

## ENROLLED

CS/CS/HB 1423, Engrossed 3

2009 Legislature

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

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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 | amending s. 327.41, F.S., relating to placement of markers  
36 | by a county, municipality, or other governmental entity;  
37 | revising terminology; providing for a county,  
38 | municipality, or other governmental entity that has been  
39 | granted or has adopted or established a boating-restricted  
40 | area to apply for permission to place regulatory markers;  
41 | amending s. 327.42, F.S.; revising provisions prohibiting  
42 | mooring to or damaging markers or buoys; amending s.  
43 | 327.46, F.S.; revising provisions for establishment by the  
44 | Fish and Wildlife Conservation Commission of boating-  
45 | restricted areas; providing for counties and  
46 | municipalities to establish boating-restricted areas with  
47 | approval of the commission; directing the commission to  
48 | adopt rules; revising a prohibition against operating a  
49 | vessel in a prohibited manner in a boating-restricted  
50 | area; amending s. 327.60, F.S.; revising provisions  
51 | limiting local regulations relating to vessels operated  
52 | upon the waters of this state; prohibiting specified  
53 | county or municipality ordinances or regulations; amending  
54 | s. 327.65, F.S.; conforming a cross-reference; creating s.  
55 | 327.66, F.S.; prohibiting possessing or operating a vessel  
56 | equipped with certain fuel containers or related

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57 | equipment; prohibiting transporting fuel in a vessel  
58 | except in compliance with certain federal regulations;  
59 | providing penalties; declaring fuel transported in  
60 | violation of such prohibitions to be a public nuisance and  
61 | directing the enforcing agency to abate the nuisance;  
62 | providing for disposal of the containers and fuel;  
63 | declaring conveyances, vessels, vehicles, and equipment  
64 | used in such violation to be contraband; providing for  
65 | seizure of the contraband; defining the term "conviction"  
66 | for specified purposes; providing for the costs to remove  
67 | fuel, containers, vessels, and equipment to be paid by the  
68 | owner; providing that a person who fails to pay such cost  
69 | shall not be issued a certificate of registration for a  
70 | vessel or motor vehicle; providing an exemption; amending  
71 | s. 327.70, F.S.; authorizing municipal police officers and  
72 | specified law enforcement officers to enforce the  
73 | provisions of chs. 327 and 328; providing for enforcement  
74 | of noncriminal violations by citation mailed to the owner  
75 | of a vessel; specifying responsibility for citations  
76 | issued to livery vessels; amending s. 327.73, F.S.;  
77 | revising provisions for citation of a noncriminal  
78 | infraction to provide for violations relating to boating-  
79 | restricted areas and speed limits; revising provisions  
80 | relating to establishment of such limits by counties and  
81 | municipalities; providing civil penalties for seagrass  
82 | scarring; amending s. 327.731, F.S.; conforming a cross-  
83 | reference; amending s. 328.03, F.S.; requiring vessels  
84 | used or stored on the waters of this state to be titled by

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85 | this state pursuant to specified provisions; providing  
86 | exceptions; amending s. 328.07, F.S.; requiring certain  
87 | vessels used or stored on the waters of this state to have  
88 | affixed a hull identification number; amending ss. 328.46,  
89 | 328.48, and 328.56, F.S.; requiring vessels operated,  
90 | used, or stored on the waters of this state to be  
91 | registered and display the registration number; providing  
92 | exceptions; amending s. 328.58, F.S., relating to  
93 | reciprocity of nonresident or alien vessels; requiring the  
94 | owner of a vessel with a valid registration from another  
95 | state, a vessel with a valid registration from the United  
96 | States Coast Guard in another state, or a federally  
97 | documented vessel from another state to record the  
98 | registration number with the Department of Highway Safety  
99 | and Motor Vehicles when using or storing the vessel on the  
100 | waters of this state in excess of the 90-day reciprocity  
101 | period; amending s. 328.60, F.S.; providing an exception  
102 | to registration requirements for military personnel using  
103 | or storing on the waters of this state a vessel with a  
104 | valid registration from another state, a vessel with a  
105 | valid registration from the United States Coast Guard in  
106 | another state, or a federally documented vessel from  
107 | another state; amending s. 328.65, F.S.; revising  
108 | legislative intent with respect to registration and  
109 | numbering of vessels; amending s. 328.66, F.S.;  
110 | authorizing a county to impose an annual registration fee  
111 | on vessels used on the waters of this state within its  
112 | jurisdiction; amending s. 328.72, F.S.; providing

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113 noncriminal penalties for use or storage of a previously  
 114 registered vessel after the expiration of the registration  
 115 period; amending ss. 369.20, 369.22, and 369.25, F.S.;  
 116 authorizing the commission to enforce specified provisions  
 117 relating to aquatic weeds and plants; granting certain  
 118 activities a mixing zone for turbidity; amending s.  
 119 379.304, F.S.; revising cross-references for permitting  
 120 and violation provisions relating to the exhibition or  
 121 sale of wildlife; amending s. 379.338, F.S.; providing for  
 122 confiscation and disposition of illegally taken wildlife,  
 123 freshwater fish, or saltwater fish; providing for  
 124 disposition of the proceeds from sales; providing for an  
 125 agency that assists in the enforcement action to receive a  
 126 portion or all of any forfeited property; creating s.  
 127 379.3381, F.S.; providing for photographs of wildlife,  
 128 freshwater fish, and saltwater fish to be used as evidence  
 129 in a prosecution in lieu of the wildlife, freshwater fish,  
 130 or saltwater fish; amending s. 379.354, F.S.; authorizing  
 131 the commission to use proceeds of specified hunting,  
 132 fishing, and recreational licenses for certain purposes;  
 133 increasing the fee amounts for waterfowl, wild turkey,  
 134 snook, spiny lobster, management area, special use, and  
 135 recreational user permits; providing for a management area  
 136 permit and fee for outdoor recreational activities other  
 137 than hunting and fishing; providing for a deer permit and  
 138 fee; requiring the commission to prepare an annual report  
 139 and submit the report to the Governor and the Legislature;  
 140 providing report requirements; amending s. 379.3671, F.S.;

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141 | revising provisions for abandonment and reversion of  
 142 | lobster trap certificates under specified conditions;  
 143 | amending s. 379.3751, F.S.; specifying activities relating  
 144 | to the taking and possession of alligators that require a  
 145 | license and payment of the applicable fee; deleting  
 146 | provisions relating to the issuance, form, and content of  
 147 | such licenses; amending s. 379.3761, F.S.; providing  
 148 | penalties for violations relating to the exhibition or  
 149 | sale of wildlife; amending s. 379.3762, F.S.; revising a  
 150 | cross-reference with respect to the penalties imposed for  
 151 | violations relating to the personal possession of  
 152 | wildlife; amending s. 379.401, F.S.; revising  
 153 | applicability of violation provisions relating to  
 154 | alligators and crocodiles; conforming references to  
 155 | wildlife; amending s. 379.4015, F.S.; specifying  
 156 | applicability of captive wildlife penalty provisions  
 157 | relating to the exhibition or sale of wildlife; creating  
 158 | s. 379.501, F.S.; providing penalties for violations  
 159 | relating to aquatic weeds and plants; providing  
 160 | legislative intent for civil penalties and criminal fines  
 161 | imposed by a court; creating s. 379.502, F.S.; providing  
 162 | judicial and administrative procedures and remedies to  
 163 | enforce penalty provisions for violations relating to  
 164 | aquatic weeds and plants; providing for mediation;  
 165 | providing for recovery of costs and attorney's fees;  
 166 | requiring proceeds from related penalties to be credited  
 167 | to the Invasive Plant Control Trust Fund; creating s.  
 168 | 379.503, F.S.; authorizing the commission to seek

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169 | injunctive relief; providing that judicial and  
 170 | administrative remedies are alternative and mutually  
 171 | exclusive; creating s. 379.504, F.S.; providing civil  
 172 | penalties for violations relating to aquatic weeds and  
 173 | plants; authorizing a court to impose a civil penalty for  
 174 | each offense not to exceed a specified amount; providing  
 175 | for joint and several liability; providing for a  
 176 | methodology for assessing certain damages; amending s.  
 177 | 403.088, F.S.; requiring the commission to approve an  
 178 | aquatic weeds and algae control program; directing the  
 179 | commission, in consultation with the Department of  
 180 | Environmental Protection, to establish a pilot program to  
 181 | explore options for regulating the anchoring or mooring of  
 182 | non-live-aboard vessels outside the marked boundaries of  
 183 | public mooring fields; providing geographic locations for  
 184 | the pilot program; providing goals and procedures;  
 185 | providing duties of the commission; requiring a report to  
 186 | the Governor and the Legislature; providing for expiration  
 187 | of the pilot program and any ordinance enacted thereunder;  
 188 | providing for construction; providing for a type two  
 189 | transfer of the Bureau of Invasive Plant Management within  
 190 | the Department of Environmental Protection to the Fish and  
 191 | Wildlife Conservation Commission; ratifying actions taken  
 192 | pursuant to ch. 2008-150, Laws of Florida, and an  
 193 | interagency agreement executed pursuant thereto;  
 194 | transferring the Invasive Plant Control Trust Fund within  
 195 | the Department of Environmental Protection to the Fish and  
 196 | Wildlife Conservation Commission; providing a continuing

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197 appropriation to the commission for the costs associated  
 198 with the shoreline fishing license exemption; reenacting  
 199 s. 379.209(2) (a), F.S., relating to funds credited to the  
 200 Nongame Wildlife Trust Fund, to incorporate an amendment  
 201 made to s. 319.32, F.S., in a reference thereto;  
 202 reenacting s. 379.3581(7), F.S., relating to hunting  
 203 safety, to incorporate the amendment made to s. 379.353,  
 204 F.S., in a reference thereto; reenacting ss. 379.2213,  
 205 379.3501, and 379.3712, F.S., relating to management area  
 206 permit revenues, expiration of licenses and permits, and  
 207 commercial hunting preserve licenses, respectively, to  
 208 incorporate the amendment made to s. 379.354, F.S., in  
 209 references thereto; creating s. 403.9335, F.S.; creating  
 210 the "Florida Coral Reef Protection Act"; providing  
 211 definitions; providing legislative intent; requiring  
 212 responsible parties to notify the Department of  
 213 Environmental Protection if their vessel runs aground or  
 214 damages a coral reef; requiring the responsible party to  
 215 remove the vessel; requiring the responsible party to  
 216 cooperate with the department to assess the damage and  
 217 restore the coral reef; authorizing the department to  
 218 recover damages from the responsible party; authorizing  
 219 the department to use a certain method to calculate  
 220 compensation for damage of coral reefs; authorizing the  
 221 department to assess civil penalties; authorizing the  
 222 department to enter into delegation agreements; providing  
 223 that moneys collected from damages and civil penalties for  
 224 injury to coral reefs be deposited in the Ecosystem



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225 Management and Restoration Trust Fund within the  
 226 Department of Environmental Protection; providing  
 227 requirements; authorizing the department to adopt rules;  
 228 amending s. 403.1651, F.S.; authorizing the department to  
 229 enter into settlement agreements that require responsible  
 230 parties to pay another government entity or nonprofit  
 231 organization to fund projects consistent with the  
 232 conservation or protection of coral reefs; repealing s.  
 233 253.04(3), F.S., relating to civil penalties for damage to  
 234 coral reefs; repealing s. 380.0558, F.S., relating to  
 235 coral reef restoration; repealing s. 327.22, F.S.;  
 236 relating to regulation of vessels by municipalities or  
 237 counties; repealing ss. 379.2211 and 379.2212, F.S.,  
 238 relating to Florida waterfowl permit revenues and Florida  
 239 wild turkey permit revenues, respectively; repealing s.  
 240 379.366(7), F.S., to abrogate the expiration of provisions  
 241 imposing blue crab effort management program fees and  
 242 penalties; providing effective dates.

243  
 244 Be It Enacted by the Legislature of the State of Florida:

245  
 246 Section 1. Paragraph (a) of subsection (1) of section  
 247 206.606, Florida Statutes, is amended to read:

248 206.606 Distribution of certain proceeds.--

249 (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
 250 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust  
 251 Fund. Such moneys, after deducting the service charges imposed  
 252 by s. 215.20, the refunds granted pursuant to s. 206.41, and the

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253 administrative costs incurred by the department in collecting,  
 254 administering, enforcing, and distributing the tax, which  
 255 administrative costs may not exceed 2 percent of collections,  
 256 shall be distributed monthly to the State Transportation Trust  
 257 Fund, except that:

258 (a) \$6.30 million shall be transferred to the Fish and  
 259 Wildlife Conservation Commission in each fiscal year and  
 260 deposited in the Invasive Plant Control Trust Fund to be used  
 261 for aquatic plant management, including nonchemical control of  
 262 aquatic weeds, research into nonchemical controls, and  
 263 enforcement activities. ~~Beginning in fiscal year 1993-1994, The~~  
 264 commission ~~department~~ shall allocate at least \$1 million of such  
 265 funds to the eradication of melaleuca.

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

268 253.002 Department of Environmental Protection, water  
 269 management districts, Fish and Wildlife Conservation Commission,  
 270 and Department of Agriculture and Consumer Services; duties with  
 271 respect to state lands.--

272 (1) The Department of Environmental Protection shall  
 273 perform all staff duties and functions related to the  
 274 acquisition, administration, and disposition of state lands,  
 275 title to which is or will be vested in the Board of Trustees of  
 276 the Internal Improvement Trust Fund. However, upon the effective  
 277 date of rules adopted pursuant to s. 373.427, a water management  
 278 district created under s. 373.069 shall perform the staff duties  
 279 and functions related to the review of any application for  
 280 authorization to use board of trustees-owned submerged lands

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281 necessary for an activity regulated under part IV of chapter 373  
282 for which the water management district has permitting  
283 responsibility as set forth in an operating agreement adopted  
284 pursuant to s. 373.046(4); and the Department of Agriculture and  
285 Consumer Services shall perform the staff duties and functions  
286 related to the review of applications and compliance with  
287 conditions for use of board of trustees-owned submerged lands  
288 under authorizations or leases issued pursuant to ss. 253.67-  
289 253.75 and 597.010. Unless expressly prohibited by law, the  
290 board of trustees may delegate to the department any statutory  
291 duty or obligation relating to the acquisition, administration,  
292 or disposition of lands, title to which is or will be vested in  
293 the board of trustees. The board of trustees may also delegate  
294 to any water management district created under s. 373.069 the  
295 authority to take final agency action, without any action on  
296 behalf of the board, on applications for authorization to use  
297 board of trustees-owned submerged lands for any activity  
298 regulated under part IV of chapter 373 for which the water  
299 management district has permitting responsibility as set forth  
300 in an operating agreement adopted pursuant to s. 373.046(4).  
301 This water management district responsibility under this  
302 subsection shall be subject to the department's general  
303 supervisory authority pursuant to s. 373.026(7). The board of  
304 trustees may also delegate to the Department of Agriculture and  
305 Consumer Services the authority to take final agency action on  
306 behalf of the board on applications to use board of trustees-  
307 owned submerged lands for any activity for which that department  
308 has responsibility pursuant to ss. 253.67-253.75, 369.25,

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309 369.251, and 597.010. However, the board of trustees shall  
 310 retain the authority to take final agency action on establishing  
 311 any areas for leasing, new leases, expanding existing lease  
 312 areas, or changing the type of lease activity in existing  
 313 leases. Upon issuance of an aquaculture lease or other real  
 314 property transaction relating to aquaculture, the Department of  
 315 Agriculture and Consumer Services must send a copy of the  
 316 document and the accompanying survey to the Department of  
 317 Environmental Protection. The board of trustees may also  
 318 delegate to the Fish and Wildlife Conservation Commission the  
 319 authority to take final agency action, without any action on  
 320 behalf of the board, on applications for authorization to use  
 321 board of trustees-owned submerged lands for any activity  
 322 regulated under ss. ~~§~~ 369.20 and 369.22.

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

327 253.04 Duty of board to protect, etc., state lands; state  
 328 may join in any action brought.--

329 (4) (a) The duty to conserve and improve state-owned lands  
 330 and the products thereof shall include the preservation and  
 331 regeneration of seagrass, which is deemed essential to the  
 332 oceans, gulfs, estuaries, and shorelines of the state. A person  
 333 operating a vessel outside a lawfully marked channel in a  
 334 careless manner that causes seagrass scarring within an aquatic  
 335 preserve established in ss. 258.39-258.399, with the exception  
 336 of the Lake Jackson, Oklawaha River, Wekiva River, and Rainbow

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337 Springs aquatic preserves, commits a noncriminal infraction,  
 338 punishable as provided in s. 327.73. Each violation is a  
 339 separate offense. As used in this subsection, the term:

340 1. "Seagrass" means Cuban shoal grass (Halodule wrightii),  
 341 turtle grass (Thalassia testudinum), manatee grass (Syringodium  
 342 filiforme), star grass (Halophila engelmannii), paddle grass  
 343 (Halophila decipiens), Johnson's seagrass (Halophila johnsonii),  
 344 or widgeon grass (Ruppia maritima).

345 2. "Seagrass scarring" means destruction of seagrass  
 346 roots, shoots, or stems that results in tracks on the substrate  
 347 commonly referred to as prop scars or propeller scars caused by  
 348 the operation of a motorized vessel in waters supporting  
 349 seagrasses.

350 (b) Any violation under paragraph (a) is a violation of  
 351 the vessel laws of this state and shall be charged on a uniform  
 352 boating citation as provided in s. 327.74. Any person who  
 353 refuses to post a bond or accept and sign a uniform boating  
 354 citation commits a misdemeanor of the second degree, as provided  
 355 in s. 327.73(3), punishable as provided in s. 775.082 or s.  
 356 775.083.

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

359 319.32 Fees; service charges; disposition.--

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

364 Section 5. Effective September 1, 2009, paragraphs (a) and

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365 (x) of subsection (4) of section 320.08056, Florida Statutes,  
 366 are amended to read:

367 320.08056 Specialty license plates.--

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

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

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

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

374 327.02 Definitions of terms used in this chapter and in  
 375 chapter 328.--As used in this chapter and in chapter 328, unless  
 376 the context clearly requires a different meaning, the term:

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

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

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

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

384  
 385 A commercial fishing boat is expressly excluded from the term  
 386 "live-aboard vessel."

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

389 327.35 Boating under the influence; penalties; "designated  
 390 drivers".--

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

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393 (2) if the person is operating a vessel within this state and:  
 394 (a) The person is under the influence of alcoholic  
 395 beverages, any chemical substance set forth in s. 877.111, or  
 396 any substance controlled under chapter 893, when affected to the  
 397 extent that the person's normal faculties are impaired;  
 398 (b) The person has a blood-alcohol level of 0.08 or more  
 399 grams of alcohol per 100 milliliters of blood; or  
 400 (c) The person has a breath-alcohol level of 0.08 or more  
 401 grams of alcohol per 210 liters of breath.  
 402 (4) Any person who is convicted of a violation of  
 403 subsection (1) and who has a blood-alcohol level or breath-  
 404 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is  
 405 convicted of a violation of subsection (1) and who at the time  
 406 of the offense was accompanied in the vessel by a person under  
 407 the age of 18 years, shall be punished:  
 408 (a) By a fine of:  
 409 1. Not less than \$1,000 or more than \$2,000 for a first  
 410 conviction.  
 411 2. Not less than \$2,000 or more than \$4,000 for a second  
 412 conviction.  
 413 3. Not less than \$4,000 for a third or subsequent  
 414 conviction.  
 415 (b) By imprisonment for:  
 416 1. Not more than 9 months for a first conviction.  
 417 2. Not more than 12 months for a second conviction.  
 418  
 419 For the purposes of this subsection, only the instant offense is  
 420 required to be a violation of subsection (1) by a person who has

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421 a blood-alcohol level or breath-alcohol level of 0.15 ~~0.20~~ or  
 422 higher.

423 Section 8. Paragraph (a) of subsection (2) of section  
 424 327.36, Florida Statutes, is amended to read:

425 327.36 Mandatory adjudication; prohibition against  
 426 accepting plea to lesser included offense.--

427 (2)(a) No trial judge may accept a plea of guilty to a  
 428 lesser offense from a person who is charged with a violation of  
 429 s. 327.35, manslaughter resulting from the operation of a  
 430 vessel, or vessel homicide and who has been given a breath or  
 431 blood test to determine blood or breath alcohol content, the  
 432 results of which show a blood-alcohol level or breath-alcohol  
 433 level of 0.15 ~~0.16~~ or more.

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

437 327.395 Boating safety identification cards.--

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

444 (a) Completed a commission-approved boater education  
 445 course that meets the minimum 8-hour instruction requirement  
 446 established by the National Association of State Boating Law  
 447 Administrators;

448 (b) Passed a course equivalency examination approved by



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449 the commission; or

450 (c) Passed a temporary certificate examination developed  
451 or approved by the commission.

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

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

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

456 (c) Is accompanied in the vessel by a person who is exempt  
457 from this section or who holds an identification card in  
458 compliance with this section, is 18 years of age or older, and  
459 is attendant to the operation of the vessel and responsible for  
460 the safe operation of the vessel and for any violation that  
461 occurs during the operation.

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

466 (e) Is operating a vessel within 90 days after the  
467 purchase of that vessel and has available for inspection aboard  
468 that vessel a bill of sale meeting the requirements of s.  
469 328.46(1).

470 (f)-(e) Is exempted by rule of the commission.

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

474 (12) This section may be cited as the "Osmany 'Ozzie'  
475 Castellanos Boating Safety Education Act."

476 Section 10. Effective October 1, 2009, section 327.40,

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477 Florida Statutes, is amended to read:

478       327.40 Uniform waterway markers ~~for safety and navigation;~~  
479 ~~informational markers.--~~

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

488       (2) (a) Application for marking inland lakes and state  
489 waters and any navigable waters under concurrent jurisdiction of  
490 the Coast Guard and the division shall be made to the division,  
491 accompanied by a map locating the approximate placement of  
492 markers, a list of the markers to be placed, a statement of the  
493 specification of the markers, a statement of the purpose of  
494 marking, and the names of persons responsible for the placement  
495 and upkeep of such markers. The division will assist the  
496 applicant to secure the proper permission from the Coast Guard  
497 where required, make such investigations as needed, and issue a  
498 permit. The division shall furnish the applicant with the  
499 information concerning the system adopted and the rules existing  
500 for placing and maintaining the markers. The division shall keep  
501 records of all approvals given and counsel with individuals,  
502 counties, municipalities, motorboat clubs, or other groups  
503 desiring to mark waterways for safety and navigation purposes in  
504 Florida.

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

509 2. The placement of information ~~informational~~ markers,  
 510 ~~including, but not limited to, markers indicating end of boat~~  
 511 ~~ramp, no swimming, swimming area, lake name, trash receptacle,~~  
 512 ~~public health notice, or underwater hazard and canal,~~  
 513 ~~regulatory, emergency, and special event markers,~~ by counties,  
 514 municipalities, or other governmental entities on inland lakes  
 515 and their associated canals are exempt from permitting under  
 516 this section. ~~Such markers, excluding swimming area and special~~  
 517 ~~event markers, may be no more than 50 feet from the normal~~  
 518 ~~shoreline.~~

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

521 (3) The placement under this section or s. 327.41 of any  
 522 uniform waterway marker ~~safety or navigation marker or any~~  
 523 ~~informational marker under subparagraph (2)(b)2.~~ on state  
 524 submerged lands ~~under this section~~ does not subject such lands  
 525 to the lease requirements of chapter 253.

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

528 327.41 Uniform waterway regulatory markers.--

529 (2) Any county or municipality which has been granted a  
 530 boating-restricted ~~restricted~~ area designation, by rule of the  
 531 commission pursuant to s. 327.46(1)(a), for a portion of the  
 532 Florida Intracoastal Waterway within its jurisdiction or which

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533 has adopted a boating-restricted ~~restricted~~ area by ordinance  
 534 pursuant to s. 327.46(1)(b) or (c) ~~s. 327.22, s. 327.60,~~ or s.  
 535 379.2431(2)(p), or any other governmental entity which has  
 536 legally established a boating-restricted ~~restricted~~ area, may  
 537 apply to the commission for permission to place regulatory  
 538 markers within the boating-restricted ~~restricted~~ area.

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

541 327.42 Mooring to or damaging of uniform waterway markers  
 542 ~~or buoys~~ prohibited.--

543 (1) No person shall moor or fasten a vessel to a lawfully  
 544 placed uniform waterway ~~aid to navigation~~ marker ~~or buoy,~~  
 545 ~~regulatory marker or buoy, or area boundary marker or buoy,~~  
 546 ~~placed or erected by any governmental agency,~~ except in case of  
 547 emergency or with the written consent of the marker's owner.

548 (2) No person shall willfully damage, alter, or move a  
 549 lawfully placed uniform waterway ~~aid to navigation~~ marker ~~or~~  
 550 ~~buoy, regulatory marker or buoy, or area boundary marker or~~  
 551 ~~buoy.~~

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

554 327.46 Boating-restricted ~~Restricted~~ areas.--

555 (1) Boating-restricted ~~The commission has the authority to~~  
 556 ~~establish by rule, pursuant to chapter 120, restricted areas,~~  
 557 including, but not limited to, restrictions of vessel speeds and  
 558 vessel traffic, may be established on the waters of this the  
 559 state for any purpose ~~deemed~~ necessary to protect ~~for~~ the safety  
 560 of the public if, ~~including, but not limited to, vessel speeds~~

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561 ~~and vessel traffic, where~~ such restrictions are ~~deemed~~ necessary  
 562 based on boating accidents, visibility, hazardous currents or  
 563 water levels, vessel traffic congestion, or other navigational  
 564 hazards.

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

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

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

571 a. Within 500 feet of any boat ramp, hoist, marine  
 572 railway, or other launching or landing facility available for  
 573 use by the general boating public on waterways more than 300  
 574 feet in width or within 300 feet of any boat ramp, hoist, marine  
 575 railway, or other launching or landing facility available for  
 576 use by the general boating public on waterways not exceeding 300  
 577 feet in width.

578 b. Within 500 feet of fuel pumps or dispensers at any  
 579 marine fueling facility that sells motor fuel to the general  
 580 boating public on waterways more than 300 feet in width or  
 581 within 300 feet of the fuel pumps or dispensers at any licensed  
 582 terminal facility that sells motor fuel to the general boating  
 583 public on waterways not exceeding 300 feet in width.

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

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

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

588 b. Within 300 feet of any bridge span presenting a

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589 vertical clearance of less than 25 feet or a horizontal  
 590 clearance of less than 100 feet.

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

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

596 3. An ordinance establishing a vessel-exclusion zone if  
 597 the area is:

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

599 b. Within 300 feet of a dam, spillway, or flood control  
 600 structure.

601 (c) Municipalities and counties have the authority to  
 602 establish by ordinance the following other boating-restricted  
 603 areas:

604 1. An ordinance establishing an idle speed, no wake  
 605 boating-restricted area, if the area is within 300 feet of a  
 606 confluence of water bodies presenting a blind corner, a bend in  
 607 a narrow channel or fairway, or such other area if an  
 608 intervening obstruction to visibility may obscure other vessels  
 609 or other users of the waterway.

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

612 a. Within 300 feet of a confluence of water bodies  
 613 presenting a blind corner, a bend in a narrow channel or  
 614 fairway, or such other area if an intervening obstruction to  
 615 visibility may obscure other vessels or other users of the  
 616 waterway.

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

618 c. Subject to hazardous water levels or currents, or  
 619 containing other navigational hazards.

620 d. An area that accident reports, uniform boating  
 621 citations, vessel traffic studies, or other creditable data  
 622 demonstrate to present a significant risk of collision or a  
 623 significant threat to boating safety.

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

626 a. As a canoe trail or otherwise limited to vessels under  
 627 oars or under sail.

628 b. For a particular activity and user group separation  
 629 must be imposed to protect the safety of those participating in  
 630 such activity.

631  
 632 Any of the ordinances adopted pursuant to this paragraph shall  
 633 not take effect until the commission has reviewed the ordinance  
 634 and determined by substantial competent evidence that the  
 635 ordinance is necessary to protect public safety pursuant to this  
 636 paragraph. Any application for approval of an ordinance shall be  
 637 reviewed and acted upon within 90 days after receipt of a  
 638 completed application. Within 30 days after a municipality or  
 639 county submits an application for approval to the commission,  
 640 the commission shall advise the municipality or county as to  
 641 what information, if any, is needed to deem the application  
 642 complete. An application shall be considered complete upon  
 643 receipt of all requested information and correction of any error  
 644 or omission for which the applicant was timely notified or when

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645 the time for such notification has expired. The commission's  
 646 action on the application shall be subject to review under  
 647 chapter 120. The commission shall initiate rulemaking no later  
 648 than January 1, 2010, to provide criteria and procedures for  
 649 reviewing applications and procedures for providing for public  
 650 notice and participation pursuant to this paragraph.

651 (2) Each such boating-restricted ~~restricted~~ area shall be  
 652 developed in consultation and coordination with the governing  
 653 body of the county or municipality in which the boating-  
 654 restricted ~~restricted~~ area is located and, when the boating-  
 655 restricted area is to be on the navigable waters of the United  
 656 States ~~where required,~~ with the United States Coast Guard and  
 657 the United States Army Corps of Engineers.

658 (3) ~~(2)~~ It is unlawful for any person to operate a vessel  
 659 in a prohibited manner or to carry on any prohibited activity,  
 660 as defined in this chapter, ~~deemed a safety hazard or~~  
 661 ~~interference with navigation as provided above~~ within a boating-  
 662 restricted ~~restricted water~~ area which has been clearly marked  
 663 by regulatory markers as authorized under this chapter.

664 (4) ~~(3)~~ Restrictions in a boating-restricted area  
 665 established pursuant to this section shall not apply in the case  
 666 of an emergency or to a law enforcement, firefighting, or rescue  
 667 vessel owned or operated by a governmental entity.

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

670 327.60 Local regulations; limitations.--

671 (1) The provisions of this chapter and chapter 328 ~~ss.~~  
 672 ~~327.01, 327.02, 327.30-327.40, 327.44-327.50, 327.54, 327.56,~~



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673 ~~327.65, 328.40 328.48, 328.52 328.58, 328.62, and 328.64~~ shall  
 674 govern the operation, equipment, and all other matters relating  
 675 thereto whenever any vessel shall be operated upon the waters of  
 676 this state waterways or when any activity regulated hereby shall  
 677 take place thereon.

678 (2) Nothing in this chapter or chapter 328 these sections  
 679 shall be construed to prevent the adoption of any ordinance or  
 680 local regulation law relating to operation ~~and equipment~~ of  
 681 vessels, except that a county or municipality shall not enact,  
 682 continue in effect, or enforce any ordinance or local  
 683 regulation:

684 (a) Establishing a vessel or associated equipment  
 685 performance or other safety standard, imposing a requirement for  
 686 associated equipment, or regulating the carrying or use of  
 687 marine safety articles;

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

690 (c) Regulating any vessel upon the Florida Intracoastal  
 691 Waterway;

692 (d) Discriminating against personal watercraft;

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

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

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

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701           (h) That conflicts with any provisions of this chapter or  
 702 any amendments thereto or rules adopted thereunder. ~~no such~~  
 703 ~~ordinance or local law may apply to the Florida Intracoastal~~  
 704 ~~Waterway and except that such ordinances or local laws shall be~~  
 705 ~~operative only when they are not in conflict with this chapter~~  
 706 ~~or any amendments thereto or regulations thereunder. Any~~  
 707 ~~ordinance or local law which has been adopted pursuant to this~~  
 708 ~~section or to any other state law may not discriminate against~~  
 709 ~~personal watercraft as defined in s. 327.02. Effective July 1,~~  
 710 ~~2006, any ordinance or local law adopted pursuant to this~~  
 711 ~~section or any other state law may not discriminate against~~  
 712 ~~airboats except by a two-thirds vote of the governing body~~  
 713 ~~enacting such ordinance.~~

714           (3) ~~(2)~~ Nothing ~~contained in the provisions of this section~~  
 715 shall be construed to prohibit local governmental authorities  
 716 from the enactment or enforcement of regulations which prohibit  
 717 or restrict the mooring or anchoring of floating structures or  
 718 live-aboard vessels within their jurisdictions or of any vessels  
 719 within the marked boundaries of mooring fields permitted as  
 720 provided in s. 327.40. However, local governmental authorities  
 721 are prohibited from regulating the anchoring outside of such  
 722 mooring fields of vessels other than live-aboard vessels as  
 723 defined in s. 327.02 ~~non-live-aboard vessels in navigation.~~

724           Section 15. Paragraph (a) of subsection (2) of section  
 725 327.65, Florida Statutes, is amended to read:

726           327.65 Muffling devices.--

727           (2) (a) Any county wishing to impose additional noise  
 728 pollution and exhaust regulations on vessels may, pursuant to s.

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729 327.60 (2) ~~(1)~~, adopt by county ordinance the following  
 730 regulations:

731 1. No person shall operate or give permission for the  
 732 operation of any vessel on the waters of any county or on a  
 733 specified portion of the waters of any county, including the  
 734 Florida Intracoastal Waterway, which has adopted the provisions  
 735 of this section in such a manner as to exceed the following  
 736 sound levels at a distance of 50 feet from the vessel: for all  
 737 vessels, a maximum sound level of 90 dB A.

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

742 Section 16. Section 327.66, Florida Statutes, is created  
 743 to read:

744 327.66 Carriage of gasoline on vessels.--

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

746 1. Possess or operate any vessel that has been equipped  
 747 with tanks, bladders, drums, or other containers designed or  
 748 intended to hold gasoline, or install or maintain such  
 749 containers in a vessel, if such containers do not conform to  
 750 federal regulations or have not been approved by the United  
 751 States Coast Guard by inspection or special permit.

752 2. Transport any gasoline in an approved portable  
 753 container when the container is in a compartment that is not  
 754 ventilated in strict compliance with United States Coast Guard  
 755 regulations pertaining to ventilation of compartments containing  
 756 gasoline tanks.

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757 (b) A person who violates paragraph (a) commits a  
 758 misdemeanor of the second degree, punishable as provided in s.  
 759 775.082 or s. 775.083.

760 (2) (a) Gasoline possessed or transported in violation of  
 761 this section and all containers holding such gasoline are  
 762 declared to be a public nuisance. A law enforcement agency  
 763 discovering gasoline possessed or transported in violation of  
 764 paragraph (1) (a) shall abate the nuisance by removing the  
 765 gasoline and containers from the vessel and from the waters of  
 766 this state. A law enforcement agency that removes gasoline or  
 767 containers pursuant to this subsection may elect to:

- 768 1. Retain the property for the agency's own use;  
 769 2. Transfer the property to another unit of state or local  
 770 government;  
 771 3. Donate the property to a charitable organization; or  
 772 4. Sell the property at public sale pursuant to s.  
 773 705.103.

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

778 (3) All conveyances, vessels, vehicles, and other  
 779 equipment described in paragraph (1) (a) or used in the  
 780 commission of a violation of paragraph (1) (a), other than  
 781 gasoline or containers removed as provided in subsection (2),  
 782 are declared to be contraband.

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

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785 and ordering that all conveyances, vessels, vehicles, and other  
786 equipment used in the violation shall be forfeited to the  
787 arresting agency. The requirement for a conviction before  
788 forfeiture of property establishes to the exclusion of any  
789 reasonable doubt that the property was used in connection with  
790 the violation resulting in the conviction, and the procedures of  
791 chapter 932 do not apply to any forfeiture of property under  
792 this subsection following a conviction.

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

797 (c) As used in this subsection, the term "conviction"  
798 means a finding of guilt or the acceptance of a plea of guilty  
799 or nolo contendere, regardless of whether adjudication is  
800 withheld or whether imposition of sentence is withheld,  
801 deferred, or suspended.

802 (4) All costs incurred by the law enforcement agency in  
803 the removal of any gasoline, gasoline container, other  
804 equipment, or vessel as provided in this section shall be  
805 recoverable against the owner thereof. Any person who neglects  
806 or refuses to pay such amount shall not be issued a certificate  
807 of registration for such vessel or for any other vessel or motor  
808 vehicle until the costs have been paid.

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

812 Section 17. Effective October 1, 2009, section 327.70,

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813 Florida Statutes, is amended to read:  
 814 327.70 Enforcement of this chapter and chapter 328.--  
 815 (1) This chapter and chapter 328 shall be enforced by the  
 816 Division of Law Enforcement of the Fish and Wildlife  
 817 Conservation Commission and its officers, the sheriffs of the  
 818 various counties and their deputies, municipal police officers,  
 819 and any other ~~authorized~~ law enforcement officer as defined in  
 820 s. 943.10, all of whom may order the removal of vessels deemed  
 821 to be an interference or a hazard to public safety, enforce the  
 822 provisions of this chapter and chapter 328, or cause any  
 823 inspections to be made of all vessels in accordance with this  
 824 chapter and chapter 328.  
 825 (2) (a) Noncriminal violations of the following statutes  
 826 may be enforced by a uniform boating citation mailed to the  
 827 registered owner of an unattended vessel anchored, aground, or  
 828 moored on the waters of this state:  
 829 1. Section 327.33(3) (b), relating to navigation rules.  
 830 2. Section 327.44, relating to interference with  
 831 navigation.  
 832 3. Section 327.50(2), relating to required lights and  
 833 shapes.  
 834 4. Section 327.53, relating to marine sanitation.  
 835 5. Section 328.48(5), relating to display of decal.  
 836 6. Section 328.52(2), relating to display of number.  
 837 (b) Citations issued to livery vessels under this  
 838 subsection shall be the responsibility of the lessee of the  
 839 vessel if the livery has included a warning of this  
 840 responsibility as a part of the rental agreement and has

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841 provided to the agency issuing the citation the name, address,  
 842 and date of birth of the lessee when requested by that agency.  
 843 The livery is not responsible for the payment of citations if  
 844 the livery provides the required warning and lessee information.

845 ~~(3)(2)~~ Such officers shall have the power and duty to  
 846 issue such orders and to make such investigations, reports, and  
 847 arrests in connection with any violation of the provisions of  
 848 this chapter and chapter 328 as are necessary to effectuate the  
 849 intent and purpose of this chapter and chapter 328.

850 ~~(4)(3)~~ The Fish and Wildlife Conservation Commission or  
 851 any other law enforcement agency may make any investigation  
 852 necessary to secure information required to carry out and  
 853 enforce the provisions of this chapter and chapter 328.

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

857 327.73 Noncriminal infractions.--

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

860 (k) Violations relating to boating-restricted ~~restricted~~  
 861 areas and speed limits:

862 1. Established by the commission or by local governmental  
 863 authorities pursuant to s. 327.46.

864 ~~2. Established by local governmental authorities pursuant~~  
 865 ~~to s. 327.22 or s. 327.60.~~

866 ~~2.3.~~ Speed limits established pursuant to s. 379.2431(2).

867 (x) Section 253.04(4)(a), relating to carelessly causing  
 868 seagrass scarring, for which the civil penalty upon conviction

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- 869 is:
- 870 1. For a first offense, \$50.
- 871 2. For a second offense occurring within 12 months after a
- 872 prior conviction, \$250.
- 873 3. For a third offense occurring within 36 months after a
- 874 prior conviction, \$500.
- 875 4. For a fourth or subsequent offense occurring within 72
- 876 months after a prior conviction, \$1,000.

877

878 Any person cited for a violation of any such provision shall be

879 deemed to be charged with a noncriminal infraction, shall be

880 cited for such an infraction, and shall be cited to appear

881 before the county court. The civil penalty for any such

882 infraction is \$50, except as otherwise provided in this section.

883 Any person who fails to appear or otherwise properly respond to

884 a uniform boating citation shall, in addition to the charge

885 relating to the violation of the boating laws of this state, be

886 charged with the offense of failing to respond to such citation

887 and, upon conviction, be guilty of a misdemeanor of the second

888 degree, punishable as provided in s. 775.082 or s. 775.083. A

889 written warning to this effect shall be provided at the time

890 such uniform boating citation is issued.

891 Section 19. Subsection (1) of section 327.731, Florida

892 Statutes, is amended to read:

893 327.731 Mandatory education for violators.--

894 (1) Every person convicted of a criminal violation of this

895 chapter, every person convicted of a noncriminal infraction

896 under this chapter if the infraction resulted in a reportable



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897 boating accident, and every person convicted of two noncriminal  
 898 infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p),  
 899 and (s)-(x)~~(s)-(w)~~, said infractions occurring within a 12-month  
 900 period, must:

901 (a) Enroll in, attend, and successfully complete, at his  
 902 or her own expense, a boating safety course that meets minimum  
 903 standards established by the commission by rule; however, the  
 904 commission may provide by rule pursuant to chapter 120 for  
 905 waivers of the attendance requirement for violators residing in  
 906 areas where classroom presentation of the course is not  
 907 available;

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

910 (c) Refrain from operating a vessel until he or she has  
 911 filed the proof of successful completion of the course with the  
 912 commission.

913  
 914 Any person who has successfully completed an approved boating  
 915 course shall be exempt from these provisions upon showing proof  
 916 to the commission as specified in paragraph (b).

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

919 328.03 Certificate of title required.--

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

923 (a) A vessel operated, used, or stored exclusively on  
 924 private lakes and ponds;~~i-~~

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- 925 (b) A vessel owned by the United States Government;~~;~~
- 926 (c) A non-motor-powered vessel less than 16 feet in  
 927 length;~~;~~
- 928 (d) A federally documented vessel;~~;~~
- 929 (e) A vessel already covered by a registration number in  
 930 full force and effect which was awarded to it pursuant to a  
 931 federally approved numbering system of another state or by the  
 932 United States Coast Guard in a state without a federally  
 933 approved numbering system, if the vessel is not located in this  
 934 state for a period in excess of 90 consecutive days;~~;~~
- 935 (f) A vessel from a country other than the United States  
 936 temporarily used, operated, or stored on ~~using~~ the waters of  
 937 this state for a period that is not in excess of 90 days;~~;~~
- 938 (g) An amphibious vessel for which a vehicle title is  
 939 issued by the Department of Highway Safety and Motor Vehicles;~~;~~
- 940 (h) A vessel used solely for demonstration, testing, or  
 941 sales promotional purposes by the manufacturer or dealer; ~~or;~~
- 942 (i) A vessel owned and operated by the state or a  
 943 political subdivision thereof.
- 944 (2) A person shall not operate, use, or store a vessel for  
 945 which a certificate of title is required unless the owner has  
 946 received from the Department of Highway Safety and Motor  
 947 Vehicles a valid certificate of title for such vessel. However,  
 948 such vessel may be operated, used, or stored for a period of up  
 949 to 180 days after ~~from~~ the date of application for a certificate  
 950 of title while the application is pending.
- 951 Section 21. Effective October 1, 2009, subsections (1) and  
 952 (2) of section 328.07, Florida Statutes, are amended to read:

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953           328.07 Hull identification number required.--

954           (1) No person shall operate, use, or store on the waters

955 of this state a vessel the construction of which began after

956 October 31, 1972, for which the department has issued a

957 certificate of title or which is required by law to be

958 registered, unless the vessel displays the assigned hull

959 identification number affixed by the manufacturer as required by

960 the United States Coast Guard or by the department for a

961 homemade vessel or other vessel for which a hull identification

962 number is not required by the United States Coast Guard. The

963 hull identification number must be carved, burned, stamped,

964 embossed, or otherwise permanently affixed to the outboard side

965 of the transom or, if there is no transom, to the outermost

966 starboard side at the end of the hull that bears the rudder or

967 other steering mechanism, above the waterline of the vessel in

968 such a way that alteration, removal, or replacement would be

969 obvious and evident. The characters of the hull identification

970 number must be no less than 12 in number and no less than one-

971 fourth inch in height.

972           (2) No person shall operate, use, or store on the waters

973 of this state a vessel the construction of which was completed

974 before November 1, 1972, for which the department has issued a

975 certificate of title or which is required by law to be

976 registered, unless the vessel displays a hull identification

977 number. The hull identification number shall be clearly

978 imprinted in the transom or on the hull by stamping, impressing,

979 or marking with pressure. In lieu of imprinting, the hull

980 identification number may be displayed on a plate in a permanent

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981 manner. A vessel for which the manufacturer has provided no hull  
 982 identification number or a homemade vessel shall be assigned a  
 983 hull identification number by the department which shall be  
 984 affixed to the vessel pursuant to this section.

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

987 328.46 Operation of registered vessels.--

988 (1) Every vessel that is required to be registered and  
 989 that is being operated, used, or stored on ~~using~~ the waters of  
 990 this state shall be registered and numbered within 30 days after  
 991 purchase by the owner except as specifically exempt. During this  
 992 30-day period, the operator is required to have aboard the  
 993 vessel and available for inspection a bill of sale. The bill of  
 994 sale for the vessel shall serve as the temporary certificate of  
 995 number that is required by federal law and must contain the  
 996 following information:

- 997 (a) Make of the vessel.
- 998 (b) Length of the vessel.
- 999 (c) Type of propulsion.
- 1000 (d) Hull identification number.
- 1001 (e) A statement declaring Florida to be the state where
- 1002 the vessel is principally used.
- 1003 (f) Name of the purchaser.
- 1004 (g) Address of the purchaser, including ZIP code.
- 1005 (h) Signature of the purchaser.
- 1006 (i) Name of the seller.
- 1007 (j) Signature of the seller.
- 1008 (k) Date of the sale of the vessel. The date of sale shall

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1009 also serve as the date of issuance of the temporary certificate  
 1010 of number.

1011 (1) Notice to the purchaser and operator that the  
 1012 temporary authority to use the vessel on the waters of this  
 1013 state is invalid after 30 days following the date of sale of the  
 1014 vessel.

1015 (2) No person shall operate, use, or store or give  
 1016 permission for the operation, use, or storage of any such vessel  
 1017 on such waters unless:

1018 (a) Such vessel is registered within 30 days after  
 1019 purchase by the owner and numbered with the identifying number  
 1020 set forth in the certificate of registration, displayed:

1021 1. In accordance with s. 328.48(4), except, if the vessel  
 1022 is an airboat, the registration number may be displayed on each  
 1023 side of the rudder; or

1024 2. In accordance with 33 C.F.R. s. 173.27, or with a  
 1025 federally approved numbering system of another state; and

1026 (b) The certificate of registration or temporary  
 1027 certificate of number awarded to such vessel is in full force  
 1028 and effect.

1029 Section 23. Effective October 1, 2009, subsection (2) of  
 1030 section 328.48, Florida Statutes, is amended to read:

1031 328.48 Vessel registration, application, certificate,  
 1032 number, decal, duplicate certificate.--

1033 (2) Each vessel operated, ~~All vessels used,~~ or stored on  
 1034 the waters of this ~~the~~ state must be registered as a, ~~either~~  
 1035 commercial vessel or recreational vessel as defined in s. 327.02  
 1036 ~~this chapter, unless it is except as follows:~~

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1037 (a) A vessel operated, used, and stored exclusively on  
 1038 private lakes and ponds;~~;~~

1039 (b) A vessel owned by the United States Government;~~;~~

1040 (c) A vessel used exclusively as a ship's lifeboat; ~~or;~~

1041 (d) A non-motor-powered vessel less than 16 feet in  
 1042 length, or a ~~and any~~ non-motor-powered canoe, kayak, racing  
 1043 shell, or rowing scull, regardless of length.

1044 Section 24. Effective October 1, 2009, section 328.56,  
 1045 Florida Statutes, is amended to read:

1046 328.56 Vessel registration number.--Each vessel that is  
 1047 operated, used, or stored on the waters of this ~~the~~ state must  
 1048 display a commercial or recreational Florida registration  
 1049 number, unless it is:

1050 (1) A vessel operated, used, and stored exclusively on  
 1051 private lakes and ponds;~~;~~

1052 (2) A vessel owned by the United States Government;~~;~~

1053 (3) A vessel used exclusively as a ship's lifeboat;~~;~~

1054 (4) A non-motor-powered vessel less than 16 feet in  
 1055 length, or a ~~and any~~ non-motor-powered canoe, kayak, racing  
 1056 shell, or rowing scull, regardless of length;~~;~~

1057 (5) A federally documented vessel;~~;~~

1058 (6) A vessel already covered by a registration number in  
 1059 full force and effect which has been awarded to it pursuant to a  
 1060 federally approved numbering system of another state or by the  
 1061 United States Coast Guard in a state without a federally  
 1062 approved numbering system, if the vessel has not been within  
 1063 this state for a period in excess of 90 consecutive days;~~;~~

1064 (7) A vessel operating under a valid temporary certificate

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1065 of number;~~;~~

1066 (8) A vessel from a country other than the United States  
 1067 temporarily using the waters of this state; ~~or;~~

1068 (9) An undocumented vessel used exclusively for racing.

1069 Section 25. Effective October 1, 2009, section 328.58,  
 1070 Florida Statutes, is amended to read:

1071 328.58 Reciprocity of nonresident or alien vessels.--The  
 1072 owner of any vessel already covered by a registration number in  
 1073 full force and effect which has been awarded by:

1074 (1) ~~By~~ Another state pursuant to a federally approved  
 1075 numbering system of another state;

1076 (2) ~~By~~ The United States Coast Guard in a state without a  
 1077 federally approved numbering system; or

1078 (3) ~~By~~ The United States Coast Guard for a federally  
 1079 documented vessel with a valid registration in full force and  
 1080 effect from another state,

1081  
 1082 shall record the number with the Department of Highway Safety  
 1083 and Motor Vehicles prior to operating, using, or storing the  
 1084 vessel on the waters of this state in excess of the 90-day  
 1085 reciprocity period provided for in this chapter. Such  
 1086 recordation shall be pursuant to the procedure required for the  
 1087 award of an original registration number, except that no  
 1088 additional or substitute registration number shall be issued if  
 1089 the vessel owner maintains the previously awarded registration  
 1090 number in full force and effect.

1091 Section 26. Effective October 1, 2009, section 328.60,  
 1092 Florida Statutes, is amended to read:

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1093           328.60 Military personnel; registration; penalties.--Any  
 1094 military personnel on active duty in this state operating,  
 1095 using, or storing a vessel on the waters of this state that has  
 1096 a registration number in full force and effect which has been  
 1097 awarded to it pursuant to a federally approved numbering system  
 1098 of another state or by the United States Coast Guard in a state  
 1099 without a federally approved numbering system, or a federally  
 1100 documented vessel with a valid registration in full force and  
 1101 effect from another state shall not be required to register his  
 1102 or her vessel in this state while such certificate of  
 1103 registration remains valid; but, at the expiration of such  
 1104 registration certificate, all registration and titling shall be  
 1105 issued by this state. In the case of a federally documented  
 1106 vessel, the issuance of a title is not required by this chapter.

1107           Section 27. Effective October 1, 2009, section 328.65,  
 1108 Florida Statutes, is amended to read:

1109           328.65 Legislative intent with respect to registration and  
 1110 numbering of vessels.--It is the legislative intent that vessels  
 1111 be registered and numbered uniformly throughout the state. The  
 1112 purpose of ss. 327.58, 327.70, 327.72, 328.66, 328.68, and  
 1113 328.72 is to make registration and numbering procedures similar  
 1114 to those of automobiles and airplanes and to provide for a  
 1115 vessel registration fee and certificate so as to determine the  
 1116 ownership of vessels which are operated, used, or stored ~~operate~~  
 1117 on the waters of this state and to aid in the advancement of  
 1118 maritime safety.

1119           Section 28. Effective October 1, 2009, subsection (1) of  
 1120 section 328.66, Florida Statutes, is amended to read:



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1121 328.66 County and municipality optional registration  
1122 fee.--

1123 (1) Any county may impose an annual registration fee on  
1124 vessels registered, operated, used, or stored on the waters of  
1125 this state ~~in the water~~ within its jurisdiction. This fee shall  
1126 be 50 percent of the applicable state registration fee. However,  
1127 the first \$1 of every registration imposed under this subsection  
1128 shall be remitted to the state for deposit in the Save the  
1129 Manatee Trust Fund created within the Fish and Wildlife  
1130 Conservation Commission, and shall be used only for the purposes  
1131 specified in s. 379.2431(4). All other moneys received from such  
1132 fee shall be expended for the patrol, regulation, and  
1133 maintenance of the lakes, rivers, and waters and for other  
1134 boating-related activities of such municipality or county. A  
1135 municipality that was imposing a registration fee before April  
1136 1, 1984, may continue to levy such fee, notwithstanding the  
1137 provisions of this section.

1138 Section 29. Effective October 1, 2009, subsection (13) of  
1139 section 328.72, Florida Statutes, is amended to read:

1140 328.72 Classification; registration; fees and charges;  
1141 surcharge; disposition of fees; fines; marine turtle stickers.--

1142 (13) EXPIRED REGISTRATION.--The operation, use, or storage  
1143 on the waters of this state of a previously registered vessel  
1144 after the expiration of the registration period is a noncriminal  
1145 violation, as defined in s. 327.73. This subsection does not  
1146 apply to vessels lawfully stored at a dock or in a marina.

1147 Section 30. Subsections (13) and (14) are added to section  
1148 369.20, Florida Statutes, to read:

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1149 369.20 Florida Aquatic Weed Control Act.--

1150 (13) The commission has the power to enforce this section  
 1151 in the same manner and to the same extent as provided in ss.  
 1152 379.501-379.504.

1153 (14) Activities that are exempt from permitting pursuant  
 1154 to s. 403.813(1)(r) are granted a mixing zone for turbidity for  
 1155 a distance not to exceed 150 meters downstream in flowing  
 1156 streams or 150 meters in radius in other water bodies as  
 1157 measured from the cutterhead, return flow discharge, or other  
 1158 points of generation of turbidity.

1159 Section 31. Subsections (13) and (14) are added to section  
 1160 369.22, Florida Statutes, to read:

1161 369.22 Aquatic plant management.--

1162 (13) The commission has the power to enforce this section  
 1163 in the same manner and to the same extent as provided in ss.  
 1164 379.501-379.504.

1165 (14) Activities that are exempt from permitting pursuant  
 1166 to s. 403.813(1)(r) are granted a mixing zone for turbidity for  
 1167 a distance not to exceed 150 meters downstream in flowing  
 1168 streams or 150 meters in radius in other water bodies as  
 1169 measured from the cutterhead, return flow discharge, or other  
 1170 points of generation of turbidity.

1171 Section 32. Paragraph (j) of subsection (3) of section  
 1172 369.25, Florida Statutes, is amended to read:

1173 369.25 Aquatic plants; definitions; permits; powers of  
 1174 department; penalties.--

1175 (3) The department has the following powers:

1176 (j) To enforce this section and s. 369.251 ~~this chapter~~ in

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1177 the same manner and to the same extent as provided in s.  
1178 581.211.

1179 Section 33. Subsections (1) and (5) of section 379.304,  
1180 Florida Statutes, are amended to read:

1181 379.304 Exhibition or sale of wildlife.--

1182 (1) Permits issued pursuant to s. 379.3761 ~~this section~~  
1183 and places where wildlife is kept or held in captivity shall be  
1184 subject to inspection by officers of the commission at all  
1185 times. The commission shall have the power to release or  
1186 confiscate any specimens of any wildlife, specifically birds,  
1187 mammals, amphibians, or reptiles, whether indigenous to the  
1188 state or not, when it is found that conditions under which they  
1189 are being confined are unsanitary, or unsafe to the public in  
1190 any manner, or that the species of wildlife are being  
1191 maltreated, mistreated, or neglected or kept in any manner  
1192 contrary to the provisions of chapter 828, any such permit to  
1193 the contrary notwithstanding. Before any such wildlife is  
1194 confiscated or released under the authority of this section, the  
1195 owner thereof shall have been advised in writing of the  
1196 existence of such unsatisfactory conditions; the owner shall  
1197 have been given 30 days in which to correct such conditions; the  
1198 owner shall have failed to correct such conditions; the owner  
1199 shall have had an opportunity for a proceeding pursuant to  
1200 chapter 120; and the commission shall have ordered such  
1201 confiscation or release after careful consideration of all  
1202 evidence in the particular case in question. The final order of  
1203 the commission shall constitute final agency action.

1204 (5) A violation of this section is punishable as provided

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1205 by s. 379.4015 ~~379.401~~.

1206 Section 34. Section 379.338, Florida Statutes, is amended  
1207 to read:

1208 379.338 Confiscation and disposition of illegally taken  
1209 wildlife, freshwater fish, and saltwater fish ~~game~~.--

1210 (1) All wildlife, ~~game and~~ freshwater fish, and saltwater  
1211 fish seized under the authority of this chapter, any other  
1212 chapter, or rules of the commission shall, upon conviction of  
1213 the offender or sooner in accordance with a court order if the  
1214 court so orders, be forfeited to the investigating law  
1215 enforcement agency. The law enforcement agency may elect to  
1216 retain the wildlife, freshwater fish, or saltwater fish for the  
1217 agency's official use; transfer it to another unit of state or  
1218 local government for official use; donate it to a charitable  
1219 organization; sell it at a public sale pursuant to s. 705.103;  
1220 or destroy the wildlife, freshwater fish, or saltwater fish if  
1221 none of the other options is practicable or if the wildlife,  
1222 freshwater fish, or saltwater fish is unwholesome or otherwise  
1223 not of appreciable value. All illegally possessed live wildlife,  
1224 freshwater fish, and saltwater fish that are properly documented  
1225 as evidence as provided in s. 379.3381 may be returned to the  
1226 habitat unharmed. Any unclaimed wildlife, freshwater fish, or  
1227 saltwater fish shall be retained by the investigating law  
1228 enforcement agency and disposed of in accordance with this  
1229 subsection ~~and given to some hospital or charitable institution~~  
1230 ~~and receipt therefor sent to the Fish and Wildlife Conservation~~  
1231 ~~Commission.~~

1232 (2) All furs or hides or fur-bearing animals seized under

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1233 the authority of this chapter shall, upon conviction of the  
 1234 offender, be forfeited and sent to the commission, which shall  
 1235 sell the same ~~and deposit the proceeds of such sale to the~~  
 1236 ~~credit of the State Game Trust Fund.~~ If any such hides or furs  
 1237 are seized and the offender is unknown, the court shall order  
 1238 such hides or furs sent to the ~~Fish and Wildlife Conservation~~  
 1239 commission, which shall sell such hides and furs.

1240 (3) Except as otherwise provided by law, and deposit the  
 1241 proceeds of any such sale under this section shall be deposited  
 1242 in to the credit of the State Game Trust Fund or the Marine  
 1243 Resources Conservation Trust Fund.

1244 (4) Any state, county, or municipal law enforcement agency  
 1245 that enforces or assists the commission in enforcing this  
 1246 chapter, which enforcement results in a forfeiture of property  
 1247 as provided in this section, is entitled to receive all or a  
 1248 share of any property based upon its participation in the  
 1249 enforcement.

1250 Section 35. Section 379.3381, Florida Statutes, is created  
 1251 to read:

1252 379.3381 Photographic evidence of illegally taken  
 1253 wildlife, freshwater fish, and saltwater fish.--In any  
 1254 prosecution for a violation of this chapter, any other chapter,  
 1255 or rules of the commission, a photograph of illegally taken  
 1256 wildlife, freshwater fish, or saltwater fish may be deemed  
 1257 competent evidence of such property and may be admissible in the  
 1258 prosecution to the same extent as if such wildlife, freshwater  
 1259 fish, or saltwater fish were introduced as evidence. Such  
 1260 photograph shall bear a written description of the wildlife,

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1261 freshwater fish, or saltwater fish alleged to have been  
 1262 illegally taken, the name of the violator, the location where  
 1263 the alleged illegal taking occurred, the name of the  
 1264 investigating law enforcement officer, the date the photograph  
 1265 was taken, and the name of the photographer. Such writing shall  
 1266 be made under oath by the investigating law enforcement officer,  
 1267 and the photograph shall be identified by the signature of the  
 1268 photographer.

1269 Section 36. Effective July 1, 2010, paragraphs (h), (i),  
 1270 and (j) of subsection (4) and subsections (8), (11), and (12) of  
 1271 section 379.354, Florida Statutes, are amended, and effective  
 1272 July 15, 2009, paragraph (k) is added to subsection (4) of that  
 1273 section, to read:

1274 379.354 Recreational licenses, permits, and authorization  
 1275 numbers; fees established.--

1276 (4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses  
 1277 and fees for residents participating in hunting and fishing  
 1278 activities in this state are as follows:

1279 (h) Annual sportsman's license, \$79, except that an annual  
 1280 sportsman's license for a resident 64 years of age or older is  
 1281 \$12. A sportsman's license authorizes the person to whom it is  
 1282 issued to take game and freshwater fish, subject to the state  
 1283 and federal laws, rules, and regulations, including rules of the  
 1284 commission, in effect at the time of the taking. Other  
 1285 authorized activities include activities authorized by a  
 1286 management area permit, a muzzle-loading gun season permit, a  
 1287 crossbow season permit, a turkey permit, a Florida waterfowl  
 1288 permit, a deer permit, and an archery season permit.

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1289 (i) Annual gold sportsman's license, \$98.50. The gold  
 1290 sportsman's license authorizes the person to whom it is issued  
 1291 to take freshwater fish, saltwater fish, and game, subject to  
 1292 the state and federal laws, rules, and regulations, including  
 1293 rules of the commission, in effect at the time of taking. Other  
 1294 authorized activities include activities authorized by a  
 1295 management area permit, a muzzle-loading gun season permit, a  
 1296 crossbow season permit, a turkey permit, a Florida waterfowl  
 1297 permit, a deer permit, an archery season permit, a snook permit,  
 1298 and a spiny lobster permit.

1299 (j) Annual military gold sportsman's license, \$18.50. The  
 1300 gold sportsman's license authorizes the person to whom it is  
 1301 issued to take freshwater fish, saltwater fish, and game,  
 1302 subject to the state and federal laws, rules, and regulations,  
 1303 including rules of the commission, in effect at the time of  
 1304 taking. Other authorized activities include activities  
 1305 authorized by a management area permit, a muzzle-loading gun  
 1306 season permit, a crossbow season permit, a turkey permit, a  
 1307 Florida waterfowl permit, a deer permit, an archery season  
 1308 permit, a snook permit, and a spiny lobster permit. Any resident  
 1309 who is an active or retired member of the United States Armed  
 1310 Forces, the United States Armed Forces Reserve, the National  
 1311 Guard, the United States Coast Guard, or the United States Coast  
 1312 Guard Reserve is eligible to purchase the military gold  
 1313 sportsman's license upon submission of a current military  
 1314 identification card.

1315 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY  
 1316 PERMITS.--In order to ensure that the cultural heritage of

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1317 hunting and sport fishing as recognized in s. 379.104 is passed  
 1318 on to future Floridians, the commission shall use up to 10  
 1319 percent of the proceeds from the hunting and sport fishing  
 1320 permits issued pursuant to this subsection to promote hunting  
 1321 and sport fishing activities with an emphasis on youth  
 1322 participation. In addition to any license required under this  
 1323 chapter, the following permits and fees for specified hunting,  
 1324 fishing, and other recreational uses and activities are  
 1325 required:

1326 (a) An annual Florida waterfowl permit for a resident or  
 1327 nonresident to take wild ducks or geese within the state or its  
 1328 coastal waters is \$5 ~~\$3~~. Revenue generated from the sale of  
 1329 waterfowl permits or that pro rata portion of any license that  
 1330 includes waterfowl hunting privileges provided for in this  
 1331 paragraph shall be used for conservation, research, and  
 1332 management of waterfowl; for the development, restoration,  
 1333 maintenance, and preservation of wetlands within the state; or  
 1334 to promote the cultural heritage of hunting.

1335 (b)1. An annual Florida turkey permit for a resident to  
 1336 take wild turkeys within the state is \$10 ~~\$5~~. Revenue generated  
 1337 from the sale of resident wild turkey permits or that pro rata  
 1338 portion of any license that includes turkey hunting privileges  
 1339 provided for in this subparagraph shall be used for the  
 1340 conservation, research, and management of wild turkeys or to  
 1341 promote the cultural heritage of hunting.

1342 2. An annual Florida turkey permit for a nonresident to  
 1343 take wild turkeys within the state is \$125 ~~\$100~~. Revenue  
 1344 generated from the sale of nonresident wild turkey permits or



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1345 that pro rata portion of any license that includes turkey  
 1346 hunting privileges provided for in this subparagraph shall be  
 1347 used for the conservation, research, and management of wild  
 1348 turkeys or to promote the cultural heritage of hunting.

1349 (c) An annual snook permit for a resident or nonresident  
 1350 to take or possess any snook from any waters of the state is \$10  
 1351 ~~\$2~~. Revenue generated from the sale of snook permits shall be  
 1352 used exclusively for programs to benefit the snook population.

1353 (d) An annual spiny lobster permit for a resident or  
 1354 nonresident to take or possess any spiny lobster for  
 1355 recreational purposes from any waters of the state is \$5 ~~\$2~~.  
 1356 Revenue generated from the sale of spiny lobster permits shall  
 1357 be used exclusively for programs to benefit the spiny lobster  
 1358 population.

1359 (e) A \$5 fee is imposed for each of the following permits:

1360 1. An annual archery season permit for a resident or  
 1361 nonresident to hunt within the state during any archery season  
 1362 authorized by the commission.

1363 2. An annual crossbow season permit for a resident or  
 1364 nonresident to hunt within the state during any crossbow season  
 1365 authorized by the commission.

1366 3. An annual muzzle-loading gun season permit for a  
 1367 resident or nonresident to hunt within the state during any  
 1368 muzzle-loading gun season authorized by the commission.

1369 (f) A special use permit for a resident or nonresident to  
 1370 participate in limited entry hunting or fishing activities as  
 1371 authorized by commission rule shall not exceed \$150 ~~\$100~~ per day  
 1372 or \$300 ~~\$250~~ per week. Notwithstanding any other provision of

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1373 | this chapter, there are no exclusions, exceptions, or exemptions  
 1374 | from this permit fee. In addition to the permit fee, the  
 1375 | commission may charge each special use permit applicant a  
 1376 | nonrefundable application fee not to exceed \$10.

1377 |       (g)1. A management area permit for a resident or  
 1378 | nonresident to hunt on, fish on, or otherwise use for outdoor  
 1379 | recreational purposes land owned, leased, or managed by the  
 1380 | commission, or by the state for the use and benefit of the  
 1381 | commission, shall not exceed \$30 ~~\$25~~ per year.

1382 |       2. Permit fees for short-term use of land that is owned,  
 1383 | leased, or managed by the commission may be established by rule  
 1384 | of the commission for activities on such lands. Such permits may  
 1385 | be in lieu of, or in addition to, the annual management area  
 1386 | permit authorized in subparagraph 1. and subparagraph 4.

1387 |       3. Other than for hunting or fishing, the provisions of  
 1388 | this paragraph shall not apply on any lands not owned by the  
 1389 | commission, unless the commission has obtained the written  
 1390 | consent of the owner or primary custodian of such lands.

1391 |       4. A management area permit for a resident or nonresident  
 1392 | to hike, camp, or otherwise engage in other outdoor recreational  
 1393 | activities, except hunting or fishing, on management area lands  
 1394 | shall not exceed \$5 per day or \$30 per year.

1395 |       (h)1. A recreational user permit is required to hunt on,  
 1396 | fish on, or otherwise use for outdoor recreational purposes land  
 1397 | leased by the commission from private nongovernmental owners,  
 1398 | ~~except for those lands located directly north of the~~  
 1399 | ~~Apalachicola National Forest, east of the Ochlocknee River until~~  
 1400 | ~~the point the river meets the dam forming Lake Talquin, and~~

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1401 ~~south of the closest federal highway.~~ The fee for a recreational  
 1402 user permit shall be based upon the economic compensation  
 1403 desired by the landowner, game population levels, desired hunter  
 1404 density, and administrative costs. The permit fee shall be set  
 1405 by commission rule on a per-acre basis. The recreational user  
 1406 permit fee, less administrative costs of up to \$30 ~~\$25~~ per  
 1407 permit, shall be remitted to the landowner as provided in the  
 1408 lease agreement for each area.

1409 2. One minor dependent under 16 years of age may hunt  
 1410 under the supervision of the permittee and is exempt from the  
 1411 recreational user permit requirements. The spouse and dependent  
 1412 children of a permittee are exempt from the recreational user  
 1413 permit requirements when engaged in outdoor recreational  
 1414 activities other than hunting and when accompanied by a  
 1415 permittee. Notwithstanding any other provision of this chapter,  
 1416 no other exclusions, exceptions, or exemptions from the  
 1417 recreational user permit fee are authorized.

1418 (i) An annual deer permit for a resident or nonresident to  
 1419 take deer within the state during any season authorized by the  
 1420 commission is \$5. Revenue generated from the sale of deer  
 1421 permits shall be used for the conservation, research, and  
 1422 management of white-tailed deer or to promote the cultural  
 1423 heritage of hunting.

1424  
 1425 The commission shall prepare an annual report documenting the  
 1426 use of funds generated pursuant to paragraphs (a) and (b) and  
 1427 shall submit the report to the Governor, the Speaker of the  
 1428 House of Representatives, and the President of the Senate no

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1429 later than September 1 of each year.

1430 (11) RESIDENT LIFETIME HUNTING LICENSES.--

1431 (a) Lifetime hunting licenses are available to residents  
1432 only, as follows, for:

1433 1. Persons 4 years of age or younger, for a fee of \$200.

1434 2. Persons 5 years of age or older, but under 13 years of  
1435 age, for a fee of \$350.

1436 3. Persons 13 years of age or older, for a fee of \$500.

1437 (b) The following activities are authorized by the  
1438 purchase of a lifetime hunting license:

1439 1. Taking, or attempting to take or possess, game  
1440 consistent with the state and federal laws and regulations and  
1441 rules of the commission in effect at the time of the taking.

1442 2. All activities authorized by a muzzle-loading gun  
1443 season permit, a crossbow season permit, a turkey permit, an  
1444 archery season permit, a Florida waterfowl permit, a deer  
1445 permit, and a management area permit, excluding fishing.

1446 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

1447 (a) Lifetime sportsman's licenses are available to  
1448 residents only, as follows, for:

1449 1. Persons 4 years of age or younger, for a fee of \$400.

1450 2. Persons 5 years of age or older, but under 13 years of  
1451 age, for a fee of \$700.

1452 3. Persons 13 years of age or older, for a fee of \$1,000.

1453 (b) The following activities are authorized by the  
1454 purchase of a lifetime sportsman's license:

1455 1. Taking, or attempting to take or possess, freshwater  
1456 and saltwater fish, and game, consistent with the state and

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1457 federal laws and regulations and rules of the commission in  
 1458 effect at the time of taking.

1459 2. All activities authorized by a management area permit,  
 1460 a muzzle-loading gun season permit, a crossbow season permit, a  
 1461 turkey permit, an archery season permit, a Florida waterfowl  
 1462 permit, a deer permit, a snook permit, and a spiny lobster  
 1463 permit.

1464 Section 37. Paragraph (c) of subsection (2) of section  
 1465 379.3671, Florida Statutes, is amended to read:

1466 379.3671 Spiny lobster trap certificate program.--

1467 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;  
 1468 PENALTIES.--The Fish and Wildlife Conservation Commission shall  
 1469 establish a trap certificate program for the spiny lobster  
 1470 fishery of this state and shall be responsible for its  
 1471 administration and enforcement as follows:

1472 (c) Prohibitions; penalties.--

1473 1. It is unlawful for a person to possess or use a spiny  
 1474 lobster trap in or on state waters or adjacent federal waters  
 1475 without having affixed thereto the trap tag required by this  
 1476 section. It is unlawful for a person to possess or use any other  
 1477 gear or device designed to attract and enclose or otherwise aid  
 1478 in the taking of spiny lobster by trapping that is not a trap as  
 1479 defined by commission rule.

1480 2. It is unlawful for a person to possess or use spiny  
 1481 lobster trap tags without having the necessary number of  
 1482 certificates on record as required by this section.

1483 3. It is unlawful for any person to willfully molest, take  
 1484 possession of, or remove the contents of another harvester's

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1485 spiny lobster trap without the express written consent of the  
1486 trap owner available for immediate inspection. Unauthorized  
1487 possession of another's trap gear or removal of trap contents  
1488 constitutes theft.

1489 a. A commercial harvester who violates this subparagraph  
1490 shall be punished under ss. 379.367 and 379.407. Any commercial  
1491 harvester receiving a judicial disposition other than dismissal  
1492 or acquittal on a charge of theft of or from a trap pursuant to  
1493 this subparagraph or s. 379.402 shall, in addition to the  
1494 penalties specified in ss. 379.367 and 379.407 and the  
1495 provisions of this section, permanently lose all his or her  
1496 saltwater fishing privileges, including his or her saltwater  
1497 products license, spiny lobster endorsement, and all trap  
1498 certificates allotted to him or her through this program. In  
1499 such cases, trap certificates and endorsements are  
1500 nontransferable.

1501 b. Any commercial harvester receiving a judicial  
1502 disposition other than dismissal or acquittal on a charge of  
1503 willful molestation of a trap, in addition to the penalties  
1504 specified in ss. 379.367 and 379.407, shall lose all saltwater  
1505 fishing privileges for a period of 24 calendar months.

1506 c. In addition, any commercial harvester charged with  
1507 violating this subparagraph and receiving a judicial disposition  
1508 other than dismissal or acquittal for violating this  
1509 subparagraph or s. 379.402 shall also be assessed an  
1510 administrative penalty of up to \$5,000.

1511  
1512 Immediately upon receiving a citation for a violation involving

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1513 theft of or from a trap, or molestation of a trap, and until  
 1514 adjudicated for such a violation or, upon receipt of a judicial  
 1515 disposition other than dismissal or acquittal of such a  
 1516 violation, the commercial harvester committing the violation is  
 1517 prohibited from transferring any spiny lobster trap certificates  
 1518 and endorsements.

1519 4. In addition to any other penalties provided in s.  
 1520 379.407, a commercial harvester who violates the provisions of  
 1521 this section or commission rules relating to spiny lobster traps  
 1522 shall be punished as follows:

1523 a. If the first violation is for violation of subparagraph  
 1524 1. or subparagraph 2., the commission shall assess an additional  
 1525 administrative penalty of up to \$1,000. For all other first  
 1526 violations, the commission shall assess an additional  
 1527 administrative penalty of up to \$500.

1528 b. For a second violation of subparagraph 1. or  
 1529 subparagraph 2. which occurs within 24 months of any previous  
 1530 such violation, the commission shall assess an additional  
 1531 administrative penalty of up to \$2,000 and the spiny lobster  
 1532 endorsement issued under s. 379.367(2) or (6) may be suspended  
 1533 for the remainder of the current license year.

1534 c. For a third or subsequent violation of subparagraph 1.,  
 1535 subparagraph 2., or subparagraph 3. which occurs within 36  
 1536 months of any previous two such violations, the commission shall  
 1537 assess an additional administrative penalty of up to \$5,000 and  
 1538 may suspend the spiny lobster endorsement issued under s.  
 1539 379.367(2) or (6) for a period of up to 24 months or may revoke  
 1540 the spiny lobster endorsement and, if revoking the spiny lobster

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1541 endorsement, may also proceed against the licenseholder's  
 1542 saltwater products license in accordance with the provisions of  
 1543 s. 379.407(2) (h).

1544 d. Any person assessed an additional administrative  
 1545 penalty pursuant to this section shall within 30 calendar days  
 1546 after notification:

1547 (I) Pay the administrative penalty to the commission; or

1548 (II) Request an administrative hearing pursuant to the  
 1549 provisions of ss. 120.569 and 120.57.

1550 e. The commission shall suspend the spiny lobster  
 1551 endorsement issued under s. 379.367(2) or (6) for any person  
 1552 failing to comply with the provisions of sub-subparagraph d.

1553 5.a. It is unlawful for any person to make, alter, forge,  
 1554 counterfeit, or reproduce a spiny lobster trap tag or  
 1555 certificate.

1556 b. It is unlawful for any person to knowingly have in his  
 1557 or her possession a forged, counterfeit, or imitation spiny  
 1558 lobster trap tag or certificate.

1559 c. It is unlawful for any person to barter, trade, sell,  
 1560 supply, agree to supply, aid in supplying, or give away a spiny  
 1561 lobster trap tag or certificate or to conspire to barter, trade,  
 1562 sell, supply, aid in supplying, or give away a spiny lobster  
 1563 trap tag or certificate unless such action is duly authorized by  
 1564 the commission as provided in this chapter or in the rules of  
 1565 the commission.

1566 6.a. Any commercial harvester who violates the provisions  
 1567 of subparagraph 5., or any commercial harvester who engages in  
 1568 the commercial harvest, trapping, or possession of spiny lobster



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1569 without a spiny lobster endorsement as required by s. 379.367(2)  
1570 or (6) or during any period while such spiny lobster endorsement  
1571 is under suspension or revocation, commits a felony of the third  
1572 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1573 775.084.

1574 b. In addition to any penalty imposed pursuant to sub-  
1575 subparagraph a., the commission shall levy a fine of up to twice  
1576 the amount of the appropriate surcharge to be paid on the fair  
1577 market value of the transferred certificates, as provided in  
1578 subparagraph (a)1., on any commercial harvester who violates the  
1579 provisions of sub-subparagraph 5.c.

1580 c. In addition to any penalty imposed pursuant to sub-  
1581 subparagraph a., any commercial harvester receiving any judicial  
1582 disposition other than acquittal or dismissal for a violation of  
1583 subparagraph 5. shall be assessed an administrative penalty of  
1584 up to \$5,000, and the spiny lobster endorsement under which the  
1585 violation was committed may be suspended for up to 24 calendar  
1586 months. Immediately upon issuance of a citation involving a  
1587 violation of subparagraph 5. and until adjudication of such a  
1588 violation, and after receipt of any judicial disposition other  
1589 than acquittal or dismissal for such a violation, the commercial  
1590 harvester holding the spiny lobster endorsement listed on the  
1591 citation is prohibited from transferring any spiny lobster trap  
1592 certificates.

1593 d. Any other person who violates the provisions of  
1594 subparagraph 5. commits a Level Four violation under s. 379.401.

1595 7. Prior to the 2010-2011 license year, any certificates  
1596 for which the annual certificate fee is not paid for a period of

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1597 3 years shall be considered abandoned and shall revert to the  
 1598 commission. Beginning with the 2010-2011 license year, any  
 1599 certificate for which the annual certificate fee is not paid for  
 1600 a period of 2 consecutive years shall be considered abandoned  
 1601 and shall revert to the commission. During any period of trap  
 1602 reduction, any certificates reverting to the commission shall  
 1603 become permanently unavailable and be considered in that amount  
 1604 to be reduced during the next license-year period. Otherwise,  
 1605 any certificates that revert to the commission are to be  
 1606 reallocated in such manner as provided by the commission.

1607 8. The proceeds of all administrative penalties collected  
 1608 pursuant to subparagraph 4. and all fines collected pursuant to  
 1609 sub-subparagraph 6.b. shall be deposited into the Marine  
 1610 Resources Conservation Trust Fund.

1611 9. All traps shall be removed from the water during any  
 1612 period of suspension or revocation.

1613 10. Except as otherwise provided, any person who violates  
 1614 this paragraph commits a Level Two violation under s. 379.401.

1615 Section 38. Paragraphs (c), (d), and (e) of subsection (2)  
 1616 of section 379.3751, Florida Statutes, are amended to read:

1617 379.3751 Taking and possession of alligators; trapping  
 1618 licenses; fees.--

1619 (2) The license and issuance fee, and the activity  
 1620 authorized thereby, shall be as follows:

1621 (c) The annual fee for issuance of an alligator trapping  
 1622 agent's license, which permits a person to act as an agent of  
 1623 any person who has been issued a resident or nonresident  
 1624 alligator trapping license as provided in paragraph (a) or

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1625 paragraph (b) and to take alligators occurring in the wild other  
 1626 than alligator hatchlings, ~~and~~ to possess and process alligators  
 1627 taken under authority of such agency relationship, and to  
 1628 possess, process, and sell their hides and meat, shall be \$50.  
 1629 ~~Such alligator trapping agent's license shall be issued only in~~  
 1630 ~~conjunction with an alligator trapping license and shall bear on~~  
 1631 ~~its face in indelible ink the name and license number of the~~  
 1632 ~~alligator trapping licenseholder for whom the holder of this~~  
 1633 ~~license is acting as an agent.~~

1634 (d) The annual fee for issuance of an alligator farming  
 1635 license, which permits a person to operate a facility for  
 1636 captive propagation of alligators, to possess alligators for  
 1637 captive propagation, to take alligator hatchlings and alligator  
 1638 eggs occurring in the wild, to rear such alligators, alligator  
 1639 hatchlings, and alligator eggs in captivity, to process  
 1640 alligators taken or possessed under authority of such alligator  
 1641 farming license or otherwise legally acquired, and to possess,  
 1642 process, and sell their hides and meat, shall be \$250.

1643 (e) The annual fee for issuance of an alligator farming  
 1644 agent's license, which permits a person to act as an agent of  
 1645 any person who has been issued an alligator farming license as  
 1646 provided in paragraph (d) and to take alligator hatchlings and  
 1647 alligator eggs occurring in the wild, ~~and~~ to possess and process  
 1648 alligators taken under authority of such agency relationship,  
 1649 and to possess, process, and sell their hides and meat, shall be  
 1650 \$50. ~~Such license shall be issued only in conjunction with an~~  
 1651 ~~alligator farming license, and shall bear on its face in~~  
 1652 ~~indelible ink the name and license number of the alligator~~

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1653 ~~farming licenseholder for whom the holder of this license is~~  
 1654 ~~acting as an agent.~~

1655 Section 39. Subsection (6) is added to section 379.3761,  
 1656 Florida Statutes, to read:

1657 379.3761 Exhibition or sale of wildlife; fees;  
 1658 classifications.--

1659 (6) A person who violates this section is punishable as  
 1660 provided in s. 379.4015.

1661 Section 40. Subsection (5) of section 379.3762, Florida  
 1662 Statutes, is amended to read:

1663 379.3762 Personal possession of wildlife.--

1664 (5) A person who violates ~~Persons in violation of this~~  
 1665 ~~section is shall be~~ punishable as provided in s. 379.4015  
 1666 ~~379.401.~~

1667 Section 41. Paragraph (a) of subsection (2) and paragraph  
 1668 (a) of subsection (4) of section 379.401, Florida Statutes, are  
 1669 amended to read:

1670 379.401 Penalties and violations; civil penalties for  
 1671 noncriminal infractions; criminal penalties; suspension and  
 1672 forfeiture of licenses and permits.--

1673 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two  
 1674 violation if he or she violates any of the following provisions:

1675 1. Rules or orders of the commission relating to seasons  
 1676 or time periods for the taking of wildlife, freshwater fish, or  
 1677 saltwater fish.

1678 2. Rules or orders of the commission establishing bag,  
 1679 possession, or size limits or restricting methods of taking  
 1680 wildlife, freshwater fish, or saltwater fish.

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1681           3. Rules or orders of the commission prohibiting access or  
1682 otherwise relating to access to wildlife management areas or  
1683 other areas managed by the commission.

1684           4. Rules or orders of the commission relating to the  
1685 feeding of wildlife, freshwater fish, or saltwater fish.

1686           5. Rules or orders of the commission relating to landing  
1687 requirements for freshwater fish or saltwater fish.

1688           6. Rules or orders of the commission relating to  
1689 restricted hunting areas, critical wildlife areas, or bird  
1690 sanctuaries.

1691           7. Rules or orders of the commission relating to tagging  
1692 requirements for wildlife ~~game~~ and fur-bearing animals.

1693           8. Rules or orders of the commission relating to the use  
1694 of dogs for the taking of wildlife ~~game~~.

1695           9. Rules or orders of the commission which are not  
1696 otherwise classified.

1697           10. Rules or orders of the commission prohibiting the  
1698 unlawful use of finfish traps.

1699           11. All prohibitions in this chapter which are not  
1700 otherwise classified.

1701           12. Section 379.33, prohibiting the violation of or  
1702 noncompliance with commission rules.

1703           13. Section 379.407(6), prohibiting the sale, purchase,  
1704 harvest, or attempted harvest of any saltwater product with  
1705 intent to sell.

1706           14. Section 379.2421, prohibiting the obstruction of  
1707 waterways with net gear.

1708           15. Section 379.413, prohibiting the unlawful taking of

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1709 bonefish.

1710       16. Section 379.365(2) (a) and (b), prohibiting the

1711 possession or use of stone crab traps without trap tags and

1712 theft of trap contents or gear.

1713       17. Section 379.366(4) (b), prohibiting the theft of blue

1714 crab trap contents or trap gear.

1715       18. Section 379.3671(2) (c), prohibiting the possession or

1716 use of spiny lobster traps without trap tags or certificates and

1717 theft of trap contents or trap gear.

1718       19. Section 379.357, prohibiting the possession of tarpon

1719 without purchasing a tarpon tag.

1720       20. Rules or orders of the commission ~~Section 379.409,~~

1721 prohibiting the feeding or enticement of alligators or

1722 crocodiles.

1723       21. Section 379.105, prohibiting the intentional

1724 harassment of hunters, fishers, or trappers.

1725       (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level

1726 Four violation if he or she violates any of the following

1727 provisions:

1728           1. Section 379.365(2) (c), prohibiting criminal activities

1729 relating to the taking of stone crabs.

1730           2. Section 379.366(4) (c), prohibiting criminal activities

1731 relating to the taking and harvesting of blue crabs.

1732           3. Section 379.367(4), prohibiting the willful molestation

1733 of spiny lobster gear.

1734           4. Section 379.3671(2) (c)5., prohibiting the unlawful

1735 reproduction, possession, sale, trade, or barter of spiny

1736 lobster trap tags or certificates.

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1737           5. Section 379.354(16), prohibiting the making, forging,  
1738 counterfeiting, or reproduction of a recreational license or  
1739 possession of same without authorization from the commission.

1740           6. Section 379.404(5), prohibiting the sale of illegally-  
1741 taken deer or wild turkey.

1742           7. Section 379.405, prohibiting the molestation or theft  
1743 of freshwater fishing gear.

1744           8. Section 379.409, prohibiting the unlawful killing,  
1745 injuring, possessing, or capturing of alligators or other  
1746 crocodilia or their eggs.

1747           Section 42. Paragraph (a) of subsection (2) of section  
1748 379.4015, Florida Statutes, is amended to read:

1749           379.4015 Captive wildlife penalties.--

1750           (2) LEVEL TWO.--Unless otherwise provided by law, the  
1751 following classifications and penalties apply:

1752           (a) A person commits a Level Two violation if he or she  
1753 violates any of the following provisions:

1754           1. Unless otherwise stated in subsection (1), rules or  
1755 orders of the commission that require a person to pay a fee to  
1756 obtain a permit to possess captive wildlife or that require the  
1757 maintenance of records relating to captive wildlife.

1758           2. Rules or orders of the commission relating to captive  
1759 wildlife not specified in subsection (1) or subsection (3).

1760           3. Rules or orders of the commission that require housing  
1761 of wildlife in a safe manner when a violation results in an  
1762 escape of wildlife other than Class I wildlife.

1763           4. Section 379.372, relating to capturing, keeping,  
1764 possessing, transporting, or exhibiting venomous reptiles or

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1765 reptiles of concern.

1766       5. Section 379.373, relating to requiring a license or

1767 permit for the capturing, keeping, possessing, or exhibiting of

1768 venomous reptiles or reptiles of concern.

1769       6. Section 379.374, relating to bonding requirements for

1770 public exhibits of venomous reptiles.

1771       7. Section 379.305, relating to commission rules and

1772 regulations to prevent the escape of venomous reptiles or

1773 reptiles of concern.

1774       8. Section 379.304, relating to exhibition or sale of

1775 wildlife.

1776       9. Section 379.3761, relating to exhibition or sale of

1777 wildlife.

1778       10. Section 379.3762, relating to personal possession of

1779 wildlife.

1780       Section 43. Section 379.501, Florida Statutes, is created

1781 to read:

1782       379.501 Aquatic weeds and plants; prohibitions;

1783 violations; penalties; intent.--

1784       (1) A person may not:

1785       (a) Violate this section or any provision of s. 369.20 or

1786 s. 369.22 related to aquatic weeds and plants;

1787       (b) Fail to obtain any permit required by s. 369.20 or s.

1788 369.22 or by commission rule implementing s. 369.20 or s.

1789 369.22, or violate or fail to comply with any rule, regulation,

1790 order, permit, or certification adopted or issued by the

1791 commission pursuant to s. 369.20 or s. 369.22; or

1792       (c) Knowingly make any false statement, representation, or



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1793 certification in any application, record, report, plan, or other  
 1794 document filed or required to be maintained under s. 369.20 or  
 1795 s. 369.22, or falsify, tamper with, or knowingly render  
 1796 inaccurate any monitoring device or method required to be  
 1797 maintained under s. 369.20 or s. 369.22 or by any permit, rule,  
 1798 regulation, or order issued under s. 369.20 or s. 369.22.

1799 (2) Any person who violates any provision of subsection  
 1800 (1) is liable to the state for any damage caused to the aquatic  
 1801 weeds or plants and for civil penalties as provided in s.  
 1802 379.502.

1803 (3) Any person who willfully commits a violation of  
 1804 paragraph (1)(a) commits a felony of the third degree,  
 1805 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 1806 Each day during any portion of which such violation occurs  
 1807 constitutes a separate offense.

1808 (4) Any person who commits a violation specified in  
 1809 paragraph (1)(a) due to reckless indifference or gross careless  
 1810 disregard commits a misdemeanor of the second degree, punishable  
 1811 as provided in s. 775.082 or s. 775.083.

1812 (5) Any person who willfully commits a violation specified  
 1813 in paragraph (1)(b) or paragraph (1)(c) commits a misdemeanor of  
 1814 the first degree, punishable as provided in s. 775.082 or s.  
 1815 775.083.

1816 (6) It is the intent of the Legislature that the civil  
 1817 penalties and criminal fines imposed by a court be of such an  
 1818 amount as to ensure immediate and continued compliance with this  
 1819 section.

1820 (7) Penalties assessed pursuant to ss. 379.501-379.504 are

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1821 in addition to any penalties assessed by the Board of Trustees  
 1822 of the Internal Improvement Trust Fund, the Department of  
 1823 Environmental Protection, or a water management district  
 1824 pursuant to chapter 253, chapter 373, or chapter 403.

1825 Section 44. Section 379.502, Florida Statutes, is created  
 1826 to read:

1827 379.502 Enforcement; procedure; remedies.--The commission  
 1828 has the following judicial and administrative remedies available  
 1829 to it for violations of s. 379.501:

1830 (1) (a) The commission may institute a civil action in a  
 1831 court of competent jurisdiction to establish liability and to  
 1832 recover damages for any injury to the waters or property of the  
 1833 state, including animal, plant, and aquatic life, caused by any  
 1834 violation of s. 379.501.

1835 (b) The commission may institute a civil action in a court  
 1836 of competent jurisdiction to impose and to recover a civil  
 1837 penalty for each violation in an amount of not more than \$10,000  
 1838 per offense. However, the court may receive evidence in  
 1839 mitigation. Each day, during any portion of which such violation  
 1840 occurs, constitutes a separate offense.

1841 (c) Except as provided in paragraph (2) (c), the fact that  
 1842 the commission has failed to exhaust its administrative  
 1843 remedies, has failed to serve a notice of violation, or has  
 1844 failed to hold an administrative hearing before initiating a  
 1845 civil action is not a defense to, or grounds for dismissal of,  
 1846 the judicial remedies for damages and civil penalties.

1847 (2) (a) The commission may institute an administrative  
 1848 proceeding to establish liability and to recover damages for any

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1849 injury to the waters or property of the state, including animal,  
 1850 plant, or aquatic life, caused by any violation of s. 379.501.  
 1851 The commission may order that the violator pay a specified sum  
 1852 as damages to the state. Judgment for the amount of damages  
 1853 determined by the commission may be entered in any court having  
 1854 jurisdiction thereof and may be enforced as any other judgment.

1855 (b) If the commission has reason to believe that a  
 1856 violation has occurred, it may institute an administrative  
 1857 proceeding to order the prevention, abatement, or control of the  
 1858 conditions creating the violation or other appropriate  
 1859 corrective action. The commission shall proceed administratively  
 1860 in all cases in which the commission seeks administrative  
 1861 penalties that do not exceed \$10,000 per assessment as  
 1862 calculated in accordance with subsections (3), (4), (5), and  
 1863 (6). The commission may not impose administrative penalties in  
 1864 excess of \$10,000 in a notice of violation. The commission may  
 1865 not have more than one notice of violation seeking  
 1866 administrative penalties pending against the same party at the  
 1867 same time unless the violations occurred at a different site or  
 1868 the violations were discovered by the commission subsequent to  
 1869 the filing of a previous notice of violation.

1870 (c) An administrative proceeding shall be instituted by  
 1871 the commission's serving of a written notice of violation upon  
 1872 the alleged violator by certified mail. If the commission is  
 1873 unable to effect service by certified mail, the notice of  
 1874 violation may be hand delivered or personally served in  
 1875 accordance with chapter 48. The notice shall specify the  
 1876 provision of the law, rule, regulation, permit, certification,

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1877 or order of the commission alleged to have been violated and the  
1878 facts alleged to constitute a violation thereof. An order for  
1879 corrective action, penalty assessment, or damages may be  
1880 included along with the notice. If the commission is seeking to  
1881 impose an administrative penalty for any violation of s. 379.501  
1882 by issuing a notice of violation, any corrective action needed  
1883 to correct the violation or damages caused by the violation must  
1884 be pursued in the notice of violation or they are waived.  
1885 However, an order does not become effective until after service  
1886 and an administrative hearing, if requested within 20 days after  
1887 service. Failure to request an administrative hearing within  
1888 this period constitutes a waiver, unless the respondent files a  
1889 written notice with the commission within this period opting out  
1890 of the administrative process initiated by the commission. Any  
1891 respondent choosing to opt out of the administrative process  
1892 initiated by the commission must file a written notice with the  
1893 commission, within 20 days after service of the notice of  
1894 violation, opting out of the administrative process. A  
1895 respondent's decision to opt out of the administrative process  
1896 does not preclude the commission from initiating a state court  
1897 action seeking injunctive relief, damages, and the judicial  
1898 imposition of civil penalties.

1899 (d) If a person timely files a petition challenging a  
1900 notice of violation, that person will thereafter be referred to  
1901 as the respondent. The hearing requested by the respondent shall  
1902 be held within 180 days after the commission has referred the  
1903 initial petition to the Division of Administrative Hearings  
1904 unless the parties agree to a later date. The commission has the

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1905 burden of proving by the preponderance of the evidence that the  
 1906 respondent is responsible for the violation. An administrative  
 1907 penalty may not be imposed unless the commission satisfies that  
 1908 burden. Following the close of the hearing, the administrative  
 1909 law judge shall issue a final order on all matters, including  
 1910 the imposition of an administrative penalty. If the commission  
 1911 seeks to enforce that portion of a final order imposing  
 1912 administrative penalties pursuant to s. 120.69, the respondent  
 1913 may not assert as a defense the inappropriateness of the  
 1914 administrative remedy. The commission retains its final-order  
 1915 authority in all administrative actions that do not request the  
 1916 imposition of administrative penalties.

1917 (e) After filing a petition requesting a formal hearing in  
 1918 response to a notice of violation, a respondent may request that  
 1919 a private mediator be appointed to mediate the dispute by  
 1920 contacting the Florida Conflict Resolution Consortium within 10  
 1921 days after receipt of the initial order from the administrative  
 1922 law judge. The Florida Conflict Resolution Consortium shall pay  
 1923 all of the costs of the mediator and for up to 8 hours of the  
 1924 mediator's time per case at \$150 per hour. Upon notice from the  
 1925 respondent, the Florida Conflict Resolution Consortium shall  
 1926 provide the respondent with a panel of possible mediators from  
 1927 the area in which the hearing on the petition would be heard.  
 1928 The respondent shall select the mediator and notify the Florida  
 1929 Conflict Resolution Consortium of the selection within 15 days  
 1930 after receipt of the proposed panel of mediators. The Florida  
 1931 Conflict Resolution Consortium shall provide all of the  
 1932 administrative support for the mediation process. The mediation

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1933 must be completed at least 15 days before the final hearing date  
 1934 set by the administrative law judge.

1935 (f) In any administrative proceeding brought by the  
 1936 commission, the prevailing party shall recover all costs as  
 1937 provided in ss. 57.041 and 57.071. The costs must be included in  
 1938 the final order. The respondent is the prevailing party when an  
 1939 order is entered awarding no penalties to the commission and the  
 1940 order has not been reversed on appeal or the time for seeking  
 1941 judicial review has expired. The respondent is entitled to an  
 1942 award of attorney's fees if the administrative law judge  
 1943 determines that the notice of violation issued by the commission  
 1944 was not substantially justified as defined in s. 57.111(3)(e).  
 1945 An award of attorney's fees as provided by this subsection may  
 1946 not exceed \$15,000.

1947 (g) This section does not prevent any other legal or  
 1948 administrative action in accordance with law. This subsection  
 1949 does not limit the commission's authority set forth in this  
 1950 section and ss. 379.503 and 379.504 to judicially pursue  
 1951 injunctive relief. If the commission exercises its authority to  
 1952 judicially pursue injunctive relief, penalties in any amount up  
 1953 to the statutory maximum sought by the commission must be  
 1954 pursued as part of the state court action and not by initiating  
 1955 a separate administrative proceeding. The commission retains the  
 1956 authority to judicially pursue penalties in excess of \$10,000  
 1957 for violations not specifically included in the administrative  
 1958 penalty schedule, or for multiple or multiday violations alleged  
 1959 to exceed a total of \$10,000. The commission also retains the  
 1960 authority provided in this section and ss. 379.503 and 379.504

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1961 to judicially pursue injunctive relief and damages, if a notice  
 1962 of violation seeking the imposition of administrative penalties  
 1963 has not been issued. The commission may enter into a settlement  
 1964 before or after initiating a notice of violation, and the  
 1965 settlement may include a penalty amount that is different from  
 1966 the administrative penalty schedule. Any case filed in state  
 1967 court because it is alleged to exceed a total of \$10,000 in  
 1968 penalties may be settled in the court action for less than  
 1969 \$10,000.

1970 (h) The provisions of chapter 120 shall apply to any  
 1971 administrative action taken by the commission under this section  
 1972 or any delegated program pursuing administrative penalties in  
 1973 accordance with this section.

1974 (3) Administrative penalties must be calculated according  
 1975 to the following schedule:

1976 (a) For violations of s. 379.501(1) (a) or (b), \$3,000.

1977 (b) For failure to conduct required monitoring or testing  
 1978 in compliance with a permit, \$2,000.

1979 (c) For failure to prepare, submit, maintain, or use  
 1980 required reports or other required documentation, \$500.

1981 (d) For failure to comply with any other regulatory  
 1982 statute or rule requirement relating to the administration of  
 1983 the commission's powers under s. 369.20 or s. 369.22 not  
 1984 otherwise identified in this section, \$500.

1985 (4) For each additional day during which a violation  
 1986 occurs, the administrative penalties in subsection (3) may be  
 1987 assessed per day, per violation.

1988 (5) The history of noncompliance of the violator for any

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1989 previous violation resulting in an executed consent order, but  
 1990 not including a consent order entered into without a finding of  
 1991 violation, or resulting in a final order or judgment on or after  
 1992 July 1, 2009, involving the imposition of \$2,000 or more in  
 1993 penalties, shall be taken into consideration in the following  
 1994 manner:

1995 (a) One previous such violation within 5 years prior to  
 1996 the filing of the notice of violation shall result in a 25-  
 1997 percent per day increase in the scheduled administrative  
 1998 penalty.

1999 (b) Two previous such violations within 5 years prior to  
 2000 the filing of the notice of violation shall result in a 50-  
 2001 percent per day increase in the scheduled administrative  
 2002 penalty.

2003 (c) Three or more previous such violations within 5 years  
 2004 before the filing of the notice of violation shall result in a  
 2005 100-percent per day increase in the scheduled administrative  
 2006 penalty.

2007 (6) The direct economic benefit gained by the violator  
 2008 from the violation shall be added to the scheduled  
 2009 administrative penalty. The total administrative penalty,  
 2010 including any economic benefit added to the scheduled  
 2011 administrative penalty, may not exceed \$10,000.

2012 (7) The administrative penalties assessed for any  
 2013 particular violation may not exceed \$3,000 against any one  
 2014 violator unless the violator has a history of noncompliance, the  
 2015 economic benefit of the violation as described in subsection (6)  
 2016 exceeds \$3,000, or there are multiday violations. The total



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2017 administrative penalties may not exceed \$10,000 per assessment  
 2018 for all violations attributable to a specific person in the  
 2019 notice of violation.

2020 (8) The administrative law judge may receive evidence in  
 2021 mitigation. The penalties identified in subsection (3) may be  
 2022 reduced up to 50 percent by the administrative law judge for  
 2023 mitigating circumstances, including good faith efforts to comply  
 2024 prior to or after discovery of the violations by the commission.  
 2025 Upon an affirmative finding that the violation was caused by  
 2026 circumstances beyond the reasonable control of the respondent  
 2027 and could not have been prevented by the respondent's due  
 2028 diligence, the administrative law judge may further reduce the  
 2029 penalty.

2030 (9) Penalties collected under this section shall be  
 2031 deposited into the Invasive Plant Control Trust Fund to carry  
 2032 out the purposes set forth in ss. 369.20, 369.22, and 369.252.  
 2033 The Florida Conflict Resolution Consortium may use a portion of  
 2034 the fund to administer the mediation process provided in  
 2035 paragraph (2) (e) and to contract with private mediators for  
 2036 administrative penalty cases related to s. 369.20 or s. 369.22.

2037 (10) The purpose of the administrative penalty schedule  
 2038 and process is to provide a more predictable and efficient  
 2039 manner for individuals and businesses to resolve relatively  
 2040 minor environmental disputes. Subsections (3) through (7) do not  
 2041 limit a state court in the assessment of damages. The  
 2042 administrative penalty schedule does not apply to the judicial  
 2043 imposition of civil penalties in state court as provided in this  
 2044 section.

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2045 Section 45. Section 379.503, Florida Statutes, is created  
 2046 to read:

2047 379.503 Civil action.--

2048 (1) The commission may institute a civil action in a court  
 2049 of competent jurisdiction to seek injunctive relief to enforce  
 2050 compliance with ss. 379.501, 379.502, and 379.504 or any rule,  
 2051 regulation, permit, certification, or order adopted or issued by  
 2052 the commission pursuant to s. 369.20 or s. 369.22; to enjoin any  
 2053 violation specified in s. 379.501(1); and to seek injunctive  
 2054 relief to prevent irreparable injury to the waters and property,  
 2055 including animal, plant, and aquatic life, of the state and to  
 2056 protect human health, safety, and welfare caused or threatened  
 2057 by any violation of s. 379.501.

2058 (2) All the judicial and administrative remedies to  
 2059 recover damages and penalties in this section and s. 379.502 are  
 2060 alternative and mutually exclusive.

2061 Section 46. Section 379.504, Florida Statutes, is created  
 2062 to read:

2063 379.504 Civil liability; joint and several liability.--

2064 (1) A person who commits a violation specified in s.  
 2065 379.501(1) is liable to the state for any damage caused to the  
 2066 waters or property of the state, including animal, plant, or  
 2067 aquatic life, and for reasonable costs and expenses of the state  
 2068 in restoring its waters and property, including animal, plant,  
 2069 and aquatic life, to their former condition, and furthermore is  
 2070 subject to the judicial imposition of a civil penalty for each  
 2071 offense in an amount of not more than \$10,000 per offense.  
 2072 However, the court may receive evidence in mitigation. Each day

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2073 during any portion of which such violation occurs constitutes a  
 2074 separate offense. This section does not give the commission the  
 2075 right to bring an action on behalf of any private person.

2076 (2) If two or more persons violate s. 379.501(1) so that  
 2077 the damage is indivisible, each violator shall be jointly and  
 2078 severally liable for the damage and for the reasonable cost and  
 2079 expenses of the state incurred in restoring the waters and  
 2080 property of the state, including the animal, plant, and aquatic  
 2081 life, to their former condition. However, if the damage is  
 2082 divisible and may be attributed to a particular violator or  
 2083 violators, each violator is liable only for that damage  
 2084 attributable to his or her violation.

2085 (3) In assessing damages for fish killed, the value of the  
 2086 fish shall be determined in accordance with a table of values  
 2087 for individual categories of fish, which shall be adopted by the  
 2088 Department of Environmental Protection pursuant to s.  
 2089 403.141(3). The total number of fish killed may be estimated by  
 2090 standard practices used in estimating fish population.

2091 Section 47. Subsection (1) of section 403.088, Florida  
 2092 Statutes, is amended to read:

2093 403.088 Water pollution operation permits; conditions.--

2094 (1) No person, without written authorization of the  
 2095 department, shall discharge into waters within the state any  
 2096 waste which, by itself or in combination with the wastes of  
 2097 other sources, reduces the quality of the receiving waters below  
 2098 the classification established for them. However, this section  
 2099 shall not be deemed to prohibit the application of pesticides to  
 2100 waters in the state for the control of insects, aquatic weeds,

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2101 or algae, provided the application is performed pursuant to a  
 2102 program approved by the Department of Health, in the case of  
 2103 insect control, or the Fish and Wildlife Conservation Commission  
 2104 ~~department~~, in the case of aquatic weed or algae control. The  
 2105 department is directed to enter into interagency agreements to  
 2106 establish the procedures for program approval. Such agreements  
 2107 shall provide for public health, welfare, and safety, as well as  
 2108 environmental factors. Approved programs must provide that only  
 2109 chemicals approved for the particular use by the United States  
 2110 Environmental Protection Agency or by the Department of  
 2111 Agriculture and Consumer Services may be employed and that they  
 2112 be applied in accordance with registered label instructions,  
 2113 state standards for such application, and the provisions of the  
 2114 Florida Pesticide Law, part I of chapter 487.

2115 Section 48. The Fish and Wildlife Conservation Commission,  
 2116 in consultation with the Department of Environmental Protection,  
 2117 is directed to establish a pilot program to explore potential  
 2118 options for regulating the anchoring or mooring of non-live-  
 2119 aboard vessels outside the marked boundaries of public mooring  
 2120 fields.

2121 (1) The goals of the pilot program are to encourage the  
 2122 establishment of additional public mooring fields and to develop  
 2123 and test policies and regulatory regimes that:

2124 (a) Promote the establishment and use of public mooring  
 2125 fields.

2126 (b) Promote public access to the waters of this state.

2127 (c) Enhance navigational safety.

2128 (d) Protect maritime infrastructure.

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2129       (e) Protect the marine environment.  
 2130       (f) Deter improperly stored, abandoned, or derelict  
 2131 vessels.  
 2132       (2) Each location selected for inclusion in the pilot  
 2133 program must be associated with a properly permitted mooring  
 2134 field. The commission, in consultation with the department,  
 2135 shall select all locations for the pilot program prior to July  
 2136 1, 2011. Two locations shall be off the east coast of the state,  
 2137 two locations shall be off the west coast of the state, and one  
 2138 location shall be within Monroe County. The locations selected  
 2139 must be geographically diverse and take into consideration the  
 2140 various users and means of using the waters of this state.  
 2141       (3) Notwithstanding the provisions of s. 327.60, Florida  
 2142 Statutes, a county or municipality selected for participation in  
 2143 the pilot program may regulate by ordinance the anchoring of  
 2144 vessels, other than live-aboard vessels as defined in s. 327.02,  
 2145 Florida Statutes, outside of a mooring field. Any ordinance  
 2146 enacted under the pilot program shall take effect and become  
 2147 enforceable only after approval by the commission. The  
 2148 commission shall not approve any ordinance not consistent with  
 2149 the goals of the pilot program.  
 2150       (4) The commission shall:  
 2151       (a) Provide consultation and technical assistance to each  
 2152 municipality or county selected for participation in the pilot  
 2153 program to facilitate accomplishment of the pilot program's  
 2154 goals.  
 2155       (b) Coordinate the review of any proposed ordinance with  
 2156 the department; the United States Coast Guard; the Florida

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2157 Inland Navigation District or the West Coast Inland Navigation  
 2158 District, as appropriate; and associations or other  
 2159 organizations representing vessel owners or operators.

2160 (c) Monitor and evaluate at least annually each location  
 2161 selected for participation in the pilot program and make such  
 2162 modifications as may be necessary to accomplish the pilot  
 2163 program's goals.

2164 (5) The commission shall submit a report of its findings  
 2165 and recommendations to the Governor, the President of the  
 2166 Senate, and the Speaker of the House of Representatives by  
 2167 January 1, 2014.

2168 (6) The pilot program shall expire on July 1, 2014, unless  
 2169 reenacted by the Legislature. All ordinances enacted under this  
 2170 section shall expire concurrently with the expiration of the  
 2171 pilot program and shall be inoperative and unenforceable  
 2172 thereafter.

2173 (7) Nothing in this section shall be construed to affect  
 2174 any mooring field authorized pursuant to s. 253.77, s. 327.40,  
 2175 or part IV of chapter 373, Florida Statutes, as applicable, or  
 2176 any lawful ordinance regulating the anchoring of any vessels  
 2177 within the marked boundaries of such mooring fields.

2178 Section 49. The statutory powers, duties, and functions  
 2179 related to ss. 369.20, 369.22, and 369.252, Florida Statutes,  
 2180 which were transferred by chapter 2008-150, Laws of Florida, and  
 2181 all records, personnel, and property; unexpended balances of  
 2182 appropriations, allocations, and other funds; administrative  
 2183 authority; administrative rules; pending issues; and existing  
 2184 contracts of the Bureau of Invasive Plant Management in the

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2185 Department of Environmental Protection are transferred by a type  
 2186 two transfer, pursuant to s. 20.06(2), Florida Statutes, to the  
 2187 Fish and Wildlife Conservation Commission. All actions taken  
 2188 pursuant to chapter 2008-150, Laws of Florida, and the  
 2189 Interagency Agreement executed pursuant thereto are ratified.

2190 Section 50. The Invasive Plant Control Trust Fund, FLAIR  
 2191 number 37-2-030, in the Department of Environmental Protection  
 2192 is transferred to the Fish and Wildlife Conservation Commission,  
 2193 FLAIR number 77-2-030.

2194 Section 51. Beginning in the 2009-2010 fiscal year and  
 2195 continuing each fiscal year thereafter, the sum of \$185,000 is  
 2196 appropriated from the State Game Trust Fund to the Fish and  
 2197 Wildlife Conservation Commission for the costs associated with  
 2198 the shoreline fishing license exemption pursuant to s.  
 2199 379.354(4)(k), Florida Statutes.

2200 Section 52. For the purpose of incorporating the amendment  
 2201 made by this act to section 319.32, Florida Statutes, in a  
 2202 reference thereto, paragraph (a) of subsection (2) of section  
 2203 379.209, Florida Statutes, is reenacted to read:

2204 379.209 Nongame Wildlife Trust Fund.--

2205 (2) (a) There is established within the Fish and Wildlife  
 2206 Conservation Commission the Nongame Wildlife Trust Fund. The  
 2207 fund shall be credited with moneys collected pursuant to ss.  
 2208 319.32(3) and 320.02(8). Additional funds may be provided from  
 2209 legislative appropriations and by donations from interested  
 2210 individuals and organizations. The commission shall designate an  
 2211 identifiable unit to administer the trust fund.

2212 Section 53. For the purpose of incorporating the amendment

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2213 made by this act to section 379.353, Florida Statutes, in a  
 2214 reference thereto, subsection (7) of section 379.3581, Florida  
 2215 Statutes, is reenacted to read:

2216 379.3581 Hunter safety course; requirements; penalty.--

2217 (7) The hunter safety requirements of this section do not  
 2218 apply to persons for whom licenses are not required under s.  
 2219 379.353(2).

2220 Section 54. For the purpose of incorporating the amendment  
 2221 made by this act to section 379.354, Florida Statutes, in a  
 2222 reference thereto, section 379.2213, Florida Statutes, is  
 2223 reenacted to read:

2224 379.2213 Management area permit revenues.--The commission  
 2225 shall expend the revenue generated from the sale of the  
 2226 management area permit as provided for in s. 379.354(8)(g) or  
 2227 that pro rata portion of any license that includes management  
 2228 area privileges as provided for in s. 379.354(4)(h), (i), and  
 2229 (j) for the lease, management, and protection of lands for  
 2230 public hunting, fishing, and other outdoor recreation.

2231 Section 55. For the purpose of incorporating the amendment  
 2232 made by this act to section 379.354, Florida Statutes, in a  
 2233 reference thereto, section 379.3501, Florida Statutes, is  
 2234 reenacted to read:

2235 379.3501 Expiration of licenses and permits.--Each license  
 2236 or permit issued under this part must be dated when issued. Each  
 2237 license or permit issued under this part remains valid for 12  
 2238 months after the date of issuance, except for a lifetime license  
 2239 issued pursuant to s. 379.354 which is valid from the date of  
 2240 issuance until the death of the individual to whom the license



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2241 is issued unless otherwise revoked in accordance with s. 379.401  
 2242 or s. 379.404, or a 5-year license issued pursuant to s. 379.354  
 2243 which is valid for 5 consecutive years from the date of purchase  
 2244 unless otherwise revoked in accordance with s. 379.401 or s.  
 2245 379.404, or a license issued pursuant to s. 379.354(5)(a), (b),  
 2246 (c), (d), or (g) or (8)(f), (g)2., or (h)1., which is valid for  
 2247 the period specified on the license. A resident lifetime license  
 2248 or a resident 5-year license that has been purchased by a  
 2249 resident of this state and who subsequently resides in another  
 2250 state shall be honored for activities authorized by that  
 2251 license.

2252 Section 56. For the purpose of incorporating the amendment  
 2253 made by this act to section 379.354, Florida Statutes, in a  
 2254 reference thereto, subsection (2) of section 379.3712, Florida  
 2255 Statutes, is reenacted to read:

2256 379.3712 Private hunting preserve license fees;  
 2257 exception.--

2258 (2) A commercial hunting preserve license, which shall  
 2259 exempt patrons of licensed preserves from the license and permit  
 2260 requirements of s. 379.354(4)(c), (d), (f), (h), (i) and (j);  
 2261 (5)(g) and (h); (8)(a), (b), and (e); (9)(a)2.; (11); and (12)  
 2262 while hunting on the licensed preserve property, shall be \$500.  
 2263 Such commercial hunting preserve license shall be available only  
 2264 to those private hunting preserves licensed pursuant to this  
 2265 section which are operated exclusively for commercial purposes,  
 2266 which are open to the public, and for which a uniform fee is  
 2267 charged to patrons for hunting privileges.

2268 Section 57. Section 403.9335, Florida Statutes, is created

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2269 to read:

2270 403.9335 Coral reef protection.--

2271 (1) This section may be cited as the "Florida Coral Reef

2272 Protection Act."

2273 (2) This act applies to the sovereign submerged lands that

2274 contain coral reefs as defined in this act off the coasts of

2275 Broward, Martin, Miami-Dade, Monroe, and Palm Beach counties.

2276 (3) As used in this section, the term:

2277 (a) "Aggravating circumstances" means operating,

2278 anchoring, or mooring a vessel in a reckless or wanton manner;

2279 under the influence of drugs or alcohol; or otherwise with

2280 disregard for boating regulations concerning speed, navigation,

2281 or safe operation.

2282 (b) "Coral" means species of the phylum *Cnidaria* found in

2283 state waters including:

2284 1. Class *Anthozoa*, including the subclass *Octocorallia*,

2285 commonly known as gorgonians, soft corals, and telestaceans; and

2286 2. Orders *Scleractinia*, commonly known as stony corals;

2287 *Stolonifera*, including, among others, the organisms commonly

2288 known as organ-pipe corals; *Antipatharia*, commonly known as

2289 black corals; and *Hydrozoa*, including the family *Millaporidae*

2290 and family *Stylasteridae*, commonly known as hydrocoral.

2291 (c) "Coral reefs" mean:

2292 1. Limestone structures composed wholly or partially of

2293 living corals, their skeletal remains, or both, and hosting

2294 other coral, associated benthic invertebrates, and plants; or

2295 2. Hard-bottom communities, also known as live bottom

2296 habitat or colonized pavement, characterized by the presence of

2297 coral and associated reef organisms or worm reefs created by the

2298 *Phragmatopoma* species.

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2299           (d) "Damages" means moneys paid by any person or entity,  
 2300 whether voluntarily or as a result of administrative or judicial  
 2301 action, to the state as compensation, restitution, penalty,  
 2302 civil penalty, or mitigation for causing injury to or  
 2303 destruction of coral reefs.

2304           (e) "Department" means the Department of Environmental  
 2305 Protection.

2306           (f) "Fund" means the Ecosystem Management and Restoration  
 2307 Trust Fund.

2308           (g) "Person" means any and all persons, natural or  
 2309 artificial, foreign or domestic, including any individual, firm,  
 2310 partnership, business, corporation, and company and the United  
 2311 States and all political subdivisions, regions, districts,  
 2312 municipalities, and public agencies thereof.

2313           (h) "Responsible party" means the owner, operator,  
 2314 manager, or insurer of any vessel.

2315           (4) The Legislature finds that coral reefs are valuable  
 2316 natural resources that contribute ecologically, aesthetically,  
 2317 and economically to the state. Therefore, the Legislature  
 2318 declares it is in the best interest of the state to clarify the  
 2319 department's powers and authority to protect coral reefs through  
 2320 timely and efficient recovery of monetary damages resulting from  
 2321 vessel groundings and anchoring-related injuries. It is the  
 2322 intent of the Legislature that the department be recognized as  
 2323 the state's lead trustee for coral reef resources located within  
 2324 waters of the state or on sovereignty submerged lands unless  
 2325 preempted by federal law. This section does not divest other  
 2326 state agencies and political subdivisions of the state of their  
 2327 interests in protecting coral reefs.

2328           (5) The responsible party who knows or should know that

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2329 their vessel has run aground, struck, or otherwise damaged coral  
 2330 reefs must notify the department of such an event within 24  
 2331 hours after its occurrence. Unless otherwise prohibited or  
 2332 restricted by the United States Coast Guard, the responsible  
 2333 party must remove or cause the removal of the grounded or  
 2334 anchored vessel within 72 hours after the initial grounding or  
 2335 anchoring absent extenuating circumstances such as weather, or  
 2336 marine hazards that would prevent safe removal of the vessel.  
 2337 The responsible party must remove or cause the removal of the  
 2338 vessel or its anchor in a manner that avoids further damage to  
 2339 coral reefs and shall consult with the department in  
 2340 accomplishing this task. The responsible party must cooperate  
 2341 with the department to undertake damage assessment and primary  
 2342 restoration of the coral reef in a timely fashion.

2343 (6) In any action or suit initiated pursuant to chapter  
 2344 253 on the behalf of the Board of Trustees of the Internal  
 2345 Improvement Trust Fund, or under chapter 373 or this chapter for  
 2346 damage to coral reefs, the department may recover all damages  
 2347 from the responsible party, including, but not limited to:

2348 (a) Compensation for the cost of replacing, restoring, or  
 2349 acquiring the equivalent of the coral reef injured and the value  
 2350 of the lost use and services of the coral reef pending its  
 2351 restoration, replacement, or acquisition of the equivalent coral  
 2352 reef, or the value of the coral reef if the coral reef cannot be  
 2353 restored or replaced or if the equivalent cannot be acquired.

2354 (b) The cost of damage assessments, including staff time.

2355 (c) The cost of activities undertaken by or at the request  
 2356 of the department to minimize or prevent further injury to coral  
 2357 or coral reefs pending restoration, replacement, or acquisition  
 2358 of an equivalent.

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2359       (d) The reasonable cost of monitoring the injured,  
 2360 restored, or replaced coral reef for at least 10 years. Such  
 2361 monitoring is not required for a single occurrence of damage to  
 2362 a coral reef damage totaling less than or equal to 1 square  
 2363 meter.

2364       (e) The cost of enforcement actions undertaken in response  
 2365 to the destruction or loss of or injury to a coral reef,  
 2366 including court costs, attorney's fees, and expert witness fees.

2367       (7) The department may use habitat equivalency analysis as  
 2368 the method by which the compensation described in subsection (5)  
 2369 is calculated. The parameters for calculation by this method may  
 2370 be prescribed by rule adopted by the department.

2371       (8) In addition to the compensation described in  
 2372 subsection (5), the department may assess, per occurrence, civil  
 2373 penalties according the following schedule:

2374       (a) For any anchoring of a vessel on a coral reef or for  
 2375 any other damage to a coral reef totaling less than or equal to  
 2376 an area of 1 square meter, \$150, provided that a responsible  
 2377 party who has anchored a recreational vessel as defined in s.  
 2378 327.02 which is lawfully registered or exempt from registration  
 2379 pursuant to chapter 328 is issued, at least once, a warning  
 2380 letter in lieu of penalty; with aggravating circumstances, an  
 2381 additional \$150; occurring within a state park or aquatic  
 2382 preserve, an additional \$150.

2383       (b) For damage totaling more than an area of 1 square  
 2384 meter but less than or equal to an area of 10 square meters,  
 2385 \$300 per square meter; with aggravating circumstances, an  
 2386 additional \$300 per square meter; occurring within a state park  
 2387 or aquatic preserve, an additional \$300 per square meter.

2388       (c) For damage exceeding an area of 10 square meters,

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2389 \$1,000 per square meter; with aggravating circumstances, an  
 2390 additional \$1,000 per square meter; occurring within a state  
 2391 park or aquatic preserve, an additional \$1,000 per square meter.

2392 (d) For a second violation, the total penalty may be  
 2393 doubled.

2394 (e) For a third violation, the total penalty may be  
 2395 tripled.

2396 (f) For any violation after a third violation, the total  
 2397 penalty may be quadrupled.

2398 (g) The total of penalties levied may not exceed \$250,000  
 2399 per occurrence.

2400 (9) To carry out the intent of this section, the  
 2401 department may enter into delegation agreements with another  
 2402 state agency or any coastal county with coral reefs within its  
 2403 jurisdiction. In deciding to execute such agreements, the  
 2404 department must consider the ability of the potential delegee to  
 2405 adequately and competently perform the duties required to  
 2406 fulfill the intent of this section. When such agreements are  
 2407 executed by the parties and incorporated in department rule, the  
 2408 delegee shall have all rights accorded the department by this  
 2409 section. Nothing herein shall be construed to require the  
 2410 department, another state agency, or a coastal county to enter  
 2411 into such an agreement.

2412 (10) Nothing in this section shall be construed to prevent  
 2413 the department or other state agencies from entering into  
 2414 agreements with federal authorities related to the  
 2415 administration of the Florida Keys National Marine Sanctuary.

2416 (11) All damages recovered by or on behalf of this state  
 2417 for injury to, or destruction of, the coral reefs of the state  
 2418 that would otherwise be deposited in the general revenue

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2419 accounts of the State Treasury or in the Internal Improvement  
 2420 Trust Fund shall be deposited in the Ecosystem Management and  
 2421 Restoration Trust Fund in the department and shall remain in  
 2422 such account until expended by the department for the purposes  
 2423 of this section. Moneys in the fund received from damages  
 2424 recovered for injury to, or destruction of, coral reefs must be  
 2425 expended only for the following purposes:

2426 (a) To provide funds to the department for reasonable costs  
 2427 incurred in obtaining payment of the damages for injury to, or  
 2428 destruction of, coral reefs, including administrative costs and  
 2429 costs of experts and consultants. Such funds may be provided in  
 2430 advance of recovery of damages.

2431 (b) To pay for restoration or rehabilitation of the  
 2432 injured or destroyed coral reefs or other natural resources by a  
 2433 state agency or through a contract to any qualified person.

2434 (c) To pay for alternative projects selected by the  
 2435 department. Any such project shall be selected on the basis of  
 2436 its anticipated benefits to the residents of this state who used  
 2437 the injured or destroyed coral reefs or other natural resources  
 2438 or will benefit from the alternative project.

2439 (d) All claims for trust fund reimbursements under  
 2440 paragraph (a) must be made within 90 days after payment of  
 2441 damages is made to the state.

2442 (e) Each private recipient of fund disbursements shall be  
 2443 required to agree in advance that its accounts and records of  
 2444 expenditures of such moneys are subject to audit at any time by  
 2445 appropriate state officials and to submit a final written report  
 2446 describing such expenditures within 90 days after the funds have  
 2447 been expended.

2448 (f) When payments are made to a state agency from the fund

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2449 for expenses compensable under this subsection, such  
 2450 expenditures shall be considered as being for extraordinary  
 2451 expenses, and no agency appropriation shall be reduced by any  
 2452 amount as a result of such reimbursement.

2453 (12) The department may adopt rules pursuant to ss.  
 2454 120.536 and 120.54 to administer this section.

2455 Section 58. Paragraph (b) of subsection (2) of section  
 2456 403.1651, Florida Statutes, is amended to read:

2457 403.1651 Ecosystem Management and Restoration Trust Fund.-  
 2458 -

2459 (2) The trust fund shall be used for the deposit of all  
 2460 moneys recovered by the state:

2461 (b) For injury to or destruction of coral reefs, which  
 2462 moneys would otherwise be deposited into the General Revenue  
 2463 Fund or the Internal Improvement Trust Fund. The department may  
 2464 enter into settlement agreements that require responsible  
 2465 parties to pay a third party to fund projects related to the  
 2466 restoration of a coral reef, to accomplish mitigation for injury  
 2467 to a coral reef, or to support the activities of law enforcement  
 2468 agencies related to coral reef injury response, investigation  
 2469 and assessment. Participation of a law enforcement agency in the  
 2470 receipt of funds through this mechanism shall be at the law  
 2471 enforcement agency's discretion.

2472 Section 59. Subsection (3) of section 253.04, Florida  
 2473 Statutes, is repealed.

2474 Section 60. Section 380.0558, Florida Statutes, is  
 2475 repealed.

2476 Section 61. Effective October 1, 2009, section 327.22,  
 2477 Florida Statutes, is repealed.

2478 Section 62. Effective July 1, 2010, sections 379.2211 and



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2479 | 379.2212, Florida Statutes, are repealed.

2480 |       Section 63. Subsection (7) of section 379.366, Florida  
2481 | Statutes, is repealed.

2482 |       Section 64. Except as otherwise expressly provided in this  
2483 | act, this act shall take effect July 1, 2009.