

1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending s. 206.606, F.S.; transferring
4 authority from the Department of Revenue to the Fish and
5 Wildlife Conservation Commission to allocate funds from
6 the Invasive Plant Control Trust Fund for specified
7 purposes; amending s. 253.002, F.S.; authorizing the Board
8 of Trustees of the Internal Improvement Trust Fund to
9 delegate certain authority relating to aquatic and
10 noninvasive plants to the Department of Agriculture and
11 Consumer Services and the Fish and Wildlife Conservation
12 Commission; amending s. 253.04, F.S.; providing for the
13 preservation and regeneration of seagrasses; providing
14 definitions; providing penalties; amending s. 319.32,
15 F.S.; increasing the certificate of title fee for certain
16 vehicles; amending s. 320.08056, F.S.; increasing the
17 annual use fee for certain specialty license plates;
18 amending s. 327.02, F.S.; revising the definition of the
19 term "live-aboard vessel"; amending s. 327.35, F.S.;
20 revising penalties for boating under the influence of
21 alcohol; revising the blood-alcohol level or breath-
22 alcohol level at which certain penalties apply; amending
23 s. 327.36, F.S.; revising a prohibition against accepting
24 a plea to a lesser included offense from a person who is
25 charged with certain offenses involving the operation of a
26 vessel; revising the blood-alcohol level or breath-alcohol
27 level at which the prohibition applies; amending s.
28 327.395, F.S.; revising the age limitation for the

29 | operation of specified vessels; revising provisions
30 | relating to boating safety identification cards; providing
31 | exemptions and penalties; amending s. 327.40, F.S.;
32 | revising provisions for placement of navigation, safety,
33 | and informational markers of waterways; providing for
34 | uniform waterway markers; removing an exemption from
35 | permit requirements for certain markers placed by county,
36 | municipal, or other governmental entities; amending s.
37 | 327.41, F.S., relating to placement of markers by a
38 | county, municipality, or other governmental entity;
39 | revising terminology; providing for a county,
40 | municipality, or other governmental entity that has been
41 | granted or has adopted or established a boating-restricted
42 | area to apply for permission to place regulatory markers;
43 | amending s. 327.42, F.S.; revising provisions prohibiting
44 | mooring to or damaging markers or buoys; amending s.
45 | 327.46, F.S.; revising provisions for establishment by the
46 | Fish and Wildlife Conservation Commission of boating-
47 | restricted areas; providing for counties and
48 | municipalities to establish boating-restricted areas with
49 | approval of the commission; directing the commission to
50 | adopt rules for the approval; revising a prohibition
51 | against operating a vessel in a prohibited manner in a
52 | boating-restricted area; amending s. 327.60, F.S.;
53 | revising provisions limiting local regulations relating to
54 | vessels operated upon the waters of this state;
55 | prohibiting specified county or municipality ordinances or
56 | regulations; amending s. 327.65, F.S.; conforming a cross-

57 | reference; creating s. 327.66, F.S.; prohibiting
58 | possessing or operating a vessel equipped with certain
59 | fuel containers or related equipment; prohibiting
60 | transporting fuel in a vessel except in compliance with
61 | certain federal regulations; providing penalties;
62 | declaring fuel transported in violation of such
63 | prohibitions to be a public nuisance and directing the
64 | enforcing agency to abate the nuisance; providing for
65 | disposal of the containers and fuel; declaring
66 | conveyances, vessels, vehicles, and equipment used in such
67 | violation to be contraband; providing for seizure of the
68 | contraband; defining the term "conviction" for specified
69 | purposes; providing for the costs to remove fuel,
70 | containers, vessels, and equipment to be paid by the
71 | owner; providing that a person who fails to pay such cost
72 | shall not be issued a certificate of registration for a
73 | vessel or motor vehicle; providing an exemption; amending
74 | s. 327.70, F.S.; authorizing municipal police officers and
75 | specified law enforcement officers to enforce the
76 | provisions of chs. 327 and 328; providing for enforcement
77 | of noncriminal violations by citation mailed to the owner
78 | of a vessel; specifying responsibility for citations
79 | issued to livery vessels; amending s. 327.73, F.S.;
80 | revising provisions for citation of a noncriminal
81 | infraction to provide for violations relating to boating-
82 | restricted areas and speed limits; revising provisions
83 | relating to establishment of such limits by counties and
84 | municipalities; providing civil penalties for seagrass

85 | scarring; amending s. 327.731, F.S.; conforming a cross-
86 | reference; amending s. 328.03, F.S.; requiring vessels
87 | used or stored on the waters of this state to be titled by
88 | this state pursuant to specified provisions; providing
89 | exceptions; amending s. 328.07, F.S.; requiring certain
90 | vessels used or stored on the waters of this state to have
91 | affixed a hull identification number; amending ss. 328.46,
92 | 328.48, and 328.56, F.S.; requiring vessels operated,
93 | used, or stored on the waters of this state to be
94 | registered and display the registration number; providing
95 | exceptions; amending s. 328.58, F.S., relating to
96 | reciprocity of nonresident or alien vessels; requiring the
97 | owner of a vessel with a valid registration from another
98 | state, a vessel with a valid registration from the United
99 | States Coast Guard in another state, or a federally
100 | documented vessel from another state to record the
101 | registration number with the Department of Highway Safety
102 | and Motor Vehicles when using or storing the vessel on the
103 | waters of this state in excess of the 90-day reciprocity
104 | period; amending s. 328.60, F.S.; providing an exception
105 | to registration requirements for military personnel using
106 | or storing on the waters of this state a vessel with a
107 | valid registration from another state, a vessel with a
108 | valid registration from the United States Coast Guard in
109 | another state, or a federally documented vessel from
110 | another state; amending s. 328.65, F.S.; revising
111 | legislative intent with respect to registration and
112 | numbering of vessels; amending s. 328.66, F.S.;

113 | authorizing a county to impose an annual registration fee
114 | on vessels used on the waters of this state within its
115 | jurisdiction; amending s. 328.72, F.S.; providing
116 | noncriminal penalties for use or storage of a previously
117 | registered vessel after the expiration of the registration
118 | period; amending ss. 369.20, 369.22, and 369.25, F.S.;
119 | authorizing the commission to enforce specified provisions
120 | relating to aquatic weeds and plants; granting certain
121 | activities a mixing zone for turbidity; amending s.
122 | 379.304, F.S.; revising cross-references for permitting
123 | and violation provisions relating to the exhibition or
124 | sale of wildlife; amending s. 379.338, F.S.; providing for
125 | confiscation and disposition of illegally taken wildlife,
126 | freshwater fish, or saltwater fish; providing for
127 | disposition of the proceeds from sales; providing for an
128 | agency that assists in the enforcement action to receive a
129 | portion or all of any forfeited property; creating s.
130 | 379.3381, F.S.; providing for photographs of wildlife,
131 | freshwater fish, and saltwater fish to be used as evidence
132 | in a prosecution in lieu of the wildlife, freshwater fish,
133 | or saltwater fish; amending s. 379.353, F.S.; revising
134 | eligibility criteria for exemption from certain
135 | recreational license and permit requirements; amending s.
136 | 379.354, F.S.; providing for an annual resident shoreline
137 | fishing license and its fee; amending s. 379.3671, F.S.;
138 | revising provisions for abandonment and reversion of
139 | lobster trap certificates under specified conditions;
140 | amending s. 379.3751, F.S.; specifying activities relating

141 to the taking and possession of alligators that require a
142 license and payment of the applicable fee; deleting
143 provisions relating to the issuance, form, and content of
144 such licenses; amending s. 379.3761, F.S.; providing
145 penalties for violations relating to the exhibition or
146 sale of wildlife; amending s. 379.3762, F.S.; revising a
147 cross-reference with respect to the penalties imposed for
148 violations relating to the personal possession of
149 wildlife; amending s. 379.401, F.S.; revising
150 applicability of violation provisions relating to
151 alligators and crocodiles; conforming references to
152 wildlife; amending s. 379.4015, F.S.; specifying
153 applicability of captive wildlife penalty provisions
154 relating to the exhibition or sale of wildlife; creating
155 s. 379.501, F.S.; providing penalties for violations
156 relating to aquatic weeds and plants; providing
157 legislative intent for civil penalties and criminal fines
158 imposed by a court; creating s. 379.502, F.S.; providing
159 judicial and administrative procedures and remedies to
160 enforce penalty provisions for violations relating to
161 aquatic weeds and plants; providing for mediation;
162 providing for recovery of costs and attorney's fees;
163 requiring proceeds from related penalties to be credited
164 to the Invasive Plant Control Trust Fund; creating s.
165 379.503, F.S.; authorizing the commission to seek
166 injunctive relief; providing that judicial and
167 administrative remedies are alternative and mutually
168 exclusive; creating s. 379.504, F.S.; providing civil

169 penalties for violations relating to aquatic weeds and
170 plants; authorizing a court to impose a civil penalty for
171 each offense not to exceed a specified amount; providing
172 for joint and several liability; providing for a
173 methodology for assessing certain damages; amending s.
174 403.088, F.S.; requiring the commission to approve an
175 aquatic weeds and algae control program; directing the
176 commission, in consultation with the Department of
177 Environmental Protection, to establish a pilot program to
178 explore options for regulating the anchoring or mooring of
179 non-live-aboard vessels outside the marked boundaries of
180 public mooring fields; providing goals and procedures;
181 providing duties of the commission; requiring a report to
182 the Governor and the Legislature; providing for expiration
183 of the pilot program and any ordinance enacted thereunder;
184 providing for a type two transfer of the Bureau of
185 Invasive Plant Management within the Department of
186 Environmental Protection to the Fish and Wildlife
187 Conservation Commission; ratifying actions taken pursuant
188 to ch. 2008-150, Laws of Florida, and an interagency
189 agreement executed pursuant thereto; transferring the
190 Invasive Plant Control Trust Fund within the Department of
191 Environmental Protection to the Fish and Wildlife
192 Conservation Commission; providing a continuing
193 appropriation to the commission for the purpose of issuing
194 licenses for the exhibition and sale of wildlife;
195 reenacting s. 379.209(2), F.S., relating to funds credited
196 to the Nongame Wildlife Trust Fund, to incorporate an

197 amendment made to s. 319.32, F.S., in a reference thereto;
 198 reenacting s. 379.3581(7), F.S., relating to hunting
 199 safety, to incorporate the amendment made to s. 379.353,
 200 F.S., in a reference thereto; repealing s. 327.22, F.S.,
 201 relating to regulation of vessels by municipalities or
 202 counties; repealing s. 379.366(7), F.S., to abrogate the
 203 expiration of provisions imposing blue crab effort
 204 management program fees and penalties; providing effective
 205 dates.

206
 207 Be It Enacted by the Legislature of the State of Florida:

208
 209 Section 1. Paragraph (a) of subsection (1) of section
 210 206.606, Florida Statutes, is amended to read:

211 206.606 Distribution of certain proceeds.--

212 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
 213 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
 214 Fund. Such moneys, after deducting the service charges imposed
 215 by s. 215.20, the refunds granted pursuant to s. 206.41, and the
 216 administrative costs incurred by the department in collecting,
 217 administering, enforcing, and distributing the tax, which
 218 administrative costs may not exceed 2 percent of collections,
 219 shall be distributed monthly to the State Transportation Trust
 220 Fund, except that:

221 (a) \$6.30 million shall be transferred to the Fish and
 222 Wildlife Conservation Commission in each fiscal year and
 223 deposited in the Invasive Plant Control Trust Fund to be used
 224 for aquatic plant management, including nonchemical control of

225 aquatic weeds, research into nonchemical controls, and
 226 enforcement activities. ~~Beginning in fiscal year 1993-1994,~~ The
 227 commission ~~department~~ shall allocate at least \$1 million of such
 228 funds to the eradication of melaleuca.

229 Section 2. Subsection (1) of section 253.002, Florida
 230 Statutes, is amended to read:

231 253.002 Department of Environmental Protection, water
 232 management districts, Fish and Wildlife Conservation Commission,
 233 and Department of Agriculture and Consumer Services; duties with
 234 respect to state lands.--

235 (1) The Department of Environmental Protection shall
 236 perform all staff duties and functions related to the
 237 acquisition, administration, and disposition of state lands,
 238 title to which is or will be vested in the Board of Trustees of
 239 the Internal Improvement Trust Fund. However, upon the effective
 240 date of rules adopted pursuant to s. 373.427, a water management
 241 district created under s. 373.069 shall perform the staff duties
 242 and functions related to the review of any application for
 243 authorization to use board of trustees-owned submerged lands
 244 necessary for an activity regulated under part IV of chapter 373
 245 for which the water management district has permitting
 246 responsibility as set forth in an operating agreement adopted
 247 pursuant to s. 373.046(4); and the Department of Agriculture and
 248 Consumer Services shall perform the staff duties and functions
 249 related to the review of applications and compliance with
 250 conditions for use of board of trustees-owned submerged lands
 251 under authorizations or leases issued pursuant to ss. 253.67-
 252 253.75 and 597.010. Unless expressly prohibited by law, the

253 board of trustees may delegate to the department any statutory
 254 duty or obligation relating to the acquisition, administration,
 255 or disposition of lands, title to which is or will be vested in
 256 the board of trustees. The board of trustees may also delegate
 257 to any water management district created under s. 373.069 the
 258 authority to take final agency action, without any action on
 259 behalf of the board, on applications for authorization to use
 260 board of trustees-owned submerged lands for any activity
 261 regulated under part IV of chapter 373 for which the water
 262 management district has permitting responsibility as set forth
 263 in an operating agreement adopted pursuant to s. 373.046(4).
 264 This water management district responsibility under this
 265 subsection shall be subject to the department's general
 266 supervisory authority pursuant to s. 373.026(7). The board of
 267 trustees may also delegate to the Department of Agriculture and
 268 Consumer Services the authority to take final agency action on
 269 behalf of the board on applications to use board of trustees-
 270 owned submerged lands for any activity for which that department
 271 has responsibility pursuant to ss. 253.67-253.75, 369.25,
 272 369.251, and 597.010. However, the board of trustees shall
 273 retain the authority to take final agency action on establishing
 274 any areas for leasing, new leases, expanding existing lease
 275 areas, or changing the type of lease activity in existing
 276 leases. Upon issuance of an aquaculture lease or other real
 277 property transaction relating to aquaculture, the Department of
 278 Agriculture and Consumer Services must send a copy of the
 279 document and the accompanying survey to the Department of
 280 Environmental Protection. The board of trustees may also

281 delegate to the Fish and Wildlife Conservation Commission the
 282 authority to take final agency action, without any action on
 283 behalf of the board, on applications for authorization to use
 284 board of trustees-owned submerged lands for any activity
 285 regulated under ss. s. 369.20 and 369.22.

286 Section 3. Effective October 1, 2009, subsections (4)
 287 through (7) of section 253.04, Florida Statutes, are renumbered
 288 as subsections (5) through (8), respectively, and a new
 289 subsection (4) is added to that section to read:

290 253.04 Duty of board to protect, etc., state lands; state
 291 may join in any action brought.--

292 (4) (a) The duty to conserve and improve state-owned lands
 293 and the products thereof shall include the preservation and
 294 regeneration of seagrass, which is deemed essential to the
 295 oceans, gulfs, estuaries, and shorelines of the state. A person
 296 operating a vessel outside a lawfully marked channel in a
 297 careless manner that causes seagrass scarring within an aquatic
 298 preserve established in ss. 258.39-258.399, with the exception
 299 of the Lake Jackson, Oklawaha River, Wekiva River, and Rainbow
 300 Springs aquatic preserves, commits a noncriminal infraction,
 301 punishable as provided in s. 327.73. Each violation is a
 302 separate offense. As used in this subsection, the term:

303 1. "Seagrass" means Cuban shoal grass (Halodule wrightii),
 304 turtle grass (Thalassia testudinum), manatee grass (Syringodium
 305 filiforme), star grass (Halophila engelmannii), paddle grass
 306 (Halophila decipiens), Johnson's seagrass (Halophila johnsonii),
 307 or widgeon grass (Ruppia maritima).

308 2. "Seagrass scarring" means destruction of seagrass

309 roots, shoots, or stems that results in tracks on the substrate
 310 commonly referred to as prop scars or propeller scars caused by
 311 the operation of a motorized vessel in waters supporting
 312 seagrasses.

313 (b) Any violation under paragraph (a) is a violation of
 314 the vessel laws of this state and shall be charged on a uniform
 315 boating citation as provided in s. 327.74. Any person who
 316 refuses to post a bond or accept and sign a uniform boating
 317 citation commits a misdemeanor of the second degree, as provided
 318 in s. 327.73(3), punishable as provided in s. 775.082 or s.
 319 775.083.

320 Section 4. Effective October 1, 2009, subsection (3) of
 321 section 319.32, Florida Statutes, is amended to read:

322 319.32 Fees; service charges; disposition.--

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

327 Section 5. Effective October 1, 2009, paragraphs (a) and
 328 (x) of subsection (4) of section 320.08056, Florida Statutes,
 329 are amended to read:

330 320.08056 Specialty license plates.--

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

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

334 (x) Conserve Wildlife license plate, \$25 ~~\$15~~.

335 Section 6. Subsection (17) of section 327.02, Florida
 336 Statutes, is amended to read:

337 327.02 Definitions of terms used in this chapter and in
 338 chapter 328.--As used in this chapter and in chapter 328, unless
 339 the context clearly requires a different meaning, the term:

340 (17) "Live-aboard vessel" means:

341 (a) Any vessel used solely as a residence and not for
 342 navigation; ~~or~~

343 (b) Any vessel represented as a place of business, or a
 344 professional or other commercial enterprise; ~~or~~

345 (c) Any vessel for which a declaration of domicile has
 346 been filed pursuant to s. 222.17 ~~a legal residence.~~

347
 348 A commercial fishing boat is expressly excluded from the term
 349 "live-aboard vessel."

350 Section 7. Subsection (4) of section 327.35, Florida
 351 Statutes, is amended to read:

352 327.35 Boating under the influence; penalties; "designated
 353 drivers".--

354 (1) A person is guilty of the offense of boating under the
 355 influence and is subject to punishment as provided in subsection

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

357 (a) The person is under the influence of alcoholic
 358 beverages, any chemical substance set forth in s. 877.111, or
 359 any substance controlled under chapter 893, when affected to the
 360 extent that the person's normal faculties are impaired;

361 (b) The person has a blood-alcohol level of 0.08 or more
 362 grams of alcohol per 100 milliliters of blood; or

363 (c) The person has a breath-alcohol level of 0.08 or more
 364 grams of alcohol per 210 liters of breath.

365 (4) Any person who is convicted of a violation of
 366 subsection (1) and who has a blood-alcohol level or breath-
 367 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is
 368 convicted of a violation of subsection (1) and who at the time
 369 of the offense was accompanied in the vessel by a person under
 370 the age of 18 years, shall be punished:

371 (a) By a fine of:

- 372 1. Not less than \$1,000 or more than \$2,000 for a first
- 373 conviction.
- 374 2. Not less than \$2,000 or more than \$4,000 for a second
- 375 conviction.
- 376 3. Not less than \$4,000 for a third or subsequent
- 377 conviction.

378 (b) By imprisonment for:

- 379 1. Not more than 9 months for a first conviction.
- 380 2. Not more than 12 months for a second conviction.

381
 382 For the purposes of this subsection, only the instant offense is
 383 required to be a violation of subsection (1) by a person who has
 384 a blood-alcohol level or breath-alcohol level of 0.15 ~~0.20~~ or
 385 higher.

386 Section 8. Paragraph (a) of subsection (2) of section
 387 327.36, Florida Statutes, is amended to read:

388 327.36 Mandatory adjudication; prohibition against
 389 accepting plea to lesser included offense.--

390 (2) (a) No trial judge may accept a plea of guilty to a
 391 lesser offense from a person who is charged with a violation of
 392 s. 327.35, manslaughter resulting from the operation of a

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393 vessel, or vessel homicide and who has been given a breath or
 394 blood test to determine blood or breath alcohol content, the
 395 results of which show a blood-alcohol level or breath-alcohol
 396 level of 0.15 ~~0.16~~ or more.

397 Section 9. Effective January 1, 2010, subsections (1),
 398 (6), and (7) of section 327.395, Florida Statutes, are amended
 399 to read:

400 327.395 Boating safety identification cards.--

401 (1) A person born on or after January 1, 1988, ~~21 years of~~
 402 ~~age or younger~~ may not operate a vessel powered by a motor of 10
 403 horsepower or greater unless such person has in his or her
 404 possession aboard the vessel photographic identification and a
 405 boater safety identification card issued by the commission which
 406 shows that he or she has:

407 (a) Completed a commission-approved boater education
 408 course that meets the minimum 8-hour instruction requirement
 409 established by the National Association of State Boating Law
 410 Administrators;

411 (b) Passed a course equivalency examination approved by
 412 the commission; or

413 (c) Passed a temporary certificate examination developed
 414 or approved by the commission.

415 (6) A person is exempt from subsection (1) if he or she:

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

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

419 (c) Is accompanied in the vessel by a person who is exempt
 420 from this section or who holds an identification card in

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421 compliance with this section, is 18 years of age or older, and
 422 is attendant to the operation of the vessel and responsible for
 423 the safe operation of the vessel and for any violation that
 424 occurs during the operation.

425 (d) Is a nonresident who has in his or her possession
 426 proof that he or she has completed a boater education course or
 427 equivalency examination in another state which meets or exceeds
 428 the requirements of subsection (1).

429 (e) Is operating a vessel within 90 days after the
 430 purchase of that vessel and has available for inspection aboard
 431 that vessel a bill of sale meeting the requirements of s.
 432 328.46(1).

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

434 (7) A person who operates a vessel in violation of
 435 subsection (1) commits ~~violates this section is guilty of a~~
 436 noncriminal infraction, punishable as provided in s. 327.73.

437 Section 10. Effective October 1, 2009, section 327.40,
 438 Florida Statutes, is amended to read:

439 327.40 Uniform waterway markers ~~for safety and navigation;~~
 440 ~~informational markers.--~~

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

449 (2) (a) Application for marking inland lakes and state
 450 waters and any navigable waters under concurrent jurisdiction of
 451 the Coast Guard and the division shall be made to the division,
 452 accompanied by a map locating the approximate placement of
 453 markers, a list of the markers to be placed, a statement of the
 454 specification of the markers, a statement of the purpose of
 455 marking, and the names of persons responsible for the placement
 456 and upkeep of such markers. The division will assist the
 457 applicant to secure the proper permission from the Coast Guard
 458 where required, make such investigations as needed, and issue a
 459 permit. The division shall furnish the applicant with the
 460 information concerning the system adopted and the rules existing
 461 for placing and maintaining the markers. The division shall keep
 462 records of all approvals given and counsel with individuals,
 463 counties, municipalities, motorboat clubs, or other groups
 464 desiring to mark waterways for safety and navigation purposes in
 465 Florida.

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

470 ~~2. The placement of informational markers, including, but~~
 471 ~~not limited to, markers indicating end of boat ramp, no~~
 472 ~~swimming, swimming area, lake name, trash receptacle, public~~
 473 ~~health notice, or underwater hazard and canal, regulatory,~~
 474 ~~emergency, and special event markers, by counties,~~
 475 ~~municipalities, or other governmental entities on inland lakes~~
 476 ~~and their associated canals are exempt from permitting under~~

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477 ~~this section. Such markers, excluding swimming area and special~~
478 ~~event markers, may be no more than 50 feet from the normal~~
479 ~~shoreline.~~

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

482 (3) The placement under this section or s. 327.41 of any
483 uniform waterway marker ~~safety or navigation marker or any~~
484 ~~informational marker under subparagraph (2)(b)2.~~ on state
485 submerged lands ~~under this section~~ does not subject such lands
486 to the lease requirements of chapter 253.

487 Section 11. Effective October 1, 2009, subsection (2) of
488 section 327.41, Florida Statutes, is amended to read:

489 327.41 Uniform waterway regulatory markers.--

490 (2) Any county or municipality which has been granted a
491 boating-restricted ~~restricted~~ area designation, by rule of the
492 commission pursuant to s. 327.46(1)(a), for a portion of the
493 Florida Intracoastal Waterway within its jurisdiction or which
494 has adopted a boating-restricted ~~restricted~~ area by ordinance
495 pursuant to s. 327.46(1)(b) or (c) ~~s. 327.22, s. 327.60,~~ or s.
496 379.2431(2)(p), or any other governmental entity which has
497 legally established a boating-restricted ~~restricted~~ area, may
498 apply to the commission for permission to place regulatory
499 markers within the boating-restricted ~~restricted~~ area.

500 Section 12. Effective October 1, 2009, section 327.42,
501 Florida Statutes, is amended to read:

502 327.42 Mooring to or damaging of uniform waterway markers
503 ~~or buoys~~ prohibited.--

504 (1) No person shall moor or fasten a vessel to a lawfully

505 placed uniform waterway aid to navigation marker ~~or buoy,~~
 506 ~~regulatory marker or buoy, or area boundary marker or buoy,~~
 507 ~~placed or erected by any governmental agency,~~ except in case of
 508 emergency or with the written consent of the marker's owner.

509 (2) No person shall willfully damage, alter, or move a
 510 lawfully placed uniform waterway aid to navigation marker ~~or~~
 511 ~~buoy, regulatory marker or buoy, or area boundary marker or~~
 512 ~~buoy.~~

513 Section 13. Effective October 1, 2009, section 327.46,
 514 Florida Statutes, is amended to read:

515 327.46 Boating-restricted ~~Restricted~~ areas.--

516 (1) Boating-restricted ~~The commission has the authority to~~
 517 ~~establish by rule, pursuant to chapter 120, restricted areas,~~
 518 including, but not limited to, restrictions of vessel speeds and
 519 vessel traffic, may be established on the waters of this ~~the~~
 520 state for any purpose ~~deemed necessary to protect~~ for the safety
 521 of the public ~~if, including, but not limited to, vessel speeds~~
 522 ~~and vessel traffic, where such restrictions are deemed necessary~~
 523 based on boating accidents, visibility, hazardous currents or
 524 water levels, vessel traffic congestion, or other navigational
 525 hazards.

526 (a) The commission may establish boating-restricted areas
 527 by rule pursuant to chapter 120.

528 (b) Municipalities and counties have the authority to
 529 establish the following boating-restricted areas by ordinance:

530 1. An ordinance establishing an idle speed, no wake
 531 boating-restricted area, if the area is:

532 a. Within 500 feet of any boat ramp, hoist, marine

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533 railway, or other launching or landing facility available for
534 use by the general boating public on waterways more than 300
535 feet in width or within 300 feet of any boat ramp, hoist, marine
536 railway, or other launching or landing facility available for
537 use by the general boating public on waterways not exceeding 300
538 feet in width.

539 b. Within 500 feet of fuel pumps or dispensers at any
540 marine fueling facility that sells motor fuel to the general
541 boating public on waterways more than 300 feet in width or
542 within 300 feet of the fuel pumps or dispensers at any licensed
543 terminal facility that sells motor fuel to the general boating
544 public on waterways not exceeding 300 feet in width.

545 c. Inside or within 300 feet of any lock structure.

546 2. An ordinance establishing a slow speed, minimum wake
547 boating-restricted area if the area is:

548 a. Within 300 feet of any bridge fender system.

549 b. Within 300 feet of any bridge span presenting a
550 vertical clearance of less than 25 feet or a horizontal
551 clearance of less than 100 feet.

552 c. Within 300 feet of a confluence of water bodies
553 presenting a blind corner, a bend in a narrow channel or
554 fairway, or such other area if an intervening obstruction to
555 visibility may obscure other vessels or other users of the
556 waterway.

557 d. On a creek, stream, canal, or similar linear waterway
558 if the waterway is less than 75 feet in width from shoreline to
559 shoreline.

560 e. On a lake or pond of less than 10 acres in total

561 surface area.

562 3. An ordinance establishing a vessel-exclusion zone if

563 the area is:

564 a. Designated as a public bathing beach or swim area.

565 b. Reserved exclusively as a canoe trail or otherwise

566 limited to vessels under oars.

567 c. Within 300 feet of a dam, spillway, or flood control

568 structure.

569 (c) Except as provided in s. 327.60, municipalities and

570 counties have the authority to establish by ordinance such other

571 boating-restricted areas as are necessary to protect human life,

572 vessel traffic safety, or maritime property; however, such an

573 ordinance may not take effect until the commission has reviewed

574 the ordinance and determined that the ordinance is necessary to

575 protect human life, vessel traffic safety, or maritime property.

576 The commission shall establish by rule, pursuant to chapter 120,

577 the criteria for making such determinations.

578 (2) Each such boating-restricted ~~restricted~~ area shall be

579 developed in consultation and coordination with the governing

580 body of the county or municipality in which the boating-

581 restricted ~~restricted~~ area is located and, when the boating-

582 restricted area is to be on the navigable waters of the United

583 States ~~where required~~, with the United States Coast Guard and

584 the United States Army Corps of Engineers.

585 (3)~~(2)~~ It is unlawful for any person to operate a vessel

586 in a prohibited manner or to carry on any prohibited activity,

587 as defined in this chapter, ~~deemed a safety hazard or~~

588 ~~interference with navigation as provided above~~ within a boating-

589 restricted ~~restricted water~~ area which has been clearly marked
 590 by regulatory markers as authorized under this chapter.

591 (4)-(3) Restrictions in a boating-restricted area
 592 established pursuant to this section shall not apply in the case
 593 of an emergency or to a law enforcement, firefighting, or rescue
 594 vessel owned or operated by a governmental entity.

595 Section 14. Effective October 1, 2009, section 327.60,
 596 Florida Statutes, is amended to read:

597 327.60 Local regulations; limitations.--

598 (1) The provisions of this chapter and chapter 328 ~~ss.~~
 599 ~~327.01, 327.02, 327.30-327.40, 327.44-327.50, 327.54, 327.56,~~
 600 ~~327.65, 328.40-328.48, 328.52-328.58, 328.62, and 328.64~~ shall
 601 govern the operation, equipment, and all other matters relating
 602 thereto whenever any vessel shall be operated upon the waters of
 603 this state waterways or when any activity regulated hereby shall
 604 take place thereon.

605 (2) Nothing in this chapter or chapter 328 ~~these sections~~
 606 shall be construed to prevent the adoption of any ordinance or
 607 local regulation ~~law~~ relating to operation ~~and equipment~~ of
 608 vessels, except that a county or municipality shall not enact,
 609 continue in effect, or enforce any ordinance or local
 610 regulation:

611 (a) Establishing a vessel or associated equipment
 612 performance or other safety standard, imposing a requirement for
 613 associated equipment, or regulating the carrying or use of
 614 marine safety articles;

615 (b) Relating to the design, manufacture, installation, or
 616 use of any marine sanitation device on any vessel;

617 (c) Regulating any vessel upon the Florida Intracoastal
 618 Waterway;
 619 (d) Discriminating against personal watercraft;
 620 (e) Discriminating against airboats, for ordinances
 621 adopted after July 1, 2006, unless adopted by a two-thirds vote
 622 of the governing body enacting such ordinance;
 623 (f) Regulating the anchoring of vessels other than live-
 624 aboard vessels outside the marked boundaries of mooring fields
 625 permitted as provided in s. 327.40;
 626 (g) Regulating engine or exhaust noise, except as provided
 627 in s. 327.65; or
 628 (h) That conflicts with any provisions of this chapter or
 629 any amendments thereto or rules adopted thereunder. ~~no such~~
 630 ~~ordinance or local law may apply to the Florida Intracoastal~~
 631 ~~Waterway and except that such ordinances or local laws shall be~~
 632 ~~operative only when they are not in conflict with this chapter~~
 633 ~~or any amendments thereto or regulations thereunder. Any~~
 634 ~~ordinance or local law which has been adopted pursuant to this~~
 635 ~~section or to any other state law may not discriminate against~~
 636 ~~personal watercraft as defined in s. 327.02. Effective July 1,~~
 637 ~~2006, any ordinance or local law adopted pursuant to this~~
 638 ~~section or any other state law may not discriminate against~~
 639 ~~airboats except by a two-thirds vote of the governing body~~
 640 ~~enacting such ordinance.~~
 641 (3)(2) ~~Nothing contained in the provisions of this section~~
 642 ~~shall be construed to prohibit local governmental authorities~~
 643 ~~from the enactment or enforcement of regulations which prohibit~~
 644 ~~or restrict the mooring or anchoring of floating structures or~~

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645 live-aboard vessels within their jurisdictions or of any vessels
 646 within the marked boundaries of mooring fields permitted as
 647 provided in s. 327.40. However, local governmental authorities
 648 are prohibited from regulating the anchoring outside of such
 649 mooring fields of vessels other than live-aboard vessels as
 650 defined in s. 327.02 ~~non-live-aboard vessels in navigation.~~

651 Section 15. Paragraph (a) of subsection (2) of section
 652 327.65, Florida Statutes, is amended to read:

653 327.65 Muffling devices.--

654 (2) (a) Any county wishing to impose additional noise
 655 pollution and exhaust regulations on vessels may, pursuant to s.
 656 327.60 (2) ~~(1)~~, adopt by county ordinance the following
 657 regulations:

658 1. No person shall operate or give permission for the
 659 operation of any vessel on the waters of any county or on a
 660 specified portion of the waters of any county, including the
 661 Florida Intracoastal Waterway, which has adopted the provisions
 662 of this section in such a manner as to exceed the following
 663 sound levels at a distance of 50 feet from the vessel: for all
 664 vessels, a maximum sound level of 90 dB A.

665 2. Any person who refuses to submit to a sound level test
 666 when requested to do so by a law enforcement officer is guilty
 667 of a misdemeanor of the second degree, punishable as provided in
 668 s. 775.082 or s. 775.083.

669 Section 16. Section 327.66, Florida Statutes, is created
 670 to read:

671 327.66 Carriage of gasoline on vessels.--

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

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673 1. Possess or operate any vessel that has been equipped
674 with tanks, bladders, drums, or other containers designed or
675 intended to hold gasoline, or install or maintain such
676 containers in a vessel, if such containers do not conform to
677 federal regulations or have not been approved by the United
678 States Coast Guard by inspection or special permit.

679 2. Transport any gasoline in an approved portable
680 container when the container is in a compartment that is not
681 ventilated in strict compliance with United States Coast Guard
682 regulations pertaining to ventilation of compartments containing
683 gasoline tanks.

684 (b) A person who violates paragraph (a) commits a
685 misdemeanor of the second degree, punishable as provided in s.
686 775.082 or s. 775.083.

687 (2) (a) Gasoline possessed or transported in violation of
688 this section and all containers holding such gasoline are
689 declared to be a public nuisance. A law enforcement agency
690 discovering gasoline possessed or transported in violation of
691 paragraph (1) (a) shall abate the nuisance by removing the
692 gasoline and containers from the vessel and from the waters of
693 this state. A law enforcement agency that removes gasoline or
694 containers pursuant to this subsection may elect to:

695 1. Retain the property for the agency's own use;
696 2. Transfer the property to another unit of state or local
697 government;
698 3. Donate the property to a charitable organization; or
699 4. Sell the property at public sale pursuant to s.
700 705.103.

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701 (b) A law enforcement agency that seizes gasoline or
702 containers pursuant to this subsection shall remove and reclaim,
703 recycle, or otherwise dispose of the gasoline as soon as
704 practicable in a safe and proper manner.

705 (3) All conveyances, vessels, vehicles, and other
706 equipment described in paragraph (1) (a) or used in the
707 commission of a violation of paragraph (1) (a), other than
708 gasoline or containers removed as provided in subsection (2),
709 are declared to be contraband.

710 (a) Upon conviction of a person arrested for a violation
711 of paragraph (1) (a), the judge shall issue an order adjudging
712 and ordering that all conveyances, vessels, vehicles, and other
713 equipment used in the violation shall be forfeited to the
714 arresting agency. The requirement for a conviction before
715 forfeiture of property establishes to the exclusion of any
716 reasonable doubt that the property was used in connection with
717 the violation resulting in the conviction, and the procedures of
718 chapter 932 do not apply to any forfeiture of property under
719 this subsection following a conviction.

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

724 (c) As used in this subsection, the term "conviction"
725 means a finding of guilt or the acceptance of a plea of guilty
726 or nolo contendere, regardless of whether adjudication is
727 withheld or whether imposition of sentence is withheld,
728 deferred, or suspended.

729 (4) All costs incurred by the law enforcement agency in
 730 the removal of any gasoline, gasoline container, other
 731 equipment, or vessel as provided in this section shall be
 732 recoverable against the owner thereof. Any person who neglects
 733 or refuses to pay such amount shall not be issued a certificate
 734 of registration for such vessel or for any other vessel or motor
 735 vehicle until the costs have been paid.

736 (5) Foreign flagged vessels entering United States waters
 737 and waters of this state in compliance with 19 U.S.C. s. 1433
 738 are exempt from this section.

739 Section 17. Section 327.70, Florida Statutes, is amended
 740 to read:

741 327.70 Enforcement of this chapter and chapter 328.--

742 (1) This chapter and chapter 328 shall be enforced by the
 743 Division of Law Enforcement of the Fish and Wildlife
 744 Conservation Commission and its officers, the sheriffs of the
 745 various counties and their deputies, municipal police officers,
 746 and any other ~~authorized~~ law enforcement officer as defined in
 747 s. 943.10, all of whom may order the removal of vessels deemed
 748 to be an interference or a hazard to public safety, enforce the
 749 provisions of this chapter and chapter 328, or cause any
 750 inspections to be made of all vessels in accordance with this
 751 chapter and chapter 328.

752 (2) (a) Noncriminal violations of the following statutes
 753 may be enforced by a uniform boating citation mailed to the
 754 registered owner of an unattended vessel anchored, aground, or
 755 moored on the waters of this state:

756 1. Section 327.33(3) (b), relating to navigation rules.

757 2. Section 327.44, relating to interference with
 758 navigation.

759 3. Section 327.50(2), relating to required lights and
 760 shapes.

761 4. Section 327.53, relating to marine sanitation.

762 5. Section 328.48(5), relating to display of decal.

763 6. Section 328.52(2), relating to display of number.

764 (b) Citations issued to livery vessels under this
 765 subsection shall be the responsibility of the lessee of the
 766 vessel if the livery has included a warning of this
 767 responsibility as a part of the rental agreement and has
 768 provided to the agency issuing the citation the name, address,
 769 and date of birth of the lessee when requested by that agency.
 770 The livery is not responsible for the payment of citations if
 771 the livery provides the required warning and lessee information.

772 (3)-(2) Such officers shall have the power and duty to
 773 issue such orders and to make such investigations, reports, and
 774 arrests in connection with any violation of the provisions of
 775 this chapter and chapter 328 as are necessary to effectuate the
 776 intent and purpose of this chapter and chapter 328.

777 (4)-(3) The Fish and Wildlife Conservation Commission or
 778 any other law enforcement agency may make any investigation
 779 necessary to secure information required to carry out and
 780 enforce the provisions of this chapter and chapter 328.

781 Section 18. Effective October 1, 2009, paragraph (k) of
 782 subsection (1) of section 327.73, Florida Statutes, is amended,
 783 and paragraph (x) is added to that subsection, to read:
 784 327.73 Noncriminal infractions.--

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

787 (k) Violations relating to boating-restricted ~~restricted~~
788 areas and speed limits:

789 1. Established by the commission or by local governmental
790 authorities pursuant to s. 327.46.

791 ~~2. Established by local governmental authorities pursuant~~
792 ~~to s. 327.22 or s. 327.60.~~

793 ~~2.3.~~ Speed limits established pursuant to s. 379.2431(2).

794 (x) Section 253.04(4)(a), relating to carelessly causing
795 seagrass scarring, for which the civil penalty upon conviction
796 is:

797 1. For a first offense, \$50.

798 2. For a second offense occurring within 12 months after a
799 prior conviction, \$250.

800 3. For a third offense occurring within 36 months after a
801 prior conviction, \$500.

802 4. For a fourth or subsequent offense, \$1,000.

803
804 Any person cited for a violation of any such provision shall be
805 deemed to be charged with a noncriminal infraction, shall be
806 cited for such an infraction, and shall be cited to appear
807 before the county court. The civil penalty for any such
808 infraction is \$50, except as otherwise provided in this section.
809 Any person who fails to appear or otherwise properly respond to
810 a uniform boating citation shall, in addition to the charge
811 relating to the violation of the boating laws of this state, be
812 charged with the offense of failing to respond to such citation

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813 and, upon conviction, be guilty of a misdemeanor of the second
 814 degree, punishable as provided in s. 775.082 or s. 775.083. A
 815 written warning to this effect shall be provided at the time
 816 such uniform boating citation is issued.

817 Section 19. Subsection (1) of section 327.731, Florida
 818 Statutes, is amended to read:

819 327.731 Mandatory education for violators.--

820 (1) Every person convicted of a criminal violation of this
 821 chapter, every person convicted of a noncriminal infraction
 822 under this chapter if the infraction resulted in a reportable
 823 boating accident, and every person convicted of two noncriminal
 824 infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p),
 825 and (s)-(x)~~(s)-(w)~~, said infractions occurring within a 12-month
 826 period, must:

827 (a) Enroll in, attend, and successfully complete, at his
 828 or her own expense, a boating safety course that meets minimum
 829 standards established by the commission by rule; however, the
 830 commission may provide by rule pursuant to chapter 120 for
 831 waivers of the attendance requirement for violators residing in
 832 areas where classroom presentation of the course is not
 833 available;

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

836 (c) Refrain from operating a vessel until he or she has
 837 filed the proof of successful completion of the course with the
 838 commission.

839

840 Any person who has successfully completed an approved boating

841 course shall be exempt from these provisions upon showing proof
 842 to the commission as specified in paragraph (b).

843 Section 20. Effective October 1, 2009, subsections (1) and
 844 (2) of section 328.03, Florida Statutes, are amended to read:

845 328.03 Certificate of title required.--

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

849 (a) A vessel operated, used, or stored exclusively on
 850 private lakes and ponds;~~;~~

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

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

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

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

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

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

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

868 (i) A vessel owned and operated by the state or a

869 political subdivision thereof.

870 (2) A person shall not operate, use, or store a vessel for
 871 which a certificate of title is required unless the owner has
 872 received from the Department of Highway Safety and Motor
 873 Vehicles a valid certificate of title for such vessel. However,
 874 such vessel may be operated, used, or stored for a period of up
 875 to 180 days after ~~from~~ the date of application for a certificate
 876 of title while the application is pending.

877 Section 21. Effective October 1, 2009, subsections (1) and
 878 (2) of section 328.07, Florida Statutes, are amended to read:

879 328.07 Hull identification number required.--

880 (1) No person shall operate, use, or store on the waters
 881 of this state a vessel the construction of which began after
 882 October 31, 1972, for which the department has issued a
 883 certificate of title or which is required by law to be
 884 registered, unless the vessel displays the assigned hull
 885 identification number affixed by the manufacturer as required by
 886 the United States Coast Guard or by the department for a
 887 homemade vessel or other vessel for which a hull identification
 888 number is not required by the United States Coast Guard. The
 889 hull identification number must be carved, burned, stamped,
 890 embossed, or otherwise permanently affixed to the outboard side
 891 of the transom or, if there is no transom, to the outermost
 892 starboard side at the end of the hull that bears the rudder or
 893 other steering mechanism, above the waterline of the vessel in
 894 such a way that alteration, removal, or replacement would be
 895 obvious and evident. The characters of the hull identification
 896 number must be no less than 12 in number and no less than one-

897 fourth inch in height.

898 (2) No person shall operate, use, or store on the waters
 899 of this state a vessel the construction of which was completed
 900 before November 1, 1972, for which the department has issued a
 901 certificate of title or which is required by law to be
 902 registered, unless the vessel displays a hull identification
 903 number. The hull identification number shall be clearly
 904 imprinted in the transom or on the hull by stamping, impressing,
 905 or marking with pressure. In lieu of imprinting, the hull
 906 identification number may be displayed on a plate in a permanent
 907 manner. A vessel for which the manufacturer has provided no hull
 908 identification number or a homemade vessel shall be assigned a
 909 hull identification number by the department which shall be
 910 affixed to the vessel pursuant to this section.

911 Section 22. Effective October 1, 2009, section 328.46,
 912 Florida Statutes, is amended to read:

913 328.46 Operation of registered vessels.--

914 (1) Every vessel that is required to be registered and
 915 that is being operated, used, or stored on ~~using~~ the waters of
 916 this state shall be registered and numbered within 30 days after
 917 purchase by the owner except as specifically exempt. During this
 918 30-day period, the operator is required to have aboard the
 919 vessel and available for inspection a bill of sale. The bill of
 920 sale for the vessel shall serve as the temporary certificate of
 921 number that is required by federal law and must contain the
 922 following information:

923 (a) Make of the vessel.

924 (b) Length of the vessel.

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- 925 (c) Type of propulsion.
- 926 (d) Hull identification number.
- 927 (e) A statement declaring Florida to be the state where
928 the vessel is principally used.
- 929 (f) Name of the purchaser.
- 930 (g) Address of the purchaser, including ZIP code.
- 931 (h) Signature of the purchaser.
- 932 (i) Name of the seller.
- 933 (j) Signature of the seller.
- 934 (k) Date of the sale of the vessel. The date of sale shall
935 also serve as the date of issuance of the temporary certificate
936 of number.
- 937 (l) Notice to the purchaser and operator that the
938 temporary authority to use the vessel on the waters of this
939 state is invalid after 30 days following the date of sale of the
940 vessel.
- 941 (2) No person shall operate, use, or store or give
942 permission for the operation, use, or storage of any such vessel
943 on such waters unless:
- 944 (a) Such vessel is registered within 30 days after
945 purchase by the owner and numbered with the identifying number
946 set forth in the certificate of registration, displayed:
- 947 1. In accordance with s. 328.48(4), except, if the vessel
948 is an airboat, the registration number may be displayed on each
949 side of the rudder; or
- 950 2. In accordance with 33 C.F.R. s. 173.27, or with a
951 federally approved numbering system of another state; and
- 952 (b) The certificate of registration or temporary

953 certificate of number awarded to such vessel is in full force
 954 and effect.

955 Section 23. Effective October 1, 2009, subsection (2) of
 956 section 328.48, Florida Statutes, is amended to read:

957 328.48 Vessel registration, application, certificate,
 958 number, decal, duplicate certificate.--

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

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

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

966 (c) A vessel used exclusively as a ship's lifeboat; ~~or;~~

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

970 Section 24. Effective October 1, 2009, section 328.56,
 971 Florida Statutes, is amended to read:

972 328.56 Vessel registration number.--Each vessel that is
 973 operated, used, or stored on the waters of this ~~the~~ state must
 974 display a commercial or recreational Florida registration
 975 number, unless it is:

976 (1) A vessel operated, used, and stored exclusively on
 977 private lakes and ponds;~~;~~

978 (2) A vessel owned by the United States Government;~~;~~

979 (3) A vessel used exclusively as a ship's lifeboat;~~;~~

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

981 length, or a ~~and any~~ non-motor-powered canoe, kayak, racing
 982 shell, or rowing scull, regardless of length;~~;~~

983 (5) A federally documented vessel;;

984 (6) A vessel already covered by a registration number in
 985 full force and effect which has been awarded to it pursuant to a
 986 federally approved numbering system of another state or by the
 987 United States Coast Guard in a state without a federally
 988 approved numbering system, if the vessel has not been within
 989 this state for a period in excess of 90 consecutive days;~~;~~

990 (7) A vessel operating under a valid temporary certificate
 991 of number;;

992 (8) A vessel from a country other than the United States
 993 temporarily using the waters of this state; or;

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

995 Section 25. Effective October 1, 2009, section 328.58,
 996 Florida Statutes, is amended to read:

997 328.58 Reciprocity of nonresident or alien vessels.--The
 998 owner of any vessel already covered by a registration number in
 999 full force and effect which has been awarded by:

1000 (1) ~~By~~ Another state pursuant to a federally approved
 1001 numbering system of another state;

1002 (2) ~~By~~ The United States Coast Guard in a state without a
 1003 federally approved numbering system; or

1004 (3) ~~By~~ The United States Coast Guard for a federally
 1005 documented vessel with a valid registration in full force and
 1006 effect from another state,

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1008 shall record the number with the Department of Highway Safety
 1009 and Motor Vehicles prior to operating, using, or storing the
 1010 vessel on the waters of this state in excess of the 90-day
 1011 reciprocity period provided for in this chapter. Such
 1012 recordation shall be pursuant to the procedure required for the
 1013 award of an original registration number, except that no
 1014 additional or substitute registration number shall be issued if
 1015 the vessel owner maintains the previously awarded registration
 1016 number in full force and effect.

1017 Section 26. Effective October 1, 2009, section 328.60,
 1018 Florida Statutes, is amended to read:

1019 328.60 Military personnel; registration; penalties.--Any
 1020 military personnel on active duty in this state operating,
 1021 using, or storing a vessel on the waters of this state that has
 1022 a registration number in full force and effect which has been
 1023 awarded to it pursuant to a federally approved numbering system
 1024 of another state or by the United States Coast Guard in a state
 1025 without a federally approved numbering system, or a federally
 1026 documented vessel with a valid registration in full force and
 1027 effect from another state shall not be required to register his
 1028 or her vessel in this state while such certificate of
 1029 registration remains valid; but, at the expiration of such
 1030 registration certificate, all registration and titling shall be
 1031 issued by this state. In the case of a federally documented
 1032 vessel, the issuance of a title is not required by this chapter.

1033 Section 27. Effective October 1, 2009, section 328.65,
 1034 Florida Statutes, is amended to read:

1035 328.65 Legislative intent with respect to registration and

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1036 numbering of vessels.--It is the legislative intent that vessels
 1037 be registered and numbered uniformly throughout the state. The
 1038 purpose of ss. 327.58, 327.70, 327.72, 328.66, 328.68, and
 1039 328.72 is to make registration and numbering procedures similar
 1040 to those of automobiles and airplanes and to provide for a
 1041 vessel registration fee and certificate so as to determine the
 1042 ownership of vessels which are operated, used, or stored ~~operate~~
 1043 on the waters of this state and to aid in the advancement of
 1044 maritime safety.

1045 Section 28. Effective October 1, 2009, subsection (1) of
 1046 section 328.66, Florida Statutes, is amended to read:

1047 328.66 County and municipality optional registration
 1048 fee.--

1049 (1) Any county may impose an annual registration fee on
 1050 vessels registered, operated, used, or stored on the waters of
 1051 this state ~~in the water~~ within its jurisdiction. This fee shall
 1052 be 50 percent of the applicable state registration fee. However,
 1053 the first \$1 of every registration imposed under this subsection
 1054 shall be remitted to the state for deposit in the Save the
 1055 Manatee Trust Fund created within the Fish and Wildlife
 1056 Conservation Commission, and shall be used only for the purposes
 1057 specified in s. 379.2431(4). All other moneys received from such
 1058 fee shall be expended for the patrol, regulation, and
 1059 maintenance of the lakes, rivers, and waters and for other
 1060 boating-related activities of such municipality or county. A
 1061 municipality that was imposing a registration fee before April
 1062 1, 1984, may continue to levy such fee, notwithstanding the
 1063 provisions of this section.

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1064 Section 29. Effective October 1, 2009, subsection (13) of
 1065 section 328.72, Florida Statutes, is amended to read:

1066 328.72 Classification; registration; fees and charges;
 1067 surcharge; disposition of fees; fines; marine turtle stickers.--

1068 (13) EXPIRED REGISTRATION.--The operation, use, or storage
 1069 on the waters of this state of a previously registered vessel
 1070 after the expiration of the registration period is a noncriminal
 1071 violation, as defined in s. 327.73. This subsection does not
 1072 apply to vessels lawfully stored at a dock or in a marina.

1073 Section 30. Subsections (13) and (14) are added to section
 1074 369.20, Florida Statutes, to read:

1075 369.20 Florida Aquatic Weed Control Act.--

1076 (13) The commission has the power to enforce this section
 1077 in the same manner and to the same extent as provided in ss.
 1078 379.501-379.504.

1079 (14) Activities that are exempt from permitting pursuant
 1080 to s. 403.813(1)(r) are granted a mixing zone for turbidity for
 1081 a distance not to exceed 150 meters downstream in flowing
 1082 streams or 150 meters in radius in other water bodies as
 1083 measured from the cutterhead, return flow discharge, or other
 1084 points of generation of turbidity.

1085 Section 31. Subsections (13) and (14) are added to section
 1086 369.22, Florida Statutes, to read:

1087 369.22 Aquatic plant management.--

1088 (13) The commission has the power to enforce this section
 1089 in the same manner and to the same extent as provided in ss.
 1090 379.501-379.504.

1091 (14) Activities that are exempt from permitting pursuant

1092 to s. 403.813(1)(r) are granted a mixing zone for turbidity for
 1093 a distance not to exceed 150 meters downstream in flowing
 1094 streams or 150 meters in radius in other water bodies as
 1095 measured from the cutterhead, return flow discharge, or other
 1096 points of generation of turbidity.

1097 Section 32. Paragraph (j) of subsection (3) of section
 1098 369.25, Florida Statutes, is amended to read:

1099 369.25 Aquatic plants; definitions; permits; powers of
 1100 department; penalties.--

1101 (3) The department has the following powers:

1102 (j) To enforce this section and s. 369.251 ~~this chapter~~ in
 1103 the same manner and to the same extent as provided in s.
 1104 581.211.

1105 Section 33. Subsections (1) and (5) of section 379.304,
 1106 Florida Statutes, are amended to read:

1107 379.304 Exhibition or sale of wildlife.--

1108 (1) Permits issued pursuant to s. 379.3761 ~~this section~~
 1109 and places where wildlife is kept or held in captivity shall be
 1110 subject to inspection by officers of the commission at all
 1111 times. The commission shall have the power to release or
 1112 confiscate any specimens of any wildlife, specifically birds,
 1113 mammals, amphibians, or reptiles, whether indigenous to the
 1114 state or not, when it is found that conditions under which they
 1115 are being confined are unsanitary, or unsafe to the public in
 1116 any manner, or that the species of wildlife are being
 1117 maltreated, mistreated, or neglected or kept in any manner
 1118 contrary to the provisions of chapter 828, any such permit to
 1119 the contrary notwithstanding. Before any such wildlife is

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1120 | confiscated or released under the authority of this section, the
 1121 | owner thereof shall have been advised in writing of the
 1122 | existence of such unsatisfactory conditions; the owner shall
 1123 | have been given 30 days in which to correct such conditions; the
 1124 | owner shall have failed to correct such conditions; the owner
 1125 | shall have had an opportunity for a proceeding pursuant to
 1126 | chapter 120; and the commission shall have ordered such
 1127 | confiscation or release after careful consideration of all
 1128 | evidence in the particular case in question. The final order of
 1129 | the commission shall constitute final agency action.

1130 | (5) A violation of this section is punishable as provided
 1131 | by s. 379.4015 ~~379.401~~.

1132 | Section 34. Section 379.338, Florida Statutes, is amended
 1133 | to read:

1134 | 379.338 Confiscation and disposition of illegally taken
 1135 | wildlife, freshwater fish, and saltwater fish ~~game~~.--

1136 | (1) All wildlife, ~~game~~ and freshwater fish, and saltwater
 1137 | fish seized under the authority of this chapter, any other
 1138 | chapter, or rules of the commission shall, upon conviction of
 1139 | the offender or sooner in accordance with a court order if the
 1140 | court so orders, be forfeited to the investigating law
 1141 | enforcement agency. The law enforcement agency may elect to
 1142 | retain the wildlife, freshwater fish, or saltwater fish for the
 1143 | agency's official use; transfer it to another unit of state or
 1144 | local government for official use; donate it to a charitable
 1145 | organization; sell it at a public sale pursuant to s. 705.103;
 1146 | or destroy the wildlife, freshwater fish, or saltwater fish if
 1147 | none of the other options is practicable or if the wildlife,

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1148 freshwater fish, or saltwater fish is unwholesome or otherwise
 1149 not of appreciable value. All illegally possessed live wildlife,
 1150 freshwater fish, and saltwater fish that are properly documented
 1151 as evidence as provided in s. 379.3381 may be returned to the
 1152 habitat unharmed. Any unclaimed wildlife, freshwater fish, or
 1153 saltwater fish shall be retained by the investigating law
 1154 enforcement agency and disposed of in accordance with this
 1155 subsection and given to some hospital or charitable institution
 1156 and receipt therefor sent to the Fish and Wildlife Conservation
 1157 Commission.

1158 (2) All furs or hides or fur-bearing animals seized under
 1159 the authority of this chapter shall, upon conviction of the
 1160 offender, be forfeited and sent to the commission, which shall
 1161 sell the same and ~~deposit the proceeds of such sale to the~~
 1162 ~~credit of the State Game Trust Fund.~~ If any such hides or furs
 1163 are seized and the offender is unknown, the court shall order
 1164 such hides or furs sent to the ~~Fish and Wildlife Conservation~~
 1165 ~~commission,~~ which shall sell such hides and furs.

1166 (3) Except as otherwise provided by law, and deposit the
 1167 proceeds of any such sale under this section shall be remitted
 1168 to the Department of Revenue to be deposited to the credit of
 1169 the State Game Trust Fund or the Marine Resources Conservation
 1170 Trust Fund.

1171 (4) Any state, county, or municipal law enforcement agency
 1172 that enforces or assists the commission in enforcing this
 1173 chapter, which enforcement results in a forfeiture of property
 1174 as provided in this section, is entitled to receive all or a
 1175 share of any property based upon its participation in the

1176 enforcement.

1177 Section 35. Section 379.3381, Florida Statutes, is created
1178 to read:

1179 379.3381 Photographic evidence of illegally taken
1180 wildlife, freshwater fish, and saltwater fish.--In any
1181 prosecution for a violation of this chapter, any other chapter,
1182 or rules of the commission, a photograph of illegally taken
1183 wildlife, freshwater fish, or saltwater fish may be deemed
1184 competent evidence of such property and may be admissible in the
1185 prosecution to the same extent as if such wildlife, freshwater
1186 fish, or saltwater fish were introduced as evidence. Such
1187 photograph shall bear a written description of the wildlife,
1188 freshwater fish, or saltwater fish alleged to have been
1189 illegally taken, the name of the violator, the location where
1190 the alleged illegal taking occurred, the name of the
1191 investigating law enforcement officer, the date the photograph
1192 was taken, and the name of the photographer. Such writing shall
1193 be made under oath by the investigating law enforcement officer,
1194 and the photograph shall be identified by the signature of the
1195 photographer.

1196 Section 36. Paragraphs (n) through (q) of subsection (2)
1197 of section 379.353, Florida Statutes, are redesignated as
1198 paragraphs (m) through (p), respectively, and paragraphs (h) and
1199 (m) of that subsection are amended to read:

1200 379.353 Recreational licenses and permits; exemptions from
1201 fees and requirements.--

1202 (2) A hunting, freshwater fishing, or saltwater fishing
1203 license or permit is not required for:

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1204 (h) Any resident saltwater fishing from land or from a
 1205 structure fixed to the land who has been determined eligible for
 1206 the food stamp, temporary cash assistance, or Medicaid programs
 1207 by the Department of Children and Family Services. A benefit
 1208 issuance or program identification card issued by the Department
 1209 of Children and Family Services or the Agency for Health Care
 1210 Administration shall serve as proof of program eligibility. The
 1211 individual must have the benefit issuance or program
 1212 identification card and positive proof of identification in her
 1213 or his possession when fishing.

1214 ~~(m) Any resident fishing for a saltwater species in fresh~~
 1215 ~~water from land or from a structure fixed to land.~~

1216 Section 37. Paragraph (k) is added to subsection (4) of
 1217 section 379.354, Florida Statutes, to read:

1218 379.354 Recreational licenses, permits, and authorization
 1219 numbers; fees established.--

1220 (4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses
 1221 and fees for residents participating in hunting and fishing
 1222 activities in this state are as follows:

1223 (k) Annual resident shoreline fishing license, \$7.50. The
 1224 annual resident shoreline fishing license allows any resident
 1225 who does not have a license identified in paragraph (b),
 1226 paragraph (e), paragraph (f), paragraph (h), paragraph (i), or
 1227 paragraph (j) to participate in saltwater fishing from land or
 1228 from a structure fixed to the land and fishing for a saltwater
 1229 species in freshwater from land or from a structure fixed to the
 1230 land.

1231 Section 38. Paragraph (c) of subsection (2) of section

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1232 379.3671, Florida Statutes, is amended to read:

1233 379.3671 Spiny lobster trap certificate program.--

1234 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
 1235 PENALTIES.--The Fish and Wildlife Conservation Commission shall
 1236 establish a trap certificate program for the spiny lobster
 1237 fishery of this state and shall be responsible for its
 1238 administration and enforcement as follows:

1239 (c) Prohibitions; penalties.--

1240 1. It is unlawful for a person to possess or use a spiny
 1241 lobster trap in or on state waters or adjacent federal waters
 1242 without having affixed thereto the trap tag required by this
 1243 section. It is unlawful for a person to possess or use any other
 1244 gear or device designed to attract and enclose or otherwise aid
 1245 in the taking of spiny lobster by trapping that is not a trap as
 1246 defined by commission rule.

1247 2. It is unlawful for a person to possess or use spiny
 1248 lobster trap tags without having the necessary number of
 1249 certificates on record as required by this section.

1250 3. It is unlawful for any person to willfully molest, take
 1251 possession of, or remove the contents of another harvester's
 1252 spiny lobster trap without the express written consent of the
 1253 trap owner available for immediate inspection. Unauthorized
 1254 possession of another's trap gear or removal of trap contents
 1255 constitutes theft.

1256 a. A commercial harvester who violates this subparagraph
 1257 shall be punished under ss. 379.367 and 379.407. Any commercial
 1258 harvester receiving a judicial disposition other than dismissal
 1259 or acquittal on a charge of theft of or from a trap pursuant to

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1260 this subparagraph or s. 379.402 shall, in addition to the
1261 penalties specified in ss. 379.367 and 379.407 and the
1262 provisions of this section, permanently lose all his or her
1263 saltwater fishing privileges, including his or her saltwater
1264 products license, spiny lobster endorsement, and all trap
1265 certificates allotted to him or her through this program. In
1266 such cases, trap certificates and endorsements are
1267 nontransferable.

1268 b. Any commercial harvester receiving a judicial
1269 disposition other than dismissal or acquittal on a charge of
1270 willful molestation of a trap, in addition to the penalties
1271 specified in ss. 379.367 and 379.407, shall lose all saltwater
1272 fishing privileges for a period of 24 calendar months.

1273 c. In addition, any commercial harvester charged with
1274 violating this subparagraph and receiving a judicial disposition
1275 other than dismissal or acquittal for violating this
1276 subparagraph or s. 379.402 shall also be assessed an
1277 administrative penalty of up to \$5,000.

1278
1279 Immediately upon receiving a citation for a violation involving
1280 theft of or from a trap, or molestation of a trap, and until
1281 adjudicated for such a violation or, upon receipt of a judicial
1282 disposition other than dismissal or acquittal of such a
1283 violation, the commercial harvester committing the violation is
1284 prohibited from transferring any spiny lobster trap certificates
1285 and endorsements.

1286 4. In addition to any other penalties provided in s.
1287 379.407, a commercial harvester who violates the provisions of

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1288 | this section or commission rules relating to spiny lobster traps
 1289 | shall be punished as follows:

1290 | a. If the first violation is for violation of subparagraph
 1291 | 1. or subparagraph 2., the commission shall assess an additional
 1292 | administrative penalty of up to \$1,000. For all other first
 1293 | violations, the commission shall assess an additional
 1294 | administrative penalty of up to \$500.

1295 | b. For a second violation of subparagraph 1. or
 1296 | subparagraph 2. which occurs within 24 months of any previous
 1297 | such violation, the commission shall assess an additional
 1298 | administrative penalty of up to \$2,000 and the spiny lobster
 1299 | endorsement issued under s. 379.367(2) or (6) may be suspended
 1300 | for the remainder of the current license year.

1301 | c. For a third or subsequent violation of subparagraph 1.,
 1302 | subparagraph 2., or subparagraph 3. which occurs within 36
 1303 | months of any previous two such violations, the commission shall
 1304 | assess an additional administrative penalty of up to \$5,000 and
 1305 | may suspend the spiny lobster endorsement issued under s.
 1306 | 379.367(2) or (6) for a period of up to 24 months or may revoke
 1307 | the spiny lobster endorsement and, if revoking the spiny lobster
 1308 | endorsement, may also proceed against the licenseholder's
 1309 | saltwater products license in accordance with the provisions of
 1310 | s. 379.407(2) (h).

1311 | d. Any person assessed an additional administrative
 1312 | penalty pursuant to this section shall within 30 calendar days
 1313 | after notification:

- 1314 | (I) Pay the administrative penalty to the commission; or
- 1315 | (II) Request an administrative hearing pursuant to the

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1316 provisions of ss. 120.569 and 120.57.

1317 e. The commission shall suspend the spiny lobster
1318 endorsement issued under s. 379.367(2) or (6) for any person
1319 failing to comply with the provisions of sub-subparagraph d.

1320 5.a. It is unlawful for any person to make, alter, forge,
1321 counterfeit, or reproduce a spiny lobster trap tag or
1322 certificate.

1323 b. It is unlawful for any person to knowingly have in his
1324 or her possession a forged, counterfeit, or imitation spiny
1325 lobster trap tag or certificate.

1326 c. It is unlawful for any person to barter, trade, sell,
1327 supply, agree to supply, aid in supplying, or give away a spiny
1328 lobster trap tag or certificate or to conspire to barter, trade,
1329 sell, supply, aid in supplying, or give away a spiny lobster
1330 trap tag or certificate unless such action is duly authorized by
1331 the commission as provided in this chapter or in the rules of
1332 the commission.

1333 6.a. Any commercial harvester who violates the provisions
1334 of subparagraph 5., or any commercial harvester who engages in
1335 the commercial harvest, trapping, or possession of spiny lobster
1336 without a spiny lobster endorsement as required by s. 379.367(2)
1337 or (6) or during any period while such spiny lobster endorsement
1338 is under suspension or revocation, commits a felony of the third
1339 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1340 775.084.

1341 b. In addition to any penalty imposed pursuant to sub-
1342 subparagraph a., the commission shall levy a fine of up to twice
1343 the amount of the appropriate surcharge to be paid on the fair

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1344 market value of the transferred certificates, as provided in
1345 subparagraph (a)1., on any commercial harvester who violates the
1346 provisions of sub-subparagraph 5.c.

1347 c. In addition to any penalty imposed pursuant to sub-
1348 subparagraph a., any commercial harvester receiving any judicial
1349 disposition other than acquittal or dismissal for a violation of
1350 subparagraph 5. shall be assessed an administrative penalty of
1351 up to \$5,000, and the spiny lobster endorsement under which the
1352 violation was committed may be suspended for up to 24 calendar
1353 months. Immediately upon issuance of a citation involving a
1354 violation of subparagraph 5. and until adjudication of such a
1355 violation, and after receipt of any judicial disposition other
1356 than acquittal or dismissal for such a violation, the commercial
1357 harvester holding the spiny lobster endorsement listed on the
1358 citation is prohibited from transferring any spiny lobster trap
1359 certificates.

1360 d. Any other person who violates the provisions of
1361 subparagraph 5. commits a Level Four violation under s. 379.401.

1362 7. Prior to the 2010-2011 license year, any certificates
1363 for which the annual certificate fee is not paid for a period of
1364 3 years shall be considered abandoned and shall revert to the
1365 commission. Beginning with the 2010-2011 license year, any
1366 certificate for which the annual certificate fee is not paid for
1367 a period of 2 consecutive years shall be considered abandoned
1368 and shall revert to the commission. During any period of trap
1369 reduction, any certificates reverting to the commission shall
1370 become permanently unavailable and be considered in that amount
1371 to be reduced during the next license-year period. Otherwise,

1372 any certificates that revert to the commission are to be
 1373 reallocated in such manner as provided by the commission.

1374 8. The proceeds of all administrative penalties collected
 1375 pursuant to subparagraph 4. and all fines collected pursuant to
 1376 sub-subparagraph 6.b. shall be deposited into the Marine
 1377 Resources Conservation Trust Fund.

1378 9. All traps shall be removed from the water during any
 1379 period of suspension or revocation.

1380 10. Except as otherwise provided, any person who violates
 1381 this paragraph commits a Level Two violation under s. 379.401.

1382 Section 39. Paragraphs (c), (d), and (e) of subsection (2)
 1383 of section 379.3751, Florida Statutes, are amended to read:

1384 379.3751 Taking and possession of alligators; trapping
 1385 licenses; fees.--

1386 (2) The license and issuance fee, and the activity
 1387 authorized thereby, shall be as follows:

1388 (c) The annual fee for issuance of an alligator trapping
 1389 agent's license, which permits a person to act as an agent of
 1390 any person who has been issued a resident or nonresident
 1391 alligator trapping license as provided in paragraph (a) or
 1392 paragraph (b) and to take alligators occurring in the wild other
 1393 than alligator hatchlings, ~~and~~ to possess and process alligators
 1394 taken under authority of such agency relationship, and to
 1395 possess, process, and sell their hides and meat, shall be \$50.

1396 ~~Such alligator trapping agent's license shall be issued only in~~
 1397 ~~conjunction with an alligator trapping license and shall bear on~~
 1398 ~~its face in indelible ink the name and license number of the~~
 1399 ~~alligator trapping licenseholder for whom the holder of this~~

1400 ~~license is acting as an agent.~~

1401 (d) The annual fee for issuance of an alligator farming
 1402 license, which permits a person to operate a facility for
 1403 captive propagation of alligators, to possess alligators for
 1404 captive propagation, to take alligator hatchlings and alligator
 1405 eggs occurring in the wild, to rear such alligators, alligator
 1406 hatchlings, and alligator eggs in captivity, to process
 1407 alligators taken or possessed under authority of such alligator
 1408 farming license or otherwise legally acquired, and to possess,
 1409 process, and sell their hides and meat, shall be \$250.

1410 (e) The annual fee for issuance of an alligator farming
 1411 agent's license, which permits a person to act as an agent of
 1412 any person who has been issued an alligator farming license as
 1413 provided in paragraph (d) and to take alligator hatchlings and
 1414 alligator eggs occurring in the wild, ~~and~~ to possess and process
 1415 alligators taken under authority of such agency relationship,
 1416 and to possess, process, and sell their hides and meat, shall be
 1417 \$50. ~~Such license shall be issued only in conjunction with an~~
 1418 ~~alligator farming license, and shall bear on its face in~~
 1419 ~~indelible ink the name and license number of the alligator~~
 1420 ~~farming licenseholder for whom the holder of this license is~~
 1421 ~~acting as an agent.~~

1422 Section 40. Subsection (6) is added to section 379.3761,
 1423 Florida Statutes, to read:

1424 379.3761 Exhibition or sale of wildlife; fees;
 1425 classifications.--

1426 (6) A person who violates this section is punishable as
 1427 provided in s. 379.4015.

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1428 Section 41. Subsection (5) of section 379.3762, Florida
 1429 Statutes, is amended to read:

1430 379.3762 Personal possession of wildlife.--

1431 (5) A person who violates ~~Persons in violation of this~~
 1432 section is ~~shall be~~ punishable as provided in s. 379.4015
 1433 ~~379.401~~.

1434 Section 42. Paragraph (a) of subsection (2) and paragraph
 1435 (a) of subsection (4) of section 379.401, Florida Statutes, are
 1436 amended to read:

1437 379.401 Penalties and violations; civil penalties for
 1438 noncriminal infractions; criminal penalties; suspension and
 1439 forfeiture of licenses and permits.--

1440 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two
 1441 violation if he or she violates any of the following provisions:

1442 1. Rules or orders of the commission relating to seasons
 1443 or time periods for the taking of wildlife, freshwater fish, or
 1444 saltwater fish.

1445 2. Rules or orders of the commission establishing bag,
 1446 possession, or size limits or restricting methods of taking
 1447 wildlife, freshwater fish, or saltwater fish.

1448 3. Rules or orders of the commission prohibiting access or
 1449 otherwise relating to access to wildlife management areas or
 1450 other areas managed by the commission.

1451 4. Rules or orders of the commission relating to the
 1452 feeding of wildlife, freshwater fish, or saltwater fish.

1453 5. Rules or orders of the commission relating to landing
 1454 requirements for freshwater fish or saltwater fish.

1455 6. Rules or orders of the commission relating to

1456 restricted hunting areas, critical wildlife areas, or bird
 1457 sanctuaries.

1458 7. Rules or orders of the commission relating to tagging
 1459 requirements for wildlife ~~game~~ and fur-bearing animals.

1460 8. Rules or orders of the commission relating to the use
 1461 of dogs for the taking of wildlife ~~game~~.

1462 9. Rules or orders of the commission which are not
 1463 otherwise classified.

1464 10. Rules or orders of the commission prohibiting the
 1465 unlawful use of finfish traps.

1466 11. All prohibitions in this chapter which are not
 1467 otherwise classified.

1468 12. Section 379.33, prohibiting the violation of or
 1469 noncompliance with commission rules.

1470 13. Section 379.407(6), prohibiting the sale, purchase,
 1471 harvest, or attempted harvest of any saltwater product with
 1472 intent to sell.

1473 14. Section 379.2421, prohibiting the obstruction of
 1474 waterways with net gear.

1475 15. Section 379.413, prohibiting the unlawful taking of
 1476 bonefish.

1477 16. Section 379.365(2)(a) and (b), prohibiting the
 1478 possession or use of stone crab traps without trap tags and
 1479 theft of trap contents or gear.

1480 17. Section 379.366(4)(b), prohibiting the theft of blue
 1481 crab trap contents or trap gear.

1482 18. Section 379.3671(2)(c), prohibiting the possession or
 1483 use of spiny lobster traps without trap tags or certificates and

1484 theft of trap contents or trap gear.

1485 19. Section 379.357, prohibiting the possession of tarpon
1486 without purchasing a tarpon tag.

1487 20. Rules or orders of the commission ~~Section 379.409,~~
1488 prohibiting the feeding or enticement of alligators or
1489 crocodiles.

1490 21. Section 379.105, prohibiting the intentional
1491 harassment of hunters, fishers, or trappers.

1492 (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level
1493 Four violation if he or she violates any of the following
1494 provisions:

1495 1. Section 379.365(2) (c), prohibiting criminal activities
1496 relating to the taking of stone crabs.

1497 2. Section 379.366(4) (c), prohibiting criminal activities
1498 relating to the taking and harvesting of blue crabs.

1499 3. Section 379.367(4), prohibiting the willful molestation
1500 of spiny lobster gear.

1501 4. Section 379.3671(2) (c)5., prohibiting the unlawful
1502 reproduction, possession, sale, trade, or barter of spiny
1503 lobster trap tags or certificates.

1504 5. Section 379.354(16), prohibiting the making, forging,
1505 counterfeiting, or reproduction of a recreational license or
1506 possession of same without authorization from the commission.

1507 6. Section 379.404(5), prohibiting the sale of illegally-
1508 taken deer or wild turkey.

1509 7. Section 379.405, prohibiting the molestation or theft
1510 of freshwater fishing gear.

1511 8. Section 379.409, prohibiting the unlawful killing,

1512 injuring, possessing, or capturing of alligators or other
 1513 crocodilia or their eggs.

1514 Section 43. Paragraph (a) of subsection (2) of section
 1515 379.4015, Florida Statutes, is amended to read:

1516 379.4015 Captive wildlife penalties.--

1517 (2) LEVEL TWO.--Unless otherwise provided by law, the
 1518 following classifications and penalties apply:

1519 (a) A person commits a Level Two violation if he or she
 1520 violates any of the following provisions:

1521 1. Unless otherwise stated in subsection (1), rules or
 1522 orders of the commission that require a person to pay a fee to
 1523 obtain a permit to possess captive wildlife or that require the
 1524 maintenance of records relating to captive wildlife.

1525 2. Rules or orders of the commission relating to captive
 1526 wildlife not specified in subsection (1) or subsection (3).

1527 3. Rules or orders of the commission that require housing
 1528 of wildlife in a safe manner when a violation results in an
 1529 escape of wildlife other than Class I wildlife.

1530 4. Section 379.372, relating to capturing, keeping,
 1531 possessing, transporting, or exhibiting venomous reptiles or
 1532 reptiles of concern.

1533 5. Section 379.373, relating to requiring a license or
 1534 permit for the capturing, keeping, possessing, or exhibiting of
 1535 venomous reptiles or reptiles of concern.

1536 6. Section 379.374, relating to bonding requirements for
 1537 public exhibits of venomous reptiles.

1538 7. Section 379.305, relating to commission rules and
 1539 regulations to prevent the escape of venomous reptiles or

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1540 reptiles of concern.

1541 8. Section 379.304, relating to exhibition or sale of
1542 wildlife.

1543 9. Section 379.3761, relating to exhibition or sale of
1544 wildlife.

1545 10. Section 379.3762, relating to personal possession of
1546 wildlife.

1547 Section 44. Section 379.501, Florida Statutes, is created
1548 to read:

1549 379.501 Aquatic weeds and plants; prohibitions;
1550 violations; penalties; intent.--

1551 (1) A person may not:

1552 (a) Violate this section or any provision of s. 369.20 or
1553 s. 369.22 related to aquatic weeds and plants;

1554 (b) Fail to obtain any permit required by s. 369.20 or s.
1555 369.22 or by commission rule implementing s. 369.20 or s.
1556 369.22, or violate or fail to comply with any rule, regulation,
1557 order, permit, or certification adopted or issued by the
1558 commission pursuant to s. 369.20 or s. 369.22; or

1559 (c) Knowingly make any false statement, representation, or
1560 certification in any application, record, report, plan, or other
1561 document filed or required to be maintained under s. 369.20 or
1562 s. 369.22, or falsify, tamper with, or knowingly render
1563 inaccurate any monitoring device or method required to be
1564 maintained under s. 369.20 or s. 369.22 or by any permit, rule,
1565 regulation, or order issued under s. 369.20 or s. 369.22.

1566 (2) Any person who violates any provision of subsection

1567 (1) is liable to the state for any damage caused to the aquatic

1568 weeds or plants and for civil penalties as provided in s.
 1569 379.502.

1570 (3) Any person who willfully commits a violation of
 1571 paragraph (1) (a) commits a felony of the third degree,
 1572 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 1573 Each day during any portion of which such violation occurs
 1574 constitutes a separate offense.

1575 (4) Any person who commits a violation specified in
 1576 paragraph (1) (a) due to reckless indifference or gross careless
 1577 disregard commits a misdemeanor of the second degree, punishable
 1578 as provided in s. 775.082 or s. 775.083.

1579 (5) Any person who willfully commits a violation specified
 1580 in paragraph (1) (b) or paragraph (1) (c) commits a misdemeanor of
 1581 the first degree, punishable as provided in s. 775.082 or s.
 1582 775.083.

1583 (6) It is the intent of the Legislature that the civil
 1584 penalties and criminal fines imposed by a court be of such an
 1585 amount as to ensure immediate and continued compliance with this
 1586 section.

1587 (7) Penalties assessed pursuant to ss. 379.501-379.504 are
 1588 in addition to any penalties assessed by the Board of Trustees
 1589 of the Internal Improvement Trust Fund, the Department of
 1590 Environmental Protection, or a water management district
 1591 pursuant to chapter 253, chapter 373, or chapter 403.

1592 Section 45. Section 379.502, Florida Statutes, is created
 1593 to read:

1594 379.502 Enforcement; procedure; remedies.--The commission
 1595 has the following judicial and administrative remedies available

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1596 to it for violations of s. 379.501:

1597 (1) (a) The commission may institute a civil action in a
1598 court of competent jurisdiction to establish liability and to
1599 recover damages for any injury to the waters or property of the
1600 state, including animal, plant, and aquatic life, caused by any
1601 violation of s. 379.501.

1602 (b) The commission may institute a civil action in a court
1603 of competent jurisdiction to impose and to recover a civil
1604 penalty for each violation in an amount of not more than \$10,000
1605 per offense. However, the court may receive evidence in
1606 mitigation. Each day, during any portion of which such violation
1607 occurs, constitutes a separate offense.

1608 (c) Except as provided in paragraph (2) (c), the fact that
1609 the commission has failed to exhaust its administrative
1610 remedies, has failed to serve a notice of violation, or has
1611 failed to hold an administrative hearing before initiating a
1612 civil action is not a defense to, or grounds for dismissal of,
1613 the judicial remedies for damages and civil penalties.

1614 (2) (a) The commission may institute an administrative
1615 proceeding to establish liability and to recover damages for any
1616 injury to the waters or property of the state, including animal,
1617 plant, or aquatic life, caused by any violation of s. 379.501.
1618 The commission may order that the violator pay a specified sum
1619 as damages to the state. Judgment for the amount of damages
1620 determined by the commission may be entered in any court having
1621 jurisdiction thereof and may be enforced as any other judgment.

1622 (b) If the commission has reason to believe that a
1623 violation has occurred, it may institute an administrative

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1624 proceeding to order the prevention, abatement, or control of the
1625 conditions creating the violation or other appropriate
1626 corrective action. The commission shall proceed administratively
1627 in all cases in which the commission seeks administrative
1628 penalties that do not exceed \$10,000 per assessment as
1629 calculated in accordance with subsections (3), (4), (5), and
1630 (6). The commission may not impose administrative penalties in
1631 excess of \$10,000 in a notice of violation. The commission may
1632 not have more than one notice of violation seeking
1633 administrative penalties pending against the same party at the
1634 same time unless the violations occurred at a different site or
1635 the violations were discovered by the commission subsequent to
1636 the filing of a previous notice of violation.

1637 (c) An administrative proceeding shall be instituted by
1638 the commission's serving of a written notice of violation upon
1639 the alleged violator by certified mail. If the commission is
1640 unable to effect service by certified mail, the notice of
1641 violation may be hand delivered or personally served in
1642 accordance with chapter 48. The notice shall specify the
1643 provision of the law, rule, regulation, permit, certification,
1644 or order of the commission alleged to have been violated and the
1645 facts alleged to constitute a violation thereof. An order for
1646 corrective action, penalty assessment, or damages may be
1647 included along with the notice. If the commission is seeking to
1648 impose an administrative penalty for any violation of s. 379.501
1649 by issuing a notice of violation, any corrective action needed
1650 to correct the violation or damages caused by the violation must
1651 be pursued in the notice of violation or they are waived.

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1652 However, an order does not become effective until after service
1653 and an administrative hearing, if requested within 20 days after
1654 service. Failure to request an administrative hearing within
1655 this period constitutes a waiver, unless the respondent files a
1656 written notice with the commission within this period opting out
1657 of the administrative process initiated by the commission. Any
1658 respondent choosing to opt out of the administrative process
1659 initiated by the commission must file a written notice with the
1660 commission, within 20 days after service of the notice of
1661 violation, opting out of the administrative process. A
1662 respondent's decision to opt out of the administrative process
1663 does not preclude the commission from initiating a state court
1664 action seeking injunctive relief, damages, and the judicial
1665 imposition of civil penalties.

1666 (d) If a person timely files a petition challenging a
1667 notice of violation, that person will thereafter be referred to
1668 as the respondent. The hearing requested by the respondent shall
1669 be held within 180 days after the commission has referred the
1670 initial petition to the Division of Administrative Hearings
1671 unless the parties agree to a later date. The commission has the
1672 burden of proving by the preponderance of the evidence that the
1673 respondent is responsible for the violation. An administrative
1674 penalty may not be imposed unless the commission satisfies that
1675 burden. Following the close of the hearing, the administrative
1676 law judge shall issue a final order on all matters, including
1677 the imposition of an administrative penalty. If the commission
1678 seeks to enforce that portion of a final order imposing
1679 administrative penalties pursuant to s. 120.69, the respondent

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1680 may not assert as a defense the inappropriateness of the
1681 administrative remedy. The commission retains its final-order
1682 authority in all administrative actions that do not request the
1683 imposition of administrative penalties.

1684 (e) After filing a petition requesting a formal hearing in
1685 response to a notice of violation, a respondent may request that
1686 a private mediator be appointed to mediate the dispute by
1687 contacting the Florida Conflict Resolution Consortium within 10
1688 days after receipt of the initial order from the administrative
1689 law judge. The Florida Conflict Resolution Consortium shall pay
1690 all of the costs of the mediator and for up to 8 hours of the
1691 mediator's time per case at \$150 per hour. Upon notice from the
1692 respondent, the Florida Conflict Resolution Consortium shall
1693 provide the respondent with a panel of possible mediators from
1694 the area in which the hearing on the petition would be heard.
1695 The respondent shall select the mediator and notify the Florida
1696 Conflict Resolution Consortium of the selection within 15 days
1697 after receipt of the proposed panel of mediators. The Florida
1698 Conflict Resolution Consortium shall provide all of the
1699 administrative support for the mediation process. The mediation
1700 must be completed at least 15 days before the final hearing date
1701 set by the administrative law judge.

1702 (f) In any administrative proceeding brought by the
1703 commission, the prevailing party shall recover all costs as
1704 provided in ss. 57.041 and 57.071. The costs must be included in
1705 the final order. The respondent is the prevailing party when an
1706 order is entered awarding no penalties to the commission and the
1707 order has not been reversed on appeal or the time for seeking

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1708 judicial review has expired. The respondent is entitled to an
1709 award of attorney's fees if the administrative law judge
1710 determines that the notice of violation issued by the commission
1711 was not substantially justified as defined in s. 57.111(3)(e).
1712 An award of attorney's fees as provided by this subsection may
1713 not exceed \$15,000.

1714 (g) This section does not prevent any other legal or
1715 administrative action in accordance with law. This subsection
1716 does not limit the commission's authority set forth in this
1717 section and ss. 379.503 and 379.504 to judicially pursue
1718 injunctive relief. If the commission exercises its authority to
1719 judicially pursue injunctive relief, penalties in any amount up
1720 to the statutory maximum sought by the commission must be
1721 pursued as part of the state court action and not by initiating
1722 a separate administrative proceeding. The commission retains the
1723 authority to judicially pursue penalties in excess of \$10,000
1724 for violations not specifically included in the administrative
1725 penalty schedule, or for multiple or multiday violations alleged
1726 to exceed a total of \$10,000. The commission also retains the
1727 authority provided in this section and ss. 379.503 and 379.504
1728 to judicially pursue injunctive relief and damages, if a notice
1729 of violation seeking the imposition of administrative penalties
1730 has not been issued. The commission may enter into a settlement
1731 before or after initiating a notice of violation, and the
1732 settlement may include a penalty amount that is different from
1733 the administrative penalty schedule. Any case filed in state
1734 court because it is alleged to exceed a total of \$10,000 in
1735 penalties may be settled in the court action for less than

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1736 \$10,000.

1737 (h) The provisions of chapter 120 shall apply to any
1738 administrative action taken by the commission under this section
1739 or any delegated program pursuing administrative penalties in
1740 accordance with this section.

1741 (3) Administrative penalties must be calculated according
1742 to the following schedule:

1743 (a) For violations of s. 379.501(1) (a) or (b), \$3,000.

1744 (b) For failure to conduct required monitoring or testing
1745 in compliance with a permit, \$2,000.

1746 (c) For failure to prepare, submit, maintain, or use
1747 required reports or other required documentation, \$500.

1748 (d) For failure to comply with any other regulatory
1749 statute or rule requirement relating to the administration of
1750 the commission's powers under s. 369.20 or s. 369.22 not
1751 otherwise identified in this section, \$500.

1752 (4) For each additional day during which a violation
1753 occurs, the administrative penalties in subsection (3) may be
1754 assessed per day, per violation.

1755 (5) The history of noncompliance of the violator for any
1756 previous violation resulting in an executed consent order, but
1757 not including a consent order entered into without a finding of
1758 violation, or resulting in a final order or judgment on or after
1759 July 1, 2009, involving the imposition of \$2,000 or more in
1760 penalties, shall be taken into consideration in the following
1761 manner:

1762 (a) One previous such violation within 5 years prior to
1763 the filing of the notice of violation shall result in a 25-

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1764 percent per day increase in the scheduled administrative
1765 penalty.

1766 (b) Two previous such violations within 5 years prior to
1767 the filing of the notice of violation shall result in a 50-
1768 percent per day increase in the scheduled administrative
1769 penalty.

1770 (c) Three or more previous such violations within 5 years
1771 before the filing of the notice of violation shall result in a
1772 100-percent per day increase in the scheduled administrative
1773 penalty.

1774 (6) The direct economic benefit gained by the violator
1775 from the violation shall be added to the scheduled
1776 administrative penalty. The total administrative penalty,
1777 including any economic benefit added to the scheduled
1778 administrative penalty, may not exceed \$10,000.

1779 (7) The administrative penalties assessed for any
1780 particular violation may not exceed \$3,000 against any one
1781 violator unless the violator has a history of noncompliance, the
1782 economic benefit of the violation as described in subsection (6)
1783 exceeds \$3,000, or there are multiday violations. The total
1784 administrative penalties may not exceed \$10,000 per assessment
1785 for all violations attributable to a specific person in the
1786 notice of violation.

1787 (8) The administrative law judge may receive evidence in
1788 mitigation. The penalties identified in subsection (3) may be
1789 reduced up to 50 percent by the administrative law judge for
1790 mitigating circumstances, including good faith efforts to comply
1791 prior to or after discovery of the violations by the commission.

1792 Upon an affirmative finding that the violation was caused by
 1793 circumstances beyond the reasonable control of the respondent
 1794 and could not have been prevented by the respondent's due
 1795 diligence, the administrative law judge may further reduce the
 1796 penalty.

1797 (9) Penalties collected under this section shall be
 1798 deposited into the Invasive Plant Control Trust Fund to carry
 1799 out the purposes set forth in ss. 369.20, 369.22, and 369.252.
 1800 The Florida Conflict Resolution Consortium may use a portion of
 1801 the fund to administer the mediation process provided in
 1802 paragraph (2) (e) and to contract with private mediators for
 1803 administrative penalty cases related to s. 369.20 or s. 369.22.

1804 (10) The purpose of the administrative penalty schedule
 1805 and process is to provide a more predictable and efficient
 1806 manner for individuals and businesses to resolve relatively
 1807 minor environmental disputes. Subsections (3) through (7) do not
 1808 limit a state court in the assessment of damages. The
 1809 administrative penalty schedule does not apply to the judicial
 1810 imposition of civil penalties in state court as provided in this
 1811 section.

1812 Section 46. Section 379.503, Florida Statutes, is created
 1813 to read:

1814 379.503 Civil action.--The commission may institute a
 1815 civil action in a court of competent jurisdiction to seek
 1816 injunctive relief to enforce compliance with ss. 379.501,
 1817 379.502, and 379.504 or any rule, regulation, permit,
 1818 certification, or order adopted or issued by the commission
 1819 pursuant to s. 369.20 or s. 369.22; to enjoin any violation

1820 specified in s. 379.501(1); and to seek injunctive relief to
 1821 prevent irreparable injury to the waters and property, including
 1822 animal, plant, and aquatic life, of the state and to protect
 1823 human health, safety, and welfare caused or threatened by any
 1824 violation of s. 379.501. All the judicial and administrative
 1825 remedies to recover damages and penalties in this section and s.
 1826 379.502 are alternative and mutually exclusive.

1827 Section 47. Section 379.504, Florida Statutes, is created
 1828 to read:

1829 379.504 Civil liability; joint and several liability.--

1830 (1) A person who commits a violation specified in s.
 1831 379.501(1) is liable to the state for any damage caused to the
 1832 waters or property of the state, including animal, plant, or
 1833 aquatic life, and for reasonable costs and expenses of the state
 1834 in restoring its waters and property, including animal, plant,
 1835 and aquatic life, to their former condition, and furthermore is
 1836 subject to the judicial imposition of a civil penalty for each
 1837 offense in an amount of not more than \$10,000 per offense.
 1838 However, the court may receive evidence in mitigation. Each day
 1839 during any portion of which such violation occurs constitutes a
 1840 separate offense. This section does not give the commission the
 1841 right to bring an action on behalf of any private person.

1842 (2) If two or more persons violate s. 379.501(1) so that
 1843 the damage is indivisible, each violator shall be jointly and
 1844 severally liable for the damage and for the reasonable cost and
 1845 expenses of the state incurred in restoring the waters and
 1846 property of the state, including the animal, plant, and aquatic
 1847 life, to their former condition. However, if the damage is

1848 divisible and may be attributed to a particular violator or
 1849 violators, each violator is liable only for that damage
 1850 attributable to his or her violation.

1851 (3) In assessing damages for fish killed, the value of the
 1852 fish shall be determined in accordance with a table of values
 1853 for individual categories of fish, which shall be adopted by the
 1854 Department of Environmental Protection pursuant to s.
 1855 403.141(3). The total number of fish killed may be estimated by
 1856 standard practices used in estimating fish population.

1857 Section 48. Subsection (1) of section 403.088, Florida
 1858 Statutes, is amended to read:

1859 403.088 Water pollution operation permits; conditions.--

1860 (1) No person, without written authorization of the
 1861 department, shall discharge into waters within the state any
 1862 waste which, by itself or in combination with the wastes of
 1863 other sources, reduces the quality of the receiving waters below
 1864 the classification established for them. However, this section
 1865 shall not be deemed to prohibit the application of pesticides to
 1866 waters in the state for the control of insects, aquatic weeds,
 1867 or algae, provided the application is performed pursuant to a
 1868 program approved by the Department of Health, in the case of
 1869 insect control, or the Fish and Wildlife Conservation Commission
 1870 ~~department~~, in the case of aquatic weed or algae control. The
 1871 department is directed to enter into interagency agreements to
 1872 establish the procedures for program approval. Such agreements
 1873 shall provide for public health, welfare, and safety, as well as
 1874 environmental factors. Approved programs must provide that only
 1875 chemicals approved for the particular use by the United States

1876 Environmental Protection Agency or by the Department of
 1877 Agriculture and Consumer Services may be employed and that they
 1878 be applied in accordance with registered label instructions,
 1879 state standards for such application, and the provisions of the
 1880 Florida Pesticide Law, part I of chapter 487.

1881 Section 49. The Fish and Wildlife Conservation Commission,
 1882 in consultation with the Department of Environmental Protection,
 1883 is directed to establish a pilot program in at least one, but
 1884 not more than five, locations to explore potential options for
 1885 regulating the anchoring or mooring of non-live-aboard vessels
 1886 outside the marked boundaries of public mooring fields.

1887 (1) The goals of the pilot program are to encourage the
 1888 establishment of additional public mooring fields and to develop
 1889 and test policies and regulatory regimes that:

1890 (a) Promote the establishment and use of public mooring
 1891 fields.

1892 (b) Promote public access to the waters of this state.

1893 (c) Enhance navigational safety.

1894 (d) Protect maritime infrastructure.

1895 (e) Protect the marine environment.

1896 (f) Deter improperly stored, abandoned, or derelict
 1897 vessels.

1898 (2) Each location selected for inclusion in the pilot
 1899 program must be associated with a properly permitted mooring
 1900 field. The commission, in consultation with the department,
 1901 shall select all locations for the pilot program prior to July
 1902 1, 2011. If more than one location is selected, the selections
 1903 must be geographically diverse and take into consideration the

1904 various users and means of using the waters of this state.

1905 (3) Notwithstanding the provisions of s. 327.60, Florida
 1906 Statutes, a county or municipality selected for participation in
 1907 the pilot program may regulate by ordinance the anchoring of
 1908 vessels, other than live-aboard vessels as defined in s. 327.02,
 1909 Florida Statutes, outside of a mooring field. Any ordinance
 1910 enacted under the pilot program shall take effect and become
 1911 enforceable only after approval by the commission. The
 1912 commission may not approve any ordinance not consistent with the
 1913 goals of the pilot program.

1914 (4) The commission shall:

1915 (a) Provide consultation and technical assistance to each
 1916 municipality or county selected for participation in the pilot
 1917 program to facilitate accomplishment of the pilot program's
 1918 goals.

1919 (b) Coordinate the review of any proposed ordinance with
 1920 the department; the United States Coast Guard; the Florida
 1921 Inland Navigation District or the West Coast Inland Navigation
 1922 District, as appropriate; and associations or other
 1923 organizations representing vessel owners or operators.

1924 (c) Monitor and evaluate at least annually each location
 1925 selected for participation in the pilot program and make such
 1926 modifications as may be necessary to accomplish the pilot
 1927 program's goals.

1928 (5) The commission shall submit a report of its findings
 1929 and recommendations to the Governor, the President of the
 1930 Senate, and the Speaker of the House of Representatives by
 1931 January 1, 2014.

1932 (6) The pilot program shall expire on July 1, 2014, unless
 1933 reenacted by the Legislature. All ordinances enacted under this
 1934 section shall expire concurrently with the expiration of the
 1935 pilot program and shall be inoperative and unenforceable
 1936 thereafter.

1937 Section 50. The statutory powers, duties, and functions
 1938 related to ss. 369.20, 369.22, and 369.252, Florida Statutes,
 1939 which were transferred by chapter 2008-150, Laws of Florida, and
 1940 all records, personnel, and property; unexpended balances of
 1941 appropriations, allocations, and other funds; administrative
 1942 authority; administrative rules; pending issues; and existing
 1943 contracts of the Bureau of Invasive Plant Management in the
 1944 Department of Environmental Protection are transferred by a type
 1945 two transfer, pursuant to s. 20.06(2), Florida Statutes, to the
 1946 Fish and Wildlife Conservation Commission. All actions taken
 1947 pursuant to chapter 2008-150, Laws of Florida, and the
 1948 Interagency Agreement executed pursuant thereto are ratified.

1949 Section 51. The Invasive Plant Control Trust Fund, FLAIR
 1950 number 37-2-030, in the Department of Environmental Protection
 1951 is transferred to the Fish and Wildlife Conservation Commission,
 1952 FLAIR number 77-2-030.

1953 Section 52. Beginning in the 2009-2010 fiscal year and
 1954 continuing each fiscal year thereafter, the sum of \$185,000 is
 1955 appropriated from the State Game Trust Fund to the Fish and
 1956 Wildlife Conservation Commission for the purpose of issuing
 1957 licenses pursuant to s. 379.3761, Florida Statutes.

1958 Section 53. For the purpose of incorporating the amendment
 1959 made by this act to section 319.32, Florida Statutes, in a

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1960 reference thereto, paragraph (a) of subsection (2) of section
 1961 379.209, Florida Statutes, is reenacted to read:

1962 379.209 Nongame Wildlife Trust Fund.--

1963 (2) (a) There is established within the Fish and Wildlife
 1964 Conservation Commission the Nongame Wildlife Trust Fund. The
 1965 fund shall be credited with moneys collected pursuant to ss.
 1966 319.32(3) and 320.02(8). Additional funds may be provided from
 1967 legislative appropriations and by donations from interested
 1968 individuals and organizations. The commission shall designate an
 1969 identifiable unit to administer the trust fund.

1970 Section 54. For the purpose of incorporating the amendment
 1971 made by this act to section 379.353, Florida Statutes, in a
 1972 reference thereto, subsection (7) of section 379.3581, Florida
 1973 Statutes, is reenacted to read:

1974 379.3581 Hunter safety course; requirements; penalty.--

1975 (7) The hunter safety requirements of this section do not
 1976 apply to persons for whom licenses are not required under s.
 1977 379.353(2).

1978 Section 55. Effective October 1, 2009, section 327.22,
 1979 Florida Statutes, is repealed.

1980 Section 56. Subsection (7) of section 379.366, Florida
 1981 Statutes, is repealed.

1982 Section 57. Except as otherwise expressly provided in this
 1983 act, this act shall take effect July 1, 2009.