; revising a provision
18 barring transfer of a saltwater products
19 license; revising a provision regarding the
20 annual fee that an individual, firm, or
21 corporation must pay for a license; providing
22 for an increase in annual saltwater products
23 license fees; providing definitions; amending
24 s. 370.13, F.S.; reducing stone crab trap
25 certificate transfer fees; reducing surcharge
26 fees; repealing s. 372.674, F.S., relating to
27 environmental education and the Advisory
28 Council on Environmental Education; amending s.
29 372.672, F.S., relating to the Florida Panther
30 Research and Management Trust Fund, to conform;
31 providing an effective date.

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

2

3 Section 1. Section 327.803, Florida Statutes, is
4 amended to read:

5 327.803 Boating Advisory Council.--

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

9 (a) One representative from the Fish and Wildlife
10 Conservation Commission, who shall serve as the chair of the
11 council.

12 (b) One representative each from the Department of
13 Environmental Protection, the United States Coast Guard
14 Auxiliary, the United States Power Squadron, and the inland
15 navigation districts.

16 (c) One representative of manatee protection
17 interests, one representative of the marine industries, one
18 representative ~~two representatives~~ of water-related
19 environmental groups, one representative of canoe or kayak
20 enthusiasts, one representative of marine manufacturers, one
21 representative of commercial vessel owners or operators, one
22 representative of marine special events ~~sport boat racing~~, one
23 representative actively involved and working full-time in the
24 scuba diving industry who has experience in recreational
25 boating, one representative of either the commercial fishing
26 industry or the commercial shellfishing industry, and two
27 representatives of the boating public, each of whom shall be
28 nominated by the executive director of the Fish and Wildlife
29 Conservation Commission and appointed by the Governor to serve
30 staggered 3-year ~~2-year~~ terms. Members appointed by the
31 Governor may serve no more than two full consecutive terms.

1 (d) One member of the House of Representatives, who
2 shall be appointed by the Speaker of the House of
3 Representatives.

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

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

9 (3) The purpose of the council is to make
10 recommendations to the Fish and Wildlife Conservation
11 Commission and the Department of Community Affairs regarding
12 issues affecting the boating community, including, but not
13 limited to, issues related to:

14 (a) Boating and diving safety education.

15 (b) Boating-related facilities, including marinas and
16 boat testing facilities.

17 (c) Boat usage.

18 (d) Boat access.

19 (e) Working waterfronts.

20 (4) Members of the council shall serve without
21 compensation but are entitled to reimbursement of expenses as
22 provided in s. 112.061.

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

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

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

30 370.06 Licenses.--

31 (2) SALTWATER PRODUCTS LICENSE.--

1 (d) A saltwater products license may be issued in the
2 name of an individual or a valid commercial vessel ~~boat~~
3 registration number. ~~However, a firm or corporation may only~~
4 receive a license issued to a valid commercial vessel
5 registration number. A saltwater products license may not be
6 transferred by the licenseholder to another individual, firm,
7 or corporation. Such license is not transferable. A decal
8 shall be issued with each saltwater products license issued to
9 a valid commercial vessel ~~boat~~ registration number. The
10 saltwater products license decal shall be the same color as
11 the vessel registration decal issued each year pursuant to s.
12 328.48(5) and shall indicate the period of time such license
13 is valid. The saltwater products license decal shall be placed
14 beside the vessel registration decal and, in the case of an
15 undocumented vessel, shall be placed so that the vessel
16 registration decal lies between the commercial vessel
17 registration number and the saltwater products license decal.
18 Any saltwater products license decal for a previous year shall
19 be removed from a vessel operating on the waters of the state.

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

22 1. For a license issued in the name of an individual
23 which authorizes only that individual to engage in commercial
24 fishing activities from the shore or a vessel: a resident must
25 pay \$50; a nonresident must pay \$200; or an alien must pay
26 \$300.

27 2. For a license issued in the name of an individual
28 which authorizes that named individual to engage in commercial
29 fishing activities from the shore or a vessel and also
30 authorizes each person who is fishing with the named
31 individual aboard a vessel to engage in such activities: a

1 resident must pay \$150; a nonresident must pay \$600; or an
2 alien must pay \$900.

3 3. For a license issued to a valid commercial vessel
4 registration number which authorizes each person aboard such
5 registered vessel to engage in commercial fishing activities:
6 a resident, or a resident firm or corporation, must pay \$100;
7 a nonresident, or a nonresident firm or corporation, must pay
8 \$400; or an alien, or an alien firm or corporation, must pay
9 \$600. For purposes of this subparagraph, a resident firm or
10 corporation means a firm or corporation formed under the laws
11 of this state; a nonresident firm or corporation means a firm
12 or corporation formed under the laws of any state other than
13 Florida; and an alien firm or corporation means a firm or
14 corporation organized under any laws other than laws of the
15 United States, any United States territory or possession, or
16 any state of the United States. A resident shall pay an annual
17 license fee of \$50 for a saltwater products license issued in
18 the name of an individual or \$100 for a saltwater products
19 license issued to a valid boat registration number. A
20 nonresident shall pay an annual license fee of \$200 for a
21 saltwater products license issued in the name of an individual
22 or \$400 for a saltwater products license issued to a valid
23 boat registration number. An alien shall pay an annual license
24 fee of \$300 for a saltwater products license issued in the
25 name of an individual or \$600 for a saltwater products license
26 issued to a valid boat registration number.

27 Section 3. Paragraph (b) of subsection (1) of section
28 370.13, Florida Statutes, is amended to read:

29 370.13 Stone crab; regulation.--

30 (1) FEES AND EQUITABLE RENT.--

31 (b) Certificate fees.--

1 1. For each trap certificate issued by the commission
2 under the requirements of the stone crab trap limitation
3 program established by commission rule, there is an annual fee
4 of \$.50 per certificate. Replacement tags for lost or damaged
5 tags cost \$.50 each, except that tags lost in the event of a
6 major natural disaster declared as an emergency disaster by
7 the Governor shall be replaced for the cost of the tag as
8 incurred by the commission.

9 2. The fee for transferring trap certificates is \$1
10 per certificate transferred, except that the fee for eligible
11 crew members is 50 cents per certificate transferred. ~~Except~~
12 ~~for transfers to~~ Eligible crew members shall be as determined
13 according to criteria established by rule of the commission,
14 ~~the fee for transferring certificates is \$2 per certificate~~
15 ~~transferred to be paid by the purchaser of the certificate or~~
16 ~~certificates. The transfer fee for eligible crew members is \$1~~
17 ~~per certificate.~~ Payment must be made by money order or
18 cashier's check, submitted with the certificate transfer form
19 developed by the commission.

20 3. In addition to the transfer fee, a surcharge of \$1
21 ~~\$2~~ per certificate transferred, or 25 percent of the actual
22 value of the transferred certificate, whichever is greater,
23 will be assessed the first time a certificate is transferred
24 outside the original holder's immediate family.

25 4. Transfer fees and surcharges only apply to the
26 actual number of certificates received by the purchaser. A
27 transfer of a certificate is not effective until the
28 commission receives a notarized copy of the bill of sale as
29 proof of the actual value of the transferred certificate or
30 certificates, which must also be submitted with the transfer
31 form and payment.

1 5. A transfer fee will not be assessed or required
2 when the transfer is within a family as a result of the death
3 or disability of the certificate owner. A surcharge will not
4 be assessed for any transfer within an individual's immediate
5 family.

6 6. The fees and surcharge amounts in this paragraph
7 apply in the 2005-2006 license year and subsequent years.

8 Section 4. Section 372.674, Florida Statutes, is
9 repealed.

10 Section 5. Paragraph (d) of subsection (2) of section
11 372.672, Florida Statutes, is amended to read:

12 372.672 Florida Panther Research and Management Trust
13 Fund.--

14 (2) Money from the fund shall be spent only for the
15 following purposes:

16 ~~(d) To fund and administer education programs~~
17 ~~authorized in s. 372.674.~~

18 Section 6. This act shall take effect July 1, 2005.

19
20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 SB 1866

23 The committee substitute removes the following provisions from
24 SB 1866:

- 25 1. The increased penalties for violating dog hunting laws
and for hunting with a suspended or revoked license;
 - 26 2. The requirement that persons hunting on private lands
27 must wear hunter orange clothing;
 - 28 3. The increased age requirement for the boating safety
course; and
 - 29 4. The Commission's authority to set stone crab certificate
30 transfer fees.
- 31