

1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending s. 319.32, F.S.; increasing the
4 certificate of title fee for certain vehicles; amending s.
5 320.08056, F.S.; increasing the annual use fee for certain
6 specialty license plates; amending s. 327.35, F.S.;
7 revising penalties for boating under the influence of
8 alcohol; revising the blood-alcohol level or breath-
9 alcohol level at which certain penalties apply; amending
10 s. 327.36, F.S.; revising a prohibition against accepting
11 a plea to a lesser included offense from a person who is
12 charged with certain offenses involving the operation of a
13 vessel; revising the blood-alcohol level or breath-alcohol
14 level at which the prohibition applies; amending s.
15 327.395, F.S.; providing a phase-in schedule whereby all
16 boaters will be required to possess an identification card
17 and a boater safety identification card issued by the Fish
18 and Wildlife Conservation Commission showing compliance
19 with specified boating education requirements; providing
20 exemptions; providing penalties; amending s. 327.40, F.S.;
21 revising provisions for placement of navigation, safety,
22 and informational markers of waterways; providing for
23 uniform waterway markers; removing an exemption from
24 permit requirements for certain markers placed by county,
25 municipal, or other government entities; amending s.
26 327.41, F.S., relating to placement of markers by a county
27 or municipality; revising terminology; providing for a
28 county or municipality that has adopted a boating-

29 restricted area by ordinance under specified provisions to
30 apply for permission to place regulatory markers; amending
31 s. 327.42, F.S.; revising provisions prohibiting mooring
32 to or damaging markers or buoys; amending s. 327.46, F.S.;
33 revising provisions for establishment by the Fish and
34 Wildlife Conservation Commission of boating-restricted
35 areas; providing for counties and municipalities to
36 establish boating-restricted areas with approval of the
37 commission; directing the commission to adopt rules for
38 the approval; revising a prohibition against operating a
39 vessel in a prohibited manner in a boating-restricted
40 area; providing for enforcement by citation mailed to the
41 owner of the vessel; specifying responsibility for
42 citations issued to livery vessels; providing
43 construction; amending s. 327.50, F.S.; revising
44 requirements for persons on board a vessel to wear a
45 personal floatation device; revising the age at which such
46 device is required; providing exceptions; amending s.
47 327.60, F.S.; revising provisions limiting regulation by a
48 county or municipality of the operation, equipment, and
49 other matters relating to vessels operated upon the waters
50 of this state; prohibiting certain county or municipality
51 ordinances or regulations; creating s. 327.66, F.S.;
52 prohibiting possessing or operating a vessel equipped with
53 certain fuel containers or related equipment; prohibiting
54 transporting fuel in a vessel except in compliance with
55 certain federal regulations; providing penalties;
56 declaring fuel transported in violation of such

57 | prohibitions to be a public nuisance and directing the
58 | enforcing agency to abate the nuisance; providing for
59 | disposal of the containers and fuel; declaring
60 | conveyances, vessels, vehicles, and equipment used in such
61 | violation to be contraband; providing for seizure of the
62 | contraband; defining the term "conviction" for specified
63 | purposes; providing for costs to remove fuel, containers,
64 | vessels, and equipment to be paid by the owner; providing
65 | that a person who fails to pay such cost shall not be
66 | issued a certificate of registration for a vessel or motor
67 | vehicle; amending s. 327.73, F.S.; revising provisions for
68 | citation of a noncriminal infraction to provide for
69 | violations relating to boating-restricted areas and speed
70 | limits; revising provisions relating to establishment of
71 | such limits by counties and municipalities; amending s.
72 | 328.03, F.S.; requiring vessels used or stored on the
73 | waters of this state to be titled by this state pursuant
74 | to specified provisions; providing exceptions; amending s.
75 | 328.07, F.S.; requiring certain vessels used or stored on
76 | the waters of this state to have affixed a hull
77 | identification number; providing that a vessel in
78 | violation may be seized and subject to forfeiture;
79 | amending s. 328.40, F.S.; clarifying a provision relating
80 | to certain vessel records maintained by the Department of
81 | Highway Safety and Motor Vehicles; amending ss. 328.46,
82 | 328.48, and 328.56, F.S.; requiring vessels operated,
83 | used, or stored on the waters of this state to be
84 | registered and display the registration number; providing

85 exceptions; amending s. 328.58, F.S., relating to
86 reciprocity of nonresident or alien vessels; requiring the
87 owner of a vessel with a valid registration from another
88 state, a vessel with a valid registration from the United
89 States Coast Guard in another state, or a federally
90 documented vessel from another state to record the
91 registration number with the Department of Highway Safety
92 and Motor Vehicles when using or storing the vessel on the
93 waters of this state in excess of the 90-day reciprocity
94 period; amending s. 328.60, F.S.; providing an exception
95 to registration requirements for military personnel using
96 or storing on the waters of this state a vessel with a
97 valid registration from another state, a vessel with a
98 valid registration from the United States Coast Guard in
99 another state, or a federally documented vessel from
100 another state; amending s. 328.65, F.S.; revising
101 legislative intent with respect to registration and
102 numbering of vessels; amending s. 328.66, F.S.;
103 authorizing a county to impose an annual registration fee
104 on vessels used on the waters of this state within its
105 jurisdiction; amending s. 328.72, F.S.; providing
106 noncriminal penalties for use or storage of a previously
107 registered vessel after the expiration of the registration
108 period; amending s. 379.304, F.S.; revising cross-
109 references for permitting and violation provisions
110 relating to the exhibition or sale of wildlife; amending
111 s. 379.338, F.S.; providing for confiscation and
112 disposition of illegally taken wildlife, freshwater fish,

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113 and saltwater fish; providing for proceeds from sales to
114 be deposited into the Marine Resources Conservation Trust
115 Fund; providing for an agency that assists in the
116 enforcement action to receive a portion or all of any
117 forfeited property; creating s. 379.3381, F.S.; providing
118 for photographs of wildlife, freshwater fish, and
119 saltwater fish to be used as evidence in a prosecution in
120 lieu of the wildlife, freshwater fish, or saltwater fish;
121 amending s. 379.353, F.S.; revising eligibility criteria
122 for exemption from certain recreational license and permit
123 requirements; amending s. 379.3671, F.S.; revising
124 provisions for abandonment and reversion of lobster trap
125 certificates under specified conditions; amending s.
126 379.3751, F.S.; specifying activities relating to the
127 taking and possession of alligators that require a license
128 and payment of the applicable fee; deleting provisions
129 relating to the issuance, form, and content of such
130 licenses; amending s. 379.3761, F.S.; providing penalties
131 for violations relating to the exhibition or sale of
132 wildlife; amending s. 379.3762, F.S.; revising a cross-
133 reference with respect to the penalties imposed for
134 violations relating to the personal possession of
135 wildlife; amending s. 379.401, F.S.; revising
136 applicability of violation provisions relating to
137 alligators and crocodiles; conforming references to
138 wildlife; amending s. 379.4015, F.S.; specifying
139 applicability of captive wildlife penalty provisions
140 relating to the exhibition or sale of wildlife; directing

141 the commission, in consultation with the Department of
 142 Environmental Protection, to establish a pilot program to
 143 explore options for regulating anchoring or mooring of
 144 non-live-aboard vessels outside the marked boundaries of
 145 public mooring fields; providing goals and procedures;
 146 providing duties of the commission; requiring a report to
 147 the Governor and the Legislature; providing for expiration
 148 of the pilot program and any ordinance enacted thereunder;
 149 repealing s. 327.22, F.S., relating to regulation of
 150 vessels by municipalities or counties; repealing s.
 151 379.366(7), F.S., to abrogate the expiration of provisions
 152 imposing blue crab endorsement program fees and penalties;
 153 providing effective dates.

154

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

156

157 Section 1. Subsection (3) of section 319.32, Florida
 158 Statutes, is amended to read:

159 319.32 Fees; service charges; disposition.--

160 (3) The department shall charge a fee of \$10 ~~\$4~~ in
 161 addition to that charged in subsection (1) for each original
 162 certificate of title issued for a vehicle previously registered
 163 outside this state.

164 Section 2. Paragraphs (a) and (x) of subsection (4) of
 165 section 320.08056, Florida Statutes, are amended to read:

166 320.08056 Specialty license plates.--

167 (4) The following license plate annual use fees shall be
 168 collected for the appropriate specialty license plates:

169 (a) Manatee license plate, \$25 ~~\$20~~.

170 (x) Conserve Wildlife license plate, \$20 ~~\$15~~.

171 Section 3. Subsection (4) of section 327.35, Florida

172 Statutes, is amended to read:

173 327.35 Boating under the influence; penalties; "designated

174 drivers".--

175 (1) A person is guilty of the offense of boating under the

176 influence and is subject to punishment as provided in subsection

177 (2) if the person is operating a vessel within this state and:

178 (a) The person is under the influence of alcoholic

179 beverages, any chemical substance set forth in s. 877.111, or

180 any substance controlled under chapter 893, when affected to the

181 extent that the person's normal faculties are impaired;

182 (b) The person has a blood-alcohol level of 0.08 or more

183 grams of alcohol per 100 milliliters of blood; or

184 (c) The person has a breath-alcohol level of 0.08 or more

185 grams of alcohol per 210 liters of breath.

186 (4) Any person who is convicted of a violation of

187 subsection (1) and who has a blood-alcohol level or breath-

188 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is

189 convicted of a violation of subsection (1) and who at the time

190 of the offense was accompanied in the vessel by a person under

191 the age of 18 years, shall be punished:

192 (a) By a fine of:

193 1. Not less than \$1,000 or more than \$2,000 for a first

194 conviction.

195 2. Not less than \$2,000 or more than \$4,000 for a second

196 conviction.

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197 3. Not less than \$4,000 for a third or subsequent
 198 conviction.

199 (b) By imprisonment for:

200 1. Not more than 9 months for a first conviction.

201 2. Not more than 12 months for a second conviction.

202

203 For the purposes of this subsection, only the instant offense is
 204 required to be a violation of subsection (1) by a person who has
 205 a blood-alcohol level or breath-alcohol level of 0.15 ~~0.20~~ or
 206 higher.

207 Section 4. Paragraph (a) of subsection (2) of section
 208 327.36, Florida Statutes, is amended to read:

209 327.36 Mandatory adjudication; prohibition against
 210 accepting plea to lesser included offense.--

211 (2) (a) No trial judge may accept a plea of guilty to a
 212 lesser offense from a person who is charged with a violation of
 213 s. 327.35, manslaughter resulting from the operation of a
 214 vessel, or vessel homicide and who has been given a breath or
 215 blood test to determine blood or breath alcohol content, the
 216 results of which show a blood-alcohol level or breath-alcohol
 217 level of 0.15 ~~0.16~~ or more.

218 Section 5. Section 327.395, Florida Statutes, is amended
 219 to read:

220 327.395 Boating safety identification cards.--

221 (1) (a) This section applies to any person who has not
 222 attained 22 years of age.

223 (b) Effective January 1, 2010, this section applies to any
 224 person who has not attained 26 years of age.

225 (c) Effective January 1, 2011, this section applies to any
 226 person who has not attained 31 years of age.

227 (d) Effective January 1, 2012, this section applies to any
 228 person who has not attained 36 years of age.

229 (e) Effective January 1, 2013, this section applies to any
 230 person who has not attained 41 years of age.

231 (f) Effective January 1, 2014, this section applies to any
 232 person who has not attained 46 years of age.

233 (g) Effective January 1, 2015, this section applies to any
 234 person who has not attained 51 years of age.

235 (h) Effective January 1, 2016, this section applies to any
 236 person who has not attained 56 years of age.

237 (i) Effective January 1, 2017, this section applies to any
 238 person who has not attained 61 years of age.

239 (j) Effective January 1, 2018, this section applies to any
 240 person who has not attained 66 years of age.

241 (k) Effective January 1, 2019, this section applies to
 242 every person.

243 (2)-(1) Pursuant to the schedule under subsection (1), a
 244 ~~person 21 years of age or younger~~ may not operate a vessel
 245 powered by a motor of 10 horsepower or greater unless such
 246 person has in his or her possession aboard the vessel
 247 photographic identification and a boater safety identification
 248 card issued by the commission which shows that he or she has:

249 (a) Completed a commission-approved boater education
 250 course that meets the minimum 8-hour instruction requirement
 251 established by the National Association of State Boating Law
 252 Administrators;

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253 (b) Passed a course equivalency examination approved by
254 the commission; or

255 (c) Passed a temporary certificate examination developed
256 or approved by the commission.

257 (3)~~(2)~~ Any person may obtain a boater safety
258 identification card by complying with the requirements of this
259 section.

260 (4)~~(3)~~ Any commission-approved boater education or boater
261 safety course, course-equivalency examination developed or
262 approved by the commission, or temporary certificate examination
263 developed or approved by the commission must include a component
264 regarding diving vessels, awareness of divers in the water,
265 divers-down flags, and the requirements of s. 327.331.

266 (5)~~(4)~~ The commission may appoint liveries, marinas, or
267 other persons as its agents to administer the course, course
268 equivalency examination, or temporary certificate examination
269 and issue identification cards under guidelines established by
270 the commission. An agent must charge the \$2 examination fee,
271 which must be forwarded to the commission with proof of passage
272 of the examination and may charge and keep a \$1 service fee.

273 (6)~~(5)~~ An identification card issued to a person who has
274 completed a boating education course or a course equivalency
275 examination is valid for life. A card issued to a person who has
276 passed a temporary certification examination is valid for 12
277 months from the date of issuance.

278 (7)~~(6)~~ A person is exempt from subsection (2) ~~(1)~~ if he or
279 she:

280 (a) Is licensed by the United States Coast Guard to serve
281 as master of a vessel.

282 (b) Operates a vessel only on a private lake or pond.

283 (c) Is accompanied in the vessel by a person who is exempt
284 from this section or who holds an identification card in
285 compliance with this section, is 18 years of age or older, and
286 is attendant to the operation of the vessel and responsible for
287 the safe operation of the vessel and for any violation that
288 occurs during the operation.

289 (d) Is a nonresident who has in his or her possession
290 proof that he or she has completed a boater education course or
291 equivalency examination in another state which meets or exceeds
292 the requirements of subsection (2) ~~(1)~~.

293 (e) Is operating a vessel within 90 days after the
294 purchase of that vessel and has available for inspection aboard
295 that vessel a bill of sale meeting the requirements of s.
296 328.46(1).

297 (f) ~~(e)~~ Is exempted by rule of the commission.

298 (8) ~~(7)~~ A person who operates a vessel in violation of
299 subsection (2) commits ~~violates this section is guilty of a~~
300 noncriminal infraction, punishable as provided in s. 327.73.

301 (9) ~~(8)~~ The commission shall design forms and adopt rules
302 to administer this section. Such rules shall include provision
303 for educational and other public and private entities to offer
304 the course and administer examinations.

305 (10) ~~(9)~~ The commission shall institute and coordinate a
306 statewide program of boating safety instruction and

307 certification to ensure that boating courses and examinations
 308 are available in each county of the state.

309 ~~(11)-(10)~~ The commission is authorized to establish and to
 310 collect a \$2 examination fee to cover administrative costs.

311 ~~(12)-(11)~~ The commission is authorized to adopt rules
 312 pursuant to chapter 120 to implement the provisions of this
 313 section.

314 Section 6. Section 327.40, Florida Statutes, is amended to
 315 read:

316 327.40 Uniform waterway markers ~~for safety and navigation;~~
 317 ~~informational markers.--~~

318 (1) Waters of this state ~~Waterways in Florida which need~~
 319 ~~marking for safety or navigation purposes~~ shall be marked only
 320 in conformity with ~~under~~ the United States Aids to Navigation
 321 System, 33 C.F.R. part 62. ~~Until December 31, 2003, channel~~
 322 ~~markers and obstruction markers conforming to the Uniform State~~
 323 ~~Waterway Marking System, 33 C.F.R. subpart 66.10, may continue~~
 324 ~~to be used on waters of this state that are not navigable waters~~
 325 ~~of the United States.~~

326 (2) (a) Application for marking inland lakes and state
 327 waters and any navigable waters under concurrent jurisdiction of
 328 the Coast Guard and the division shall be made to the division,
 329 accompanied by a map locating the approximate placement of
 330 markers, a list of the markers to be placed, a statement of the
 331 specification of the markers, a statement of the purpose of
 332 marking, and the names of persons responsible for the placement
 333 and upkeep of such markers. The division will assist the
 334 applicant to secure the proper permission from the Coast Guard

335 where required, make such investigations as needed, and issue a
 336 permit. The division shall furnish the applicant with the
 337 information concerning the system adopted and the rules existing
 338 for placing and maintaining the markers. The division shall keep
 339 records of all approvals given and counsel with individuals,
 340 counties, municipalities, motorboat clubs, or other groups
 341 desiring to mark waterways for safety and navigation purposes in
 342 Florida.

343 (b)~~1~~. No person or municipality, county, or other
 344 governmental entity shall place any uniform waterway marker
 345 ~~safety or navigation markers~~ in, on, or over the waters or
 346 shores of the state without a permit from the division.

347 ~~2. The placement of informational markers, including, but~~
 348 ~~not limited to, markers indicating end of boat ramp, no~~
 349 ~~swimming, swimming area, lake name, trash receptacle, public~~
 350 ~~health notice, or underwater hazard and canal, regulatory,~~
 351 ~~emergency, and special event markers, by counties,~~
 352 ~~municipalities, or other governmental entities on inland lakes~~
 353 ~~and their associated canals are exempt from permitting under~~
 354 ~~this section. Such markers, excluding swimming area and special~~
 355 ~~event markers, may be no more than 50 feet from the normal~~
 356 ~~shoreline.~~

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

359 (3) The placement under this section or s. 327.41 of any
 360 uniform waterway marker ~~safety or navigation marker or any~~
 361 ~~informational marker under subparagraph (2)(b)2.~~ on state

362 submerged lands ~~under this section~~ does not subject such lands
 363 to the lease requirements of chapter 253.

364 Section 7. Subsection (2) of section 327.41, Florida
 365 Statutes, is amended to read:

366 327.41 Uniform waterway regulatory markers.--

367 (2) Any county or municipality which has been granted a
 368 boating-restricted ~~restricted~~ area designation, by rule of the
 369 commission pursuant to s. 327.46, for a portion of the Florida
 370 Intracoastal Waterway within its jurisdiction or which has
 371 adopted a boating-restricted ~~restricted~~ area by ordinance
 372 pursuant to s. 327.46(1)(b) ~~s. 327.22, s. 327.60,~~ or s.
 373 379.2431(2)(p), or any other governmental entity which has
 374 legally established a boating-restricted ~~restricted~~ area, may
 375 apply to the commission for permission to place regulatory
 376 markers within the boating-restricted ~~restricted~~ area.

377 Section 8. Section 327.42, Florida Statutes, is amended to
 378 read:

379 327.42 Mooring to or damaging of markers or buoys
 380 prohibited.--

381 (1) No person shall moor or fasten a vessel to a lawfully
 382 placed uniform waterway ~~aid-to-navigation~~ marker ~~or buoy,~~
 383 ~~regulatory marker or buoy, or area boundary marker or buoy,~~
 384 ~~placed or erected by any governmental agency,~~ except in case of
 385 emergency or with the written consent of the marker's owner.

386 (2) No person shall willfully damage, alter, or move a
 387 lawfully placed uniform waterway ~~aid-to-navigation~~ marker ~~or~~
 388 ~~buoy, regulatory marker or buoy, or area boundary marker or~~
 389 ~~buoy.~~

390 Section 9. Section 327.46, Florida Statutes, is amended to
 391 read:

392 327.46 Boating-restricted ~~Restricted~~ areas.--

393 (1) Boating-restricted ~~The commission has the authority to~~
 394 ~~establish by rule, pursuant to chapter 120, restricted areas,~~
 395 including, but not limited to, restrictions of vessel speeds and
 396 vessel traffic, may be established on the waters of this ~~the~~
 397 state for any purpose ~~deemed~~ necessary to protect ~~for~~ the safety
 398 of the public, ~~including, but not limited to, vessel speeds and~~
 399 ~~vessel traffic,~~ where such restrictions are ~~deemed~~ necessary
 400 based on boating accidents, visibility, hazardous currents or
 401 water levels, vessel traffic congestion, or other navigational
 402 hazards.

403 (a) The commission may establish boating-restricted areas
 404 by rule, pursuant to chapter 120.

405 (b) Except as provided in s. 327.60, municipalities and
 406 counties may establish boating-restricted areas by ordinance;
 407 however, such an ordinance may not take effect until it has been
 408 reviewed and approved by the commission. The commission shall
 409 establish by rule the criteria substantially similar to rule
 410 68D-23.105 for such approval, pursuant to chapter 120.

411 (2) Each such boating-restricted ~~restricted~~ area shall be
 412 developed in consultation and coordination with the governing
 413 body of the county or municipality in which the boating-
 414 restricted ~~restricted~~ area is located and, when the boating-
 415 restricted area is to be on the navigable waters of the United
 416 States ~~where required,~~ with the United States Coast Guard and
 417 the United States Army Corps of Engineers.

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418 ~~(3)-(2)~~ It is unlawful for any person to operate a vessel
419 in a prohibited manner or to carry on any prohibited activity,
420 as defined in this chapter, ~~deemed a safety hazard or~~
421 ~~interference with navigation as provided above~~ within a boating-
422 restricted ~~restricted water~~ area which has been clearly marked
423 by regulatory markers as authorized under this chapter.

424 ~~(4)-(3)~~ Restrictions in a boating-restricted area
425 established pursuant to this section shall not apply in the case
426 of an emergency or to a law enforcement, firefighting, or rescue
427 vessel owned or operated by a governmental entity.

428 (5) (a) Noncriminal violations committed within legally
429 established boating-restricted areas that are properly marked as
430 permitted under ss. 327.40 and 327.41 may be enforced by a
431 uniform boating citation mailed to the registered owner of the
432 vessel.

433 (b) Citations issued to livery vessels under this
434 subsection shall be the responsibility of the lessee of the
435 vessel if the livery has included a warning of this
436 responsibility as a part of the rental agreement and has
437 provided to the agency issuing the citation the name, address,
438 and date of birth of the lessee when requested by that agency.
439 The livery is not responsible for the payment of citations if
440 the livery provides the required warning and lessee information.

441 (c) This subsection supplements the enforcement of this
442 section by law enforcement officers and does not prohibit a law
443 enforcement officer from issuing a citation for a violation of
444 this section in accordance with normal boating enforcement
445 techniques.

446 Section 10. Paragraph (b) of subsection (1) of section
 447 327.50, Florida Statutes, is amended to read:

448 327.50 Vessel safety regulations; equipment and lighting
 449 requirements.--

450 (1)

451 (b) A ~~No~~ person shall not operate a vessel less than 26
 452 feet in length on the waters of this state unless every person
 453 who has not attained 10 ~~under 6~~ years of age on board the vessel
 454 is wearing an appropriate personal flotation device approved by
 455 the a type I, type II, or type III Coast Guard, ~~is below decks,~~
 456 or is in an enclosed cabin ~~approved personal flotation device~~
 457 while such vessel is underway. For the purpose of this section,
 458 "underway" means ~~shall mean~~ at all times except when a vessel is
 459 anchored, moored, made fast to the shore, or aground.

460 Section 11. Section 327.60, Florida Statutes, is amended
 461 to read:

462 327.60 Local regulations; limitations.--

463 (1) The provisions of this chapter and chapter 328 ~~ss.~~
 464 ~~327.01, 327.02, 327.30-327.40, 327.44-327.50, 327.54, 327.56,~~
 465 ~~327.65, 328.40-328.48, 328.52-328.58, 328.62, and 328.64~~ shall
 466 govern the operation, equipment, and all other matters relating
 467 thereto whenever any vessel shall be operated upon the waters of
 468 this state ~~waterways~~ or when any activity regulated hereby shall
 469 take place thereon.

470 (2) Nothing in this chapter or chapter 328 ~~these sections~~
 471 shall be construed to prevent the adoption of any ordinance or
 472 local regulation ~~law~~ relating to operation ~~and equipment~~ of
 473 vessels, except that no county or municipality shall enact,

474 continue in effect, or enforce any ordinance or local
 475 regulation:

476 (a) Establishing a vessel or associated equipment
 477 performance or other safety standard, imposing a requirement for
 478 associated equipment, or regulating the carrying or use of
 479 marine safety articles;

480 (b) With respect to the design, manufacture, installation,
 481 or use of any marine sanitation device on any vessel;

482 (c) Regulating any vessel upon the Florida Intracoastal
 483 Waterway;

484 (d) Discriminating against personal watercraft;

485 (e) Discriminating against airboats, for ordinances
 486 adopted after July 1, 2006, unless adopted by a two-thirds vote
 487 of the governing body enacting such ordinance;

488 (f) Regulating the anchoring of vessels other than live-
 489 aboard vessels outside of the marked boundaries of mooring
 490 fields permitted as provided in s. 327.40;

491 (g) Regulating engine or exhaust noise, except as provided
 492 in s. 327.65; or

493 (h) That is in conflict with this chapter or any
 494 amendments thereto or rules thereunder. ~~no such ordinance or~~
 495 local law may apply to the Florida Intracoastal Waterway and
 496 except that such ordinances or local laws shall be operative
 497 only when they are not in conflict with this chapter or any
 498 amendments thereto or regulations thereunder. Any ordinance or
 499 local law which has been adopted pursuant to this section or to
 500 any other state law may not discriminate against personal
 501 watercraft as defined in s. 327.02. Effective July 1, 2006, any

502 ~~ordinance or local law adopted pursuant to this section or any~~
 503 ~~other state law may not discriminate against airboats except by~~
 504 ~~a two-thirds vote of the governing body enacting such ordinance.~~

505 (3)~~(2)~~ Nothing ~~contained in the provisions of this section~~
 506 shall be construed to prohibit local governmental authorities
 507 from the enactment or enforcement of regulations which prohibit
 508 or restrict the mooring or anchoring of floating structures or
 509 live-aboard vessels within their jurisdictions or of any vessels
 510 within the marked boundaries of mooring fields permitted as
 511 provided in s. 327.40. However, local governmental authorities
 512 are prohibited from regulating the anchoring outside of such
 513 mooring fields of vessels other than live-aboard vessels as
 514 defined in s. 327.02 ~~non-live-aboard vessels in navigation.~~

515 Section 12. Section 327.66, Florida Statutes, is created to
 516 read:

517 327.66 Carriage of fuel on vessels.--

518 (1) (a) A person shall not:

519 1. Possess or operate any vessel that has been equipped
 520 with fuel tanks, bladders, drums, or other containers designed
 521 or intended to hold fuel, or install or maintain such containers
 522 in a vessel, if such containers do not conform to federal
 523 regulations or have not been approved by the United States Coast
 524 Guard by inspection or special permit.

525 2. Transport any fuel in an approved portable container
 526 when the container is in a compartment that is not ventilated in
 527 strict compliance with United States Coast Guard regulations
 528 pertaining to ventilation of compartments containing fuel tanks.

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529 (b) A person who violates paragraph (a) commits a felony
530 of the third degree, punishable as provided in s. 775.082, s.
531 775.083, or s. 775.084.

532 (2) (a) Fuel possessed or transported in violation of this
533 section and all containers holding such fuel are declared to be
534 a public nuisance. A law enforcement agency discovering fuel
535 possessed or transported in violation of paragraph (1) (a) shall
536 abate the nuisance by removing the fuel and containers from the
537 vessel and from the waters of this state. A law enforcement
538 agency that removes fuel or containers pursuant to this
539 subsection may elect to:

- 540 1. Retain the property for the agency's own use;
541 2. Transfer the property to another unit of state or local
542 government;
543 3. Donate the property to a charitable organization; or
544 4. Sell the property at public sale pursuant to s.
545 705.103.

546 (b) A law enforcement agency that seizes fuel or
547 containers pursuant to this subsection shall remove and reclaim,
548 recycle, or otherwise dispose of the fuel as soon as practicable
549 in a safe and proper manner.

550 (3) All conveyances, vessels, vehicles, and other
551 equipment described in paragraph (1) (a) or used in the
552 commission of a violation of paragraph (1) (a), other than fuel
553 or containers removed as provided in subsection (2), are
554 declared to be contraband.

555 (a) Upon conviction of a person arrested for a violation
556 of paragraph (1) (a), the judge shall issue an order adjudging

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557 and ordering that all conveyances, vessels, vehicles, and other
558 equipment used in the violation shall be forfeited to the
559 arresting agency. The requirement for a conviction before
560 forfeiture of property establishes to the exclusion of any
561 reasonable doubt that the property was used in connection with
562 the violation resulting in the conviction, and the procedures of
563 chapter 932 do not apply to any forfeiture of property under
564 this subsection following a conviction.

565 (b) In the absence of an arrest or conviction, any such
566 conveyance, vessel, vehicle, or other equipment used in
567 violation of paragraph (1)(a) shall be subject to seizure and
568 forfeiture as provided by the Florida Contraband Forfeiture Act.

569 (c) As used in this subsection, the term "conviction"
570 means a finding of guilt or the acceptance of a plea of guilty
571 or nolo contendere, regardless of whether adjudication is
572 withheld or whether imposition of sentence is withheld,
573 deferred, or suspended.

574 (4) All costs incurred by the law enforcement agency in
575 the removal of any fuel, fuel container, other equipment, or
576 vessel as provided in this section shall be recoverable against
577 the owner thereof. Any person who neglects or refuses to pay
578 such amount shall not be issued a certificate of registration
579 for such vessel or for any other vessel or motor vehicle until
580 the costs have been paid.

581 Section 13. Paragraph (k) of subsection (1) of section
582 327.73, Florida Statutes, is amended to read:

583 327.73 Noncriminal infractions.--

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

586 (k) Violations relating to boating-restricted ~~restricted~~
587 areas and speed limits:

588 1. Established by the commission or by local governmental
589 authorities pursuant to s. 327.46.

590 ~~2. Established by local governmental authorities pursuant~~
591 ~~to s. 327.22 or s. 327.60.~~

592 ~~2.3.~~ Speed limits established pursuant to s. 379.2431(2).
593

594 Any person cited for a violation of any such provision shall be
595 deemed to be charged with a noncriminal infraction, shall be
596 cited for such an infraction, and shall be cited to appear
597 before the county court. The civil penalty for any such
598 infraction is \$50, except as otherwise provided in this section.
599 Any person who fails to appear or otherwise properly respond to
600 a uniform boating citation shall, in addition to the charge
601 relating to the violation of the boating laws of this state, be
602 charged with the offense of failing to respond to such citation
603 and, upon conviction, be guilty of a misdemeanor of the second
604 degree, punishable as provided in s. 775.082 or s. 775.083. A
605 written warning to this effect shall be provided at the time
606 such uniform boating citation is issued.

607 Section 14. Subsections (1) and (2) of section 328.03,
608 Florida Statutes, are amended to read:

609 328.03 Certificate of title required.--

610 (1) Each vessel that is operated, used, or stored on the
 611 waters of this state must be titled by this state pursuant to
 612 this chapter, unless it is:

613 (a) A vessel operated, used, and stored exclusively on
 614 private lakes and ponds;~~;~~

615 (b) A vessel owned by the United States Government;~~;~~

616 (c) A non-motor-powered vessel less than 16 feet in
 617 length;~~;~~

618 (d) A federally documented vessel;~~;~~

619 (e) A vessel already covered by a registration number in
 620 full force and effect which was awarded to it pursuant to a
 621 federally approved numbering system of another state or by the
 622 United States Coast Guard in a state without a federally
 623 approved numbering system, if the vessel is not located in this
 624 state for a period in excess of 90 consecutive days;~~;~~

625 (f) A vessel from a country other than the United States
 626 temporarily used, operated, or stored on ~~using~~ the waters of
 627 this state for a period that is not in excess of 90 days;~~;~~

628 (g) An amphibious vessel for which a vehicle title is
 629 issued by the Department of Highway Safety and Motor Vehicles;~~;~~

630 (h) A vessel used solely for demonstration, testing, or
 631 sales promotional purposes by the manufacturer or dealer; ~~or;~~

632 (i) A vessel owned and operated by the state or a
 633 political subdivision thereof.

634 (2) A person shall not operate, use, or store a vessel for
 635 which a certificate of title is required unless the owner has
 636 received from the Department of Highway Safety and Motor
 637 Vehicles a valid certificate of title for such vessel. However,

638 such vessel may be operated, used, or stored for a period of up
 639 to 180 days after ~~from~~ the date of application for a certificate
 640 of title while the application is pending.

641 Section 15. Subsections (1) and (2) of section 328.07,
 642 Florida Statutes, are amended to read:

643 328.07 Hull identification number required.--

644 (1) No person shall operate, use, or store on the waters
 645 of this state a vessel the construction of which began after
 646 October 31, 1972, for which the department has issued a
 647 certificate of title or which is required by law to be
 648 registered, unless the vessel displays the assigned hull
 649 identification number affixed by the manufacturer as required by
 650 the United States Coast Guard or by the department for a
 651 homemade vessel or other vessel for which a hull identification
 652 number is not required by the United States Coast Guard. The
 653 hull identification number must be carved, burned, stamped,
 654 embossed, or otherwise permanently affixed to the outboard side
 655 of the transom or, if there is no transom, to the outermost
 656 starboard side at the end of the hull that bears the rudder or
 657 other steering mechanism, above the waterline of the vessel in
 658 such a way that alteration, removal, or replacement would be
 659 obvious and evident. The characters of the hull identification
 660 number must be no less than 12 in number and no less than one-
 661 fourth inch in height.

662 (2) No person shall operate, use, or store on the waters
 663 of this state a vessel the construction of which was completed
 664 before November 1, 1972, for which the department has issued a
 665 certificate of title or which is required by law to be

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666 registered, unless the vessel displays a hull identification
667 number. The hull identification number shall be clearly
668 imprinted in the transom or on the hull by stamping, impressing,
669 or marking with pressure. In lieu of imprinting, the hull
670 identification number may be displayed on a plate in a permanent
671 manner. A vessel for which the manufacturer has provided no hull
672 identification number or a homemade vessel shall be assigned a
673 hull identification number by the department which shall be
674 affixed to the vessel pursuant to this section.

675 (3) (a) No person, firm, association, or corporation shall
676 destroy, remove, alter, cover, or deface the hull identification
677 number or hull serial number, or plate bearing such number, of
678 any vessel, except to make necessary repairs which require the
679 removal of the hull identification number and immediately upon
680 completion of such repairs shall reattach the hull identification
681 number in accordance with subsection (2).

682 (b) If any of the hull identification numbers required by
683 the United States Coast Guard for a vessel manufactured after
684 October 31, 1972, do not exist or have been altered, removed,
685 destroyed, covered, or defaced or the real identity of the
686 vessel cannot be determined, the vessel may be seized as
687 contraband property by a law enforcement agency or the division,
688 and shall be subject to forfeiture pursuant to ss. 932.701-
689 932.706. Such vessel may not be sold or operated on the waters
690 of the state unless the division receives a request from a law
691 enforcement agency providing adequate documentation or is
692 directed by written order of a court of competent jurisdiction
693 to issue to the vessel a replacement hull identification number

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694 | which shall thereafter be used for identification purposes. No
 695 | vessel shall be forfeited under the Florida Contraband
 696 | Forfeiture Act when the owner unknowingly, inadvertently, or
 697 | neglectfully altered, removed, destroyed, covered, or defaced
 698 | the vessel hull identification number.

699 | Section 16. Subsection (2) of section 328.40, Florida
 700 | Statutes, is amended to read:

701 | 328.40 Administration of vessel registration and titling
 702 | laws; records.--

703 | (2) The Department of Highway Safety and Motor Vehicles
 704 | shall keep electronic records and perform such other clerical
 705 | duties as required pertaining to:

706 | (a) Vessel registration and titling.

707 | (b) Suspension of the vessel operating privilege under
 708 | chapter 327 ~~ss. 327.35-327.355~~.

709 | Section 17. Section 328.46, Florida Statutes, is amended
 710 | to read:

711 | 328.46 Operation of registered vessels.--

712 | (1) Every vessel that is required to be registered and
 713 | that is being operated, used, or stored on ~~using~~ the waters of
 714 | this state shall be registered and numbered within 30 days after
 715 | purchase by the owner except as specifically exempt. During this
 716 | 30-day period, the owner ~~operator~~ is required to have aboard the
 717 | vessel and available for inspection a bill of sale. The bill of
 718 | sale for the vessel shall serve as the temporary certificate of
 719 | number that is required by federal law and must contain the
 720 | following information:

721 | (a) Make of the vessel.

- 722 (b) Length of the vessel.
- 723 (c) Type of propulsion.
- 724 (d) Hull identification number.
- 725 (e) A statement declaring Florida to be the state where
726 the vessel is principally used.
- 727 (f) Name of the purchaser.
- 728 (g) Address of the purchaser, including ZIP code.
- 729 (h) Signature of the purchaser.
- 730 (i) Name of the seller.
- 731 (j) Signature of the seller.
- 732 (k) Date of the sale of the vessel. The date of sale shall
733 also serve as the date of issuance of the temporary certificate
734 of number.
- 735 (l) Notice to the purchaser and owner ~~operator~~ that the
736 temporary authority to use the vessel on the waters of this
737 state is invalid after 30 days following the date of sale of the
738 vessel.
- 739 (2) No person shall operate, use, or store or give
740 permission for the operation, use, or storage of any such vessel
741 on such waters unless:
- 742 (a) Such vessel is registered within 30 days after
743 purchase by the owner and numbered with the identifying number
744 set forth in the certificate of registration, displayed:
- 745 1. In accordance with s. 328.48(4), except, if the vessel
746 is an airboat, the registration number may be displayed on each
747 side of the rudder; or
- 748 2. In accordance with 33 C.F.R. s. 173.27, or with a
749 federally approved numbering system of another state; and

750 (b) The certificate of registration or temporary
 751 certificate of number awarded to such vessel is in full force
 752 and effect.

753 Section 18. Subsection (2) of section 328.48, Florida
 754 Statutes, is amended to read:

755 328.48 Vessel registration, application, certificate,
 756 number, decal, duplicate certificate.--

757 (2) Each vessel operated, All vessels used, or stored on
 758 the waters of this the state must be registered as a, either
 759 commercial vessel or recreational vessel as defined in s. 327.02
 760 this chapter, unless it is except as follows:

761 (a) A vessel operated, used, and stored exclusively on
 762 private lakes and ponds;-

763 (b) A vessel owned by the United States Government;-

764 (c) A vessel used exclusively as a ship's lifeboat; or-

765 (d) A non-motor-powered vessel less than 16 feet in
 766 length, or a and any non-motor-powered canoe, kayak, racing
 767 shell, or rowing scull, regardless of length.

768 Section 19. Section 328.56, Florida Statutes, is amended
 769 to read:

770 328.56 Vessel registration number.--Each vessel that is
 771 operated, used, or stored on the waters of this the state must
 772 display a commercial or recreational Florida registration
 773 number, unless it is:

774 (1) A vessel operated, used, and stored exclusively on
 775 private lakes and ponds;-

776 (2) A vessel owned by the United States Government;-

777 (3) A vessel used exclusively as a ship's lifeboat;-

778

779 (4) A non-motor-powered vessel less than 16 feet in

780 length, or a ~~and any~~ non-motor-powered canoe, kayak, racing

781 shell, or rowing scull, regardless of length;;~~-~~

782 (5) A federally documented vessel;;~~-~~

783 (6) A vessel already covered by a registration number in

784 full force and effect which has been awarded to it pursuant to a

785 federally approved numbering system of another state or by the

786 United States Coast Guard in a state without a federally

787 approved numbering system, if the vessel has not been within

788 this state for a period in excess of 90 consecutive days;;~~-~~

789 (7) A vessel operating under a valid temporary certificate

790 of number;;~~-~~

791 (8) A vessel from a country other than the United States

792 temporarily using the waters of this state;; ~~or-~~

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

794 Section 20. Section 328.58, Florida Statutes, is amended

795 to read:

796 328.58 Reciprocity of nonresident or alien vessels.--The

797 owner of any vessel already covered by a registration number in

798 full force and effect which has been awarded by:

799 (1) ~~By~~ Another state pursuant to a federally approved

800 numbering system of another state;

801 (2) ~~By~~ The United States Coast Guard in a state without a

802 federally approved numbering system; or

803 (3) ~~By~~ The United States Coast Guard for a federally

804 documented vessel with a valid registration in full force and

805 effect from another state,

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806
807 shall record the number with the Department of Highway Safety
808 and Motor Vehicles prior to operating, using, or storing the
809 vessel on the waters of this state in excess of the 90-day
810 reciprocity period provided for in this chapter. Such
811 recordation shall be pursuant to the procedure required for the
812 award of an original registration number, except that no
813 additional or substitute registration number shall be issued if
814 the vessel owner maintains the previously awarded registration
815 number in full force and effect.

816 Section 21. Section 328.60, Florida Statutes, is amended
817 to read:

818 328.60 Military personnel; registration; penalties.--Any
819 military personnel on active duty in this state operating,
820 using, or storing a vessel on the waters of this state that has
821 a registration number in full force and effect which has been
822 awarded to it pursuant to a federally approved numbering system
823 of another state or by the United States Coast Guard in a state
824 without a federally approved numbering system, or a federally
825 documented vessel with a valid registration in full force and
826 effect from another state shall not be required to register his
827 or her vessel in this state while such certificate of
828 registration remains valid; but, at the expiration of such
829 registration certificate, all registration and titling shall be
830 issued by this state. In the case of a federally documented
831 vessel, the issuance of a title is not required by this chapter.

832 Section 22. Section 328.65, Florida Statutes, is amended
833 to read:

834 328.65 Legislative intent with respect to registration and
 835 numbering of vessels.--It is the legislative intent that vessels
 836 be registered and numbered uniformly throughout the state. The
 837 purpose of ss. 327.58, 327.70, 327.72, 328.66, 328.68, and
 838 328.72 is to make registration and numbering procedures similar
 839 to those of automobiles and airplanes and to provide for a
 840 vessel registration fee and certificate so as to determine the
 841 ownership of vessels which are operated, used, or stored ~~operate~~
 842 on the waters of this state and to aid in the advancement of
 843 maritime safety.

844 Section 23. Subsection (1) of section 328.66, Florida
 845 Statutes, is amended to read:

846 328.66 County and municipality optional registration
 847 fee.--

848 (1) Any county may impose an annual registration fee on
 849 vessels registered, operated, used, or stored on the waters of
 850 this state ~~in the water~~ within its jurisdiction. This fee shall
 851 be 50 percent of the applicable state registration fee. However,
 852 the first \$1 of every registration imposed under this subsection
 853 shall be remitted to the state for deposit in the Save the
 854 Manatee Trust Fund created within the Fish and Wildlife
 855 Conservation Commission, and shall be used only for the purposes
 856 specified in s. 379.2431(4). All other moneys received from such
 857 fee shall be expended for the patrol, regulation, and
 858 maintenance of the lakes, rivers, and waters and for other
 859 boating-related activities of such municipality or county. A
 860 municipality that was imposing a registration fee before April

861 1, 1984, may continue to levy such fee, notwithstanding the
 862 provisions of this section.

863 Section 24. Subsection (13) of section 328.72, Florida
 864 Statutes, is amended to read:

865 328.72 Classification; registration; fees and charges;
 866 surcharge; disposition of fees; fines; marine turtle stickers.--

867 (13) EXPIRED REGISTRATION.--The operation, use, or storage
 868 on the waters of this state of a previously registered vessel
 869 after the expiration of the registration period is a noncriminal
 870 violation, as defined in s. 327.73.

871 Section 25. Subsections (1) and (5) of section 379.304,
 872 Florida Statutes, are amended to read:

873 379.304 Exhibition or sale of wildlife.--

874 (1) Permits issued pursuant to s. 379.3761 ~~this section~~
 875 and places where wildlife is kept or held in captivity shall be
 876 subject to inspection by officers of the commission at all
 877 times. The commission shall have the power to release or
 878 confiscate any specimens of any wildlife, specifically birds,
 879 mammals, amphibians, or reptiles, whether indigenous to the
 880 state or not, when it is found that conditions under which they
 881 are being confined are unsanitary, or unsafe to the public in
 882 any manner, or that the species of wildlife are being
 883 maltreated, mistreated, or neglected or kept in any manner
 884 contrary to the provisions of chapter 828, any such permit to
 885 the contrary notwithstanding. Before any such wildlife is
 886 confiscated or released under the authority of this section, the
 887 owner thereof shall have been advised in writing of the
 888 existence of such unsatisfactory conditions; the owner shall

889 have been given 30 days in which to correct such conditions; the
 890 owner shall have failed to correct such conditions; the owner
 891 shall have had an opportunity for a proceeding pursuant to
 892 chapter 120; and the commission shall have ordered such
 893 confiscation or release after careful consideration of all
 894 evidence in the particular case in question. The final order of
 895 the commission shall constitute final agency action.

896 (5) A violation of this section is punishable as provided
 897 by s. 379.4015 ~~379.401~~.

898 Section 26. Section 379.338, Florida Statutes, is amended
 899 to read:

900 379.338 Confiscation and disposition of illegally taken
 901 wildlife, freshwater fish, and saltwater fish ~~game~~.--

902 (1) All wildlife, ~~game and~~ freshwater fish, and saltwater
 903 fish seized under the authority of this chapter, any other
 904 chapter, or rules of the commission shall, upon conviction of
 905 the offender or sooner in accordance with a court order if the
 906 court so orders, be forfeited to the investigating law
 907 enforcement agency. The law enforcement agency may elect to
 908 retain the wildlife, freshwater fish, or saltwater fish for the
 909 agency's official use; transfer it to another unit of state or
 910 local government for official use; donate it to a charitable
 911 organization; sell it at public sale pursuant to s. 705.103; or
 912 destroy the wildlife, freshwater fish, or saltwater fish if none
 913 of the other options is practicable or if the wildlife,
 914 freshwater fish, or saltwater fish is unwholesome or otherwise
 915 not of appreciable value. All live wildlife, freshwater fish,
 916 and saltwater fish the possession of which is unlawful may be

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917 properly documented as evidence as provided in s. 379.3381 and
918 returned to the habitat unharmed, except that nonnative species
919 may be released only as allowed by rule of the commission. Any
920 unclaimed wildlife, freshwater fish, or saltwater fish shall be
921 retained by the investigating law enforcement agency and
922 disposed of in accordance with this subsection ~~and given to some~~
923 ~~hospital or charitable institution and receipt therefor sent to~~
924 ~~the Fish and Wildlife Conservation Commission.~~

925 (2) All furs or hides or fur-bearing animals seized under
926 the authority of this chapter shall, upon conviction of the
927 offender, be forfeited and sent to the commission, which shall
928 sell the same and deposit the proceeds of such sale to the
929 credit of the State Game Trust Fund. If any such hides or furs
930 are seized and the offender is unknown, the court shall order
931 such hides or furs sent to the Fish and Wildlife Conservation
932 Commission, which shall sell such hides and furs.

933 (3) ~~and deposit~~ The proceeds of any such sale under this
934 section shall be remitted to the Department of Revenue to be
935 deposited to the credit of the State Game Trust Fund or the
936 Marine Resources Conservation Trust Fund.

937 (4) Any state, county, or municipal law enforcement agency
938 that enforces or assists the commission in enforcing this
939 chapter, which enforcement results in a forfeiture of property
940 as provided in this section, is entitled to receive all or a
941 share of any property based upon its participation in the
942 enforcement.

943 Section 27. Section 379.3381, Florida Statutes, is created
944 to read:

945 379.3381 Photographic evidence of illegally taken
 946 wildlife, freshwater fish, and saltwater fish.--In any
 947 prosecution for a violation of this chapter, any other chapter,
 948 or rules of the commission, a photograph of illegally taken
 949 wildlife, freshwater fish, or saltwater fish may be deemed
 950 competent evidence of such property and may be admissible in the
 951 prosecution to the same extent as if such wildlife, freshwater
 952 fish, or saltwater fish were introduced as evidence. Such
 953 photograph shall bear a written description of the wildlife,
 954 freshwater fish, or saltwater fish alleged to have been
 955 illegally taken, the name of the violator, the location where
 956 the alleged illegal taking occurred, the name of the
 957 investigating law enforcement officer, the date the photograph
 958 was taken, and the name of the photographer. Such writing shall
 959 be made under oath by the investigating law enforcement officer,
 960 and the photograph shall be identified by the signature of the
 961 photographer.

962 Section 28. Effective July 1, 2009, paragraphs (n) through
 963 (q) of subsection (2) of section 379.353, Florida Statutes, are
 964 redesignated as paragraphs (m) through (p), respectively, and
 965 paragraphs (h) and (m) of subsection (2) of that section are
 966 amended to read:

967 379.353 Recreational licenses and permits; exemptions from
 968 fees and requirements.--

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

971 (h) Any resident saltwater fishing from land or from a
 972 structure fixed to the land who has been determined eligible for

973 the food stamp, temporary cash assistance, or Medicaid programs
 974 administered by the Department of Children and Family Services
 975 or the Medicaid program administered by the Social Security
 976 Administration. A benefit issuance or program identification
 977 card issued by the Department of Children and Family Services or
 978 the Agency for Health Care Administration shall serve as proof of
 979 of program eligibility. The individual must have the benefit
 980 issuance or program identification card and positive proof of
 981 identification in his or her possession when fishing.

982 ~~(m) Any resident fishing for a saltwater species in fresh~~
 983 ~~water from land or from a structure fixed to land.~~

984 Section 29. Paragraph (c) of subsection (2) of section
 985 379.3671, Florida Statutes, is amended to read:

986 379.3671 Spiny lobster trap certificate program.--

987 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
 988 PENALTIES.--The Fish and Wildlife Conservation Commission shall
 989 establish a trap certificate program for the spiny lobster
 990 fishery of this state and shall be responsible for its
 991 administration and enforcement as follows:

992 (c) Prohibitions; penalties.--

993 1. It is unlawful for a person to possess or use a spiny
 994 lobster trap in or on state waters or adjacent federal waters
 995 without having affixed thereto the trap tag required by this
 996 section. It is unlawful for a person to possess or use any other
 997 gear or device designed to attract and enclose or otherwise aid
 998 in the taking of spiny lobster by trapping that is not a trap as
 999 defined by commission rule.

1000 2. It is unlawful for a person to possess or use spiny
 1001 lobster trap tags without having the necessary number of
 1002 certificates on record as required by this section.

1003 3. It is unlawful for any person to willfully molest, take
 1004 possession of, or remove the contents of another harvester's
 1005 spiny lobster trap without the express written consent of the
 1006 trap owner available for immediate inspection. Unauthorized
 1007 possession of another's trap gear or removal of trap contents
 1008 constitutes theft.

1009 a. A commercial harvester who violates this subparagraph
 1010 shall be punished under ss. 379.367 and 379.407. Any commercial
 1011 harvester receiving a judicial disposition other than dismissal
 1012 or acquittal on a charge of theft of or from a trap pursuant to
 1013 this subparagraph or s. 379.402 shall, in addition to the
 1014 penalties specified in ss. 379.367 and 379.407 and the
 1015 provisions of this section, permanently lose all his or her
 1016 saltwater fishing privileges, including his or her saltwater
 1017 products license, spiny lobster endorsement, and all trap
 1018 certificates allotted to him or her through this program. In
 1019 such cases, trap certificates and endorsements are
 1020 nontransferable.

1021 b. Any commercial harvester receiving a judicial
 1022 disposition other than dismissal or acquittal on a charge of
 1023 willful molestation of a trap, in addition to the penalties
 1024 specified in ss. 379.367 and 379.407, shall lose all saltwater
 1025 fishing privileges for a period of 24 calendar months.

1026 c. In addition, any commercial harvester charged with
 1027 violating this subparagraph and receiving a judicial disposition

1028 other than dismissal or acquittal for violating this
 1029 subparagraph or s. 379.402 shall also be assessed an
 1030 administrative penalty of up to \$5,000.

1031
 1032 Immediately upon receiving a citation for a violation involving
 1033 theft of or from a trap, or molestation of a trap, and until
 1034 adjudicated for such a violation or, upon receipt of a judicial
 1035 disposition other than dismissal or acquittal of such a
 1036 violation, the commercial harvester committing the violation is
 1037 prohibited from transferring any spiny lobster trap certificates
 1038 and endorsements.

1039 4. In addition to any other penalties provided in s.
 1040 379.407, a commercial harvester who violates the provisions of
 1041 this section or commission rules relating to spiny lobster traps
 1042 shall be punished as follows:

1043 a. If the first violation is for violation of subparagraph
 1044 1. or subparagraph 2., the commission shall assess an additional
 1045 administrative penalty of up to \$1,000. For all other first
 1046 violations, the commission shall assess an additional
 1047 administrative penalty of up to \$500.

1048 b. For a second violation of subparagraph 1. or
 1049 subparagraph 2. which occurs within 24 months of any previous
 1050 such violation, the commission shall assess an additional
 1051 administrative penalty of up to \$2,000 and the spiny lobster
 1052 endorsement issued under s. 379.367(2) or (6) may be suspended
 1053 for the remainder of the current license year.

1054 c. For a third or subsequent violation of subparagraph 1.,
 1055 subparagraph 2., or subparagraph 3. which occurs within 36

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1056 months of any previous two such violations, the commission shall
 1057 assess an additional administrative penalty of up to \$5,000 and
 1058 may suspend the spiny lobster endorsement issued under s.
 1059 379.367(2) or (6) for a period of up to 24 months or may revoke
 1060 the spiny lobster endorsement and, if revoking the spiny lobster
 1061 endorsement, may also proceed against the licenseholder's
 1062 saltwater products license in accordance with the provisions of
 1063 s. 379.407(2) (h).

1064 d. Any person assessed an additional administrative
 1065 penalty pursuant to this section shall within 30 calendar days
 1066 after notification:

1067 (I) Pay the administrative penalty to the commission; or

1068 (II) Request an administrative hearing pursuant to the
 1069 provisions of ss. 120.569 and 120.57.

1070 e. The commission shall suspend the spiny lobster
 1071 endorsement issued under s. 379.367(2) or (6) for any person
 1072 failing to comply with the provisions of sub-subparagraph d.

1073 5.a. It is unlawful for any person to make, alter, forge,
 1074 counterfeit, or reproduce a spiny lobster trap tag or
 1075 certificate.

1076 b. It is unlawful for any person to knowingly have in his
 1077 or her possession a forged, counterfeit, or imitation spiny
 1078 lobster trap tag or certificate.

1079 c. It is unlawful for any person to barter, trade, sell,
 1080 supply, agree to supply, aid in supplying, or give away a spiny
 1081 lobster trap tag or certificate or to conspire to barter, trade,
 1082 sell, supply, aid in supplying, or give away a spiny lobster
 1083 trap tag or certificate unless such action is duly authorized by

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1084 the commission as provided in this chapter or in the rules of
1085 the commission.

1086 6.a. Any commercial harvester who violates the provisions
1087 of subparagraph 5., or any commercial harvester who engages in
1088 the commercial harvest, trapping, or possession of spiny lobster
1089 without a spiny lobster endorsement as required by s. 379.367(2)
1090 or (6) or during any period while such spiny lobster endorsement
1091 is under suspension or revocation, commits a felony of the third
1092 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1093 775.084.

1094 b. In addition to any penalty imposed pursuant to sub-
1095 subparagraph a., the commission shall levy a fine of up to twice
1096 the amount of the appropriate surcharge to be paid on the fair
1097 market value of the transferred certificates, as provided in
1098 subparagraph (a)1., on any commercial harvester who violates the
1099 provisions of sub-subparagraph 5.c.

1100 c. In addition to any penalty imposed pursuant to sub-
1101 subparagraph a., any commercial harvester receiving any judicial
1102 disposition other than acquittal or dismissal for a violation of
1103 subparagraph 5. shall be assessed an administrative penalty of
1104 up to \$5,000, and the spiny lobster endorsement under which the
1105 violation was committed may be suspended for up to 24 calendar
1106 months. Immediately upon issuance of a citation involving a
1107 violation of subparagraph 5. and until adjudication of such a
1108 violation, and after receipt of any judicial disposition other
1109 than acquittal or dismissal for such a violation, the commercial
1110 harvester holding the spiny lobster endorsement listed on the

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1111 citation is prohibited from transferring any spiny lobster trap
1112 certificates.

1113 d. Any other person who violates the provisions of
1114 subparagraph 5. commits a Level Four violation under s. 379.401.

1115 7. Prior to the 2010-2011 license year, any certificates
1116 for which the annual certificate fee is not paid for a period of
1117 3 years shall be considered abandoned and shall revert to the
1118 commission. Beginning with the 2010-2011 license year, any
1119 certificate for which the annual certificate fee is not paid for
1120 a period of 2 consecutive years shall be considered abandoned
1121 and shall revert to the commission. During any period of trap
1122 reduction, any certificates reverting to the commission shall
1123 become permanently unavailable and be considered in that amount
1124 to be reduced during the next license-year period. Otherwise,
1125 any certificates that revert to the commission are to be
1126 reallocated in such manner as provided by the commission.

1127 8. The proceeds of all administrative penalties collected
1128 pursuant to subparagraph 4. and all fines collected pursuant to
1129 sub-subparagraph 6.b. shall be deposited into the Marine
1130 Resources Conservation Trust Fund.

1131 9. All traps shall be removed from the water during any
1132 period of suspension or revocation.

1133 10. Except as otherwise provided, any person who violates
1134 this paragraph commits a Level Two violation under s. 379.401.

1135 Section 30. Effective July 1, 2009, paragraphs (c), (d),
1136 and (e) of subsection (2) of section 379.3751, Florida Statutes,
1137 are amended to read:

1138 379.3751 Taking and possession of alligators; trapping
 1139 licenses; fees.--

1140 (2) The license and issuance fee, and the activity
 1141 authorized thereby, shall be as follows:

1142 (c) The annual fee for issuance of an alligator trapping
 1143 agent's license, which permits a person to act as an agent of
 1144 any person who has been issued a resident or nonresident
 1145 alligator trapping license as provided in paragraph (a) or
 1146 paragraph (b) and to take alligators occurring in the wild other
 1147 than alligator hatchlings, ~~and~~ to possess and process alligators
 1148 taken under authority of such agency relationship, and to
 1149 possess, process, and sell their hides and meat, shall be \$50.
 1150 ~~Such alligator trapping agent's license shall be issued only in~~
 1151 ~~conjunction with an alligator trapping license and shall bear on~~
 1152 ~~its face in indelible ink the name and license number of the~~
 1153 ~~alligator trapping licenseholder for whom the holder of this~~
 1154 ~~license is acting as an agent.~~

1155 (d) The annual fee for issuance of an alligator farming
 1156 license, which permits a person to operate a facility for
 1157 captive propagation of alligators, to possess alligators for
 1158 captive propagation, to take alligator hatchlings and alligator
 1159 eggs occurring in the wild, to rear such alligators, alligator
 1160 hatchlings, and alligator eggs in captivity, to process
 1161 alligators taken or possessed under authority of such alligator
 1162 farming license or otherwise legally acquired, and to possess,
 1163 process, and sell their hides and meat, shall be \$250.

1164 (e) The annual fee for issuance of an alligator farming
 1165 agent's license, which permits a person to act as an agent of

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1166 any person who has been issued an alligator farming license as
1167 provided in paragraph (d) and to take alligator hatchlings and
1168 alligator eggs occurring in the wild, ~~and~~ to possess and process
1169 alligators taken under authority of such agency relationship,
1170 and to possess, process, and sell their hides and meat, shall be
1171 \$50. ~~Such license shall be issued only in conjunction with an~~
1172 ~~alligator farming license, and shall bear on its face in~~
1173 ~~indelible ink the name and license number of the alligator~~
1174 ~~farming licenseholder for whom the holder of this license is~~
1175 ~~acting as an agent.~~

1176 Section 31. Subsection (6) is added to section 379.3761,
1177 Florida Statutes, to read:

1178 379.3761 Exhibition or sale of wildlife; fees;
1179 classifications.--

1180 (6) A person who violates this section is punishable as
1181 provided in s. 379.4015.

1182 Section 32. Subsection (5) of section 379.3762, Florida
1183 Statutes, is amended to read:

1184 379.3762 Personal possession of wildlife.--

1185 (5) A person who violates ~~Persons in violation of this~~
1186 ~~section is shall be~~ punishable as provided in s. 379.4015
1187 ~~379.401.~~

1188 Section 33. Paragraph (a) of subsection (2) and paragraph
1189 (a) of subsection (4) of section 379.401, Florida Statutes, are
1190 amended to read:

1191 379.401 Penalties and violations; civil penalties for
1192 noncriminal infractions; criminal penalties; suspension and
1193 forfeiture of licenses and permits.--

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1194 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two
 1195 violation if he or she violates any of the following provisions:

1196 1. Rules or orders of the commission relating to seasons
 1197 or time periods for the taking of wildlife, freshwater fish, or
 1198 saltwater fish.

1199 2. Rules or orders of the commission establishing bag,
 1200 possession, or size limits or restricting methods of taking
 1201 wildlife, freshwater fish, or saltwater fish.

1202 3. Rules or orders of the commission prohibiting access or
 1203 otherwise relating to access to wildlife management areas or
 1204 other areas managed by the commission.

1205 4. Rules or orders of the commission relating to the
 1206 feeding of wildlife, freshwater fish, or saltwater fish.

1207 5. Rules or orders of the commission relating to landing
 1208 requirements for freshwater fish or saltwater fish.

1209 6. Rules or orders of the commission relating to
 1210 restricted hunting areas, critical wildlife areas, or bird
 1211 sanctuaries.

1212 7. Rules or orders of the commission relating to tagging
 1213 requirements for wildlife ~~game~~ and fur-bearing animals.

1214 8. Rules or orders of the commission relating to the use
 1215 of dogs for the taking of wildlife ~~game~~.

1216 9. Rules or orders of the commission which are not
 1217 otherwise classified.

1218 10. Rules or orders of the commission prohibiting the
 1219 unlawful use of finfish traps.

1220 11. All prohibitions in this chapter which are not
 1221 otherwise classified.

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- 1222 12. Section 379.33, prohibiting the violation of or
 1223 noncompliance with commission rules.
- 1224 13. Section 379.407(6), prohibiting the sale, purchase,
 1225 harvest, or attempted harvest of any saltwater product with
 1226 intent to sell.
- 1227 14. Section 379.2421, prohibiting the obstruction of
 1228 waterways with net gear.
- 1229 15. Section 379.413, prohibiting the unlawful taking of
 1230 bonefish.
- 1231 16. Section 379.365(2) (a) and (b), prohibiting the
 1232 possession or use of stone crab traps without trap tags and
 1233 theft of trap contents or gear.
- 1234 17. Section 379.366(4) (b), prohibiting the theft of blue
 1235 crab trap contents or trap gear.
- 1236 18. Section 379.3671(2) (c), prohibiting the possession or
 1237 use of spiny lobster traps without trap tags or certificates and
 1238 theft of trap contents or trap gear.
- 1239 19. Section 379.357, prohibiting the possession of tarpon
 1240 without purchasing a tarpon tag.
- 1241 20. Rules or orders of the commission ~~Section 379.409,~~
 1242 prohibiting the feeding or enticement of alligators or
 1243 crocodiles.
- 1244 21. Section 379.105, prohibiting the intentional
 1245 harassment of hunters, fishers, or trappers.
- 1246 (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level
 1247 Four violation if he or she violates any of the following
 1248 provisions:

- 1249 1. Section 379.365(2)(c), prohibiting criminal activities
 1250 relating to the taking of stone crabs.
- 1251 2. Section 379.366(4)(c), prohibiting criminal activities
 1252 relating to the taking and harvesting of blue crabs.
- 1253 3. Section 379.367(4), prohibiting the willful molestation
 1254 of spiny lobster gear.
- 1255 4. Section 379.3671(2)(c)5., prohibiting the unlawful
 1256 reproduction, possession, sale, trade, or barter of spiny
 1257 lobster trap tags or certificates.
- 1258 5. Section 379.354(16), prohibiting the making, forging,
 1259 counterfeiting, or reproduction of a recreational license or
 1260 possession of same without authorization from the commission.
- 1261 6. Section 379.404(5), prohibiting the sale of illegally-
 1262 taken deer or wild turkey.
- 1263 7. Section 379.405, prohibiting the molestation or theft
 1264 of freshwater fishing gear.
- 1265 8. Section 379.409, prohibiting the unlawful killing,
 1266 injuring, possessing, or capturing of alligators or other
 1267 crocodilia or their eggs.
- 1268 Section 34. Paragraph (a) of subsection (2) of section
 1269 379.4015, Florida Statutes, is amended to read:
- 1270 379.4015 Captive wildlife penalties.--
- 1271 (2) LEVEL TWO.--Unless otherwise provided by law, the
 1272 following classifications and penalties apply:
- 1273 (a) A person commits a Level Two violation if he or she
 1274 violates any of the following provisions:
- 1275 1. Unless otherwise stated in subsection (1), rules or
 1276 orders of the commission that require a person to pay a fee to

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1277 obtain a permit to possess captive wildlife or that require the
 1278 maintenance of records relating to captive wildlife.

1279 2. Rules or orders of the commission relating to captive
 1280 wildlife not specified in subsection (1) or subsection (3).

1281 3. Rules or orders of the commission that require housing
 1282 of wildlife in a safe manner when a violation results in an
 1283 escape of wildlife other than Class I wildlife.

1284 4. Section 379.372, relating to capturing, keeping,
 1285 possessing, transporting, or exhibiting venomous reptiles or
 1286 reptiles of concern.

1287 5. Section 379.373, relating to requiring a license or
 1288 permit for the capturing, keeping, possessing, or exhibiting of
 1289 venomous reptiles or reptiles of concern.

1290 6. Section 379.374, relating to bonding requirements for
 1291 public exhibits of venomous reptiles.

1292 7. Section 379.305, relating to commission rules and
 1293 regulations to prevent the escape of venomous reptiles or
 1294 reptiles of concern.

1295 8. Section 379.304, relating to exhibition or sale of
 1296 wildlife.

1297 9. Section 379.3761, relating to exhibition or sale of
 1298 wildlife.

1299 10. Section 379.3762, relating to personal possession of
 1300 wildlife.

1301 Section 35. The Fish and Wildlife Conservation Commission,
 1302 in consultation with the Department of Environmental Protection,
 1303 is directed to establish a pilot program in at least one but not
 1304 more than five locations to explore potential options for

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1305 regulating the anchoring or mooring of non-live-aboard vessels
1306 outside the marked boundaries of public mooring fields.

1307 (1) The goals of the pilot program are to encourage the
1308 establishment of additional public mooring fields and to develop
1309 and test policies and regulatory regimes that:

1310 (a) Promote the establishment and use of public mooring
1311 fields.

1312 (b) Promote public access to the waters of this state.

1313 (c) Enhance navigational safety.

1314 (d) Protect maritime infrastructure.

1315 (e) Protect the marine environment.

1316 (f) Deter improperly stored, abandoned, or derelict
1317 vessels.

1318 (2) Each location selected for inclusion in the pilot
1319 program must be associated with a properly permitted mooring
1320 field. The commission, in consultation with the department,
1321 shall select all locations for the pilot program prior to July
1322 1, 2011. If more than one location is selected, the selections
1323 must be geographically diverse and take into consideration the
1324 various users and means of using the waters of this state.

1325 (3) Notwithstanding the provisions of s. 327.60, Florida
1326 Statutes, a county or municipality selected for participation in
1327 the pilot program may regulate by ordinance the anchoring of
1328 vessels, other than live-aboard vessels as defined in s. 327.02,
1329 Florida Statutes, outside of a mooring field. Any ordinance
1330 enacted under the pilot program shall take effect and become
1331 enforceable only after approval by the commission. The
1332 commission shall not approve any ordinance not consistent with

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1333 the goals of the pilot program.

1334 (4) The commission shall:

1335 (a) Provide consultation and technical assistance to each
1336 municipality or county selected for participation in the pilot
1337 program to facilitate accomplishment of the pilot program's
1338 goals.

1339 (b) Coordinate the review of any proposed ordinance with
1340 the department; the Coast Guard; the Florida Inland Navigation
1341 District or the West Coast Inland Navigation District, as
1342 appropriate; and associations or other organizations
1343 representing vessel owners or operators.

1344 (c) Monitor and evaluate at least annually each location
1345 selected for participation in the pilot program and make such
1346 modifications as may be necessary to accomplish the pilot
1347 program's goals.

1348 (5) The commission shall submit a report of its findings
1349 and recommendations to the Governor, the President of the
1350 Senate, and the Speaker of the House of Representatives by
1351 January 1, 2014.

1352 (6) The pilot program shall expire on July 1, 2014, unless
1353 reenacted by the Legislature. All ordinances enacted under this
1354 section shall expire concurrently with the expiration of the
1355 pilot program and shall be inoperative and unenforceable
1356 thereafter.

1357 Section 36. Section 327.22, Florida Statutes, is repealed.

1358 Section 37. Effective July 1, 2009, subsection (7) of
1359 section 379.366, Florida Statutes, is repealed.

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1360 Section 38. Except as otherwise expressly provided in this
1361 act, this act shall take effect October 1, 2009.