

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

57 | conforming a cross-reference; creating s. 327.66, F.S.;

58 | prohibiting possessing or operating a vessel equipped with

59 | certain 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 fee; authorizing the commission to use
138 | proceeds of specified hunting, fishing, and recreational
139 | licenses for certain purposes; increasing the fee amounts
140 | for waterfowl, wild turkey, snook, spiny lobster,

141 management area, special use, and recreational user
142 permits; providing for a management area permit and fee
143 for outdoor recreational activities other than hunting and
144 fishing; providing for a deer permit and fee; requiring
145 the commission to prepare an annual report and submit the
146 report to the Governor and the Legislature; providing
147 report requirements; amending s. 379.3671, F.S.; revising
148 provisions for abandonment and reversion of lobster trap
149 certificates under specified conditions; amending s.
150 379.3751, F.S.; specifying activities relating to the
151 taking and possession of alligators that require a license
152 and payment of the applicable fee; deleting provisions
153 relating to the issuance, form, and content of such
154 licenses; amending s. 379.3761, F.S.; providing penalties
155 for violations relating to the exhibition or sale of
156 wildlife; amending s. 379.3762, F.S.; revising a cross-
157 reference with respect to the penalties imposed for
158 violations relating to the personal possession of
159 wildlife; amending s. 379.401, F.S.; revising
160 applicability of violation provisions relating to
161 alligators and crocodiles; conforming references to
162 wildlife; amending s. 379.4015, F.S.; specifying
163 applicability of captive wildlife penalty provisions
164 relating to the exhibition or sale of wildlife; creating
165 s. 379.501, F.S.; providing penalties for violations
166 relating to aquatic weeds and plants; providing
167 legislative intent for civil penalties and criminal fines
168 imposed by a court; creating s. 379.502, F.S.; providing

169 | judicial and administrative procedures and remedies to
170 | enforce penalty provisions for violations relating to
171 | aquatic weeds and plants; providing for mediation;
172 | providing for recovery of costs and attorney's fees;
173 | requiring proceeds from related penalties to be credited
174 | to the Invasive Plant Control Trust Fund; creating s.
175 | 379.503, F.S.; authorizing the commission to seek
176 | injunctive relief; providing that judicial and
177 | administrative remedies are alternative and mutually
178 | exclusive; creating s. 379.504, F.S.; providing civil
179 | penalties for violations relating to aquatic weeds and
180 | plants; authorizing a court to impose a civil penalty for
181 | each offense not to exceed a specified amount; providing
182 | for joint and several liability; providing for a
183 | methodology for assessing certain damages; amending s.
184 | 403.088, F.S.; requiring the commission to approve an
185 | aquatic weeds and algae control program; directing the
186 | commission, in consultation with the Department of
187 | Environmental Protection, to establish a pilot program to
188 | explore options for regulating the anchoring or mooring of
189 | non-live-aboard vessels outside the marked boundaries of
190 | public mooring fields; providing geographic locations for
191 | the pilot program; providing goals and procedures;
192 | providing duties of the commission; requiring a report to
193 | the Governor and the Legislature; providing for expiration
194 | of the pilot program and any ordinance enacted thereunder;
195 | providing for construction; providing for a type two
196 | transfer of the Bureau of Invasive Plant Management within

197 the Department of Environmental Protection to the Fish and
198 Wildlife Conservation Commission; ratifying actions taken
199 pursuant to ch. 2008-150, Laws of Florida, and an
200 interagency agreement executed pursuant thereto;
201 transferring the Invasive Plant Control Trust Fund within
202 the Department of Environmental Protection to the Fish and
203 Wildlife Conservation Commission; providing a continuing
204 appropriation to the commission for the costs associated
205 with the shoreline fishing license exemption; reenacting
206 s. 379.209(2)(a), F.S., relating to funds credited to the
207 Nongame Wildlife Trust Fund, to incorporate an amendment
208 made to s. 319.32, F.S., in a reference thereto;
209 reenacting s. 379.3581(7), F.S., relating to hunting
210 safety, to incorporate the amendment made to s. 379.353,
211 F.S., in a reference thereto; reenacting ss. 379.2213,
212 379.3501, and 379.3712, F.S., relating to management area
213 permit revenues, expiration of licenses and permits, and
214 commercial hunting preserve licenses, respectively, to
215 incorporate the amendment made to s. 379.354, F.S., in
216 references thereto; repealing s. 327.22, F.S., relating to
217 regulation of vessels by municipalities or counties;
218 repealing ss. 379.2211 and 379.2212, F.S., relating to
219 Florida waterfowl permit revenues and Florida wild turkey
220 permit revenues, respectively; repealing s. 379.366(7),
221 F.S., to abrogate the expiration of provisions imposing
222 blue crab effort management program fees and penalties;
223 providing effective dates.

224

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

226

227 Section 1. Paragraph (a) of subsection (1) of section
228 206.606, Florida Statutes, is amended to read:

229 206.606 Distribution of certain proceeds.--

230 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
231 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
232 Fund. Such moneys, after deducting the service charges imposed
233 by s. 215.20, the refunds granted pursuant to s. 206.41, and the
234 administrative costs incurred by the department in collecting,
235 administering, enforcing, and distributing the tax, which
236 administrative costs may not exceed 2 percent of collections,
237 shall be distributed monthly to the State Transportation Trust
238 Fund, except that:

239 (a) \$6.30 million shall be transferred to the Fish and
240 Wildlife Conservation Commission in each fiscal year and
241 deposited in the Invasive Plant Control Trust Fund to be used
242 for aquatic plant management, including nonchemical control of
243 aquatic weeds, research into nonchemical controls, and
244 enforcement activities. ~~Beginning in fiscal year 1993-1994,~~ The
245 commission department shall allocate at least \$1 million of such
246 funds to the eradication of melaleuca.

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

249 253.002 Department of Environmental Protection, water
250 management districts, Fish and Wildlife Conservation Commission,
251 and Department of Agriculture and Consumer Services; duties with
252 respect to state lands.--

253 (1) The Department of Environmental Protection shall
 254 perform all staff duties and functions related to the
 255 acquisition, administration, and disposition of state lands,
 256 title to which is or will be vested in the Board of Trustees of
 257 the Internal Improvement Trust Fund. However, upon the effective
 258 date of rules adopted pursuant to s. 373.427, a water management
 259 district created under s. 373.069 shall perform the staff duties
 260 and functions related to the review of any application for
 261 authorization to use board of trustees-owned submerged lands
 262 necessary for an activity regulated under part IV of chapter 373
 263 for which the water management district has permitting
 264 responsibility as set forth in an operating agreement adopted
 265 pursuant to s. 373.046(4); and the Department of Agriculture and
 266 Consumer Services shall perform the staff duties and functions
 267 related to the review of applications and compliance with
 268 conditions for use of board of trustees-owned submerged lands
 269 under authorizations or leases issued pursuant to ss. 253.67-
 270 253.75 and 597.010. Unless expressly prohibited by law, the
 271 board of trustees may delegate to the department any statutory
 272 duty or obligation relating to the acquisition, administration,
 273 or disposition of lands, title to which is or will be vested in
 274 the board of trustees. The board of trustees may also delegate
 275 to any water management district created under s. 373.069 the
 276 authority to take final agency action, without any action on
 277 behalf of the board, on applications for authorization to use
 278 board of trustees-owned submerged lands for any activity
 279 regulated under part IV of chapter 373 for which the water
 280 management district has permitting responsibility as set forth

281 in an operating agreement adopted pursuant to s. 373.046(4).
 282 This water management district responsibility under this
 283 subsection shall be subject to the department's general
 284 supervisory authority pursuant to s. 373.026(7). The board of
 285 trustees may also delegate to the Department of Agriculture and
 286 Consumer Services the authority to take final agency action on
 287 behalf of the board on applications to use board of trustees-
 288 owned submerged lands for any activity for which that department
 289 has responsibility pursuant to ss. 253.67-253.75, 369.25,
 290 369.251, and 597.010. However, the board of trustees shall
 291 retain the authority to take final agency action on establishing
 292 any areas for leasing, new leases, expanding existing lease
 293 areas, or changing the type of lease activity in existing
 294 leases. Upon issuance of an aquaculture lease or other real
 295 property transaction relating to aquaculture, the Department of
 296 Agriculture and Consumer Services must send a copy of the
 297 document and the accompanying survey to the Department of
 298 Environmental Protection. The board of trustees may also
 299 delegate to the Fish and Wildlife Conservation Commission the
 300 authority to take final agency action, without any action on
 301 behalf of the board, on applications for authorization to use
 302 board of trustees-owned submerged lands for any activity
 303 regulated under ss. ~~s.~~ 369.20 and 369.22.

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

308 253.04 Duty of board to protect, etc., state lands; state

309 may join in any action brought.--

310 (4) (a) The duty to conserve and improve state-owned lands
 311 and the products thereof shall include the preservation and
 312 regeneration of seagrass, which is deemed essential to the
 313 oceans, gulfs, estuaries, and shorelines of the state. A person
 314 operating a vessel outside a lawfully marked channel in a
 315 careless manner that causes seagrass scarring within an aquatic
 316 preserve established in ss. 258.39-258.399, with the exception
 317 of the Lake Jackson, Oklawaha River, Wekiva River, and Rainbow
 318 Springs aquatic preserves, commits a noncriminal infraction,
 319 punishable as provided in s. 327.73. Each violation is a
 320 separate offense. As used in this subsection, the term:

321 1. "Seagrass" means Cuban shoal grass (Halodule wrightii),
 322 turtle grass (Thalassia testudinum), manatee grass (Syringodium
 323 filiforme), star grass (Halophila engelmannii), paddle grass
 324 (Halophila decipiens), Johnson's seagrass (Halophila johnsonii),
 325 or widgeon grass (Ruppia maritima).

326 2. "Seagrass scarring" means destruction of seagrass
 327 roots, shoots, or stems that results in tracks on the substrate
 328 commonly referred to as prop scars or propeller scars caused by
 329 the operation of a motorized vessel in waters supporting
 330 seagrasses.

331 (b) Any violation under paragraph (a) is a violation of
 332 the vessel laws of this state and shall be charged on a uniform
 333 boating citation as provided in s. 327.74. Any person who
 334 refuses to post a bond or accept and sign a uniform boating
 335 citation commits a misdemeanor of the second degree, as provided
 336 in s. 327.73(3), punishable as provided in s. 775.082 or s.

337 775.083.

338 Section 4. Effective September 1, 2009, subsection (3) of
 339 section 319.32, Florida Statutes, is amended to read:

340 319.32 Fees; service charges; disposition.--

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

345 Section 5. Effective September 1, 2009, paragraphs (a) and
 346 (x) of subsection (4) of section 320.08056, Florida Statutes,
 347 are amended to read:

348 320.08056 Specialty license plates.--

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

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

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

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

355 327.02 Definitions of terms used in this chapter and in
 356 chapter 328.--As used in this chapter and in chapter 328, unless
 357 the context clearly requires a different meaning, the term:

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

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

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

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

365
 366 A commercial fishing boat is expressly excluded from the term
 367 "live-aboard vessel."

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

370 327.35 Boating under the influence; penalties; "designated
 371 drivers".--

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

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

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

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

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

383 (4) Any person who is convicted of a violation of
 384 subsection (1) and who has a blood-alcohol level or breath-
 385 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is
 386 convicted of a violation of subsection (1) and who at the time
 387 of the offense was accompanied in the vessel by a person under
 388 the age of 18 years, shall be punished:

389 (a) By a fine of:

390 1. Not less than \$1,000 or more than \$2,000 for a first
 391 conviction.

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

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393 conviction.

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

396 (b) By imprisonment for:

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

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

399

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

404 Section 8. Paragraph (a) of subsection (2) of section
405 327.36, Florida Statutes, is amended to read:

406 327.36 Mandatory adjudication; prohibition against
407 accepting plea to lesser included offense.--

408 (2) (a) No trial judge may accept a plea of guilty to a
409 lesser offense from a person who is charged with a violation of
410 s. 327.35, manslaughter resulting from the operation of a
411 vessel, or vessel homicide and who has been given a breath or
412 blood test to determine blood or breath alcohol content, the
413 results of which show a blood-alcohol level or breath-alcohol
414 level of 0.15 ~~0.16~~ or more.

415 Section 9. Effective January 1, 2010, subsections (1),
416 (6), and (7) of section 327.395, Florida Statutes, are amended,
417 and subsection (12) is added to that section, to read:

418 327.395 Boating safety identification cards.--

419 (1) A person born on or after January 1, 1988, ~~21 years of~~
420 ~~age or younger~~ may not operate a vessel powered by a motor of 10

421 horsepower or greater unless such person has in his or her
 422 possession aboard the vessel photographic identification and a
 423 boater safety identification card issued by the commission which
 424 shows that he or she has:

425 (a) Completed a commission-approved boater education
 426 course that meets the minimum 8-hour instruction requirement
 427 established by the National Association of State Boating Law
 428 Administrators;

429 (b) Passed a course equivalency examination approved by
 430 the commission; or

431 (c) Passed a temporary certificate examination developed
 432 or approved by the commission.

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

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

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

437 (c) Is accompanied in the vessel by a person who is exempt
 438 from this section or who holds an identification card in
 439 compliance with this section, is 18 years of age or older, and
 440 is attendant to the operation of the vessel and responsible for
 441 the safe operation of the vessel and for any violation that
 442 occurs during the operation.

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

447 (e) Is operating a vessel within 90 days after the
 448 purchase of that vessel and has available for inspection aboard

449 that vessel a bill of sale meeting the requirements of s.
 450 328.46(1).

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

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

455 (12) This section may be cited as the "Osmay 'Ozzie'
 456 Castellanos Boating Safety Education Act."

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

459 327.40 Uniform waterway markers ~~for safety and navigation;~~
 460 ~~informational markers.--~~

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

469 (2) (a) Application for marking inland lakes and state
 470 waters and any navigable waters under concurrent jurisdiction of
 471 the Coast Guard and the division shall be made to the division,
 472 accompanied by a map locating the approximate placement of
 473 markers, a list of the markers to be placed, a statement of the
 474 specification of the markers, a statement of the purpose of
 475 marking, and the names of persons responsible for the placement
 476 and upkeep of such markers. The division will assist the

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477 applicant to secure the proper permission from the Coast Guard
478 where required, make such investigations as needed, and issue a
479 permit. The division shall furnish the applicant with the
480 information concerning the system adopted and the rules existing
481 for placing and maintaining the markers. The division shall keep
482 records of all approvals given and counsel with individuals,
483 counties, municipalities, motorboat clubs, or other groups
484 desiring to mark waterways for safety and navigation purposes in
485 Florida.

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

490 ~~2. The placement of informational markers, including, but~~
491 ~~not limited to, markers indicating end of boat ramp, no~~
492 ~~swimming, swimming area, lake name, trash receptacle, public~~
493 ~~health notice, or underwater hazard and canal, regulatory,~~
494 ~~emergency, and special event markers, by counties,~~
495 ~~municipalities, or other governmental entities on inland lakes~~
496 ~~and their associated canals are exempt from permitting under~~
497 ~~this section. Such markers, excluding swimming area and special~~
498 ~~event markers, may be no more than 50 feet from the normal~~
499 ~~shoreline.~~

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

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

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

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

509 327.41 Uniform waterway regulatory markers.--

510 (2) Any county or municipality which has been granted a
 511 boating-restricted ~~restricted~~ area designation, by rule of the
 512 commission pursuant to s. 327.46(1)(a), for a portion of the
 513 Florida Intracoastal Waterway within its jurisdiction or which
 514 has adopted a boating-restricted ~~restricted~~ area by ordinance
 515 pursuant to s. 327.46(1)(b) or (c) ~~s. 327.22, s. 327.60,~~ or s.
 516 379.2431(2)(p), or any other governmental entity which has
 517 legally established a boating-restricted ~~restricted~~ area, may
 518 apply to the commission for permission to place regulatory
 519 markers within the boating-restricted ~~restricted~~ area.

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

522 327.42 Mooring to or damaging of uniform waterway markers
 523 ~~or buoys~~ prohibited.--

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

529 (2) No person shall willfully damage, alter, or move a
 530 lawfully placed uniform waterway ~~aid-to-navigation~~ marker ~~or~~
 531 ~~buoy, regulatory marker or buoy, or area boundary marker or~~
 532 ~~buoy.~~

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

535 327.46 Boating-restricted ~~Restricted~~ areas.--

536 (1) Boating-restricted ~~The commission has the authority to~~
 537 ~~establish by rule, pursuant to chapter 120, restricted areas,~~
 538 including, but not limited to, restrictions of vessel speeds and
 539 vessel traffic, may be established on the waters of this ~~the~~
 540 state for any purpose ~~deemed~~ necessary to protect ~~for~~ the safety
 541 of the public ~~if, including, but not limited to, vessel speeds~~
 542 ~~and vessel traffic, where such restrictions are deemed necessary~~
 543 based on boating accidents, visibility, hazardous currents or
 544 water levels, vessel traffic congestion, or other navigational
 545 hazards.

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

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

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

552 a. Within 500 feet of any boat ramp, hoist, marine
 553 railway, or other launching or landing facility available for
 554 use by the general boating public on waterways more than 300
 555 feet in width or within 300 feet of any boat ramp, hoist, marine
 556 railway, or other launching or landing facility available for
 557 use by the general boating public on waterways not exceeding 300
 558 feet in width.

559 b. Within 500 feet of fuel pumps or dispensers at any
 560 marine fueling facility that sells motor fuel to the general

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561 boating public on waterways more than 300 feet in width or
 562 within 300 feet of the fuel pumps or dispensers at any licensed
 563 terminal facility that sells motor fuel to the general boating
 564 public on waterways not exceeding 300 feet in width.

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

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

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

569 b. Within 300 feet of any bridge span presenting a
 570 vertical clearance of less than 25 feet or a horizontal
 571 clearance of less than 100 feet.

572 c. On a creek, stream, canal, or similar linear waterway
 573 if the waterway is less than 75 feet in width from shoreline to
 574 shoreline.

575 d. On a lake or pond of less than 10 acres in total
 576 surface area.

577 3. An ordinance establishing a vessel-exclusion zone if
 578 the area is:

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

580 b. Reserved exclusively as a canoe trail or otherwise
 581 limited to vessels under oars.

582 c. Within 300 feet of a dam, spillway, or flood control
 583 structure.

584 (c) Municipalities and counties have the authority to
 585 establish by ordinance the following other boating-restricted
 586 areas:

587 1. An ordinance establishing an idle speed, no wake
 588 boating-restricted area, if the area is within 300 feet of a

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589 confluence of water bodies presenting a blind corner, a bend in
590 a narrow channel or fairway, or such other area if an
591 intervening obstruction to visibility may obscure other vessels
592 or other users of the waterway.

593 2. An ordinance establishing a slow speed, minimum wake,
594 or numerical speed limit boating-restricted area if the area is:

595 a. Within 300 feet of a confluence of water bodies
596 presenting a blind corner, a bend in a narrow channel or
597 fairway, or such other area if an intervening obstruction to
598 visibility may obscure other vessels or other users of the
599 waterway.

600 b. Subject to unsafe levels of vessel traffic congestion.

601 c. Subject to hazardous water levels or currents, or
602 containing other navigational hazards.

603 d. An area that accident reports, uniform boating
604 citations, vessel traffic studies, or other creditable data
605 demonstrate to present a significant risk of collision or a
606 significant threat to boating safety.

607 3. An ordinance establishing a vessel-exclusion zone if
608 the area is reserved exclusively:

609 a. As a canoe trail or otherwise limited to vessels under
610 oars or under sail.

611 b. For a particular activity and user group separation
612 must be imposed to protect the safety of those participating in
613 such activity.

614

615 Any of the ordinances adopted pursuant to this paragraph shall
616 not take effect until the commission has reviewed the ordinance

617 and determined by substantial competent evidence that the
618 ordinance is necessary to protect public safety pursuant to this
619 paragraph. Any application for approval of an ordinance shall be
620 reviewed and acted upon within 90 days after receipt of a
621 completed application. Within 30 days after a municipality or
622 county submits an application for approval to the commission,
623 the commission shall advise the municipality or county as to
624 what information, if any, is needed to deem the application
625 complete. An application shall be considered complete upon
626 receipt of all requested information and correction of any error
627 or omission for which the applicant was timely notified or when
628 the time for such notification has expired. The commission's
629 action on the application shall be subject to review under
630 chapter 120. The commission shall initiate rulemaking no later
631 than January 1, 2010, to provide criteria and procedures for
632 reviewing applications and procedures for providing for public
633 notice and participation pursuant to this paragraph.

634 (2) Each such boating-restricted ~~restricted~~ area shall be
635 developed in consultation and coordination with the governing
636 body of the county or municipality in which the boating-
637 restricted ~~restricted~~ area is located and, when the boating-
638 restricted area is to be on the navigable waters of the United
639 States ~~where required~~, with the United States Coast Guard and
640 the United States Army Corps of Engineers.

641 (3)~~(2)~~ It is unlawful for any person to operate a vessel
642 in a prohibited manner or to carry on any prohibited activity,
643 as defined in this chapter, ~~deemed a safety hazard or~~
644 ~~interference with navigation as provided above~~ within a boating-

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

647 (4)-(3) Restrictions in a boating-restricted area
648 established pursuant to this section shall not apply in the case
649 of an emergency or to a law enforcement, firefighting, or rescue
650 vessel owned or operated by a governmental entity.

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

653 327.60 Local regulations; limitations.--

654 (1) The provisions of this chapter and chapter 328 ~~ss.~~
655 ~~327.01, 327.02, 327.30-327.40, 327.44-327.50, 327.54, 327.56,~~
656 ~~327.65, 328.40-328.48, 328.52-328.58, 328.62, and 328.64~~ shall
657 govern the operation, equipment, and all other matters relating
658 thereto whenever any vessel shall be operated upon the waters of
659 this state waterways or when any activity regulated hereby shall
660 take place thereon.

661 (2) Nothing in this chapter or chapter 328 ~~these sections~~
662 shall be construed to prevent the adoption of any ordinance or
663 local regulation ~~law~~ relating to operation ~~and equipment~~ of
664 vessels, except that a county or municipality shall not enact,
665 continue in effect, or enforce any ordinance or local
666 regulation:

667 (a) Establishing a vessel or associated equipment
668 performance or other safety standard, imposing a requirement for
669 associated equipment, or regulating the carrying or use of
670 marine safety articles;

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

673 (c) Regulating any vessel upon the Florida Intracoastal
 674 Waterway;
 675 (d) Discriminating against personal watercraft;
 676 (e) Discriminating against airboats, for ordinances
 677 adopted after July 1, 2006, unless adopted by a two-thirds vote
 678 of the governing body enacting such ordinance;
 679 (f) Regulating the anchoring of vessels other than live-
 680 aboard vessels outside the marked boundaries of mooring fields
 681 permitted as provided in s. 327.40;
 682 (g) Regulating engine or exhaust noise, except as provided
 683 in s. 327.65; or
 684 (h) That conflicts with any provisions of this chapter or
 685 any amendments thereto or rules adopted thereunder. ~~no such~~
 686 ~~ordinance or local law may apply to the Florida Intracoastal~~
 687 ~~Waterway and except that such ordinances or local laws shall be~~
 688 ~~operative only when they are not in conflict with this chapter~~
 689 ~~or any amendments thereto or regulations thereunder. Any~~
 690 ~~ordinance or local law which has been adopted pursuant to this~~
 691 ~~section or to any other state law may not discriminate against~~
 692 ~~personal watercraft as defined in s. 327.02. Effective July 1,~~
 693 ~~2006, any ordinance or local law adopted pursuant to this~~
 694 ~~section or any other state law may not discriminate against~~
 695 ~~airboats except by a two-thirds vote of the governing body~~
 696 ~~enacting such ordinance.~~
 697 (3)-(2) ~~Nothing contained in the provisions of this section~~
 698 ~~shall be construed to prohibit local governmental authorities~~
 699 ~~from the enactment or enforcement of regulations which prohibit~~
 700 ~~or restrict the mooring or anchoring of floating structures or~~

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701 live-aboard vessels within their jurisdictions or of any vessels
 702 within the marked boundaries of mooring fields permitted as
 703 provided in s. 327.40. However, local governmental authorities
 704 are prohibited from regulating the anchoring outside of such
 705 mooring fields of vessels other than live-aboard vessels as
 706 defined in s. 327.02 ~~non-live-aboard vessels in navigation.~~

707 Section 15. Paragraph (a) of subsection (2) of section
 708 327.65, Florida Statutes, is amended to read:

709 327.65 Muffling devices.--

710 (2) (a) Any county wishing to impose additional noise
 711 pollution and exhaust regulations on vessels may, pursuant to s.
 712 327.60 (2) ~~(1)~~, adopt by county ordinance the following
 713 regulations:

714 1. No person shall operate or give permission for the
 715 operation of any vessel on the waters of any county or on a
 716 specified portion of the waters of any county, including the
 717 Florida Intracoastal Waterway, which has adopted the provisions
 718 of this section in such a manner as to exceed the following
 719 sound levels at a distance of 50 feet from the vessel: for all
 720 vessels, a maximum sound level of 90 dB A.

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

725 Section 16. Section 327.66, Florida Statutes, is created
 726 to read:

727 327.66 Carriage of gasoline on vessels.--

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

729 1. Possess or operate any vessel that has been equipped
 730 with tanks, bladders, drums, or other containers designed or
 731 intended to hold gasoline, or install or maintain such
 732 containers in a vessel, if such containers do not conform to
 733 federal regulations or have not been approved by the United
 734 States Coast Guard by inspection or special permit.

735 2. Transport any gasoline in an approved portable
 736 container when the container is in a compartment that is not
 737 ventilated in strict compliance with United States Coast Guard
 738 regulations pertaining to ventilation of compartments containing
 739 gasoline tanks.

740 (b) A person who violates paragraph (a) commits a
 741 misdemeanor of the second degree, punishable as provided in s.
 742 775.082 or s. 775.083.

743 (2) (a) Gasoline possessed or transported in violation of
 744 this section and all containers holding such gasoline are
 745 declared to be a public nuisance. A law enforcement agency
 746 discovering gasoline possessed or transported in violation of
 747 paragraph (1) (a) shall abate the nuisance by removing the
 748 gasoline and containers from the vessel and from the waters of
 749 this state. A law enforcement agency that removes gasoline or
 750 containers pursuant to this subsection may elect to:

- 751 1. Retain the property for the agency's own use;
- 752 2. Transfer the property to another unit of state or local
 753 government;
- 754 3. Donate the property to a charitable organization; or
- 755 4. Sell the property at public sale pursuant to s.
 756 705.103.

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

761 (3) All conveyances, vessels, vehicles, and other
762 equipment described in paragraph (1)(a) or used in the
763 commission of a violation of paragraph (1)(a), other than
764 gasoline or containers removed as provided in subsection (2),
765 are declared to be contraband.

766 (a) Upon conviction of a person arrested for a violation
767 of paragraph (1)(a), the judge shall issue an order adjudging
768 and ordering that all conveyances, vessels, vehicles, and other
769 equipment used in the violation shall be forfeited to the
770 arresting agency. The requirement for a conviction before
771 forfeiture of property establishes to the exclusion of any
772 reasonable doubt that the property was used in connection with
773 the violation resulting in the conviction, and the procedures of
774 chapter 932 do not apply to any forfeiture of property under
775 this subsection following a conviction.

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

780 (c) As used in this subsection, the term "conviction"
781 means a finding of guilt or the acceptance of a plea of guilty
782 or nolo contendere, regardless of whether adjudication is
783 withheld or whether imposition of sentence is withheld,
784 deferred, or suspended.

785 (4) All costs incurred by the law enforcement agency in
 786 the removal of any gasoline, gasoline container, other
 787 equipment, or vessel as provided in this section shall be
 788 recoverable against the owner thereof. Any person who neglects
 789 or refuses to pay such amount shall not be issued a certificate
 790 of registration for such vessel or for any other vessel or motor
 791 vehicle until the costs have been paid.

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

795 Section 17. Effective October 1, 2009, section 327.70,
 796 Florida Statutes, is amended to read:

797 327.70 Enforcement of this chapter and chapter 328.--

798 (1) This chapter and chapter 328 shall be enforced by the
 799 Division of Law Enforcement of the Fish and Wildlife
 800 Conservation Commission and its officers, the sheriffs of the
 801 various counties and their deputies, municipal police officers,
 802 and any other ~~authorized~~ law enforcement officer as defined in
 803 s. 943.10, all of whom may order the removal of vessels deemed
 804 to be an interference or a hazard to public safety, enforce the
 805 provisions of this chapter and chapter 328, or cause any
 806 inspections to be made of all vessels in accordance with this
 807 chapter and chapter 328.

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

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

813 2. Section 327.44, relating to interference with
 814 navigation.

815 3. Section 327.50(2), relating to required lights and
 816 shapes.

817 4. Section 327.53, relating to marine sanitation.

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

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

820 (b) Citations issued to livery vessels under this
 821 subsection shall be the responsibility of the lessee of the
 822 vessel if the livery has included a warning of this
 823 responsibility as a part of the rental agreement and has
 824 provided to the agency issuing the citation the name, address,
 825 and date of birth of the lessee when requested by that agency.
 826 The livery is not responsible for the payment of citations if
 827 the livery provides the required warning and lessee information.

828 ~~(3)-(2)~~ Such officers shall have the power and duty to
 829 issue such orders and to make such investigations, reports, and
 830 arrests in connection with any violation of the provisions of
 831 this chapter and chapter 328 as are necessary to effectuate the
 832 intent and purpose of this chapter and chapter 328.

833 ~~(4)-(3)~~ The Fish and Wildlife Conservation Commission or
 834 any other law enforcement agency may make any investigation
 835 necessary to secure information required to carry out and
 836 enforce the provisions of this chapter and chapter 328.

837 Section 18. Effective October 1, 2009, paragraph (k) of
 838 subsection (1) of section 327.73, Florida Statutes, is amended,
 839 and paragraph (x) is added to that subsection, to read:

840 327.73 Noncriminal infractions.--

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

843 (k) Violations relating to boating-restricted ~~restricted~~
 844 areas and speed limits:

845 1. Established by the commission or by local governmental
 846 authorities pursuant to s. 327.46.

847 ~~2. Established by local governmental authorities pursuant~~
 848 ~~to s. 327.22 or s. 327.60.~~

849 ~~2.3.~~ Speed limits established pursuant to s. 379.2431(2).

850 (x) Section 253.04(4)(a), relating to carelessly causing
 851 seagrass scarring, for which the civil penalty upon conviction
 852 is:

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

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

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

858 4. For a fourth or subsequent offense occurring within 72
 859 months after a prior conviction, \$1,000.

860

861 Any person cited for a violation of any such provision shall be
 862 deemed to be charged with a noncriminal infraction, shall be
 863 cited for such an infraction, and shall be cited to appear
 864 before the county court. The civil penalty for any such
 865 infraction is \$50, except as otherwise provided in this section.

866 Any person who fails to appear or otherwise properly respond to
 867 a uniform boating citation shall, in addition to the charge
 868 relating to the violation of the boating laws of this state, be

869 | charged with the offense of failing to respond to such citation
 870 | and, upon conviction, be guilty of a misdemeanor of the second
 871 | degree, punishable as provided in s. 775.082 or s. 775.083. A
 872 | written warning to this effect shall be provided at the time
 873 | such uniform boating citation is issued.

874 | Section 19. Subsection (1) of section 327.731, Florida
 875 | Statutes, is amended to read:

876 | 327.731 Mandatory education for violators.--

877 | (1) Every person convicted of a criminal violation of this
 878 | chapter, every person convicted of a noncriminal infraction
 879 | under this chapter if the infraction resulted in a reportable
 880 | boating accident, and every person convicted of two noncriminal
 881 | infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p),
 882 | and (s)-(x)~~(s)-(w)~~, said infractions occurring within a 12-month
 883 | period, must:

884 | (a) Enroll in, attend, and successfully complete, at his
 885 | or her own expense, a boating safety course that meets minimum
 886 | standards established by the commission by rule; however, the
 887 | commission may provide by rule pursuant to chapter 120 for
 888 | waivers of the attendance requirement for violators residing in
 889 | areas where classroom presentation of the course is not
 890 | available;

891 | (b) File with the commission within 90 days proof of
 892 | successful completion of the course;

893 | (c) Refrain from operating a vessel until he or she has
 894 | filed the proof of successful completion of the course with the
 895 | commission.

896 |

897 Any person who has successfully completed an approved boating
 898 course shall be exempt from these provisions upon showing proof
 899 to the commission as specified in paragraph (b).

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

902 328.03 Certificate of title required.--

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

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

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

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

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

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

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

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

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

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

927 (2) A person shall not operate, use, or store a vessel for
 928 which a certificate of title is required unless the owner has
 929 received from the Department of Highway Safety and Motor
 930 Vehicles a valid certificate of title for such vessel. However,
 931 such vessel may be operated, used, or stored for a period of up
 932 to 180 days after ~~from~~ the date of application for a certificate
 933 of title while the application is pending.

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

936 328.07 Hull identification number required.--

937 (1) No person shall operate, use, or store on the waters
 938 of this state a vessel the construction of which began after
 939 October 31, 1972, for which the department has issued a
 940 certificate of title or which is required by law to be
 941 registered, unless the vessel displays the assigned hull
 942 identification number affixed by the manufacturer as required by
 943 the United States Coast Guard or by the department for a
 944 homemade vessel or other vessel for which a hull identification
 945 number is not required by the United States Coast Guard. The
 946 hull identification number must be carved, burned, stamped,
 947 embossed, or otherwise permanently affixed to the outboard side
 948 of the transom or, if there is no transom, to the outermost
 949 starboard side at the end of the hull that bears the rudder or
 950 other steering mechanism, above the waterline of the vessel in
 951 such a way that alteration, removal, or replacement would be
 952 obvious and evident. The characters of the hull identification

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953 | number must be no less than 12 in number and no less than one-
 954 | fourth inch in height.

955 | (2) No person shall operate, use, or store on the waters
 956 | of this state a vessel the construction of which was completed
 957 | before November 1, 1972, for which the department has issued a
 958 | certificate of title or which is required by law to be
 959 | registered, unless the vessel displays a hull identification
 960 | number. The hull identification number shall be clearly
 961 | imprinted in the transom or on the hull by stamping, impressing,
 962 | or marking with pressure. In lieu of imprinting, the hull
 963 | identification number may be displayed on a plate in a permanent
 964 | manner. A vessel for which the manufacturer has provided no hull
 965 | identification number or a homemade vessel shall be assigned a
 966 | hull identification number by the department which shall be
 967 | affixed to the vessel pursuant to this section.

968 | Section 22. Effective October 1, 2009, section 328.46,
 969 | Florida Statutes, is amended to read:

970 | 328.46 Operation of registered vessels.--

971 | (1) Every vessel that is required to be registered and
 972 | that is being operated, used, or stored on ~~using~~ the waters of
 973 | this state shall be registered and numbered within 30 days after
 974 | purchase by the owner except as specifically exempt. During this
 975 | 30-day period, the operator is required to have aboard the
 976 | vessel and available for inspection a bill of sale. The bill of
 977 | sale for the vessel shall serve as the temporary certificate of
 978 | number that is required by federal law and must contain the
 979 | following information:

980 | (a) Make of the vessel.

- 981 (b) Length of the vessel.
- 982 (c) Type of propulsion.
- 983 (d) Hull identification number.
- 984 (e) A statement declaring Florida to be the state where
- 985 the vessel is principally used.
- 986 (f) Name of the purchaser.
- 987 (g) Address of the purchaser, including ZIP code.
- 988 (h) Signature of the purchaser.
- 989 (i) Name of the seller.
- 990 (j) Signature of the seller.
- 991 (k) Date of the sale of the vessel. The date of sale shall
- 992 also serve as the date of issuance of the temporary certificate
- 993 of number.
- 994 (l) Notice to the purchaser and operator that the
- 995 temporary authority to use the vessel on the waters of this
- 996 state is invalid after 30 days following the date of sale of the
- 997 vessel.
- 998 (2) No person shall operate, use, or store or give
- 999 permission for the operation, use, or storage of any such vessel
- 1000 on such waters unless:
- 1001 (a) Such vessel is registered within 30 days after
- 1002 purchase by the owner and numbered with the identifying number
- 1003 set forth in the certificate of registration, displayed:
- 1004 1. In accordance with s. 328.48(4), except, if the vessel
- 1005 is an airboat, the registration number may be displayed on each
- 1006 side of the rudder; or
- 1007 2. In accordance with 33 C.F.R. s. 173.27, or with a
- 1008 federally approved numbering system of another state; and

1009 (b) The certificate of registration or temporary
 1010 certificate of number awarded to such vessel is in full force
 1011 and effect.

1012 Section 23. Effective October 1, 2009, subsection (2) of
 1013 section 328.48, Florida Statutes, is amended to read:

1014 328.48 Vessel registration, application, certificate,
 1015 number, decal, duplicate certificate.--

1016 (2) Each vessel operated, All vessels used, or stored on
 1017 the waters of this the state must be registered as a, either
 1018 commercial vessel or recreational vessel as defined in s. 327.02
 1019 this chapter, unless it is except as follows:

1020 (a) A vessel operated, used, and stored exclusively on
 1021 private lakes and ponds;;

1022 (b) A vessel owned by the United States Government;;

1023 (c) A vessel used exclusively as a ship's lifeboat; or;

1024 (d) A non-motor-powered vessel less than 16 feet in
 1025 length, or a and any non-motor-powered canoe, kayak, racing
 1026 shell, or rowing scull, regardless of length.

1027 Section 24. Effective October 1, 2009, section 328.56,
 1028 Florida Statutes, is amended to read:

1029 328.56 Vessel registration number.--Each vessel that is
 1030 operated, used, or stored on the waters of this the state must
 1031 display a commercial or recreational Florida registration
 1032 number, unless it is:

1033 (1) A vessel operated, used, and stored exclusively on
 1034 private lakes and ponds;;

1035 (2) A vessel owned by the United States Government;;

1036 (3) A vessel used exclusively as a ship's lifeboat;;

1037 (4) A non-motor-powered vessel less than 16 feet in
 1038 length, ~~or a~~ and any non-motor-powered canoe, kayak, racing
 1039 shell, or rowing scull, regardless of length; ~~;~~

1040 (5) A federally documented vessel; ~~;~~

1041 (6) A vessel already covered by a registration number in
 1042 full force and effect which has been awarded to it pursuant to a
 1043 federally approved numbering system of another state or by the
 1044 United States Coast Guard in a state without a federally
 1045 approved numbering system, if the vessel has not been within
 1046 this state for a period in excess of 90 consecutive days; ~~;~~

1047 (7) A vessel operating under a valid temporary certificate
 1048 of number; ~~;~~

1049 (8) A vessel from a country other than the United States
 1050 temporarily using the waters of this state; ~~or;~~

1051 (9) An undocumented vessel used exclusively for racing.

1052 Section 25. Effective October 1, 2009, section 328.58,
 1053 Florida Statutes, is amended to read:

1054 328.58 Reciprocity of nonresident or alien vessels.--The
 1055 owner of any vessel already covered by a registration number in
 1056 full force and effect which has been awarded by:

1057 (1) ~~By~~ Another state pursuant to a federally approved
 1058 numbering system of another state;

1059 (2) ~~By~~ The United States Coast Guard in a state without a
 1060 federally approved numbering system; or

1061 (3) ~~By~~ The United States Coast Guard for a federally
 1062 documented vessel with a valid registration in full force and
 1063 effect from another state,

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1065 shall record the number with the Department of Highway Safety
 1066 and Motor Vehicles prior to operating, using, or storing the
 1067 vessel on the waters of this state in excess of the 90-day
 1068 reciprocity period provided for in this chapter. Such
 1069 recordation shall be pursuant to the procedure required for the
 1070 award of an original registration number, except that no
 1071 additional or substitute registration number shall be issued if
 1072 the vessel owner maintains the previously awarded registration
 1073 number in full force and effect.

1074 Section 26. Effective October 1, 2009, section 328.60,
 1075 Florida Statutes, is amended to read:

1076 328.60 Military personnel; registration; penalties.--Any
 1077 military personnel on active duty in this state operating,
 1078 using, or storing a vessel on the waters of this state that has
 1079 a registration number in full force and effect which has been
 1080 awarded to it pursuant to a federally approved numbering system
 1081 of another state or by the United States Coast Guard in a state
 1082 without a federally approved numbering system, or a federally
 1083 documented vessel with a valid registration in full force and
 1084 effect from another state shall not be required to register his
 1085 or her vessel in this state while such certificate of
 1086 registration remains valid; but, at the expiration of such
 1087 registration certificate, all registration and titling shall be
 1088 issued by this state. In the case of a federally documented
 1089 vessel, the issuance of a title is not required by this chapter.

1090 Section 27. Effective October 1, 2009, section 328.65,
 1091 Florida Statutes, is amended to read:

1092 328.65 Legislative intent with respect to registration and

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1093 numbering of vessels.--It is the legislative intent that vessels
 1094 be registered and numbered uniformly throughout the state. The
 1095 purpose of ss. 327.58, 327.70, 327.72, 328.66, 328.68, and
 1096 328.72 is to make registration and numbering procedures similar
 1097 to those of automobiles and airplanes and to provide for a
 1098 vessel registration fee and certificate so as to determine the
 1099 ownership of vessels which are operated, used, or stored ~~operate~~
 1100 on the waters of this state and to aid in the advancement of
 1101 maritime safety.

1102 Section 28. Effective October 1, 2009, subsection (1) of
 1103 section 328.66, Florida Statutes, is amended to read:

1104 328.66 County and municipality optional registration
 1105 fee.--

1106 (1) Any county may impose an annual registration fee on
 1107 vessels registered, operated, used, or stored on the waters of
 1108 this state ~~in the water~~ within its jurisdiction. This fee shall
 1109 be 50 percent of the applicable state registration fee. However,
 1110 the first \$1 of every registration imposed under this subsection
 1111 shall be remitted to the state for deposit in the Save the
 1112 Manatee Trust Fund created within the Fish and Wildlife
 1113 Conservation Commission, and shall be used only for the purposes
 1114 specified in s. 379.2431(4). All other moneys received from such
 1115 fee shall be expended for the patrol, regulation, and
 1116 maintenance of the lakes, rivers, and waters and for other
 1117 boating-related activities of such municipality or county. A
 1118 municipality that was imposing a registration fee before April
 1119 1, 1984, may continue to levy such fee, notwithstanding the
 1120 provisions of this section.

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1121 Section 29. Effective October 1, 2009, subsection (13) of
 1122 section 328.72, Florida Statutes, is amended to read:

1123 328.72 Classification; registration; fees and charges;
 1124 surcharge; disposition of fees; fines; marine turtle stickers.--

1125 (13) EXPIRED REGISTRATION.--The operation, use, or storage
 1126 on the waters of this state of a previously registered vessel
 1127 after the expiration of the registration period is a noncriminal
 1128 violation, as defined in s. 327.73. This subsection does not
 1129 apply to vessels lawfully stored at a dock or in a marina.

1130 Section 30. Subsections (13) and (14) are added to section
 1131 369.20, Florida Statutes, to read:

1132 369.20 Florida Aquatic Weed Control Act.--

1133 (13) The commission has the power to enforce this section
 1134 in the same manner and to the same extent as provided in ss.
 1135 379.501-379.504.

1136 (14) Activities that are exempt from permitting pursuant
 1137 to s. 403.813(1)(r) are granted a mixing zone for turbidity for
 1138 a distance not to exceed 150 meters downstream in flowing
 1139 streams or 150 meters in radius in other water bodies as
 1140 measured from the cutterhead, return flow discharge, or other
 1141 points of generation of turbidity.

1142 Section 31. Subsections (13) and (14) are added to section
 1143 369.22, Florida Statutes, to read:

1144 369.22 Aquatic plant management.--

1145 (13) The commission has the power to enforce this section
 1146 in the same manner and to the same extent as provided in ss.
 1147 379.501-379.504.

1148 (14) Activities that are exempt from permitting pursuant

1149 to s. 403.813(1)(r) are granted a mixing zone for turbidity for
 1150 a distance not to exceed 150 meters downstream in flowing
 1151 streams or 150 meters in radius in other water bodies as
 1152 measured from the cutterhead, return flow discharge, or other
 1153 points of generation of turbidity.

1154 Section 32. Paragraph (j) of subsection (3) of section
 1155 369.25, Florida Statutes, is amended to read:

1156 369.25 Aquatic plants; definitions; permits; powers of
 1157 department; penalties.--

1158 (3) The department has the following powers:

1159 (j) To enforce this section and s. 369.251 ~~this chapter~~ in
 1160 the same manner and to the same extent as provided in s.
 1161 581.211.

1162 Section 33. Subsections (1) and (5) of section 379.304,
 1163 Florida Statutes, are amended to read:

1164 379.304 Exhibition or sale of wildlife.--

1165 (1) Permits issued pursuant to s. 379.3761 ~~this section~~
 1166 and places where wildlife is kept or held in captivity shall be
 1167 subject to inspection by officers of the commission at all
 1168 times. The commission shall have the power to release or
 1169 confiscate any specimens of any wildlife, specifically birds,
 1170 mammals, amphibians, or reptiles, whether indigenous to the
 1171 state or not, when it is found that conditions under which they
 1172 are being confined are unsanitary, or unsafe to the public in
 1173 any manner, or that the species of wildlife are being
 1174 maltreated, mistreated, or neglected or kept in any manner
 1175 contrary to the provisions of chapter 828, any such permit to
 1176 the contrary notwithstanding. Before any such wildlife is

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1177 | confiscated or released under the authority of this section, the
 1178 | owner thereof shall have been advised in writing of the
 1179 | existence of such unsatisfactory conditions; the owner shall
 1180 | have been given 30 days in which to correct such conditions; the
 1181 | owner shall have failed to correct such conditions; the owner
 1182 | shall have had an opportunity for a proceeding pursuant to
 1183 | chapter 120; and the commission shall have ordered such
 1184 | confiscation or release after careful consideration of all
 1185 | evidence in the particular case in question. The final order of
 1186 | the commission shall constitute final agency action.

1187 | (5) A violation of this section is punishable as provided
 1188 | by s. 379.4015 ~~379.401~~.

1189 | Section 34. Section 379.338, Florida Statutes, is amended
 1190 | to read:

1191 | 379.338 Confiscation and disposition of illegally taken
 1192 | wildlife, freshwater fish, and saltwater fish ~~game~~.--

1193 | (1) All wildlife, ~~game~~ and freshwater fish, and saltwater
 1194 | fish seized under the authority of this chapter, any other
 1195 | chapter, or rules of the commission shall, upon conviction of
 1196 | the offender or sooner in accordance with a court order if the
 1197 | court so orders, be forfeited to the investigating law
 1198 | enforcement agency. The law enforcement agency may elect to
 1199 | retain the wildlife, freshwater fish, or saltwater fish for the
 1200 | agency's official use; transfer it to another unit of state or
 1201 | local government for official use; donate it to a charitable
 1202 | organization; sell it at a public sale pursuant to s. 705.103;
 1203 | or destroy the wildlife, freshwater fish, or saltwater fish if
 1204 | none of the other options is practicable or if the wildlife,

1205 freshwater fish, or saltwater fish is unwholesome or otherwise
 1206 not of appreciable value. All illegally possessed live wildlife,
 1207 freshwater fish, and saltwater fish that are properly documented
 1208 as evidence as provided in s. 379.3381 may be returned to the
 1209 habitat unharmed. Any unclaimed wildlife, freshwater fish, or
 1210 saltwater fish shall be retained by the investigating law
 1211 enforcement agency and disposed of in accordance with this
 1212 subsection and ~~given to some hospital or charitable institution~~
 1213 and ~~receipt therefor sent to the Fish and Wildlife Conservation~~
 1214 Commission.

1215 (2) All furs or hides or fur-bearing animals seized under
 1216 the authority of this chapter shall, upon conviction of the
 1217 offender, be forfeited and sent to the commission, which shall
 1218 sell the same and ~~deposit the proceeds of such sale to the~~
 1219 ~~credit of the State Game Trust Fund.~~ If any such hides or furs
 1220 are seized and the offender is unknown, the court shall order
 1221 such hides or furs sent to the ~~Fish and Wildlife Conservation~~
 1222 commission, which shall sell such hides and furs.

1223 (3) Except as otherwise provided by law, and ~~deposit~~ the
 1224 proceeds of any such sale under this section shall be deposited
 1225 ~~in to the credit of~~ the State Game Trust Fund or the Marine
 1226 Resources Conservation Trust Fund.

1227 (4) Any state, county, or municipal law enforcement agency
 1228 that enforces or assists the commission in enforcing this
 1229 chapter, which enforcement results in a forfeiture of property
 1230 as provided in this section, is entitled to receive all or a
 1231 share of any property based upon its participation in the
 1232 enforcement.

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1233 Section 35. Section 379.3381, Florida Statutes, is created
 1234 to read:

1235 379.3381 Photographic evidence of illegally taken
 1236 wildlife, freshwater fish, and saltwater fish.--In any
 1237 prosecution for a violation of this chapter, any other chapter,
 1238 or rules of the commission, a photograph of illegally taken
 1239 wildlife, freshwater fish, or saltwater fish may be deemed
 1240 competent evidence of such property and may be admissible in the
 1241 prosecution to the same extent as if such wildlife, freshwater
 1242 fish, or saltwater fish were introduced as evidence. Such
 1243 photograph shall bear a written description of the wildlife,
 1244 freshwater fish, or saltwater fish alleged to have been
 1245 illegally taken, the name of the violator, the location where
 1246 the alleged illegal taking occurred, the name of the
 1247 investigating law enforcement officer, the date the photograph
 1248 was taken, and the name of the photographer. Such writing shall
 1249 be made under oath by the investigating law enforcement officer,
 1250 and the photograph shall be identified by the signature of the
 1251 photographer.

1252 Section 36. Effective August 1, 2009, paragraphs (n)
 1253 through (q) of subsection (2) of section 379.353, Florida
 1254 Statutes, are redesignated as paragraphs (m) through (p),
 1255 respectively, and paragraphs (h) and (m) of that subsection are
 1256 amended to read:

1257 379.353 Recreational licenses and permits; exemptions from
 1258 fees and requirements.--

1259 (2) A hunting, freshwater fishing, or saltwater fishing
 1260 license or permit is not required for:

1261 (h) Any resident saltwater fishing from land or from a
 1262 structure fixed to the land who has been determined eligible for
 1263 the food stamp, temporary cash assistance, or Medicaid programs
 1264 by the Department of Children and Family Services. A benefit
 1265 issuance or program identification card issued by the Department
 1266 of Children and Family Services or the Agency for Health Care
 1267 Administration shall serve as proof of program eligibility. The
 1268 individual must have the benefit issuance or program
 1269 identification card and positive proof of identification in her
 1270 or his possession when fishing.

1271 ~~(m) Any resident fishing for a saltwater species in fresh~~
 1272 ~~water from land or from a structure fixed to land.~~

1273 Section 37. Effective July 1, 2010, paragraphs (h), (i),
 1274 and (j) of subsection (4) and subsections (8), (11), and (12) of
 1275 section 379.354, Florida Statutes, are amended, and effective
 1276 July 15, 2009, paragraph (k) is added to subsection (4) of that
 1277 section, to read:

1278 379.354 Recreational licenses, permits, and authorization
 1279 numbers; fees established.--

1280 (4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses
 1281 and fees for residents participating in hunting and fishing
 1282 activities in this state are as follows:

1283 (h) Annual sportsman's license, \$79, except that an annual
 1284 sportsman's license for a resident 64 years of age or older is
 1285 \$12. A sportsman's license authorizes the person to whom it is
 1286 issued to take game and freshwater fish, subject to the state
 1287 and federal laws, rules, and regulations, including rules of the
 1288 commission, in effect at the time of the taking. Other

1289 authorized activities include activities authorized by a
 1290 management area permit, a muzzle-loading gun season permit, a
 1291 crossbow season permit, a turkey permit, a Florida waterfowl
 1292 permit, a deer permit, and an archery season permit.

1293 (i) Annual gold sportsman's license, \$98.50. The gold
 1294 sportsman's license authorizes the person to whom it is issued
 1295 to take freshwater fish, saltwater fish, and game, subject to
 1296 the state and federal laws, rules, and regulations, including
 1297 rules of the commission, in effect at the time of taking. Other
 1298 authorized activities include activities authorized by a
 1299 management area permit, a muzzle-loading gun season permit, a
 1300 crossbow season permit, a turkey permit, a Florida waterfowl
 1301 permit, a deer permit, an archery season permit, a snook permit,
 1302 and a spiny lobster permit.

1303 (j) Annual military gold sportsman's license, \$18.50. The
 1304 gold sportsman's license authorizes the person to whom it is
 1305 issued to take freshwater fish, saltwater fish, and game,
 1306 subject to the state and federal laws, rules, and regulations,
 1307 including rules of the commission, in effect at the time of
 1308 taking. Other authorized activities include activities
 1309 authorized by a management area permit, a muzzle-loading gun
 1310 season permit, a crossbow season permit, a turkey permit, a
 1311 Florida waterfowl permit, a deer permit, an archery season
 1312 permit, a snook permit, and a spiny lobster permit. Any resident
 1313 who is an active or retired member of the United States Armed
 1314 Forces, the United States Armed Forces Reserve, the National
 1315 Guard, the United States Coast Guard, or the United States Coast
 1316 Guard Reserve is eligible to purchase the military gold

1317 sportsman's license upon submission of a current military
 1318 identification card.

1319 (k) Annual resident shoreline fishing license, \$7.50. The
 1320 annual resident shoreline fishing license allows any resident to
 1321 saltwater fish from land or from a structure fixed to the land.
 1322 This license is not required for any resident issued any other
 1323 license identified in this section that allows the take of
 1324 saltwater fish.

1325 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY
 1326 PERMITS.--In order to ensure that the cultural heritage of
 1327 hunting and sport fishing as recognized in s. 379.104 is passed
 1328 on to future Floridians, the commission shall use up to 10
 1329 percent of the proceeds from the hunting and sport fishing
 1330 permits issued pursuant to this subsection to promote hunting
 1331 and sport fishing activities with an emphasis on youth
 1332 participation. In addition to any license required under this
 1333 chapter, the following permits and fees for specified hunting,
 1334 fishing, and other recreational uses and activities are
 1335 required:

1336 (a) An annual Florida waterfowl permit for a resident or
 1337 nonresident to take wild ducks or geese within the state or its
 1338 coastal waters is \$5 ~~\$3~~. Revenue generated from the sale of
 1339 waterfowl permits or that pro rata portion of any license that
 1340 includes waterfowl hunting privileges provided for in this
 1341 paragraph shall be used for conservation, research, and
 1342 management of waterfowl; for the development, restoration,
 1343 maintenance, and preservation of wetlands within the state; or
 1344 to promote the cultural heritage of hunting.

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1345 (b)1. An annual Florida turkey permit for a resident to
1346 take wild turkeys within the state is \$10 ~~\$5~~. Revenue generated
1347 from the sale of resident wild turkey permits or that pro rata
1348 portion of any license that includes turkey hunting privileges
1349 provided for in this subparagraph shall be used for the
1350 conservation, research, and management of wild turkeys or to
1351 promote the cultural heritage of hunting.

1352 2. An annual Florida turkey permit for a nonresident to
1353 take wild turkeys within the state is \$125 ~~\$100~~. Revenue
1354 generated from the sale of nonresident wild turkey permits or
1355 that pro rata portion of any license that includes turkey
1356 hunting privileges provided for in this subparagraph shall be
1357 used for the conservation, research, and management of wild
1358 turkeys or to promote the cultural heritage of hunting.

1359 (c) An annual snook permit for a resident or nonresident
1360 to take or possess any snook from any waters of the state is \$10
1361 ~~\$2~~. Revenue generated from the sale of snook permits shall be
1362 used exclusively for programs to benefit the snook population.

1363 (d) An annual spiny lobster permit for a resident or
1364 nonresident to take or possess any spiny lobster for
1365 recreational purposes from any waters of the state is \$5 ~~\$2~~.
1366 Revenue generated from the sale of spiny lobster permits shall
1367 be used exclusively for programs to benefit the spiny lobster
1368 population.

1369 (e) A \$5 fee is imposed for each of the following permits:

1370 1. An annual archery season permit for a resident or
1371 nonresident to hunt within the state during any archery season
1372 authorized by the commission.

1373 2. An annual crossbow season permit for a resident or
 1374 nonresident to hunt within the state during any crossbow season
 1375 authorized by the commission.

1376 3. An annual muzzle-loading gun season permit for a
 1377 resident or nonresident to hunt within the state during any
 1378 muzzle-loading gun season authorized by the commission.

1379 (f) A special use permit for a resident or nonresident to
 1380 participate in limited entry hunting or fishing activities as
 1381 authorized by commission rule shall not exceed \$150 ~~\$100~~ per day
 1382 or \$300 ~~\$250~~ per week. Notwithstanding any other provision of
 1383 this chapter, there are no exclusions, exceptions, or exemptions
 1384 from this permit fee. In addition to the permit fee, the
 1385 commission may charge each special use permit applicant a
 1386 nonrefundable application fee not to exceed \$10.

1387 (g)1. A management area permit for a resident or
 1388 nonresident to hunt on, fish on, or otherwise use for outdoor
 1389 recreational purposes land owned, leased, or managed by the
 1390 commission, or by the state for the use and benefit of the
 1391 commission, shall not exceed \$30 ~~\$25~~ per year.

1392 2. Permit fees for short-term use of land that is owned,
 1393 leased, or managed by the commission may be established by rule
 1394 of the commission for activities on such lands. Such permits may
 1395 be in lieu of, or in addition to, the annual management area
 1396 permit authorized in subparagraph 1. and subparagraph 4.

1397 3. Other than for hunting or fishing, the provisions of
 1398 this paragraph shall not apply on any lands not owned by the
 1399 commission, unless the commission has obtained the written
 1400 consent of the owner or primary custodian of such lands.

1401 4. A management area permit for a resident or nonresident
 1402 to hike, camp, or otherwise engage in other outdoor recreational
 1403 activities, except hunting or fishing, on management area lands
 1404 shall not exceed \$5 per day or \$30 per year.

1405 (h)1. A recreational user permit is required to hunt on,
 1406 fish on, or otherwise use for outdoor recreational purposes land
 1407 leased by the commission from private nongovernmental owners,
 1408 ~~except for those lands located directly north of the~~
 1409 ~~Apalachicola National Forest, east of the Ochlocknee River until~~
 1410 ~~the point the river meets the dam forming Lake Talquin, and~~
 1411 ~~south of the closest federal highway.~~ The fee for a recreational
 1412 user permit shall be based upon the economic compensation
 1413 desired by the landowner, game population levels, desired hunter
 1414 density, and administrative costs. The permit fee shall be set
 1415 by commission rule on a per-acre basis. The recreational user
 1416 permit fee, less administrative costs of up to \$30 ~~\$25~~ per
 1417 permit, shall be remitted to the landowner as provided in the
 1418 lease agreement for each area.

1419 2. One minor dependent under 16 years of age may hunt
 1420 under the supervision of the permittee and is exempt from the
 1421 recreational user permit requirements. The spouse and dependent
 1422 children of a permittee are exempt from the recreational user
 1423 permit requirements when engaged in outdoor recreational
 1424 activities other than hunting and when accompanied by a
 1425 permittee. Notwithstanding any other provision of this chapter,
 1426 no other exclusions, exceptions, or exemptions from the
 1427 recreational user permit fee are authorized.

1428 (i) An annual deer permit for a resident or nonresident to

1429 take deer within the state during any season authorized by the
 1430 commission is \$5. Revenue generated from the sale of deer
 1431 permits shall be used for the conservation, research, and
 1432 management of white-tailed deer or to promote the cultural
 1433 heritage of hunting.

1434
 1435 The commission shall prepare an annual report documenting the
 1436 use of funds generated pursuant to paragraphs (a) and (b) and
 1437 shall submit the report to the Governor, the Speaker of the
 1438 House of Representatives, and the President of the Senate no
 1439 later than September 1 of each year.

1440 (11) RESIDENT LIFETIME HUNTING LICENSES.--

1441 (a) Lifetime hunting licenses are available to residents
 1442 only, as follows, for:

- 1443 1. Persons 4 years of age or younger, for a fee of \$200.
- 1444 2. Persons 5 years of age or older, but under 13 years of
 1445 age, for a fee of \$350.
- 1446 3. Persons 13 years of age or older, for a fee of \$500.

1447 (b) The following activities are authorized by the
 1448 purchase of a lifetime hunting license:

1449 1. Taking, or attempting to take or possess, game
 1450 consistent with the state and federal laws and regulations and
 1451 rules of the commission in effect at the time of the taking.

1452 2. All activities authorized by a muzzle-loading gun
 1453 season permit, a crossbow season permit, a turkey permit, an
 1454 archery season permit, a Florida waterfowl permit, a deer
 1455 permit, and a management area permit, excluding fishing.

1456 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

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- 1457 (a) Lifetime sportsman's licenses are available to
 1458 residents only, as follows, for:
- 1459 1. Persons 4 years of age or younger, for a fee of \$400.
 - 1460 2. Persons 5 years of age or older, but under 13 years of
 1461 age, for a fee of \$700.
 - 1462 3. Persons 13 years of age or older, for a fee of \$1,000.

- 1463 (b) The following activities are authorized by the
 1464 purchase of a lifetime sportsman's license:
- 1465 1. Taking, or attempting to take or possess, freshwater
 1466 and saltwater fish, and game, consistent with the state and
 1467 federal laws and regulations and rules of the commission in
 1468 effect at the time of taking.
 - 1469 2. All activities authorized by a management area permit,
 1470 a muzzle-loading gun season permit, a crossbow season permit, a
 1471 turkey permit, an archery season permit, a Florida waterfowl
 1472 permit, a deer permit, a snook permit, and a spiny lobster
 1473 permit.

1474 Section 38. Paragraph (c) of subsection (2) of section
 1475 379.3671, Florida Statutes, is amended to read:

1476 379.3671 Spiny lobster trap certificate program.--
 1477 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
 1478 PENALTIES.--The Fish and Wildlife Conservation Commission shall
 1479 establish a trap certificate program for the spiny lobster
 1480 fishery of this state and shall be responsible for its
 1481 administration and enforcement as follows:

- 1482 (c) Prohibitions; penalties.--
- 1483 1. It is unlawful for a person to possess or use a spiny
 1484 lobster trap in or on state waters or adjacent federal waters

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1485 without having affixed thereto the trap tag required by this
1486 section. It is unlawful for a person to possess or use any other
1487 gear or device designed to attract and enclose or otherwise aid
1488 in the taking of spiny lobster by trapping that is not a trap as
1489 defined by commission rule.

1490 2. It is unlawful for a person to possess or use spiny
1491 lobster trap tags without having the necessary number of
1492 certificates on record as required by this section.

1493 3. It is unlawful for any person to willfully molest, take
1494 possession of, or remove the contents of another harvester's
1495 spiny lobster trap without the express written consent of the
1496 trap owner available for immediate inspection. Unauthorized
1497 possession of another's trap gear or removal of trap contents
1498 constitutes theft.

1499 a. A commercial harvester who violates this subparagraph
1500 shall be punished under ss. 379.367 and 379.407. Any commercial
1501 harvester receiving a judicial disposition other than dismissal
1502 or acquittal on a charge of theft of or from a trap pursuant to
1503 this subparagraph or s. 379.402 shall, in addition to the
1504 penalties specified in ss. 379.367 and 379.407 and the
1505 provisions of this section, permanently lose all his or her
1506 saltwater fishing privileges, including his or her saltwater
1507 products license, spiny lobster endorsement, and all trap
1508 certificates allotted to him or her through this program. In
1509 such cases, trap certificates and endorsements are
1510 nontransferable.

1511 b. Any commercial harvester receiving a judicial
1512 disposition other than dismissal or acquittal on a charge of

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1513 willful molestation of a trap, in addition to the penalties
 1514 specified in ss. 379.367 and 379.407, shall lose all saltwater
 1515 fishing privileges for a period of 24 calendar months.

1516 c. In addition, any commercial harvester charged with
 1517 violating this subparagraph and receiving a judicial disposition
 1518 other than dismissal or acquittal for violating this
 1519 subparagraph or s. 379.402 shall also be assessed an
 1520 administrative penalty of up to \$5,000.

1521
 1522 Immediately upon receiving a citation for a violation involving
 1523 theft of or from a trap, or molestation of a trap, and until
 1524 adjudicated for such a violation or, upon receipt of a judicial
 1525 disposition other than dismissal or acquittal of such a
 1526 violation, the commercial harvester committing the violation is
 1527 prohibited from transferring any spiny lobster trap certificates
 1528 and endorsements.

1529 4. In addition to any other penalties provided in s.
 1530 379.407, a commercial harvester who violates the provisions of
 1531 this section or commission rules relating to spiny lobster traps
 1532 shall be punished as follows:

1533 a. If the first violation is for violation of subparagraph
 1534 1. or subparagraph 2., the commission shall assess an additional
 1535 administrative penalty of up to \$1,000. For all other first
 1536 violations, the commission shall assess an additional
 1537 administrative penalty of up to \$500.

1538 b. For a second violation of subparagraph 1. or
 1539 subparagraph 2. which occurs within 24 months of any previous
 1540 such violation, the commission shall assess an additional

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1541 administrative penalty of up to \$2,000 and the spiny lobster
1542 endorsement issued under s. 379.367(2) or (6) may be suspended
1543 for the remainder of the current license year.

1544 c. For a third or subsequent violation of subparagraph 1.,
1545 subparagraph 2., or subparagraph 3. which occurs within 36
1546 months of any previous two such violations, the commission shall
1547 assess an additional administrative penalty of up to \$5,000 and
1548 may suspend the spiny lobster endorsement issued under s.
1549 379.367(2) or (6) for a period of up to 24 months or may revoke
1550 the spiny lobster endorsement and, if revoking the spiny lobster
1551 endorsement, may also proceed against the licenseholder's
1552 saltwater products license in accordance with the provisions of
1553 s. 379.407(2) (h).

1554 d. Any person assessed an additional administrative
1555 penalty pursuant to this section shall within 30 calendar days
1556 after notification:

1557 (I) Pay the administrative penalty to the commission; or
1558 (II) Request an administrative hearing pursuant to the
1559 provisions of ss. 120.569 and 120.57.

1560 e. The commission shall suspend the spiny lobster
1561 endorsement issued under s. 379.367(2) or (6) for any person
1562 failing to comply with the provisions of sub-subparagraph d.

1563 5.a. It is unlawful for any person to make, alter, forge,
1564 counterfeit, or reproduce a spiny lobster trap tag or
1565 certificate.

1566 b. It is unlawful for any person to knowingly have in his
1567 or her possession a forged, counterfeit, or imitation spiny
1568 lobster trap tag or certificate.

1569 c. It is unlawful for any person to barter, trade, sell,
 1570 supply, agree to supply, aid in supplying, or give away a spiny
 1571 lobster trap tag or certificate or to conspire to barter, trade,
 1572 sell, supply, aid in supplying, or give away a spiny lobster
 1573 trap tag or certificate unless such action is duly authorized by
 1574 the commission as provided in this chapter or in the rules of
 1575 the commission.

1576 6.a. Any commercial harvester who violates the provisions
 1577 of subparagraph 5., or any commercial harvester who engages in
 1578 the commercial harvest, trapping, or possession of spiny lobster
 1579 without a spiny lobster endorsement as required by s. 379.367(2)
 1580 or (6) or during any period while such spiny lobster endorsement
 1581 is under suspension or revocation, commits a felony of the third
 1582 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1583 775.084.

1584 b. In addition to any penalty imposed pursuant to sub-
 1585 subparagraph a., the commission shall levy a fine of up to twice
 1586 the amount of the appropriate surcharge to be paid on the fair
 1587 market value of the transferred certificates, as provided in
 1588 subparagraph (a)1., on any commercial harvester who violates the
 1589 provisions of sub-subparagraph 5.c.

1590 c. In addition to any penalty imposed pursuant to sub-
 1591 subparagraph a., any commercial harvester receiving any judicial
 1592 disposition other than acquittal or dismissal for a violation of
 1593 subparagraph 5. shall be assessed an administrative penalty of
 1594 up to \$5,000, and the spiny lobster endorsement under which the
 1595 violation was committed may be suspended for up to 24 calendar
 1596 months. Immediately upon issuance of a citation involving a

1597 violation of subparagraph 5. and until adjudication of such a
 1598 violation, and after receipt of any judicial disposition other
 1599 than acquittal or dismissal for such a violation, the commercial
 1600 harvester holding the spiny lobster endorsement listed on the
 1601 citation is prohibited from transferring any spiny lobster trap
 1602 certificates.

1603 d. Any other person who violates the provisions of
 1604 subparagraph 5. commits a Level Four violation under s. 379.401.

1605 7. Prior to the 2010-2011 license year, any certificates
 1606 for which the annual certificate fee is not paid for a period of
 1607 3 years shall be considered abandoned and shall revert to the
 1608 commission. Beginning with the 2010-2011 license year, any
 1609 certificate for which the annual certificate fee is not paid for
 1610 a period of 2 consecutive years shall be considered abandoned
 1611 and shall revert to the commission. During any period of trap
 1612 reduction, any certificates reverting to the commission shall
 1613 become permanently unavailable and be considered in that amount
 1614 to be reduced during the next license-year period. Otherwise,
 1615 any certificates that revert to the commission are to be
 1616 reallocated in such manner as provided by the commission.

1617 8. The proceeds of all administrative penalties collected
 1618 pursuant to subparagraph 4. and all fines collected pursuant to
 1619 sub-subparagraph 6.b. shall be deposited into the Marine
 1620 Resources Conservation Trust Fund.

1621 9. All traps shall be removed from the water during any
 1622 period of suspension or revocation.

1623 10. Except as otherwise provided, any person who violates
 1624 this paragraph commits a Level Two violation under s. 379.401.

1625 Section 39. Paragraphs (c), (d), and (e) of subsection (2)
 1626 of section 379.3751, Florida Statutes, are amended to read:

1627 379.3751 Taking and possession of alligators; trapping
 1628 licenses; fees.--

1629 (2) The license and issuance fee, and the activity
 1630 authorized thereby, shall be as follows:

1631 (c) The annual fee for issuance of an alligator trapping
 1632 agent's license, which permits a person to act as an agent of
 1633 any person who has been issued a resident or nonresident
 1634 alligator trapping license as provided in paragraph (a) or
 1635 paragraph (b) and to take alligators occurring in the wild other
 1636 than alligator hatchlings, ~~and~~ to possess and process alligators
 1637 taken under authority of such agency relationship, and to
 1638 possess, process, and sell their hides and meat, shall be \$50.
 1639 ~~Such alligator trapping agent's license shall be issued only in~~
 1640 ~~conjunction with an alligator trapping license and shall bear on~~
 1641 ~~its face in indelible ink the name and license number of the~~
 1642 ~~alligator trapping licenseholder for whom the holder of this~~
 1643 ~~license is acting as an agent.~~

1644 (d) The annual fee for issuance of an alligator farming
 1645 license, which permits a person to operate a facility for
 1646 captive propagation of alligators, to possess alligators for
 1647 captive propagation, to take alligator hatchlings and alligator
 1648 eggs occurring in the wild, to rear such alligators, alligator
 1649 hatchlings, and alligator eggs in captivity, to process
 1650 alligators taken or possessed under authority of such alligator
 1651 farming license or otherwise legally acquired, and to possess,
 1652 process, and sell their hides and meat, shall be \$250.

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1653 (e) The annual fee for issuance of an alligator farming
 1654 agent's license, which permits a person to act as an agent of
 1655 any person who has been issued an alligator farming license as
 1656 provided in paragraph (d) and to take alligator hatchlings and
 1657 alligator eggs occurring in the wild, ~~and to possess and process~~
 1658 alligators taken under authority of such agency relationship,
 1659 and to possess, process, and sell their hides and meat, shall be
 1660 \$50. ~~Such license shall be issued only in conjunction with an~~
 1661 ~~alligator farming license, and shall bear on its face in~~
 1662 ~~indelible ink the name and license number of the alligator~~
 1663 ~~farming licenseholder for whom the holder of this license is~~
 1664 ~~acting as an agent.~~

1665 Section 40. Subsection (6) is added to section 379.3761,
 1666 Florida Statutes, to read:

1667 379.3761 Exhibition or sale of wildlife; fees;
 1668 classifications.--

1669 (6) A person who violates this section is punishable as
 1670 provided in s. 379.4015.

1671 Section 41. Subsection (5) of section 379.3762, Florida
 1672 Statutes, is amended to read:

1673 379.3762 Personal possession of wildlife.--

1674 (5) A person who violates ~~Persons in violation of this~~
 1675 ~~section is shall be~~ punishable as provided in s. 379.4015
 1676 ~~379.401.~~

1677 Section 42. Paragraph (a) of subsection (2) and paragraph
 1678 (a) of subsection (4) of section 379.401, Florida Statutes, are
 1679 amended to read:

1680 379.401 Penalties and violations; civil penalties for

1681 noncriminal infractions; criminal penalties; suspension and
 1682 forfeiture of licenses and permits.--

1683 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two
 1684 violation if he or she violates any of the following provisions:

1685 1. Rules or orders of the commission relating to seasons
 1686 or time periods for the taking of wildlife, freshwater fish, or
 1687 saltwater fish.

1688 2. Rules or orders of the commission establishing bag,
 1689 possession, or size limits or restricting methods of taking
 1690 wildlife, freshwater fish, or saltwater fish.

1691 3. Rules or orders of the commission prohibiting access or
 1692 otherwise relating to access to wildlife management areas or
 1693 other areas managed by the commission.

1694 4. Rules or orders of the commission relating to the
 1695 feeding of wildlife, freshwater fish, or saltwater fish.

1696 5. Rules or orders of the commission relating to landing
 1697 requirements for freshwater fish or saltwater fish.

1698 6. Rules or orders of the commission relating to
 1699 restricted hunting areas, critical wildlife areas, or bird
 1700 sanctuaries.

1701 7. Rules or orders of the commission relating to tagging
 1702 requirements for wildlife ~~game~~ and fur-bearing animals.

1703 8. Rules or orders of the commission relating to the use
 1704 of dogs for the taking of wildlife ~~game~~.

1705 9. Rules or orders of the commission which are not
 1706 otherwise classified.

1707 10. Rules or orders of the commission prohibiting the
 1708 unlawful use of finfish traps.

- 1709 11. All prohibitions in this chapter which are not
 1710 otherwise classified.
- 1711 12. Section 379.33, prohibiting the violation of or
 1712 noncompliance with commission rules.
- 1713 13. Section 379.407(6), prohibiting the sale, purchase,
 1714 harvest, or attempted harvest of any saltwater product with
 1715 intent to sell.
- 1716 14. Section 379.2421, prohibiting the obstruction of
 1717 waterways with net gear.
- 1718 15. Section 379.413, prohibiting the unlawful taking of
 1719 bonefish.
- 1720 16. Section 379.365(2) (a) and (b), prohibiting the
 1721 possession or use of stone crab traps without trap tags and
 1722 theft of trap contents or gear.
- 1723 17. Section 379.366(4) (b), prohibiting the theft of blue
 1724 crab trap contents or trap gear.
- 1725 18. Section 379.3671(2) (c), prohibiting the possession or
 1726 use of spiny lobster traps without trap tags or certificates and
 1727 theft of trap contents or trap gear.
- 1728 19. Section 379.357, prohibiting the possession of tarpon
 1729 without purchasing a tarpon tag.
- 1730 20. Rules or orders of the commission ~~Section 379.409,~~
 1731 prohibiting the feeding or enticement of alligators or
 1732 crocodiles.
- 1733 21. Section 379.105, prohibiting the intentional
 1734 harassment of hunters, fishers, or trappers.
- 1735 (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level
 1736 Four violation if he or she violates any of the following

1737 provisions:

1738 1. Section 379.365(2)(c), prohibiting criminal activities
1739 relating to the taking of stone crabs.

1740 2. Section 379.366(4)(c), prohibiting criminal activities
1741 relating to the taking and harvesting of blue crabs.

1742 3. Section 379.367(4), prohibiting the willful molestation
1743 of spiny lobster gear.

1744 4. Section 379.3671(2)(c)5., prohibiting the unlawful
1745 reproduction, possession, sale, trade, or barter of spiny
1746 lobster trap tags or certificates.

1747 5. Section 379.354(16), prohibiting the making, forging,
1748 counterfeiting, or reproduction of a recreational license or
1749 possession of same without authorization from the commission.

1750 6. Section 379.404(5), prohibiting the sale of illegally-
1751 taken deer or wild turkey.

1752 7. Section 379.405, prohibiting the molestation or theft
1753 of freshwater fishing gear.

1754 8. Section 379.409, prohibiting the unlawful killing,
1755 injuring, possessing, or capturing of alligators or other
1756 crocodilia or their eggs.

1757 Section 43. Paragraph (a) of subsection (2) of section
1758 379.4015, Florida Statutes, is amended to read:

1759 379.4015 Captive wildlife penalties.--

1760 (2) LEVEL TWO.--Unless otherwise provided by law, the
1761 following classifications and penalties apply:

1762 (a) A person commits a Level Two violation if he or she
1763 violates any of the following provisions:

1764 1. Unless otherwise stated in subsection (1), rules or

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1765 orders of the commission that require a person to pay a fee to
 1766 obtain a permit to possess captive wildlife or that require the
 1767 maintenance of records relating to captive wildlife.

1768 2. Rules or orders of the commission relating to captive
 1769 wildlife not specified in subsection (1) or subsection (3).

1770 3. Rules or orders of the commission that require housing
 1771 of wildlife in a safe manner when a violation results in an
 1772 escape of wildlife other than Class I wildlife.

1773 4. Section 379.372, relating to capturing, keeping,
 1774 possessing, transporting, or exhibiting venomous reptiles or
 1775 reptiles of concern.

1776 5. Section 379.373, relating to requiring a license or
 1777 permit for the capturing, keeping, possessing, or exhibiting of
 1778 venomous reptiles or reptiles of concern.

1779 6. Section 379.374, relating to bonding requirements for
 1780 public exhibits of venomous reptiles.

1781 7. Section 379.305, relating to commission rules and
 1782 regulations to prevent the escape of venomous reptiles or
 1783 reptiles of concern.

1784 8. Section 379.304, relating to exhibition or sale of
 1785 wildlife.

1786 9. Section 379.3761, relating to exhibition or sale of
 1787 wildlife.

1788 10. Section 379.3762, relating to personal possession of
 1789 wildlife.

1790 Section 44. Section 379.501, Florida Statutes, is created
 1791 to read:

1792 379.501 Aquatic weeds and plants; prohibitions;

1793 violations; penalties; intent.--
 1794 (1) A person may not:
 1795 (a) Violate this section or any provision of s. 369.20 or
 1796 s. 369.22 related to aquatic weeds and plants;
 1797 (b) Fail to obtain any permit required by s. 369.20 or s.
 1798 369.22 or by commission rule implementing s. 369.20 or s.
 1799 369.22, or violate or fail to comply with any rule, regulation,
 1800 order, permit, or certification adopted or issued by the
 1801 commission pursuant to s. 369.20 or s. 369.22; or
 1802 (c) Knowingly make any false statement, representation, or
 1803 certification in any application, record, report, plan, or other
 1804 document filed or required to be maintained under s. 369.20 or
 1805 s. 369.22, or falsify, tamper with, or knowingly render
 1806 inaccurate any monitoring device or method required to be
 1807 maintained under s. 369.20 or s. 369.22 or by any permit, rule,
 1808 regulation, or order issued under s. 369.20 or s. 369.22.
 1809 (2) Any person who violates any provision of subsection
 1810 (1) is liable to the state for any damage caused to the aquatic
 1811 weeds or plants and for civil penalties as provided in s.
 1812 379.502.
 1813 (3) Any person who willfully commits a violation of
 1814 paragraph (1)(a) commits a felony of the third degree,
 1815 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 1816 Each day during any portion of which such violation occurs
 1817 constitutes a separate offense.
 1818 (4) Any person who commits a violation specified in
 1819 paragraph (1)(a) due to reckless indifference or gross careless
 1820 disregard commits a misdemeanor of the second degree, punishable

1821 as provided in s. 775.082 or s. 775.083.

1822 (5) Any person who willfully commits a violation specified
 1823 in paragraph (1)(b) or paragraph (1)(c) commits a misdemeanor of
 1824 the first degree, punishable as provided in s. 775.082 or s.
 1825 775.083.

1826 (6) It is the intent of the Legislature that the civil
 1827 penalties and criminal fines imposed by a court be of such an
 1828 amount as to ensure immediate and continued compliance with this
 1829 section.

1830 (7) Penalties assessed pursuant to ss. 379.501-379.504 are
 1831 in addition to any penalties assessed by the Board of Trustees
 1832 of the Internal Improvement Trust Fund, the Department of
 1833 Environmental Protection, or a water management district
 1834 pursuant to chapter 253, chapter 373, or chapter 403.

1835 Section 45. Section 379.502, Florida Statutes, is created
 1836 to read:

1837 379.502 Enforcement; procedure; remedies.--The commission
 1838 has the following judicial and administrative remedies available
 1839 to it for violations of s. 379.501:

1840 (1)(a) The commission may institute a civil action in a
 1841 court of competent jurisdiction to establish liability and to
 1842 recover damages for any injury to the waters or property of the
 1843 state, including animal, plant, and aquatic life, caused by any
 1844 violation of s. 379.501.

1845 (b) The commission may institute a civil action in a court
 1846 of competent jurisdiction to impose and to recover a civil
 1847 penalty for each violation in an amount of not more than \$10,000
 1848 per offense. However, the court may receive evidence in

1849 mitigation. Each day, during any portion of which such violation
 1850 occurs, constitutes a separate offense.

1851 (c) Except as provided in paragraph (2)(c), the fact that
 1852 the commission has failed to exhaust its administrative
 1853 remedies, has failed to serve a notice of violation, or has
 1854 failed to hold an administrative hearing before initiating a
 1855 civil action is not a defense to, or grounds for dismissal of,
 1856 the judicial remedies for damages and civil penalties.

1857 (2)(a) The commission may institute an administrative
 1858 proceeding to establish liability and to recover damages for any
 1859 injury to the waters or property of the state, including animal,
 1860 plant, or aquatic life, caused by any violation of s. 379.501.
 1861 The commission may order that the violator pay a specified sum
 1862 as damages to the state. Judgment for the amount of damages
 1863 determined by the commission may be entered in any court having
 1864 jurisdiction thereof and may be enforced as any other judgment.

1865 (b) If the commission has reason to believe that a
 1866 violation has occurred, it may institute an administrative
 1867 proceeding to order the prevention, abatement, or control of the
 1868 conditions creating the violation or other appropriate
 1869 corrective action. The commission shall proceed administratively
 1870 in all cases in which the commission seeks administrative
 1871 penalties that do not exceed \$10,000 per assessment as
 1872 calculated in accordance with subsections (3), (4), (5), and
 1873 (6). The commission may not impose administrative penalties in
 1874 excess of \$10,000 in a notice of violation. The commission may
 1875 not have more than one notice of violation seeking
 1876 administrative penalties pending against the same party at the

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1877 same time unless the violations occurred at a different site or
1878 the violations were discovered by the commission subsequent to
1879 the filing of a previous notice of violation.

1880 (c) An administrative proceeding shall be instituted by
1881 the commission's serving of a written notice of violation upon
1882 the alleged violator by certified mail. If the commission is
1883 unable to effect service by certified mail, the notice of
1884 violation may be hand delivered or personally served in
1885 accordance with chapter 48. The notice shall specify the
1886 provision of the law, rule, regulation, permit, certification,
1887 or order of the commission alleged to have been violated and the
1888 facts alleged to constitute a violation thereof. An order for
1889 corrective action, penalty assessment, or damages may be
1890 included along with the notice. If the commission is seeking to
1891 impose an administrative penalty for any violation of s. 379.501
1892 by issuing a notice of violation, any corrective action needed
1893 to correct the violation or damages caused by the violation must
1894 be pursued in the notice of violation or they are waived.
1895 However, an order does not become effective until after service
1896 and an administrative hearing, if requested within 20 days after
1897 service. Failure to request an administrative hearing within
1898 this period constitutes a waiver, unless the respondent files a
1899 written notice with the commission within this period opting out
1900 of the administrative process initiated by the commission. Any
1901 respondent choosing to opt out of the administrative process
1902 initiated by the commission must file a written notice with the
1903 commission, within 20 days after service of the notice of
1904 violation, opting out of the administrative process. A

1905 respondent's decision to opt out of the administrative process
 1906 does not preclude the commission from initiating a state court
 1907 action seeking injunctive relief, damages, and the judicial
 1908 imposition of civil penalties.

1909 (d) If a person timely files a petition challenging a
 1910 notice of violation, that person will thereafter be referred to
 1911 as the respondent. The hearing requested by the respondent shall
 1912 be held within 180 days after the commission has referred the
 1913 initial petition to the Division of Administrative Hearings
 1914 unless the parties agree to a later date. The commission has the
 1915 burden of proving by the preponderance of the evidence that the
 1916 respondent is responsible for the violation. An administrative
 1917 penalty may not be imposed unless the commission satisfies that
 1918 burden. Following the close of the hearing, the administrative
 1919 law judge shall issue a final order on all matters, including
 1920 the imposition of an administrative penalty. If the commission
 1921 seeks to enforce that portion of a final order imposing
 1922 administrative penalties pursuant to s. 120.69, the respondent
 1923 may not assert as a defense the inappropriateness of the
 1924 administrative remedy. The commission retains its final-order
 1925 authority in all administrative actions that do not request the
 1926 imposition of administrative penalties.

1927 (e) After filing a petition requesting a formal hearing in
 1928 response to a notice of violation, a respondent may request that
 1929 a private mediator be appointed to mediate the dispute by
 1930 contacting the Florida Conflict Resolution Consortium within 10
 1931 days after receipt of the initial order from the administrative
 1932 law judge. The Florida Conflict Resolution Consortium shall pay

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1933 all of the costs of the mediator and for up to 8 hours of the
1934 mediator's time per case at \$150 per hour. Upon notice from the
1935 respondent, the Florida Conflict Resolution Consortium shall
1936 provide the respondent with a panel of possible mediators from
1937 the area in which the hearing on the petition would be heard.
1938 The respondent shall select the mediator and notify the Florida
1939 Conflict Resolution Consortium of the selection within 15 days
1940 after receipt of the proposed panel of mediators. The Florida
1941 Conflict Resolution Consortium shall provide all of the
1942 administrative support for the mediation process. The mediation
1943 must be completed at least 15 days before the final hearing date
1944 set by the administrative law judge.

1945 (f) In any administrative proceeding brought by the
1946 commission, the prevailing party shall recover all costs as
1947 provided in ss. 57.041 and 57.071. The costs must be included in
1948 the final order. The respondent is the prevailing party when an
1949 order is entered awarding no penalties to the commission and the
1950 order has not been reversed on appeal or the time for seeking
1951 judicial review has expired. The respondent is entitled to an
1952 award of attorney's fees if the administrative law judge
1953 determines that the notice of violation issued by the commission
1954 was not substantially justified as defined in s. 57.111(3)(e).
1955 An award of attorney's fees as provided by this subsection may
1956 not exceed \$15,000.

1957 (g) This section does not prevent any other legal or
1958 administrative action in accordance with law. This subsection
1959 does not limit the commission's authority set forth in this
1960 section and ss. 379.503 and 379.504 to judicially pursue

1961 injunctive relief. If the commission exercises its authority to
 1962 judicially pursue injunctive relief, penalties in any amount up
 1963 to the statutory maximum sought by the commission must be
 1964 pursued as part of the state court action and not by initiating
 1965 a separate administrative proceeding. The commission retains the
 1966 authority to judicially pursue penalties in excess of \$10,000
 1967 for violations not specifically included in the administrative
 1968 penalty schedule, or for multiple or multiday violations alleged
 1969 to exceed a total of \$10,000. The commission also retains the
 1970 authority provided in this section and ss. 379.503 and 379.504
 1971 to judicially pursue injunctive relief and damages, if a notice
 1972 of violation seeking the imposition of administrative penalties
 1973 has not been issued. The commission may enter into a settlement
 1974 before or after initiating a notice of violation, and the
 1975 settlement may include a penalty amount that is different from
 1976 the administrative penalty schedule. Any case filed in state
 1977 court because it is alleged to exceed a total of \$10,000 in
 1978 penalties may be settled in the court action for less than
 1979 \$10,000.

1980 (h) The provisions of chapter 120 shall apply to any
 1981 administrative action taken by the commission under this section
 1982 or any delegated program pursuing administrative penalties in
 1983 accordance with this section.

1984 (3) Administrative penalties must be calculated according
 1985 to the following schedule:

1986 (a) For violations of s. 379.501(1) (a) or (b), \$3,000.

1987 (b) For failure to conduct required monitoring or testing
 1988 in compliance with a permit, \$2,000.

1989 (c) For failure to prepare, submit, maintain, or use
 1990 required reports or other required documentation, \$500.

1991 (d) For failure to comply with any other regulatory
 1992 statute or rule requirement relating to the administration of
 1993 the commission's powers under s. 369.20 or s. 369.22 not
 1994 otherwise identified in this section, \$500.

1995 (4) For each additional day during which a violation
 1996 occurs, the administrative penalties in subsection (3) may be
 1997 assessed per day, per violation.

1998 (5) The history of noncompliance of the violator for any
 1999 previous violation resulting in an executed consent order, but
 2000 not including a consent order entered into without a finding of
 2001 violation, or resulting in a final order or judgment on or after
 2002 July 1, 2009, involving the imposition of \$2,000 or more in
 2003 penalties, shall be taken into consideration in the following
 2004 manner:

2005 (a) One previous such violation within 5 years prior to
 2006 the filing of the notice of violation shall result in a 25-
 2007 percent per day increase in the scheduled administrative
 2008 penalty.

2009 (b) Two previous such violations within 5 years prior to
 2010 the filing of the notice of violation shall result in a 50-
 2011 percent per day increase in the scheduled administrative
 2012 penalty.

2013 (c) Three or more previous such violations within 5 years
 2014 before the filing of the notice of violation shall result in a
 2015 100-percent per day increase in the scheduled administrative
 2016 penalty.

2017 (6) The direct economic benefit gained by the violator
 2018 from the violation shall be added to the scheduled
 2019 administrative penalty. The total administrative penalty,
 2020 including any economic benefit added to the scheduled
 2021 administrative penalty, may not exceed \$10,000.

2022 (7) The administrative penalties assessed for any
 2023 particular violation may not exceed \$3,000 against any one
 2024 violator unless the violator has a history of noncompliance, the
 2025 economic benefit of the violation as described in subsection (6)
 2026 exceeds \$3,000, or there are multiday violations. The total
 2027 administrative penalties may not exceed \$10,000 per assessment
 2028 for all violations attributable to a specific person in the
 2029 notice of violation.

2030 (8) The administrative law judge may receive evidence in
 2031 mitigation. The penalties identified in subsection (3) may be
 2032 reduced up to 50 percent by the administrative law judge for
 2033 mitigating circumstances, including good faith efforts to comply
 2034 prior to or after discovery of the violations by the commission.
 2035 Upon an affirmative finding that the violation was caused by
 2036 circumstances beyond the reasonable control of the respondent
 2037 and could not have been prevented by the respondent's due
 2038 diligence, the administrative law judge may further reduce the
 2039 penalty.

2040 (9) Penalties collected under this section shall be
 2041 deposited into the Invasive Plant Control Trust Fund to carry
 2042 out the purposes set forth in ss. 369.20, 369.22, and 369.252.
 2043 The Florida Conflict Resolution Consortium may use a portion of
 2044 the fund to administer the mediation process provided in

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2045 paragraph (2) (e) and to contract with private mediators for
 2046 administrative penalty cases related to s. 369.20 or s. 369.22.

2047 (10) The purpose of the administrative penalty schedule
 2048 and process is to provide a more predictable and efficient
 2049 manner for individuals and businesses to resolve relatively
 2050 minor environmental disputes. Subsections (3) through (7) do not
 2051 limit a state court in the assessment of damages. The
 2052 administrative penalty schedule does not apply to the judicial
 2053 imposition of civil penalties in state court as provided in this
 2054 section.

2055 Section 46. Section 379.503, Florida Statutes, is created
 2056 to read:

2057 379.503 Civil action.--

2058 (1) The commission may institute a civil action in a court
 2059 of competent jurisdiction to seek injunctive relief to enforce
 2060 compliance with ss. 379.501, 379.502, and 379.504 or any rule,
 2061 regulation, permit, certification, or order adopted or issued by
 2062 the commission pursuant to s. 369.20 or s. 369.22; to enjoin any
 2063 violation specified in s. 379.501(1); and to seek injunctive
 2064 relief to prevent irreparable injury to the waters and property,
 2065 including animal, plant, and aquatic life, of the state and to
 2066 protect human health, safety, and welfare caused or threatened
 2067 by any violation of s. 379.501.

2068 (2) All the judicial and administrative remedies to
 2069 recover damages and penalties in this section and s. 379.502 are
 2070 alternative and mutually exclusive.

2071 Section 47. Section 379.504, Florida Statutes, is created
 2072 to read:

2073 379.504 Civil liability; joint and several liability.--
 2074 (1) A person who commits a violation specified in s.
 2075 379.501(1) is liable to the state for any damage caused to the
 2076 waters or property of the state, including animal, plant, or
 2077 aquatic life, and for reasonable costs and expenses of the state
 2078 in restoring its waters and property, including animal, plant,
 2079 and aquatic life, to their former condition, and furthermore is
 2080 subject to the judicial imposition of a civil penalty for each
 2081 offense in an amount of not more than \$10,000 per offense.
 2082 However, the court may receive evidence in mitigation. Each day
 2083 during any portion of which such violation occurs constitutes a
 2084 separate offense. This section does not give the commission the
 2085 right to bring an action on behalf of any private person.
 2086 (2) If two or more persons violate s. 379.501(1) so that
 2087 the damage is indivisible, each violator shall be jointly and
 2088 severally liable for the damage and for the reasonable cost and
 2089 expenses of the state incurred in restoring the waters and
 2090 property of the state, including the animal, plant, and aquatic
 2091 life, to their former condition. However, if the damage is
 2092 divisible and may be attributed to a particular violator or
 2093 violators, each violator is liable only for that damage
 2094 attributable to his or her violation.
 2095 (3) In assessing damages for fish killed, the value of the
 2096 fish shall be determined in accordance with a table of values
 2097 for individual categories of fish, which shall be adopted by the
 2098 Department of Environmental Protection pursuant to s.
 2099 403.141(3). The total number of fish killed may be estimated by
 2100 standard practices used in estimating fish population.

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2101 Section 48. Subsection (1) of section 403.088, Florida
 2102 Statutes, is amended to read:

2103 403.088 Water pollution operation permits; conditions.--

2104 (1) No person, without written authorization of the
 2105 department, shall discharge into waters within the state any
 2106 waste which, by itself or in combination with the wastes of
 2107 other sources, reduces the quality of the receiving waters below
 2108 the classification established for them. However, this section
 2109 shall not be deemed to prohibit the application of pesticides to
 2110 waters in the state for the control of insects, aquatic weeds,
 2111 or algae, provided the application is performed pursuant to a
 2112 program approved by the Department of Health, in the case of
 2113 insect control, or the Fish and Wildlife Conservation Commission
 2114 ~~department~~, in the case of aquatic weed or algae control. The
 2115 department is directed to enter into interagency agreements to
 2116 establish the procedures for program approval. Such agreements
 2117 shall provide for public health, welfare, and safety, as well as
 2118 environmental factors. Approved programs must provide that only
 2119 chemicals approved for the particular use by the United States
 2120 Environmental Protection Agency or by the Department of
 2121 Agriculture and Consumer Services may be employed and that they
 2122 be applied in accordance with registered label instructions,
 2123 state standards for such application, and the provisions of the
 2124 Florida Pesticide Law, part I of chapter 487.

2125 Section 49. The Fish and Wildlife Conservation Commission,
 2126 in consultation with the Department of Environmental Protection,
 2127 is directed to establish a pilot program to explore potential
 2128 options for regulating the anchoring or mooring of non-live-

2129 aboard vessels outside the marked boundaries of public mooring
 2130 fields.

2131 (1) The goals of the pilot program are to encourage the
 2132 establishment of additional public mooring fields and to develop
 2133 and test policies and regulatory regimes that:

2134 (a) Promote the establishment and use of public mooring
 2135 fields.

2136 (b) Promote public access to the waters of this state.

2137 (c) Enhance navigational safety.

2138 (d) Protect maritime infrastructure.

2139 (e) Protect the marine environment.

2140 (f) Deter improperly stored, abandoned, or derelict
 2141 vessels.

2142 (2) Each location selected for inclusion in the pilot
 2143 program must be associated with a properly permitted mooring
 2144 field. The commission, in consultation with the department,
 2145 shall select all locations for the pilot program prior to July
 2146 1, 2011. Two locations shall be off the east coast of the state,
 2147 two locations shall be off the west coast of the state, and one
 2148 location shall be within Monroe County. The locations selected
 2149 must be geographically diverse and take into consideration the
 2150 various users and means of using the waters of this state.

2151 (3) Notwithstanding the provisions of s. 327.60, Florida
 2152 Statutes, a county or municipality selected for participation in
 2153 the pilot program may regulate by ordinance the anchoring of
 2154 vessels, other than live-aboard vessels as defined in s. 327.02,
 2155 Florida Statutes, outside of a mooring field. Any ordinance
 2156 enacted under the pilot program shall take effect and become

2157 enforceable only after approval by the commission. The
 2158 commission shall not approve any ordinance not consistent with
 2159 the goals of the pilot program.

2160 (4) The commission shall:

2161 (a) Provide consultation and technical assistance to each
 2162 municipality or county selected for participation in the pilot
 2163 program to facilitate accomplishment of the pilot program's
 2164 goals.

2165 (b) Coordinate the review of any proposed ordinance with
 2166 the department; the United States Coast Guard; the Florida
 2167 Inland Navigation District or the West Coast Inland Navigation
 2168 District, as appropriate; and associations or other
 2169 organizations representing vessel owners or operators.

2170 (c) Monitor and evaluate at least annually each location
 2171 selected for participation in the pilot program and make such
 2172 modifications as may be necessary to accomplish the pilot
 2173 program's goals.

2174 (5) The commission shall submit a report of its findings
 2175 and recommendations to the Governor, the President of the
 2176 Senate, and the Speaker of the House of Representatives by
 2177 January 1, 2014.

2178 (6) The pilot program shall expire on July 1, 2014, unless
 2179 reenacted by the Legislature. All ordinances enacted under this
 2180 section shall expire concurrently with the expiration of the
 2181 pilot program and shall be inoperative and unenforceable
 2182 thereafter.

2183 (7) Nothing in this section shall be construed to affect
 2184 any mooring field authorized pursuant to s. 253.77, s. 327.40,

2185 or part IV of chapter 373, Florida Statutes, as applicable, or
 2186 any lawful ordinance regulating the anchoring of any vessels
 2187 within the marked boundaries of such mooring fields.

2188 Section 50. The statutory powers, duties, and functions
 2189 related to ss. 369.20, 369.22, and 369.252, Florida Statutes,
 2190 which were transferred by chapter 2008-150, Laws of Florida, and
 2191 all records, personnel, and property; unexpended balances of
 2192 appropriations, allocations, and other funds; administrative
 2193 authority; administrative rules; pending issues; and existing
 2194 contracts of the Bureau of Invasive Plant Management in the
 2195 Department of Environmental Protection are transferred by a type
 2196 two transfer, pursuant to s. 20.06(2), Florida Statutes, to the
 2197 Fish and Wildlife Conservation Commission. All actions taken
 2198 pursuant to chapter 2008-150, Laws of Florida, and the
 2199 Interagency Agreement executed pursuant thereto are ratified.

2200 Section 51. The Invasive Plant Control Trust Fund, FLAIR
 2201 number 37-2-030, in the Department of Environmental Protection
 2202 is transferred to the Fish and Wildlife Conservation Commission,
 2203 FLAIR number 77-2-030.

2204 Section 52. Beginning in the 2009-2010 fiscal year and
 2205 continuing each fiscal year thereafter, the sum of \$185,000 is
 2206 appropriated from the State Game Trust Fund to the Fish and
 2207 Wildlife Conservation Commission for the costs associated with
 2208 the shoreline fishing license exemption pursuant to s.
 2209 379.354(4)(k), Florida Statutes.

2210 Section 53. For the purpose of incorporating the amendment
 2211 made by this act to section 319.32, Florida Statutes, in a
 2212 reference thereto, paragraph (a) of subsection (2) of section

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2213 379.209, Florida Statutes, is reenacted to read:

2214 379.209 Nongame Wildlife Trust Fund.--

2215 (2) (a) There is established within the Fish and Wildlife
 2216 Conservation Commission the Nongame Wildlife Trust Fund. The
 2217 fund shall be credited with moneys collected pursuant to ss.
 2218 319.32(3) and 320.02(8). Additional funds may be provided from
 2219 legislative appropriations and by donations from interested
 2220 individuals and organizations. The commission shall designate an
 2221 identifiable unit to administer the trust fund.

2222 Section 54. For the purpose of incorporating the amendment
 2223 made by this act to section 379.353, Florida Statutes, in a
 2224 reference thereto, subsection (7) of section 379.3581, Florida
 2225 Statutes, is reenacted to read:

2226 379.3581 Hunter safety course; requirements; penalty.--

2227 (7) The hunter safety requirements of this section do not
 2228 apply to persons for whom licenses are not required under s.
 2229 379.353(2).

2230 Section 55. For the purpose of incorporating the amendment
 2231 made by this act to section 379.354, Florida Statutes, in a
 2232 reference thereto, section 379.2213, Florida Statutes, is
 2233 reenacted to read:

2234 379.2213 Management area permit revenues.--The commission
 2235 shall expend the revenue generated from the sale of the
 2236 management area permit as provided for in s. 379.354(8)(g) or
 2237 that pro rata portion of any license that includes management
 2238 area privileges as provided for in s. 379.354(4)(h), (i), and
 2239 (j) for the lease, management, and protection of lands for
 2240 public hunting, fishing, and other outdoor recreation.

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2241 Section 56. For the purpose of incorporating the amendment
 2242 made by this act to section 379.354, Florida Statutes, in a
 2243 reference thereto, section 379.3501, Florida Statutes, is
 2244 reenacted to read:

2245 379.3501 Expiration of licenses and permits.--Each license
 2246 or permit issued under this part must be dated when issued. Each
 2247 license or permit issued under this part remains valid for 12
 2248 months after the date of issuance, except for a lifetime license
 2249 issued pursuant to s. 379.354 which is valid from the date of
 2250 issuance until the death of the individual to whom the license
 2251 is issued unless otherwise revoked in accordance with s. 379.401
 2252 or s. 379.404, or a 5-year license issued pursuant to s. 379.354
 2253 which is valid for 5 consecutive years from the date of purchase
 2254 unless otherwise revoked in accordance with s. 379.401 or s.
 2255 379.404, or a license issued pursuant to s. 379.354(5)(a), (b),
 2256 (c), (d), or (g) or (8)(f), (g)2., or (h)1., which is valid for
 2257 the period specified on the license. A resident lifetime license
 2258 or a resident 5-year license that has been purchased by a
 2259 resident of this state and who subsequently resides in another
 2260 state shall be honored for activities authorized by that
 2261 license.

2262 Section 57. For the purpose of incorporating the amendment
 2263 made by this act to section 379.354, Florida Statutes, in a
 2264 reference thereto, subsection (2) of section 379.3712, Florida
 2265 Statutes, is reenacted to read:

2266 379.3712 Private hunting preserve license fees;
 2267 exception.--

2268 (2) A commercial hunting preserve license, which shall

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2269 exempt patrons of licensed preserves from the license and permit
2270 requirements of s. 379.354(4)(c), (d), (f), (h), (i) and (j);
2271 (5)(g) and (h); (8)(a), (b), and (e); (9)(a)2.; (11); and (12)
2272 while hunting on the licensed preserve property, shall be \$500.
2273 Such commercial hunting preserve license shall be available only
2274 to those private hunting preserves licensed pursuant to this
2275 section which are operated exclusively for commercial purposes,
2276 which are open to the public, and for which a uniform fee is
2277 charged to patrons for hunting privileges.

2278 Section 58. Effective October 1, 2009, section 327.22,
2279 Florida Statutes, is repealed.

2280 Section 59. Effective July 1, 2010, sections 379.2211 and
2281 379.2212, Florida Statutes, are repealed.

2282 Section 60. Subsection (7) of section 379.366, Florida
2283 Statutes, is repealed.

2284 Section 61. Except as otherwise expressly provided in this
2285 act, this act shall take effect July 1, 2009.