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1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending s. 206.606, F.S.; requiring the
4 Fish and Wildlife Conservation Commission rather than
5 the Department of Revenue to distribute a specified
6 sum from the Invasive Plant Control Trust Fund to
7 eradicate melaleuca; amending s. 253.002, F.S.;
8 setting forth duties of the commission as they relate
9 to state lands; amending s. 253.04, F.S.; providing
10 for preservation of sea grasses; providing penalties;
11 amending s. 319.32, F.S.; increasing the certificate
12 of title fee for certain vehicles; amending s.
13 320.08056, F.S.; increasing the annual use fee for
14 certain specialty license plates; amending s. 327.02,
15 F.S.; amending the definition of the term "live-aboard
16 vessel"; amending s. 327.35, F.S.; revising penalties
17 for boating under the influence of alcohol; revising
18 the blood-alcohol level or breath-alcohol level at
19 which certain penalties apply; amending s. 327.36,
20 F.S.; revising a prohibition against accepting a plea
21 to a lesser included offense from a person who is
22 charged with certain offenses involving the operation
23 of a vessel; revising the blood-alcohol level or
24 breath-alcohol level at which the prohibition applies;
25 amending s. 327.395, F.S.; revising certain age
26 limitations on the operation of a vessel powered by a
27 10-horsepower motor or greater; providing a short
28 title; amending s. 327.40, F.S.; revising provisions
29 for placement of navigation, safety, and informational

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30 markers of waterways; providing for uniform waterway
31 markers; removing an exemption from permit
32 requirements for certain markers placed by county,
33 municipal, or other government entities; amending s.
34 327.41, F.S., relating to placement of markers by a
35 county or municipality; revising terminology;
36 providing for a county or municipality that has
37 adopted a boating-restricted area by ordinance under
38 specified provisions to apply for permission to place
39 regulatory markers; amending s. 327.42, F.S.; revising
40 provisions prohibiting mooring to or damaging markers
41 or buoys; amending s. 327.46, F.S.; revising
42 provisions for establishment by the Fish and Wildlife
43 Conservation Commission of boating-restricted areas;
44 providing for counties and municipalities to establish
45 boating-restricted areas with approval of the
46 commission; directing the commission to adopt rules
47 for the approval; revising a prohibition against
48 operating a vessel in a prohibited manner in a
49 boating-restricted area; amending s. 327.60, F.S.;
50 revising provisions limiting regulation by a county or
51 municipality of the operation, equipment, and other
52 matters relating to vessels operated upon the waters
53 of this state; prohibiting certain county or
54 municipality ordinances or regulations; amending s.
55 327.65, F.S.; correcting a cross reference; creating
56 s. 327.66, F.S.; prohibiting possessing or operating a
57 vessel equipped with certain fuel containers or
58 related equipment; prohibiting transporting fuel in a

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59 vessel except in compliance with certain federal
60 regulations; providing penalties; declaring fuel
61 transported in violation of such prohibitions to be a
62 public nuisance and directing the enforcing agency to
63 abate the nuisance; providing for disposal of the
64 containers and fuel; declaring conveyances, vessels,
65 vehicles, and equipment used in such violation to be
66 contraband; providing for seizure of the contraband;
67 defining the term "conviction" for specified purposes;
68 providing for costs to remove fuel, containers,
69 vessels, and equipment to be paid by the owner;
70 providing that a person who fails to pay such cost
71 shall not be issued a certificate of registration for
72 a vessel or motor vehicle; amending s. 327.70, F.S.;
73 providing for the mailing of citations; amending s.
74 327.73, F.S.; revising provisions for citation of a
75 noncriminal infraction to provide for violations
76 relating to boating-restricted areas and speed limits;
77 revising provisions relating to establishment of such
78 limits by counties and municipalities; amending s.
79 328.03, F.S.; requiring vessels used or stored on the
80 waters of this state to be titled by this state
81 pursuant to specified provisions; providing
82 exceptions; amending s. 328.07, F.S.; requiring
83 certain vessels used or stored on the waters of this
84 state to have affixed a hull identification number;
85 providing that a vessel in violation may be seized and
86 subject to forfeiture; amending ss. 328.46, 328.48,
87 and 328.56, F.S.; requiring vessels operated, used, or

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88 stored on the waters of this state to be registered
89 and display the registration number; providing
90 exceptions; amending s. 328.58, F.S., relating to
91 reciprocity of nonresident or alien vessels; requiring
92 the owner of a vessel with a valid registration from
93 another state, a vessel with a valid registration from
94 the United States Coast Guard in another state, or a
95 federally documented vessel from another state to
96 record the registration number with the Department of
97 Highway Safety and Motor Vehicles when using or
98 storing the vessel on the waters of this state in
99 excess of the 90-day reciprocity period; amending s.
100 328.60, F.S.; providing an exception to registration
101 requirements for military personnel using or storing
102 on the waters of this state a vessel with a valid
103 registration from another state, a vessel with a valid
104 registration from the United States Coast Guard in
105 another state, or a federally documented vessel from
106 another state; amending s. 328.65, F.S.; revising
107 legislative intent with respect to registration and
108 numbering of vessels; amending s. 328.66, F.S.;
109 authorizing a county to impose an annual registration
110 fee on vessels used on the waters of this state within
111 its jurisdiction; amending s. 328.72, F.S.; providing
112 noncriminal penalties for use or storage of a
113 previously registered vessel after the expiration of
114 the registration period; exempting vessels lawfully
115 stored at a dock or in a marina; amending ss. 369.20,
116 369.22, and 369.25, F.S.; providing that the

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117 commission has the authority to enforce statutes
118 relating to aquatic weeds and plants; amending s.
119 379.304, F.S.; providing that anyone violating the
120 provisions governing the sale or exhibition of
121 wildlife is subject to specified penalties relating to
122 captive wildlife; amending s. 379.338, F.S.;

123 authorizing an investigating law enforcement agency to
124 dispose of illegally taken wildlife, freshwater fish,
125 or saltwater fish in certain specified ways; requiring
126 that live wildlife, freshwater fish, and saltwater
127 fish be properly documented as evidence and returned
128 to the habitat unharmed; requiring that nonnative
129 species be disposed of in accordance with rules of the
130 Fish and Wildlife Conservation Commission; providing
131 for the disposition of furs and hides; requiring that
132 the proceeds of sales be deposited in the State Game
133 Trust Fund or the Marine Resources Conservation Trust
134 Fund; requiring the Fish and Wildlife Conservation
135 Commission to give to a state, municipal, or county
136 law enforcement agency that enforces or assists the
137 commission in enforcing the law all or a portion of
138 the value of any property forfeited during an
139 enforcement action; creating s. 379.3381, F.S.;

140 providing that photographs of wildlife or freshwater
141 or saltwater fish may be offered into evidence to the
142 same extent as if the wildlife, freshwater fish, or
143 saltwater fish were directly introduced as evidence;
144 requiring that the photograph be accompanied by a
145 writing containing specified information relating to

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146 the illegal seizure of the wildlife or freshwater or
147 saltwater fish; requiring that the wildlife or
148 freshwater or saltwater fish be disposed of as
149 provided by law; amending s. 379.353, F.S.; providing
150 that a resident of this state is exempt from paying
151 certain recreational licenses if the person is
152 eligible for Medicaid services and has been issued an
153 identification card by the Agency for Health Care
154 Administration; amending s. 379.354, F.S.; providing
155 for an annual resident shoreline fishing license and
156 fee; authorizing the commission to use proceeds of
157 specified hunting, fishing, and recreational licenses
158 for certain purposes; increasing the fee amounts for
159 waterfowl, wild turkey, snook, spiny lobster,
160 management area, special use, and recreational user
161 permits; providing for a management area permit and
162 fee for outdoor recreational activities other than
163 hunting and fishing; providing for a deer permit and
164 fee; requiring the commission to prepare an annual
165 report and submit the report to the Governor and the
166 Legislature; providing report requirements; repealing
167 s. 379.2212, F.S.; providing for use of funds for the
168 Florida wild turkey permit program; amending s.
169 379.3671, F.S.; providing that if a certificate issued
170 to a person to use a spiny lobster trap is not renewed
171 within a specified period, the certificate will be
172 considered abandoned and revert to the commission;
173 amending s. 379.3751, F.S.; revising the alligator
174 trapping agent's license and the alligator farming

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175 agent's license to allow the trapper and the farmer to
176 possess, process, and sell the hides and meat of the
177 alligator; removing the limitation that an alligator
178 trapping agent's license could be issued only in
179 conjunction with an alligator trapping license;
180 amending s. 379.3761, F.S.; providing penalties for
181 the wrongful exhibition or sale of wildlife; amending
182 s. 379.3762, F.S.; revising penalties for a person who
183 unlawfully possesses wildlife; amending s. 379.401,
184 F.S.; making it a level 2 violation for a person to
185 feed or entice an alligator or crocodile and a level 4
186 violation for a person to illegally kill, injure, or
187 capture an alligator or crocodile; amending s.
188 379.4015, F.S.; making it a level 2 violation for a
189 person to illegally exhibit or sell wildlife;
190 requiring the commission to establish a pilot program
191 for regulating the anchoring or mooring of non-live-
192 aboard vessels outside public mooring fields;
193 providing geographic regions for the pilot project;
194 specifying the goals of the pilot program; providing
195 requirements; requiring a report to the Governor and
196 Legislature; creating s. 379.501, F.S.; providing
197 penalties for unlawfully disturbing aquatic weeds and
198 plants; providing that a person is liable to the state
199 for any damage caused to the aquatic weeds or plants
200 and for civil penalties; providing that if a person
201 willfully harm aquatic weeds and plants he or she
202 commits a felony of the third degree; providing
203 criminal penalties; creating s. 379.502, F.S.;

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204 authorizing the commission to seek judicial or
205 administrative remedies for unlawfully disturbing
206 aquatic weeds and plants; providing for procedures;
207 authorizing a respondent to request mediation;
208 providing for an award of attorney's fees; providing
209 requirements for calculating administrative penalties;
210 providing for the administrative law judge to consider
211 evidence of mitigation; requiring that penalties be
212 deposited into the Invasive Plant Control Trust Fund;
213 creating s. 379.503, F.S.; authorizing the commission
214 to seek injunctive relief; providing that the judicial
215 and administrative remedies are alternative and
216 mutually exclusive; creating s. 379.504, F.S.;
217 providing that anyone who unlawfully disturbs aquatic
218 weeds or plants is subject to civil penalties;
219 authorizing a court to impose a civil penalty for each
220 offense in an amount not to exceed \$10,000 per
221 offense; providing for joint and several liability;
222 providing for determining the value of fish killed for
223 purposes of assessing damages; amending s. 403.088,
224 F.S.; requiring the commission to approve a program
225 intended to control aquatic weeds or algae; providing
226 for a type II transfer of the Bureau of Invasive Plant
227 Management in the Department of Environmental
228 Protection to the Fish and Wildlife Conservation
229 Commission; providing for the transfer of the Invasive
230 Plant Control Trust Fund to the Fish and Wildlife
231 Conservation Commission; reenacting s. 379.209(2),
232 F.S., relating to funds credited to the Nongame

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233 Wildlife Trust Fund, to incorporate an amendment made
234 to s. 319.32 F.S., in a reference thereto; reenacting
235 s. 379.3581(7), F.S., relating to hunting safety, to
236 incorporate the amendment made to s. 379.353, F.S., in
237 a reference thereto; providing an appropriation;
238 repealing s. 327.22, F.S.; repealing s. 379.366(7),
239 F.S.; to abrogate the expiration of provisions
240 imposing blue crab effort management program fees and
241 penalties; providing effective dates.

242
243 Be It Enacted by the Legislature of the State of Florida:

244
245 Section 1. Paragraph (a) of subsection (1) of section
246 206.606, Florida Statutes, is amended to read:

247 206.606 Distribution of certain proceeds.—

248 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
249 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
250 Fund. Such moneys, after deducting the service charges imposed
251 by s. 215.20, the refunds granted pursuant to s. 206.41, and the
252 administrative costs incurred by the department in collecting,
253 administering, enforcing, and distributing the tax, which
254 administrative costs may not exceed 2 percent of collections,
255 shall be distributed monthly to the State Transportation Trust
256 Fund, except that:

257 (a) \$6.30 million shall be transferred to the Fish and
258 Wildlife Conservation Commission in each fiscal year and
259 deposited in the Invasive Plant Control Trust Fund to be used
260 for aquatic plant management, including nonchemical control of
261 aquatic weeds, research into nonchemical controls, and

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262 enforcement activities. ~~Beginning in fiscal year 1993-1994,~~ The
263 commission ~~department~~ shall allocate at least \$1 million of such
264 funds to the eradication of melaleuca.

265 Section 2. Section 253.002, Florida Statutes, is amended to
266 read

267 253.002 Department of Environmental Protection, water
268 management districts, ~~and~~ Department of Agriculture and Consumer
269 Services, and Fish and Wildlife Conservation Commission; duties
270 with respect to state lands.-

271 (1) The Department of Environmental Protection shall
272 perform all staff duties and functions related to the
273 acquisition, administration, and disposition of state lands,
274 title to which is or will be vested in the Board of Trustees of
275 the Internal Improvement Trust Fund. However, upon the effective
276 date of rules adopted pursuant to s. 373.427, a water management
277 district created under s. 373.069 shall perform the staff duties
278 and functions related to the review of any application for
279 authorization to use board of trustees-owned submerged lands
280 necessary for an activity regulated under part IV of chapter 373
281 for which the water management district has permitting
282 responsibility as set forth in an operating agreement adopted
283 pursuant to s. 373.046(4); and the Department of Agriculture and
284 Consumer Services shall perform the staff duties and functions
285 related to the review of applications and compliance with
286 conditions for use of board of trustees-owned submerged lands
287 under authorizations or leases issued pursuant to ss. 253.67-
288 253.75 and 597.010. Unless expressly prohibited by law, the
289 board of trustees may delegate to the department any statutory
290 duty or obligation relating to the acquisition, administration,

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291 or disposition of lands, title to which is or will be vested in
292 the board of trustees. The board of trustees may also delegate
293 to any water management district created under s. 373.069 the
294 authority to take final agency action, without any action on
295 behalf of the board, on applications for authorization to use
296 board of trustees-owned submerged lands for any activity
297 regulated under part IV of chapter 373 for which the water
298 management district has permitting responsibility as set forth
299 in an operating agreement adopted pursuant to s. 373.046(4).
300 This water management district responsibility under this
301 subsection shall be subject to the department's general
302 supervisory authority pursuant to s. 373.026(7). The board of
303 trustees may also delegate to the Department of Agriculture and
304 Consumer Services the authority to take final agency action on
305 behalf of the board on applications to use board of trustees-
306 owned submerged lands for any activity for which that department
307 has responsibility pursuant to ss. 253.67-253.75, and 597.010,
308 and ss. 369.25-369.251. However, the board of trustees shall
309 retain the authority to take final agency action on establishing
310 any areas for leasing, new leases, expanding existing lease
311 areas, or changing the type of lease activity in existing
312 leases. Upon issuance of an aquaculture lease or other real
313 property transaction relating to aquaculture, the Department of
314 Agriculture and Consumer Services must send a copy of the
315 document and the accompanying survey to the Department of
316 Environmental Protection. The board of trustees may also
317 delegate to the Fish and Wildlife Conservation Commission the
318 authority to take final agency action, without any action on
319 behalf of the board, on applications for authorization to use

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320 board of trustees-owned submerged lands for any activity
321 regulated under ss. 369.20 and 369.22 ~~s. 369.20~~.

322 (2) Delegations to the department, or a water management
323 district, or the Department of Agriculture and Consumer Services
324 of authority to take final agency action on applications for
325 authorization to use submerged lands owned by the board of
326 trustees, without any action on behalf of the board of trustees,
327 shall be by rule. Until rules adopted pursuant to this
328 subsection become effective, existing delegations by the board
329 of trustees shall remain in full force and effect. However, the
330 board of trustees is not limited or prohibited from amending
331 these delegations. The board of trustees shall adopt by rule any
332 delegations of its authority to take final agency action without
333 action by the board of trustees on applications for
334 authorization to use board of trustees-owned submerged lands.
335 Any final agency action, without action by the board of
336 trustees, taken by the department, or a water management
337 district, or the Department of Agriculture and Consumer Services
338 on applications to use board of trustees-owned submerged lands
339 shall be subject to the provisions of s. 373.4275.

340 Notwithstanding any other provision of this subsection, the
341 board of trustees, the Department of Legal Affairs, and the
342 department retain the concurrent authority to assert or defend
343 title to submerged lands owned by the board of trustees.

344 Section 3. Effective October 1, 2009, renumber subsections
345 (4) through (7) of section 253.04, Florida Statutes, as (5)
346 through (8) and create new subsection (4) of that section to
347 read:

348 253.04 Duty of board to protect, etc., state lands; state

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349 may join in any action brought.-

350 (4) (a) The duty to conserve and improve state-owned lands
351 and the products thereof shall include the preservation and
352 regeneration of seagrass, which is deemed essential to the
353 oceans, gulfs, estuaries, and shorelines of the state. A person
354 operating a vessel outside a lawfully marked channel in a
355 careless manner that causes seagrass scarring within an aquatic
356 preserve established in ss. 258.39-258.399, with the exception
357 of the Lake Jackson, Oklawaha River, Wekiva River, and Rainbow
358 Springs aquatic preserves, commits a noncriminal infraction,
359 punishable as provided in s. 327.73. Each violation is a
360 separate offense. As used in this subsection, the term:

361 1. "Seagrass scarring" means destruction of seagrass roots,
362 shoots, or stems that results in tracks on the substrate, caused
363 by the operation of a motorized vessel in waters supporting
364 seagrasses, commonly referred to as prop scars or propeller
365 scars.

366 2. "Seagrass" means Cuban shoal grass (*Halodule wrightii*),
367 turtle grass (*Thalassia testudinum*), manatee grass (*Syringodium*
368 *filiforme*), star grass (*Halophila engelmannii*), paddle grass
369 (*Halophila decipiens*), Johnsons seagrass (*Halophila johnsonii*),
370 or widgeon grass (*Ruppia maritima*).

371 (b) Any violation under paragraph (a) is a violation of the
372 vessel laws of this state and shall be charged on a uniform
373 boating citation as provided in s. 327.74. Any person who
374 refuses to post a bond or accept and sign a uniform boating
375 citation commits a misdemeanor of the second degree, as provided
376 in s. 327.73(3), punishable as provided in s. 775.082 or s.
377 775.083.

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

380 319.32 Fees; service charges; disposition.—

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

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

388 320.08056 Specialty license plates.—

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

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

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

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

395 327.02 Definitions of terms used in this chapter and in
396 chapter 328.—As used in this chapter and in chapter 328, unless
397 the context clearly requires a different meaning, the term:

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

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

401 (b) Any vessel represented as a place of business, a
402 professional or other commercial enterprise; ~~or a legal~~
403 ~~residence.~~

404 (c) Any vessel for which a declaration of domicile has been
405 filed pursuant to s. 222.17.

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407 A commercial fishing boat is expressly excluded from the term
408 "live-aboard vessel."

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

411 327.35 Boating under the influence; penalties; "designated
412 drivers".—

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

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

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

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

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

424 (4) Any person who is convicted of a violation of
425 subsection (1) and who has a blood-alcohol level or breath-
426 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is
427 convicted of a violation of subsection (1) and who at the time
428 of the offense was accompanied in the vessel by a person under
429 the age of 18 years, shall be punished:

430 (a) By a fine of:

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

433 2. Not less than \$2,000 or more than \$4,000 for a second
434 conviction.

435 3. Not less than \$4,000 for a third or subsequent

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436 conviction.

437 (b) By imprisonment for:

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

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

440

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

445 Section 8. Paragraph (a) of subsection (2) of section
446 327.36, Florida Statutes, is amended to read:

447 327.36 Mandatory adjudication; prohibition against
448 accepting plea to lesser included offense.—

449 (2) (a) No trial judge may accept a plea of guilty to a
450 lesser offense from a person who is charged with a violation of
451 s. 327.35, manslaughter resulting from the operation of a
452 vessel, or vessel homicide and who has been given a breath or
453 blood test to determine blood or breath alcohol content, the
454 results of which show a blood-alcohol level or breath-alcohol
455 level of 0.15 ~~0.16~~ or more.

456 Section 9. Effective January 1, 2010, section 327.395,
457 Florida Statutes, is amended to read:

458 327.395 Boating safety identification cards.—

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

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465 (a) Completed a commission-approved boater education course
466 that meets the minimum 8-hour instruction requirement
467 established by the National Association of State Boating Law
468 Administrators;

469 (b) Passed a course equivalency examination approved by the
470 commission; or

471 (c) Passed a temporary certificate examination developed or
472 approved by the commission.

473 (2) Any person may obtain a boater safety identification
474 card by complying with the requirements of this section.

475 (3) Any commission-approved boater education or boater
476 safety course, course-equivalency examination developed or
477 approved by the commission, or temporary certificate examination
478 developed or approved by the commission must include a component
479 regarding diving vessels, awareness of divers in the water,
480 divers-down flags, and the requirements of s. 327.331.

481 (4) The commission may appoint liveries, marinas, or other
482 persons as its agents to administer the course, course
483 equivalency examination, or temporary certificate examination
484 and issue identification cards under guidelines established by
485 the commission. An agent must charge the \$2 examination fee,
486 which must be forwarded to the commission with proof of passage
487 of the examination and may charge and keep a \$1 service fee.

488 (5) An identification card issued to a person who has
489 completed a boating education course or a course equivalency
490 examination is valid for life. A card issued to a person who has
491 passed a temporary certification examination is valid for 12
492 months from the date of issuance.

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

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

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

497 (c) Is accompanied in the vessel by a person who is exempt
498 from this section or who holds an identification card in
499 compliance with this section, is 18 years of age or older, and
500 is attendant to the operation of the vessel and responsible for
501 the safe operation of the vessel and for any violation that
502 occurs during the operation.

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

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

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

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

514 (8) The commission shall design forms and adopt rules to
515 administer this section. Such rules shall include provision for
516 educational and other public and private entities to offer the
517 course and administer examinations.

518 (9) The commission shall institute and coordinate a
519 statewide program of boating safety instruction and
520 certification to ensure that boating courses and examinations
521 are available in each county of the state.

522 (10) The commission is authorized to establish and to

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523 collect a \$2 examination fee to cover administrative costs.

524 (11) The commission is authorized to adopt rules pursuant
525 to chapter 120 to implement the provisions of this section.

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

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

530 327.40 Uniform waterway markers ~~for safety and navigation;~~
531 ~~informational markers.~~-

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

540 (2) (a) Application for marking inland lakes and state
541 waters and any navigable waters under concurrent jurisdiction of
542 the Coast Guard and the division shall be made to the division,
543 accompanied by a map locating the approximate placement of
544 markers, a list of the markers to be placed, a statement of the
545 specification of the markers, a statement of the purpose of
546 marking, and the names of persons responsible for the placement
547 and upkeep of such markers. The division will assist the
548 applicant to secure the proper permission from the Coast Guard
549 where required, make such investigations as needed, and issue a
550 permit. The division shall furnish the applicant with the
551 information concerning the system adopted and the rules existing

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552 for placing and maintaining the markers. The division shall keep
553 records of all approvals given and counsel with individuals,
554 counties, municipalities, motorboat clubs, or other groups
555 desiring to mark waterways for safety and navigation purposes in
556 Florida.

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

561 2. The placement of information ~~informational~~ markers,
562 ~~including, but not limited to, markers indicating end of boat~~
563 ~~ramp, no swimming, swimming area, lake name, trash receptacle,~~
564 ~~public health notice, or underwater hazard and canal,~~
565 ~~regulatory, emergency, and special event markers,~~ by counties,
566 municipalities, or other governmental entities on inland lakes
567 and their associated canals are exempt from permitting under
568 this section. ~~Such markers, excluding swimming area and special~~
569 ~~event markers, may be no more than 50 feet from the normal~~
570 ~~shoreline.~~

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

573 (3) The placement under this section or s. 327.41 of any
574 uniform waterway marker ~~safety or navigation marker or any~~
575 ~~informational marker under subparagraph (2)(b)2.~~ on state
576 submerged lands ~~under this section~~ does not subject such lands
577 to the lease requirements of chapter 253.

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

580 327.41 Uniform waterway regulatory markers.—

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581 (2) Any county or municipality which has been granted a
582 boating-restricted ~~restricted~~ area designation, by rule of the
583 commission pursuant to s. 327.46(1)(a), for a portion of the
584 Florida Intracoastal Waterway within its jurisdiction or which
585 has adopted a boating-restricted ~~restricted~~ area by ordinance
586 pursuant to s. 327.46(1)(b) or (c) ~~s. 327.22, s. 327.60,~~ or s.
587 379.2431(2)(p), or any other governmental entity which has
588 legally established a boating-restricted ~~restricted~~ area, may
589 apply to the commission for permission to place regulatory
590 markers within the boating-restricted ~~restricted~~ area.

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

593 327.42 Mooring to or damaging of uniform waterway markers
594 or buoys prohibited.—

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

600 (2) No person shall willfully damage, alter, or move a
601 lawfully placed uniform waterway ~~aid-to-navigation~~ marker ~~or~~
602 ~~buoy, regulatory marker or buoy, or area boundary marker or~~
603 ~~buoy.~~

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

606 327.46 Boating-restricted ~~Restricted~~ areas.—

607 (1) Boating-restricted ~~The commission has the authority to~~
608 ~~establish by rule, pursuant to chapter 120, restricted areas,~~
609 including, but not limited to, restrictions of vessel speeds and

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610 vessel traffic, may be established on the waters of this the
611 state for any purpose ~~deemed~~ necessary to protect ~~for~~ the safety
612 of the public, ~~including, but not limited to, vessel speeds and~~
613 ~~vessel traffic,~~ where such restrictions are ~~deemed~~ necessary
614 based on boating accidents, visibility, hazardous currents or
615 water levels, vessel traffic congestion, or other navigational
616 hazards.

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

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

621 1. An ordinance establishing an Idle Speed-No Wake boating-
622 restricted area, if the area is:

623 a. Within 500 feet of any boat ramp, hoist, marine railway,
624 or other launching or landing facility available for use by the
625 general boating public on waterways more than 300 feet in width
626 or within 300 feet of any boat ramp, hoist, marine railway, or
627 other launching or landing facility available for use by the
628 general boating public on waterways not exceeding 300 feet in
629 width.

630 b. Within 500 feet of fuel pumps or dispensers at any
631 marine fueling facility that sells motor fuel to the general
632 boating public on waterways more than 300 feet in width or
633 within 300 feet of the fuel pumps or dispensers at any licensed
634 terminal facility that sells motor fuel to the general boating
635 public on waterways not exceeding 300 feet in width.

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

637 2. An ordinance establishing a Slow Speed Minimum Wake
638 boating-restricted area if the area is:

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- 639 a. Within 300 feet of any bridge fender system.
- 640 b. Within 300 feet of any bridge span presenting a vertical
641 clearance of less than 25 feet or a horizontal clearance of less
642 than 100 feet.
- 643 c. On a creek, stream, canal, or similar linear waterway
644 where the waterway is less than 75 feet in width from shoreline
645 to shoreline.
- 646 d. On a lake or pond of less than 10 acres in total surface
647 area.
- 648 3. An ordinance establishing a vessel exclusion zone if the
649 area is:
- 650 a. Designated as a public bathing beach or swim area.
- 651 b. Within 300 feet of a dam, spillway, or flood-control
652 structure.
- 653 (c) Municipalities and counties have the authority to
654 establish by ordinance the following other boating-restricted
655 areas:
- 656 1. An ordinance establishing an Idle Speed-No Wake boating-
657 restricted area, if the area is within 300 feet of a confluence
658 of water bodies presenting a blind corner, a bend in a narrow
659 channel or fairway, or such other area where an intervening
660 obstruction to visibility may obscure other vessels or other
661 users of the waterway.
- 662 2. An ordinance establishing a Slow Speed Minimum Wake or a
663 numerical speed limit boating-restricted area if the area is:
- 664 a. Within 300 feet of a confluence of water bodies
665 presenting a blind corner, a bend in a narrow channel or
666 fairway, or such other area where an intervening obstruction to
667 visibility may obscure other vessels or other users of the

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668 waterway.

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

670 c. Subject to hazardous water levels or currents, or
671 containing other navigational hazards.

672 d. An area that accident reports, uniform boating
673 citations, vessel traffic studies, or other creditable data
674 demonstrate to present a significant risk of collision or a
675 significant threat to boating safety.

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

678 a. As a canoe trail or otherwise limited to vessels under
679 oars or under sail.

680 b. For a particular activity and user group, separation
681 must be imposed to protect the safety of those participating in
682 such activity.

683

684 Any of the ordinances adopted pursuant to this paragraph shall
685 not take effect until the commission has reviewed the ordinance
686 and determined by substantial competent evidence that the
687 ordinance is necessary to protect public safety pursuant to this
688 paragraph. Any application for approval of an ordinance shall be
689 reviewed and acted upon within 90 days after receipt of a
690 completed application. Within 30 days after a municipality or
691 county submits an application for approval to the commission,
692 the commission shall advise the municipality or county as to
693 what information, if any, is needed to deem the application
694 properly completed. An application shall be considered complete
695 upon receipt of all requested information and correction of any
696 error or omission for which the applicant was timely notified or

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697 when the time for such notification has expired. The
 698 commission's action on the application is subject to review
 699 under chapter 120. The commission shall initiate rulemaking
 700 within 180 days after the effective date of this act to provide
 701 criteria and procedures for reviewing applications submitted
 702 under this part and procedures for providing for public notice
 703 and participation.

704 (2) Each such boating-restricted ~~restricted~~ area shall be
 705 developed in consultation and coordination with the governing
 706 body of the county or municipality in which the boating-
 707 restricted ~~restricted~~ area is located and, when the boating-
 708 restricted area is to be on the navigable waters of the United
 709 States ~~where required~~, with the United States Coast Guard and
 710 the United States Army Corps of Engineers.

711 (3)~~(2)~~ It is unlawful for any person to operate a vessel in
 712 a prohibited manner or to carry on any prohibited activity, as
 713 defined in this chapter, ~~deemed a safety hazard or interference~~
 714 ~~with navigation as provided above~~ within a boating-restricted
 715 ~~restricted water~~ area that ~~which~~ has been clearly marked by
 716 regulatory markers as authorized under this chapter.

717 (4)~~(3)~~ Restrictions in a boating-restricted area
 718 established pursuant to this section shall not apply in the case
 719 of an emergency or to a law enforcement, firefighting, or rescue
 720 vessel owned or operated by a governmental entity.

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

723 327.60 Local regulations; limitations.-

724 (1) The provisions of this chapter and chapter 328 ~~ss.~~
 725 ~~327.01, 327.02, 327.30-327.40, 327.44-327.50, 327.54, 327.56,~~

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726 ~~327.65, 328.40 328.48, 328.52 328.58, 328.62, and 328.64~~ shall
727 govern the operation, equipment, and all other matters relating
728 thereto whenever any vessel shall be operated upon the waters of
729 this state waterways or when any activity regulated hereby shall
730 take place thereon.

731 (2) Nothing in this chapter or chapter 328 these sections
732 shall be construed to prevent the adoption of any ordinance or
733 local regulation law relating to operation ~~and equipment~~ of
734 vessels, except that no county or municipality shall enact,
735 continue in effect, or enforce any ordinance or local
736 regulation:

737 (a) Establishing a vessel or associated equipment
738 performance or other safety standard, imposing a requirement for
739 associated equipment, or regulating the carrying or use of
740 marine safety articles;

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

743 (c) Regulating any vessel upon the Florida Intracoastal
744 Waterway;

745 (d) Discriminating against personal watercraft;

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

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

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

754 (h) That is in conflict with this chapter or any amendments

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755 ~~thereto or rules thereunder. no such ordinance or local law may~~
756 ~~apply to the Florida Intracoastal Waterway and except that such~~
757 ~~ordinances or local laws shall be operative only when they are~~
758 ~~not in conflict with this chapter or any amendments thereto or~~
759 ~~regulations thereunder. Any ordinance or local law which has~~
760 ~~been adopted pursuant to this section or to any other state law~~
761 ~~may not discriminate against personal watercraft as defined in~~
762 ~~s. 327.02. Effective July 1, 2006, any ordinance or local law~~
763 ~~adopted pursuant to this section or any other state law may not~~
764 ~~discriminate against airboats except by a two-thirds vote of the~~
765 ~~governing body enacting such ordinance.~~

766 ~~(3)-(2)~~ Nothing ~~contained in the provisions of this section~~
767 shall be construed to prohibit local governmental authorities
768 from the enactment or enforcement of regulations which prohibit
769 or restrict the mooring or anchoring of floating structures or
770 live-aboard vessels within their jurisdictions or of any vessels
771 within the marked boundaries of mooring fields permitted as
772 provided in s. 327.40. However, local governmental authorities
773 are prohibited from regulating the anchoring outside of such
774 mooring fields of vessels other than live-aboard vessels as
775 defined in s. 327.02 ~~non-live-aboard vessels in navigation.~~

776 Section 15. Paragraph (1) of subsection (2) of section
777 327.65, Florida Statutes, is amended to read

778 327.65 Muffling devices.—

779 (2) (a) Any county wishing to impose additional noise
780 pollution and exhaust regulations on vessels may, pursuant to s.
781 327.60 ~~(2)-(1)~~, adopt by county ordinance the following
782 regulations:

783 1. No person shall operate or give permission for the

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784 operation of any vessel on the waters of any county or on a
785 specified portion of the waters of any county, including the
786 Florida Intracoastal Waterway, which has adopted the provisions
787 of this section in such a manner as to exceed the following
788 sound levels at a distance of 50 feet from the vessel: for all
789 vessels, a maximum sound level of 90 dB A.

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

794 (b) The following words and phrases, when used in this
795 section, shall have the meanings respectively assigned to them
796 in this subsection.

797 1. "dB A" means the composite abbreviation for the A-
798 weighted sound level and the unit of sound level, the decibel.

799 2. "Sound level" means the A-weighted sound pressure level
800 measured with fast response using an instrument complying with
801 the specification for sound level meters of the American
802 National Standards Institute, Inc., or its successor bodies,
803 except that only a weighting and fast dynamic response need be
804 provided.

805 Section 16. Section 327.66, Florida Statutes, is created to
806 read:

807 327.66 Carriage of gasoline on vessels.-

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

809 1. Possess or operate any vessel that has been equipped
810 with tanks, bladders, drums, or other containers designed or
811 intended to hold gasoline, or install or maintain such
812 containers in a vessel, if such containers do not conform to

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813 federal regulations or have not been approved by the United
814 States Coast Guard by inspection or special permit.

815 2. Transport any gasoline in an approved portable container
816 when the container is in a compartment that is not ventilated in
817 strict compliance with United States Coast Guard regulations
818 pertaining to ventilation of compartments containing gasoline
819 tanks.

820 (b) A person who violates paragraph (a) commits a
821 misdemeanor of the second degree, punishable as provided in s.
822 775.082 or s. 775.083.

823 (2) (a) Gasoline possessed or transported in violation of
824 this section and all containers holding such gasoline are
825 declared to be a public nuisance. A law enforcement agency
826 discovering gasoline possessed or transported in violation of
827 paragraph (1) (a) shall abate the nuisance by removing the
828 gasoline and containers from the vessel and from the waters of
829 this state. A law enforcement agency that removes gasoline or
830 containers pursuant to this subsection may elect to:

- 831 1. Retain the property for the agency's own use;
832 2. Transfer the property to another unit of state or local
833 government;
834 3. Donate the property to a charitable organization; or
835 4. Sell the property at public sale pursuant to s. 705.103.

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

840 (3) All conveyances, vessels, vehicles, and other equipment
841 described in paragraph (1) (a) or used in the commission of a

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842 violation of paragraph (1)(a), other than gasoline or containers
843 removed as provided in subsection (2), are declared to be
844 contraband.

845 (a) Upon conviction of a person arrested for a violation of
846 paragraph (1)(a), the judge shall issue an order adjudging and
847 ordering that all conveyances, vessels, vehicles, and other
848 equipment used in the violation shall be forfeited to the
849 arresting agency. The requirement for a conviction before
850 forfeiture of property establishes to the exclusion of any
851 reasonable doubt that the property was used in connection with
852 the violation resulting in the conviction, and the procedures of
853 chapter 932 do not apply to any forfeiture of property under
854 this subsection following a conviction.

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

859 (c) As used in this subsection, the term "conviction" means
860 a finding of guilt or the acceptance of a plea of guilty or nolo
861 contendere, regardless of whether adjudication is withheld or
862 whether imposition of sentence is withheld, deferred, or
863 suspended.

864 (4) All costs incurred by the law enforcement agency in the
865 removal of any gasoline, gasoline container, other equipment, or
866 vessel as provided in this section shall be recoverable against
867 the owner thereof. Any person who neglects or refuses to pay
868 such amount shall not be issued a certificate of registration
869 for such vessel or for any other vessel or motor vehicle until
870 the costs have been paid.

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871 (5) Foreign flagged vessels entering United States waters
872 and Florida state waters in compliance with 19 USC 1433 are
873 exempt from this section.

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

876 327.70 Enforcement of this chapter and chapter 328.—

877 (1) This chapter and chapter 328 shall be enforced by the
878 Division of Law Enforcement of the Fish and Wildlife
879 Conservation Commission and its officers, the sheriffs of the
880 various counties and their deputies, municipal police officers,
881 and any other ~~authorized~~ law enforcement officer as defined in
882 s. 943.10, all of whom may order the removal of vessels deemed
883 to be an interference or a hazard to public safety, enforce the
884 provisions of this chapter and chapter 328, or cause any
885 inspections to be made of all vessels in accordance with this
886 chapter and chapter 328.

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

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

892 2. Section 327.44, relating to interference with
893 navigation.

894 3. Section 327.50(2), relating to required lights and
895 shapes.

896 4. Section 327.53, relating to marine sanitation.

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

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

899 (b) Citations issued to livery vessels under this

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900 subsection shall be the responsibility of the lessee of the
901 vessel if the livery has included a warning of this
902 responsibility as a part of the rental agreement and has
903 provided to the agency issuing the citation the name, address,
904 and date of birth of the lessee when requested by that agency.
905 The livery is not responsible for the payment of citations if
906 the livery provides the required warning and lessee information.

907 (3) Such officers shall have the power and duty to issue
908 such orders and to make such investigations, reports, and
909 arrests in connection with any violation of the provisions of
910 this chapter and chapter 328 as are necessary to effectuate the
911 intent and purpose of this chapter and chapter 328.

912 ~~(4)~~ (3) The Fish and Wildlife Conservation Commission or any
913 other law enforcement agency may make any investigation
914 necessary to secure information required to carry out and
915 enforce the provisions of this chapter and chapter 328.

916 Section 18. Effective October 1, 2009, subsection (1) of
917 section 327.73, Florida Statutes, is amended to read:

918 327.73 Noncriminal infractions.—

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

921 (a) Section 328.46, relating to operation of unregistered
922 and unnumbered vessels.

923 (b) Section 328.48(4), relating to display of number and
924 possession of registration certificate.

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

926 (d) Section 328.52(2), relating to display of number.

927 (e) Section 328.54, relating to spacing of digits and
928 letters of identification number.

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- 929 (f) Section 328.60, relating to military personnel and
930 registration of vessels.
- 931 (g) Section 328.72(13), relating to operation with an
932 expired registration.
- 933 (h) Section 327.33(2), relating to careless operation.
- 934 (i) Section 327.37, relating to water skiing, aquaplaning,
935 parasailing, and similar activities.
- 936 (j) Section 327.44, relating to interference with
937 navigation.
- 938 (k) Violations relating to boating-restricted ~~restricted~~
939 areas and speed limits:
- 940 1. Established by the commission or by local governmental
941 authorities pursuant to s. 327.46.
- 942 ~~2. Established by local governmental authorities pursuant~~
943 ~~to s. 327.22 or s. 327.60.~~
- 944 ~~2.3.~~ Speed limits established pursuant to s. 379.2431(2).
- 945 (l) Section 327.48, relating to regattas and races.
- 946 (m) Section 327.50(1) and (2), relating to required safety
947 equipment, lights, and shapes.
- 948 (n) Section 327.65, relating to muffling devices.
- 949 (o) Section 327.33(3)(b), relating to navigation rules.
- 950 (p) Section 327.39(1), (2), (3), and (5), relating to
951 personal watercraft.
- 952 (q) Section 327.53(1), (2), and (3), relating to marine
953 sanitation.
- 954 (r) Section 327.53(4), (5), and (7), relating to marine
955 sanitation, for which the civil penalty is \$250.
- 956 (s) Section 327.395, relating to boater safety education.
- 957 (t) Section 327.52(3), relating to operation of overloaded

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958 or overpowered vessels.

959 (u) Section 327.331, relating to divers-down flags, except
960 for violations meeting the requirements of s. 327.33.

961 (v) Section 327.391(1), relating to the requirement for an
962 adequate muffler on an airboat.

963 (w) Section 327.391(3), relating to the display of a flag
964 on an airboat.

965 (x) Section 253.04(4)(a), relating to carelessly causing
966 seagrass scarring, for which the civil penalty upon conviction
967 is:

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

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

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

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

975
976 Any person cited for a violation of any such provision shall be
977 deemed to be charged with a noncriminal infraction, shall be
978 cited for such an infraction, and shall be cited to appear
979 before the county court. The civil penalty for any such
980 infraction is \$50, except as otherwise provided in this section.

981 Any person who fails to appear or otherwise properly respond to
982 a uniform boating citation shall, in addition to the charge
983 relating to the violation of the boating laws of this state, be
984 charged with the offense of failing to respond to such citation
985 and, upon conviction, be guilty of a misdemeanor of the second
986 degree, punishable as provided in s. 775.082 or s. 775.083. A

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987 written warning to this effect shall be provided at the time
988 such uniform boating citation is issued.

989 Section 19. Effective October 1, 2009, subsection (1) of
990 section 327.731, Florida Statutes, is amended to read:

991 327.731 Mandatory education for violators.—

992 (1) Every person convicted of a criminal violation of this
993 chapter, every person convicted of a noncriminal infraction
994 under this chapter if the infraction resulted in a reportable
995 boating accident, and every person convicted of two noncriminal
996 infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p),
997 and (s)-(x)~~(s)-(w)~~, said infractions occurring within a 12-month
998 period, must:

999 (a) Enroll in, attend, and successfully complete, at his or
1000 her own expense, a boating safety course that meets minimum
1001 standards established by the commission by rule; however, the
1002 commission may provide by rule pursuant to chapter 120 for
1003 waivers of the attendance requirement for violators residing in
1004 areas where classroom presentation of the course is not
1005 available;

1006 (b) File with the commission within 90 days proof of
1007 successful completion of the course;

1008 (c) Refrain from operating a vessel until he or she has
1009 filed the proof of successful completion of the course with the
1010 commission.

1011
1012 Any person who has successfully completed an approved boating
1013 course shall be exempt from these provisions upon showing proof
1014 to the commission as specified in paragraph (b).

1015 Section 20. Effective October 1, 2009, subsections (1) and

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1016 (2) of section 328.03, Florida Statutes, are amended to read:

1017 328.03 Certificate of title required.—

1018 (1) Each vessel that is operated, used, or stored on the
1019 waters of this state must be titled by this state pursuant to
1020 this chapter, unless it is:

1021 (a) A vessel operated, used, and stored exclusively on
1022 private lakes and ponds;~~—~~

1023 (b) A vessel owned by the United States Government;~~—~~

1024 (c) A non-motor-powered vessel less than 16 feet in
1025 length;~~—~~

1026 (d) A federally documented vessel;~~—~~

1027 (e) A vessel already covered by a registration number in
1028 full force and effect which was awarded to it pursuant to a
1029 federally approved numbering system of another state or by the
1030 United States Coast Guard in a state without a federally
1031 approved numbering system, if the vessel is not located in this
1032 state for a period in excess of 90 consecutive days;~~—~~

1033 (f) A vessel from a country other than the United States
1034 temporarily used, operated, or stored on ~~using~~ the waters of
1035 this state for a period that is not in excess of 90 days;~~—~~

1036 (g) An amphibious vessel for which a vehicle title is
1037 issued by the Department of Highway Safety and Motor Vehicles;~~—~~

1038 (h) A vessel used solely for demonstration, testing, or
1039 sales promotional purposes by the manufacturer or dealer; or—

1040 (i) A vessel owned and operated by the state or a political
1041 subdivision thereof.

1042 (2) A person shall not operate, use, or store a vessel for
1043 which a certificate of title is required unless the owner has
1044 received from the Department of Highway Safety and Motor

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1045 Vehicles a valid certificate of title for such vessel. However,
1046 such vessel may be operated, used, or stored for a period of up
1047 to 180 days after ~~from~~ the date of application for a certificate
1048 of title while the application is pending.

1049 Section 21. Effective October 1, 2009, subsections (1) and
1050 (2) of section 328.07, Florida Statutes, are amended to read:

1051 328.07 Hull identification number required.—

1052 (1) No person shall operate, use, or store on the waters of
1053 this state a vessel the construction of which began after
1054 October 31, 1972, for which the department has issued a
1055 certificate of title or which is required by law to be
1056 registered, unless the vessel displays the assigned hull
1057 identification number affixed by the manufacturer as required by
1058 the United States Coast Guard or by the department for a
1059 homemade vessel or other vessel for which a hull identification
1060 number is not required by the United States Coast Guard. The
1061 hull identification number must be carved, burned, stamped,
1062 embossed, or otherwise permanently affixed to the outboard side
1063 of the transom or, if there is no transom, to the outermost
1064 starboard side at the end of the hull that bears the rudder or
1065 other steering mechanism, above the waterline of the vessel in
1066 such a way that alteration, removal, or replacement would be
1067 obvious and evident. The characters of the hull identification
1068 number must be no less than 12 in number and no less than one-
1069 fourth inch in height.

1070 (2) No person shall operate, use, or store on the waters of
1071 this state a vessel the construction of which was completed
1072 before November 1, 1972, for which the department has issued a
1073 certificate of title or which is required by law to be

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1074 registered, unless the vessel displays a hull identification
1075 number. The hull identification number shall be clearly
1076 imprinted in the transom or on the hull by stamping, impressing,
1077 or marking with pressure. In lieu of imprinting, the hull
1078 identification number may be displayed on a plate in a permanent
1079 manner. A vessel for which the manufacturer has provided no hull
1080 identification number or a homemade vessel shall be assigned a
1081 hull identification number by the department which shall be
1082 affixed to the vessel pursuant to this section.

1083 (3) (a) No person, firm, association, or corporation shall
1084 destroy, remove, alter, cover, or deface the hull identification
1085 number or hull serial number, or plate bearing such number, of
1086 any vessel, except to make necessary repairs which require the
1087 removal of the hull identification number and immediately upon
1088 completion of such repairs shall reaffix the hull identification
1089 number in accordance with subsection (2).

1090 (b) If any of the hull identification numbers required by
1091 the United States Coast Guard for a vessel manufactured after
1092 October 31, 1972, do not exist or have been altered, removed,
1093 destroyed, covered, or defaced or the real identity of the
1094 vessel cannot be determined, the vessel may be seized as
1095 contraband property by a law enforcement agency or the division,
1096 and shall be subject to forfeiture pursuant to ss. 932.701-
1097 932.706. Such vessel may not be sold or operated on the waters
1098 of the state unless the division receives a request from a law
1099 enforcement agency providing adequate documentation or is
1100 directed by written order of a court of competent jurisdiction
1101 to issue to the vessel a replacement hull identification number
1102 which shall thereafter be used for identification purposes. No

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1103 vessel shall be forfeited under the Florida Contraband
1104 Forfeiture Act when the owner unknowingly, inadvertently, or
1105 neglectfully altered, removed, destroyed, covered, or defaced
1106 the vessel hull identification number.

1107 Section 22. Effective October 1, 2009, section 328.46,
1108 Florida Statutes, is amended to read:

1109 328.46 Operation of registered vessels.—

1110 (1) Every vessel that is required to be registered and that
1111 is being operated, used, or stored on ~~using~~ the waters of this
1112 state shall be registered and numbered within 30 days after
1113 purchase by the owner except as specifically exempt. During this
1114 30-day period, the operator is required to have aboard the
1115 vessel and available for inspection a bill of sale. The bill of
1116 sale for the vessel shall serve as the temporary certificate of
1117 number that is required by federal law and must contain the
1118 following information:

1119 (a) Make of the vessel.

1120 (b) Length of the vessel.

1121 (c) Type of propulsion.

1122 (d) Hull identification number.

1123 (e) A statement declaring Florida to be the state where the
1124 vessel is principally used.

1125 (f) Name of the purchaser.

1126 (g) Address of the purchaser, including ZIP code.

1127 (h) Signature of the purchaser.

1128 (i) Name of the seller.

1129 (j) Signature of the seller.

1130 (k) Date of the sale of the vessel. The date of sale shall
1131 also serve as the date of issuance of the temporary certificate

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1132 of number.

1133 (1) Notice to the purchaser and operator that the temporary
1134 authority to use the vessel on the waters of this state is
1135 invalid after 30 days following the date of sale of the vessel.

1136 (2) No person shall operate, use, or store or give
1137 permission for the operation, use, or storage of any such vessel
1138 on such waters unless:

1139 (a) Such vessel is registered within 30 days after purchase
1140 by the owner and numbered with the identifying number set forth
1141 in the certificate of registration, displayed:

1142 1. In accordance with s. 328.48(4), except, if the vessel
1143 is an airboat, the registration number may be displayed on each
1144 side of the rudder; or

1145 2. In accordance with 33 C.F.R. s. 173.27, or with a
1146 federally approved numbering system of another state; and

1147 (b) The certificate of registration or temporary
1148 certificate of number awarded to such vessel is in full force
1149 and effect.

1150 Section 23. Effective October 1, 2009, subsection (2) of
1151 section 328.48, Florida Statutes, is amended to read:

1152 328.48 Vessel registration, application, certificate,
1153 number, decal, duplicate certificate.-

1154 (2) Each vessel operated, All vessels used, or stored on
1155 the waters of this the state must be registered as a, either
1156 commercial vessel or recreational vessel as defined in s. 327.02
1157 this chapter, unless it is except as follows:

1158 (a) A vessel operated, used, and stored exclusively on
1159 private lakes and ponds;-

1160 (b) A vessel owned by the United States Government;-

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1161 (c) A vessel used exclusively as a ship's lifeboat; or—
1162 (d) A non-motor-powered vessel less than 16 feet in length,
1163 or a ~~and any~~ non-motor-powered canoe, kayak, racing shell, or
1164 rowing scull, regardless of length.

1165 Section 24. Effective October 1, 2009, section 328.56,
1166 Florida Statutes, is amended to read:

1167 328.56 Vessel registration number.—Each vessel that is
1168 operated, used, or stored on the waters of this ~~the~~ state must
1169 display a commercial or recreational Florida registration
1170 number, unless it is:

1171 (1) A vessel operated, used, and stored exclusively on
1172 private lakes and ponds;—

1173 (2) A vessel owned by the United States Government;—

1174 (3) A vessel used exclusively as a ship's lifeboat;—

1175 (4) A non-motor-powered vessel less than 16 feet in length,
1176 or a ~~and any~~ non-motor-powered canoe, kayak, racing shell, or
1177 rowing scull, regardless of length;—

1178 (5) A federally documented vessel;—

1179 (6) A vessel already covered by a registration number in
1180 full force and effect which has been awarded to it pursuant to a
1181 federally approved numbering system of another state or by the
1182 United States Coast Guard in a state without a federally
1183 approved numbering system, if the vessel has not been within
1184 this state for a period in excess of 90 consecutive days;—

1185 (7) A vessel operating under a valid temporary certificate
1186 of number;—

1187 (8) A vessel from a country other than the United States
1188 temporarily using the waters of this state; or—

1189 (9) An undocumented vessel used exclusively for racing.

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1190 Section 25. Effective October 1, 2009, section 328.58,
1191 Florida Statutes, is amended to read:

1192 328.58 Reciprocity of nonresident or alien vessels.—The
1193 owner of any vessel already covered by a registration number in
1194 full force and effect which has been awarded by:

1195 (1) ~~By~~ Another state pursuant to a federally approved
1196 numbering system of another state;

1197 (2) ~~By~~ The United States Coast Guard in a state without a
1198 federally approved numbering system; or

1199 (3) ~~By~~ The United States Coast Guard for a federally
1200 documented vessel with a valid registration in full force and
1201 effect from another state, shall record the number with the
1202 Department of Highway Safety and Motor Vehicles prior to
1203 operating, using, or storing the vessel on the waters of this
1204 state in excess of the 90-day reciprocity period provided for in
1205 this chapter. Such recordation shall be pursuant to the
1206 procedure required for the award of an original registration
1207 number, except that no additional or substitute registration
1208 number shall be issued if the vessel owner maintains the
1209 previously awarded registration number in full force and effect.

1210 Section 26. Effective October 1, 2009, section 328.60,
1211 Florida Statutes, is amended to read:

1212 328.60 Military personnel; registration; penalties.—Any
1213 military personnel on active duty in this state operating,
1214 using, or storing a vessel on the waters of this state that has
1215 a registration number in full force and effect which has been
1216 awarded to it pursuant to a federally approved numbering system
1217 of another state or by the United States Coast Guard in a state
1218 without a federally approved numbering system, or a federally

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1219 documented vessel with a valid registration in full force and
1220 effect from another state shall not be required to register his
1221 or her vessel in this state while such certificate of
1222 registration remains valid; but, at the expiration of such
1223 registration certificate, all registration and titling shall be
1224 issued by this state. In the case of a federally documented
1225 vessel, the issuance of a title is not required by this chapter.

1226 Section 27. Effective October 1, 2009, section 328.65,
1227 Florida Statutes, is amended to read:

1228 328.65 Legislative intent with respect to registration and
1229 numbering of vessels.—It is the legislative intent that vessels
1230 be registered and numbered uniformly throughout the state. The
1231 purpose of ss. 327.58, 327.70, 327.72, 328.66, 328.68, and
1232 328.72 is to make registration and numbering procedures similar
1233 to those of automobiles and airplanes and to provide for a
1234 vessel registration fee and certificate so as to determine the
1235 ownership of vessels which are operated, used, or stored ~~operate~~
1236 on the waters of this state and to aid in the advancement of
1237 maritime safety.

1238 Section 28. Effective October 1, 2009, subsection (1) of
1239 section 328.66, Florida Statutes, is amended to read:

1240 328.66 County and municipality optional registration fee.—

1241 (1) Any county may impose an annual registration fee on
1242 vessels registered, operated, used, or stored on the waters of
1243 this state ~~in the water~~ within its jurisdiction. This fee shall
1244 be 50 percent of the applicable state registration fee. However,
1245 the first \$1 of every registration imposed under this subsection
1246 shall be remitted to the state for deposit in the Save the
1247 Manatee Trust Fund created within the Fish and Wildlife

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1248 Conservation Commission, and shall be used only for the purposes
1249 specified in s. 379.2431(4). All other moneys received from such
1250 fee shall be expended for the patrol, regulation, and
1251 maintenance of the lakes, rivers, and waters and for other
1252 boating-related activities of such municipality or county. A
1253 municipality that was imposing a registration fee before April
1254 1, 1984, may continue to levy such fee, notwithstanding the
1255 provisions of this section.

1256 Section 29. Effective October 1, 2009, subsection (13) of
1257 section 328.72, Florida Statutes, is amended to read:

1258 328.72 Classification; registration; fees and charges;
1259 surcharge; disposition of fees; fines; marine turtle stickers.—

1260 (13) EXPIRED REGISTRATION.—The operation, use, or storage
1261 on the waters of this state of a previously registered vessel
1262 after the expiration of the registration period is a noncriminal
1263 violation, as defined in s. 327.73. This subsection does not
1264 apply to vessels lawfully stored at a dock or in a marina.

1265 Section 30. Subsections (13) and (14) are added to section
1266 369.20, Florida Statutes, to read:

1267 369.20 Florida Aquatic Weed Control Act.—

1268 (13) The commission has the power to enforce this section
1269 as provided in ss. 379.501-379.504.

1270 (14) Activities that are exempt from permitting in
1271 accordance with s. 403.813(1)(r), are granted a mixing zone for
1272 turbidity for a distance not to exceed 150 meters downstream in
1273 flowing streams or 150 meters in radius in other water bodies
1274 as, measured from the cutterhead, return flow discharge, or
1275 other points of generation of turbidity.

1276 Section 31. Subsections (13) and (14) are added to section

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1277 369.22, Florida Statutes, to read:

1278 369.22 Aquatic plant management.—

1279 (13) The commission has the power to enforce this section
1280 as provided in ss. 379.501-379.504.

1281 (14) Activities that are exempt from permitting in
1282 accordance with s. 403.813(1)(r), are granted a mixing zone for
1283 turbidity for a distance not to exceed 150 meters downstream in
1284 flowing streams or 150 meters in radius in other water bodies
1285 as, measured from the cutterhead, return flow discharge, or
1286 other points of generation of turbidity.

1287 Section 32. Paragraph (j) of subsection (3) of section
1288 369.25, Florida Statutes, is amended to read:

1289 369.25 Aquatic plants; definitions; permits; powers of
1290 department; penalties.—

1291 (3) The department has the following powers:

1292 (j) To enforce ss. 369.25 and 369.251 ~~this chapter~~ in the
1293 same manner and to the same extent as provided in s. 581.211.

1294 Section 33. Subsections (1) and (5) of section 379.304,
1295 Florida Statutes, are amended to read:

1296 379.304 Exhibition or sale of wildlife.—

1297 (1) Permits issued pursuant to s. 379.3761 ~~this section~~ and
1298 places where wildlife is kept or held in captivity shall be
1299 subject to inspection by officers of the commission at all
1300 times. The commission shall have the power to release or
1301 confiscate any specimens of any wildlife, specifically birds,
1302 mammals, amphibians, or reptiles, whether indigenous to the
1303 state or not, when it is found that conditions under which they
1304 are being confined are unsanitary, or unsafe to the public in
1305 any manner, or that the species of wildlife are being

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1306 maltreated, mistreated, or neglected or kept in any manner
1307 contrary to the provisions of chapter 828, any such permit to
1308 the contrary notwithstanding. Before any such wildlife is
1309 confiscated or released under the authority of this section, the
1310 owner thereof shall have been advised in writing of the
1311 existence of such unsatisfactory conditions; the owner shall
1312 have been given 30 days in which to correct such conditions; the
1313 owner shall have failed to correct such conditions; the owner
1314 shall have had an opportunity for a proceeding pursuant to
1315 chapter 120; and the commission shall have ordered such
1316 confiscation or release after careful consideration of all
1317 evidence in the particular case in question. The final order of
1318 the commission shall constitute final agency action.

1319 (5) A violation of this section is punishable as provided
1320 by s. 379.4015 ~~379.401~~.

1321 Section 34. Section 379.338, Florida Statutes, is amended
1322 to read:

1323 379.338 Confiscation and disposition of illegally taken
1324 wildlife, freshwater fish, and saltwater fish ~~game~~.-

1325 (1) All wildlife, ~~game~~ and freshwater fish, and saltwater
1326 fish seized under the authority of this chapter, any other
1327 chapter, or rules of the commission shall, upon conviction of
1328 the offender or sooner in accordance with a court order if the
1329 court so orders, be forfeited to the investigating law
1330 enforcement agency. The law enforcement agency may elect to
1331 retain the wildlife, freshwater fish, or saltwater fish for the
1332 agency's official use; transfer it to another unit of state or
1333 local government for official use; donate it to a charitable
1334 organization; sell it at public sale pursuant to s. 705.103; or

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1335 destroy the wildlife, freshwater fish, or saltwater fish if none
1336 of the other options is practicable or if the wildlife,
1337 freshwater fish, or saltwater fish is unwholesome or otherwise
1338 not of appreciable value. All illegally possessed live wildlife,
1339 freshwater fish, and saltwater fish that are properly documented
1340 as evidence as provided in s. 379.3381 may be returned to the
1341 habitat unharmed. Any unclaimed wildlife, freshwater fish, or
1342 saltwater fish shall be retained by the investigating law
1343 enforcement agency and disposed of in accordance with this
1344 subsection and ~~given to some hospital or charitable institution~~
1345 and receipt therefor sent to the Fish and Wildlife Conservation
1346 Commission.

1347 (2) All furs or hides or fur-bearing animals seized under
1348 the authority of this chapter shall, upon conviction of the
1349 offender, be forfeited and sent to the commission, which shall
1350 sell the same and ~~deposit the proceeds of such sale to the~~
1351 ~~credit of the State Game Trust Fund.~~ If any such hides or furs
1352 are seized and the offender is unknown, the court shall order
1353 such hides or furs sent to the Fish and Wildlife Conservation
1354 Commission, which shall sell such hides and furs.

1355 (3) Except as otherwise provided by law, and ~~deposit~~ the
1356 proceeds of any such sale under this section shall be deposited
1357 ~~in to the credit of~~ the State Game Trust Fund or in the Marine
1358 Resources Conservation Trust Fund.

1359 (4) Any state, county, or municipal law enforcement agency
1360 that enforces or assists the commission in enforcing this
1361 chapter, which enforcement results in a forfeiture of property
1362 as provided in this section, is entitled to receive all or a
1363 share of any property based upon its participation in the

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1364 enforcement.

1365 Section 35. Section 379.3381, Florida Statutes, is created
1366 to read:

1367 379.3381 Photographic evidence of illegally taken wildlife,
1368 freshwater fish, and saltwater fish.—In any prosecution for a
1369 violation of this chapter, any other chapter, or rules of the
1370 commission, a photograph of illegally taken wildlife, freshwater
1371 fish, or saltwater fish may be deemed competent evidence of such
1372 property and may be admissible in the prosecution to the same
1373 extent as if such wildlife, freshwater fish, or saltwater fish
1374 were introduced as evidence. Such photograph shall bear a
1375 written description of the wildlife, freshwater fish, or
1376 saltwater fish alleged to have been illegally taken, the name of
1377 the violator, the location where the alleged illegal taking
1378 occurred, the name of the investigating law enforcement officer,
1379 the date the photograph was taken, and the name of the
1380 photographer. Such writing shall be made under oath by the
1381 investigating law enforcement officer, and the photograph shall
1382 be identified by the signature of the photographer.

1383 Section 36. Paragraphs (n) through (q) of subsection (2) of
1384 section 379.353, Florida Statutes, are redesignated as
1385 paragraphs (m) through (p), respectively, and paragraphs (h) and
1386 (m) of subsection (2) of that section are amended to read:

1387 379.353 Recreational licenses and permits; exemptions from
1388 fees and requirements.—

1389 (2) A hunting, freshwater fishing, or saltwater fishing
1390 license or permit is not required for:

1391 (h) Any resident saltwater fishing from land or from a
1392 structure fixed to the land who has been determined eligible for

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1393 the food stamp, temporary cash assistance, or Medicaid programs
1394 by the Department of Children and Family Services. A benefit
1395 issuance or program identification card issued by the Department
1396 of Children and Family Services or the Agency for Health Care
1397 Administration shall serve as proof of program eligibility. The
1398 individual must have the benefit issuance or program
1399 identification card and positive proof of identification in his
1400 or her possession when fishing.

1401 ~~(m) Any resident fishing for a saltwater species in fresh~~
1402 ~~water from land or from a structure fixed to land.~~

1403 Section 37. Effective July 1, 2010, paragraphs (h), (i),
1404 and (j) of subsection (4) and subsections (8), (11), and (12) of
1405 section 379.354, Florida Statutes, are amended, and effective
1406 July 15, 2009, paragraph (k) is added to subsection (4) of that
1407 section, to read:

1408 379.354 Recreational licenses, permits, and authorization
1409 numbers; fees established.—

1410 (4) RESIDENT HUNTING AND FISHING LICENSES.—The licenses and
1411 fees for residents participating in hunting and fishing
1412 activities in this state are as follows:

1413 (h) Annual sportsman's license, \$79, except that an annual
1414 sportsman's license for a resident 64 years of age or older is
1415 \$12. A sportsman's license authorizes the person to whom it is
1416 issued to take game and freshwater fish, subject to the state
1417 and federal laws, rules, and regulations, including rules of the
1418 commission, in effect at the time of the taking. Other
1419 authorized activities include activities authorized by a
1420 management area permit, a muzzle-loading gun season permit, a
1421 crossbow season permit, a turkey permit, a Florida waterfowl

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1422 permit, a deer permit, and an archery season permit.

1423 (i) Annual gold sportsman's license, \$98.50. The gold
1424 sportsman's license authorizes the person to whom it is issued
1425 to take freshwater fish, saltwater fish, and game, subject to
1426 the state and federal laws, rules, and regulations, including
1427 rules of the commission, in effect at the time of taking. Other
1428 authorized activities include activities authorized by a
1429 management area permit, a muzzle-loading gun season permit, a
1430 crossbow season permit, a turkey permit, a Florida waterfowl
1431 permit, a deer permit, an archery season permit, a snook permit,
1432 and a spiny lobster permit.

1433 (j) Annual military gold sportsman's license, \$18.50. The
1434 gold sportsman's license authorizes the person to whom it is
1435 issued to take freshwater fish, saltwater fish, and game,
1436 subject to the state and federal laws, rules, and regulations,
1437 including rules of the commission, in effect at the time of
1438 taking. Other authorized activities include activities
1439 authorized by a management area permit, a muzzle-loading gun
1440 season permit, a crossbow season permit, a turkey permit, a
1441 Florida waterfowl permit, a deer permit, an archery season
1442 permit, a snook permit, and a spiny lobster permit. Any resident
1443 who is an active or retired member of the United States Armed
1444 Forces, the United States Armed Forces Reserve, the National
1445 Guard, the United States Coast Guard, or the United States Coast
1446 Guard Reserve is eligible to purchase the military gold
1447 sportsman's license upon submission of a current military
1448 identification card.

1449 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY
1450 PERMITS.—In order to ensure that the cultural heritage of

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1451 hunting and sport fishing as recognized in s. 379.104 is passed
1452 on to future Floridians, the commission shall use up to 10
1453 percent of the proceeds from the hunting and sport fishing
1454 permits issued pursuant to this subsection to promote hunting
1455 and sport fishing activities with an emphasis on youth
1456 participation. In addition to any license required under this
1457 chapter, the following permits and fees for specified hunting,
1458 fishing, and other recreational uses and activities are
1459 required:

1460 (a) An annual Florida waterfowl permit for a resident or
1461 nonresident to take wild ducks or geese within the state or its
1462 coastal waters is \$5 ~~\$3~~. Revenue generated from the sale of
1463 waterfowl permits or that pro rata portion of any license that
1464 includes waterfowl hunting privileges provided for in this
1465 paragraph shall be used for conservation, research, and
1466 management of waterfowl; for the development, restoration,
1467 maintenance, and preservation of wetlands within the state; or
1468 to promote the cultural heritage of hunting.

1469 (b)1. An annual Florida turkey permit for a resident to
1470 take wild turkeys within the state is \$10 ~~\$5~~. Revenue generated
1471 from the sale of resident wild turkey permits or that pro rata
1472 portion of any license that includes turkey hunting privileges
1473 provided for in this subparagraph shall be used for the
1474 conservation, research, and management of wild turkeys or to
1475 promote the cultural heritage of hunting.

1476 2. An annual Florida turkey permit for a nonresident to
1477 take wild turkeys within the state is \$125 ~~\$100~~. Revenue
1478 generated from the sale of nonresident wild turkey permits or
1479 that pro rata portion of any license that includes turkey

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1480 hunting privileges provided for in this subparagraph shall be
1481 used for the conservation, research, and management of wild
1482 turkeys or to promote the cultural heritage of hunting.

1483 (c) An annual snook permit for a resident or nonresident to
1484 take or possess any snook from any waters of the state is \$10
1485 ~~\$2~~. Revenue generated from the sale of snook permits shall be
1486 used exclusively for programs to benefit the snook population.

1487 (d) An annual spiny lobster permit for a resident or
1488 nonresident to take or possess any spiny lobster for
1489 recreational purposes from any waters of the state is \$5 ~~\$2~~.
1490 Revenue generated from the sale of spiny lobster permits shall
1491 be used exclusively for programs to benefit the spiny lobster
1492 population.

1493 (e) A \$5 fee is imposed for each of the following permits:

1494 1. An annual archery season permit for a resident or
1495 nonresident to hunt within the state during any archery season
1496 authorized by the commission.

1497 2. An annual crossbow season permit for a resident or
1498 nonresident to hunt within the state during any crossbow season
1499 authorized by the commission.

1500 3. An annual muzzle-loading gun season permit for a
1501 resident or nonresident to hunt within the state during any
1502 muzzle-loading gun season authorized by the commission.

1503 (f) A special use permit for a resident or nonresident to
1504 participate in limited entry hunting or fishing activities as
1505 authorized by commission rule shall not exceed \$150 ~~\$100~~ per day
1506 or \$300 ~~\$250~~ per week. Notwithstanding any other provision of
1507 this chapter, there are no exclusions, exceptions, or exemptions
1508 from this permit fee. In addition to the permit fee, the

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1509 commission may charge each special use permit applicant a
1510 nonrefundable application fee not to exceed \$10.

1511 (g)1. A management area permit for a resident or
1512 nonresident to hunt on, fish on, or otherwise use for outdoor
1513 recreational purposes land owned, leased, or managed by the
1514 commission, or by the state for the use and benefit of the
1515 commission, shall not exceed \$30 ~~\$25~~ per year.

1516 2. Permit fees for short-term use of land that is owned,
1517 leased, or managed by the commission may be established by rule
1518 of the commission for activities on such lands. Such permits may
1519 be in lieu of, or in addition to, the annual management area
1520 permit authorized in subparagraph 1. and subparagraph 4.

1521 3. Other than for hunting or fishing, the provisions of
1522 this paragraph shall not apply on any lands not owned by the
1523 commission, unless the commission has obtained the written
1524 consent of the owner or primary custodian of such lands.

1525 4. A management area permit for a resident or nonresident
1526 to hike, camp, or otherwise engage in other outdoor recreational
1527 activities, except hunting or fishing, on management area lands
1528 shall not exceed \$5 per day or \$30 per year.

1529 (h)1. A recreational user permit is required to hunt on,
1530 fish on, or otherwise use for outdoor recreational purposes land
1531 leased by the commission from private nongovernmental owners,
1532 ~~except for those lands located directly north of the~~
1533 ~~Apalachicola National Forest, east of the Ochlocknee River until~~
1534 ~~the point the river meets the dam forming Lake Talquin, and~~
1535 ~~south of the closest federal highway.~~ The fee for a recreational
1536 user permit shall be based upon the economic compensation
1537 desired by the landowner, game population levels, desired hunter

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1538 density, and administrative costs. The permit fee shall be set
1539 by commission rule on a per-acre basis. The recreational user
1540 permit fee, less administrative costs of up to \$30 ~~\$25~~ per
1541 permit, shall be remitted to the landowner as provided in the
1542 lease agreement for each area.

1543 2. One minor dependent under 16 years of age may hunt under
1544 the supervision of the permittee and is exempt from the
1545 recreational user permit requirements. The spouse and dependent
1546 children of a permittee are exempt from the recreational user
1547 permit requirements when engaged in outdoor recreational
1548 activities other than hunting and when accompanied by a
1549 permittee. Notwithstanding any other provision of this chapter,
1550 no other exclusions, exceptions, or exemptions from the
1551 recreational user permit fee are authorized.

1552 (i) An annual deer permit for a resident or nonresident to
1553 take deer within the state during any season authorized by the
1554 commission is \$5. Revenue generated from the sale of deer
1555 permits shall be used for the conservation, research, and
1556 management of white-tailed deer or to promote the cultural
1557 heritage of hunting.

1558
1559 The commission shall prepare an annual report documenting the
1560 use of funds generated pursuant to paragraphs (a) and (b) and
1561 shall submit the report to the Governor, the Speaker of the
1562 House of Representatives, and the President of the Senate no
1563 later than September 1 of each year.

1564 (11) RESIDENT LIFETIME HUNTING LICENSES.—

1565 (a) Lifetime hunting licenses are available to residents
1566 only, as follows, for:

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- 1567 1. Persons 4 years of age or younger, for a fee of \$200.
- 1568 2. Persons 5 years of age or older, but under 13 years of
1569 age, for a fee of \$350.
- 1570 3. Persons 13 years of age or older, for a fee of \$500.
- 1571 (b) The following activities are authorized by the purchase
1572 of a lifetime hunting license:
- 1573 1. Taking, or attempting to take or possess, game
1574 consistent with the state and federal laws and regulations and
1575 rules of the commission in effect at the time of the taking.
- 1576 2. All activities authorized by a muzzle-loading gun season
1577 permit, a crossbow season permit, a turkey permit, an archery
1578 season permit, a Florida waterfowl permit, a deer permit, and a
1579 management area permit, excluding fishing.
- 1580 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.—
- 1581 (a) Lifetime sportsman's licenses are available to
1582 residents only, as follows, for:
- 1583 1. Persons 4 years of age or younger, for a fee of \$400.
- 1584 2. Persons 5 years of age or older, but under 13 years of
1585 age, for a fee of \$700.
- 1586 3. Persons 13 years of age or older, for a fee of \$1,000.
- 1587 (b) The following activities are authorized by the purchase
1588 of a lifetime sportsman's license:
- 1589 1. Taking, or attempting to take or possess, freshwater and
1590 saltwater fish, and game, consistent with the state and federal
1591 laws and regulations and rules of the commission in effect at
1592 the time of taking.
- 1593 2. All activities authorized by a management area permit, a
1594 muzzle-loading gun season permit, a crossbow season permit, a
1595 turkey permit, an archery season permit, a Florida waterfowl

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1596 permit, a deer permit, a snook permit, and a spiny lobster
1597 permit.

1598 Section 38. Effective July 1, 2010, section 379.2211,
1599 Florida Statutes, is repealed.

1600 Section 39. Effective July 1, 2010, section 379.2212,
1601 Florida Statutes, is repealed.

1602 Section 40. Paragraph (c) of subsection (2) of section
1603 379.3671, Florida Statutes, is amended to read:

1604 379.3671 Spiny lobster trap certificate program.—

1605 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
1606 PENALTIES.—The Fish and Wildlife Conservation Commission shall
1607 establish a trap certificate program for the spiny lobster
1608 fishery of this state and shall be responsible for its
1609 administration and enforcement as follows:

1610 (c) *Prohibitions; penalties.*—

1611 1. It is unlawful for a person to possess or use a spiny
1612 lobster trap in or on state waters or adjacent federal waters
1613 without having affixed thereto the trap tag required by this
1614 section. It is unlawful for a person to possess or use any other
1615 gear or device designed to attract and enclose or otherwise aid
1616 in the taking of spiny lobster by trapping that is not a trap as
1617 defined by commission rule.

1618 2. It is unlawful for a person to possess or use spiny
1619 lobster trap tags without having the necessary number of
1620 certificates on record as required by this section.

1621 3. It is unlawful for any person to willfully molest, take
1622 possession of, or remove the contents of another harvester's
1623 spiny lobster trap without the express written consent of the
1624 trap owner available for immediate inspection. Unauthorized

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1625 possession of another's trap gear or removal of trap contents
1626 constitutes theft.

1627 a. A commercial harvester who violates this subparagraph
1628 shall be punished under ss. 379.367 and 379.407. Any commercial
1629 harvester receiving a judicial disposition other than dismissal
1630 or acquittal on a charge of theft of or from a trap pursuant to
1631 this subparagraph or s. 379.402 shall, in addition to the
1632 penalties specified in ss. 379.367 and 379.407 and the
1633 provisions of this section, permanently lose all his or her
1634 saltwater fishing privileges, including his or her saltwater
1635 products license, spiny lobster endorsement, and all trap
1636 certificates allotted to him or her through this program. In
1637 such cases, trap certificates and endorsements are
1638 nontransferable.

1639 b. Any commercial harvester receiving a judicial
1640 disposition other than dismissal or acquittal on a charge of
1641 willful molestation of a trap, in addition to the penalties
1642 specified in ss. 379.367 and 379.407, shall lose all saltwater
1643 fishing privileges for a period of 24 calendar months.

1644 c. In addition, any commercial harvester charged with
1645 violating this subparagraph and receiving a judicial disposition
1646 other than dismissal or acquittal for violating this
1647 subparagraph or s. 379.402 shall also be assessed an
1648 administrative penalty of up to \$5,000.

1649
1650 Immediately upon receiving a citation for a violation involving
1651 theft of or from a trap, or molestation of a trap, and until
1652 adjudicated for such a violation or, upon receipt of a judicial
1653 disposition other than dismissal or acquittal of such a

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1654 violation, the commercial harvester committing the violation is
1655 prohibited from transferring any spiny lobster trap certificates
1656 and endorsements.

1657 4. In addition to any other penalties provided in s.
1658 379.407, a commercial harvester who violates the provisions of
1659 this section or commission rules relating to spiny lobster traps
1660 shall be punished as follows:

1661 a. If the first violation is for violation of subparagraph
1662 1. or subparagraph 2., the commission shall assess an additional
1663 administrative penalty of up to \$1,000. For all other first
1664 violations, the commission shall assess an additional
1665 administrative penalty of up to \$500.

1666 b. For a second violation of subparagraph 1. or
1667 subparagraph 2. which occurs within 24 months of any previous
1668 such violation, the commission shall assess an additional
1669 administrative penalty of up to \$2,000 and the spiny lobster
1670 endorsement issued under s. 379.367(2) or (6) may be suspended
1671 for the remainder of the current license year.

1672 c. For a third or subsequent violation of subparagraph 1.,
1673 subparagraph 2., or subparagraph 3. which occurs within 36
1674 months of any previous two such violations, the commission shall
1675 assess an additional administrative penalty of up to \$5,000 and
1676 may suspend the spiny lobster endorsement issued under s.
1677 379.367(2) or (6) for a period of up to 24 months or may revoke
1678 the spiny lobster endorsement and, if revoking the spiny lobster
1679 endorsement, may also proceed against the licenseholder's
1680 saltwater products license in accordance with the provisions of
1681 s. 379.407(2) (h).

1682 d. Any person assessed an additional administrative penalty

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1683 pursuant to this section shall within 30 calendar days after
1684 notification:

1685 (I) Pay the administrative penalty to the commission; or

1686 (II) Request an administrative hearing pursuant to the
1687 provisions of ss. 120.569 and 120.57.

1688 e. The commission shall suspend the spiny lobster
1689 endorsement issued under s. 379.367(2) or (6) for any person
1690 failing to comply with the provisions of sub-subparagraph d.

1691 5.a. It is unlawful for any person to make, alter, forge,
1692 counterfeit, or reproduce a spiny lobster trap tag or
1693 certificate.

1694 b. It is unlawful for any person to knowingly have in his
1695 or her possession a forged, counterfeit, or imitation spiny
1696 lobster trap tag or certificate.

1697 c. It is unlawful for any person to barter, trade, sell,
1698 supply, agree to supply, aid in supplying, or give away a spiny
1699 lobster trap tag or certificate or to conspire to barter, trade,
1700 sell, supply, aid in supplying, or give away a spiny lobster
1701 trap tag or certificate unless such action is duly authorized by
1702 the commission as provided in this chapter or in the rules of
1703 the commission.

1704 6.a. Any commercial harvester who violates the provisions
1705 of subparagraph 5., or any commercial harvester who engages in
1706 the commercial harvest, trapping, or possession of spiny lobster
1707 without a spiny lobster endorsement as required by s. 379.367(2)
1708 or (6) or during any period while such spiny lobster endorsement
1709 is under suspension or revocation, commits a felony of the third
1710 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1711 775.084.

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1712 b. In addition to any penalty imposed pursuant to sub-
1713 subparagraph a., the commission shall levy a fine of up to twice
1714 the amount of the appropriate surcharge to be paid on the fair
1715 market value of the transferred certificates, as provided in
1716 subparagraph (a)1., on any commercial harvester who violates the
1717 provisions of sub-subparagraph 5.c.

1718 c. In addition to any penalty imposed pursuant to sub-
1719 subparagraph a., any commercial harvester receiving any judicial
1720 disposition other than acquittal or dismissal for a violation of
1721 subparagraph 5. shall be assessed an administrative penalty of
1722 up to \$5,000, and the spiny lobster endorsement under which the
1723 violation was committed may be suspended for up to 24 calendar
1724 months. Immediately upon issuance of a citation involving a
1725 violation of subparagraph 5. and until adjudication of such a
1726 violation, and after receipt of any judicial disposition other
1727 than acquittal or dismissal for such a violation, the commercial
1728 harvester holding the spiny lobster endorsement listed on the
1729 citation is prohibited from transferring any spiny lobster trap
1730 certificates.

1731 d. Any other person who violates the provisions of
1732 subparagraph 5. commits a Level Four violation under s. 379.401.

1733 7. Prior to the 2010-2011 license year, any certificates
1734 for which the annual certificate fee is not paid for a period of
1735 3 years shall be considered abandoned and shall revert to the
1736 commission. Beginning with the 2010-2011 license year, any
1737 certificate for which the annual certificate fee is not paid for
1738 a period of 2 consecutive years shall be considered abandoned
1739 and shall revert to the commission. During any period of trap
1740 reduction, any certificates reverting to the commission shall

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1741 become permanently unavailable and be considered in that amount
1742 to be reduced during the next license-year period. Otherwise,
1743 any certificates that revert to the commission are to be
1744 reallocated in such manner as provided by the commission.

1745 8. The proceeds of all administrative penalties collected
1746 pursuant to subparagraph 4. and all fines collected pursuant to
1747 sub-subparagraph 6.b. shall be deposited into the Marine
1748 Resources Conservation Trust Fund.

1749 9. All traps shall be removed from the water during any
1750 period of suspension or revocation.

1751 10. Except as otherwise provided, any person who violates
1752 this paragraph commits a Level Two violation under s. 379.401.

1753 Section 41. Paragraphs (c), (d), and (e) of subsection (2)
1754 of section 379.3751, Florida Statutes, are amended to read:

1755 379.3751 Taking and possession of alligators; trapping
1756 licenses; fees.—

1757 (2) The license and issuance fee, and the activity
1758 authorized thereby, shall be as follows:

1759 (c) The annual fee for issuance of an alligator trapping
1760 agent's license, which permits a person to act as an agent of
1761 any person who has been issued a resident or nonresident
1762 alligator trapping license as provided in paragraph (a) or
1763 paragraph (b) and to take alligators occurring in the wild other
1764 than alligator hatchlings, ~~and~~ to possess and process alligators
1765 taken under authority of such agency relationship, and to
1766 possess, process, and sell their hides and meat, shall be \$50.
1767 ~~Such alligator trapping agent's license shall be issued only in~~
1768 ~~conjunction with an alligator trapping license and shall bear on~~
1769 ~~its face in indelible ink the name and license number of the~~

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1770 ~~alligator trapping licenseholder for whom the holder of this~~
1771 ~~license is acting as an agent.~~

1772 (d) The annual fee for issuance of an alligator farming
1773 license, which permits a person to operate a facility for
1774 captive propagation of alligators, to possess alligators for
1775 captive propagation, to take alligator hatchlings and alligator
1776 eggs occurring in the wild, to rear such alligators, alligator
1777 hatchlings, and alligator eggs in captivity, to process
1778 alligators taken or possessed under authority of such alligator
1779 farming license or otherwise legally acquired, and to possess,
1780 process, and sell their hides and meat, shall be \$250.

1781 (e) The annual fee for issuance of an alligator farming
1782 agent's license, which permits a person to act as an agent of
1783 any person who has been issued an alligator farming license as
1784 provided in paragraph (d) and to take alligator hatchlings and
1785 alligator eggs occurring in the wild, ~~and~~ to possess and process
1786 alligators taken under authority of such agency relationship,
1787 and to possess, process, and sell their hides and meat, shall be
1788 \$50. ~~Such license shall be issued only in conjunction with an~~
1789 ~~alligator farming license, and shall bear on its face in~~
1790 ~~indelible ink the name and license number of the alligator~~
1791 ~~farming licenseholder for whom the holder of this license is~~
1792 ~~acting as an agent.~~

1793 Section 42. Subsection (6) is added to section 379.3761,
1794 Florida Statutes, to read:

1795 379.3761 Exhibition or sale of wildlife; fees;
1796 classifications.—

1797 (6) A person who violates this section is punishable as
1798 provided in s. 379.4015.

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1799 Section 43. Subsection (5) of section 379.3762, Florida
1800 Statutes, is amended to read:

1801 379.3762 Personal possession of wildlife.—

1802 (5) A person who violates ~~Persons in violation of this~~
1803 section ~~is shall be~~ punishable as provided in s. 379.4015
1804 ~~379.401.~~

1805 Section 44. Paragraph (a) of subsection (2) and paragraph
1806 (a) of subsection (4) of section 379.401, Florida Statutes, are
1807 amended to read:

1808 379.401 Penalties and violations; civil penalties for
1809 noncriminal infractions; criminal penalties; suspension and
1810 forfeiture of licenses and permits.—

1811 (2) (a) LEVEL TWO VIOLATIONS.—A person commits a Level Two
1812 violation if he or she violates any of the following provisions:

1813 1. Rules or orders of the commission relating to seasons or
1814 time periods for the taking of wildlife, freshwater fish, or
1815 saltwater fish.

1816 2. Rules or orders of the commission establishing bag,
1817 possession, or size limits or restricting methods of taking
1818 wildlife, freshwater fish, or saltwater fish.

1819 3. Rules or orders of the commission prohibiting access or
1820 otherwise relating to access to wildlife management areas or
1821 other areas managed by the commission.

1822 4. Rules or orders of the commission relating to the
1823 feeding of wildlife, freshwater fish, or saltwater fish.

1824 5. Rules or orders of the commission relating to landing
1825 requirements for freshwater fish or saltwater fish.

1826 6. Rules or orders of the commission relating to restricted
1827 hunting areas, critical wildlife areas, or bird sanctuaries.

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- 1828 7. Rules or orders of the commission relating to tagging
1829 requirements for wildlife ~~game~~ and fur-bearing animals.
- 1830 8. Rules or orders of the commission relating to the use of
1831 dogs for the taking of wildlife ~~game~~.
- 1832 9. Rules or orders of the commission which are not
1833 otherwise classified.
- 1834 10. Rules or orders of the commission prohibiting the
1835 unlawful use of finfish traps.
- 1836 11. All prohibitions in this chapter which are not
1837 otherwise classified.
- 1838 12. Section 379.33, prohibiting the violation of or
1839 noncompliance with commission rules.
- 1840 13. Section 379.407(6), prohibiting the sale, purchase,
1841 harvest, or attempted harvest of any saltwater product with
1842 intent to sell.
- 1843 14. Section 379.2421, prohibiting the obstruction of
1844 waterways with net gear.
- 1845 15. Section 379.413, prohibiting the unlawful taking of
1846 bonefish.
- 1847 16. Section 379.365(2)(a) and (b), prohibiting the
1848 possession or use of stone crab traps without trap tags and
1849 theft of trap contents or gear.
- 1850 17. Section 379.366(4)(b), prohibiting the theft of blue
1851 crab trap contents or trap gear.
- 1852 18. Section 379.3671(2)(c), prohibiting the possession or
1853 use of spiny lobster traps without trap tags or certificates and
1854 theft of trap contents or trap gear.
- 1855 19. Section 379.357, prohibiting the possession of tarpon
1856 without purchasing a tarpon tag.

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1857 20. Rules or orders of the commission ~~Section 379.409,~~
1858 prohibiting the feeding or enticement of alligators or
1859 crocodiles.

1860 21. Section 379.105, prohibiting the intentional harassment
1861 of hunters, fishers, or trappers.

1862 (4) (a) LEVEL FOUR VIOLATIONS.—A person commits a Level Four
1863 violation if he or she violates any of the following provisions:

1864 1. Section 379.365(2) (c), prohibiting criminal activities
1865 relating to the taking of stone crabs.

1866 2. Section 379.366(4) (c), prohibiting criminal activities
1867 relating to the taking and harvesting of blue crabs.

1868 3. Section 379.367(4), prohibiting the willful molestation
1869 of spiny lobster gear.

1870 4. Section 379.3671(2) (c)5., prohibiting the unlawful
1871 reproduction, possession, sale, trade, or barter of spiny
1872 lobster trap tags or certificates.

1873 5. Section 379.354(16), prohibiting the making, forging,
1874 counterfeiting, or reproduction of a recreational license or
1875 possession of same without authorization from the commission.

1876 6. Section 379.404(5), prohibiting the sale of illegally-
1877 taken deer or wild turkey.

1878 7. Section 379.405, prohibiting the molestation or theft of
1879 freshwater fishing gear.

1880 8. Section 379.409, prohibiting the unlawful killing,
1881 injuring, possessing, or capturing of alligators or other
1882 crocodilia or their eggs.

1883 Section 45. Paragraph (a) of subsection (2) of section
1884 379.4015, Florida Statutes, is amended to read:

1885 379.4015 Captive wildlife penalties.—

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1886 (2) LEVEL TWO.—Unless otherwise provided by law, the
1887 following classifications and penalties apply:

1888 (a) A person commits a Level Two violation if he or she
1889 violates any of the following provisions:

1890 1. Unless otherwise stated in subsection (1), rules or
1891 orders of the commission that require a person to pay a fee to
1892 obtain a permit to possess captive wildlife or that require the
1893 maintenance of records relating to captive wildlife.

1894 2. Rules or orders of the commission relating to captive
1895 wildlife not specified in subsection (1) or subsection (3).

1896 3. Rules or orders of the commission that require housing
1897 of wildlife in a safe manner when a violation results in an
1898 escape of wildlife other than Class I wildlife.

1899 4. Section 379.372, relating to capturing, keeping,
1900 possessing, transporting, or exhibiting venomous reptiles or
1901 reptiles of concern.

1902 5. Section 379.373, relating to requiring a license or
1903 permit for the capturing, keeping, possessing, or exhibiting of
1904 venomous reptiles or reptiles of concern.

1905 6. Section 379.374, relating to bonding requirements for
1906 public exhibits of venomous reptiles.

1907 7. Section 379.305, relating to commission rules and
1908 regulations to prevent the escape of venomous reptiles or
1909 reptiles of concern.

1910 8. Section 379.304, relating to exhibition or sale of
1911 wildlife.

1912 9. Section 379.3761, relating to exhibition or sale of
1913 wildlife.

1914 10. Section 379.3762, relating to personal possession of

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1915 wildlife.

1916 Section 46. The Fish and Wildlife Conservation Commission,
1917 in consultation with the Department of Environmental Protection,
1918 is directed to establish a pilot program to explore potential
1919 options for regulating the anchoring or mooring of nonlive-
1920 aboard vessels outside the marked boundaries of public mooring
1921 fields.

1922 (1) The goals of the pilot program are to encourage the
1923 establishment of additional public mooring fields and to develop
1924 and test policies and regulatory regimes that:

1925 (a) Promote the establishment and use of public mooring
1926 fields.

1927 (b) Promote public access to the waters of this state.

1928 (c) Enhance navigational safety.

1929 (d) Protect maritime infrastructure.

1930 (e) Protect the marine environment.

1931 (f) Deter improperly stored, abandoned, or derelict
1932 vessels.

1933 (2) Each location selected for inclusion in the pilot
1934 program must be associated with a properly permitted mooring
1935 field. The commission, in consultation with the department,
1936 shall select all locations for the pilot program prior to July
1937 1, 2011. Two locations shall be off the east coast of Florida,
1938 two locations shall be off the west coast of Florida, and one
1939 location shall be within Monroe County. The locations selected
1940 must be geographically diverse and take into consideration the
1941 various users and means of using the waters of this state.

1942 (3) Notwithstanding the provisions of s. 327.60, Florida
1943 Statutes, a county or municipality selected for participation in

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1944 the pilot program may regulate by ordinance the anchoring of
1945 vessels, other than live-aboard vessels as defined in s. 327.02,
1946 Florida Statutes, outside of a mooring field. Any ordinance
1947 enacted under the pilot program shall take effect and become
1948 enforceable only after approval by the commission. The
1949 commission shall not approve any ordinance not consistent with
1950 the goals of the pilot program.

1951 (4) The commission shall:

1952 (a) Provide consultation and technical assistance to each
1953 municipality or county selected for participation in the pilot
1954 program to facilitate accomplishment of the pilot program's
1955 goals.

1956 (b) Coordinate the review of any proposed ordinance with
1957 the department; the Coast Guard; the Florida Inland Navigation
1958 District or the West Coast Inland Navigation District, as
1959 appropriate; and associations or other organizations
1960 representing vessel owners or operators.

1961 (c) Monitor and evaluate at least annually each location
1962 selected for participation in the pilot program and make such
1963 modifications as may be necessary to accomplish the pilot
1964 program's goals.

1965 (5) The commission shall submit a report of its findings
1966 and recommendations to the Governor, the President of the
1967 Senate, and the Speaker of the House of Representatives by
1968 January 1, 2014.

1969 (6) The pilot program shall expire on July 1, 2014, unless
1970 reenacted by the Legislature. All ordinances enacted under this
1971 section shall expire concurrently with the expiration of the
1972 pilot program and shall be inoperative and unenforceable

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1973 thereafter.

1974 (7) Nothing in this section shall be construed to affect
1975 any mooring field authorized pursuant to s. 327.40, part IV of
1976 chapter 373, and s. 253.77, Florida Statutes, as applicable, or
1977 any lawful ordinance regulating the anchoring of any vessels
1978 within the marked boundaries of such mooring fields.

1979 Section 47. Section 379.501, Florida Statutes, is created
1980 to read:

1981 379.501 Aquatic weeds or plants; prohibitions, violation,
1982 penalty, intent.-

1983 (1) A person may not:

1984 (a) Violate this section or any provision of s. 369.20 or
1985 s. 369.22 related to aquatic weeds or plants;

1986 (b) Fail to obtain any permit required by s. 369.20 or s.
1987 369.22 or by commission rule implementing s. 369.20 or s.
1988 369.22, or violate or fail to comply with any rule, regulation,
1989 order, permit, or certification adopted or issued by the
1990 commission pursuant to s. 369.20 or s. 369.22; or

1991 (c) Knowingly make any false statement, representation, or
1992 certification in any application, record, report, plan, or other
1993 document filed or required to be maintained under s. 369.20 or
1994 s. 369.22, or to falsify, tamper with, or knowingly render
1995 inaccurate any monitoring device or method required to be
1996 maintained under s. 369.20 or s. 369.22 or by any permit, rule,
1997 regulation, or order issued under s. 369.20 or s. 369.22.

1998 (2) Any person who violates any provision specified in
1999 subsection (1) is liable to the state for any damage caused to
2000 the aquatic weeds or plants and for civil penalties as provided
2001 in s. 379.502.

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2002 (3) Any person who willfully commits a violation of
2003 paragraph (1)(a) commits a felony of the third degree,
2004 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
2005 Each day during any portion of which such violation occurs
2006 constitutes a separate offense.

2007 (4) Any person who commits a violation specified in
2008 paragraph (1)(a) due to reckless indifference or gross careless
2009 disregard commits a misdemeanor of the second degree, punishable
2010 as provided in s. 775.082 or s. 775.083.

2011 (5) Any person who willfully commits a violation specified
2012 in paragraph (1)(b) or paragraph (1)(c) commits a misdemeanor of
2013 the first degree, punishable as provided in s. 775.082 or s.
2014 775.083.

2015 (6) It is the intent of the Legislature that the civil
2016 penalties and criminal fines imposed by a court be of such an
2017 amount as to ensure immediate and continued compliance with this
2018 section.

2019 (7) Penalties assessed pursuant to ss. 379.501-379.504 are
2020 in addition to any penalties assessed by the Board of Trustees
2021 of the Internal Improvement Trust Fund, the Department of
2022 Environmental Protection, or a water management district
2023 pursuant to chapter 253, chapter 373, or chapter 403.

2024 Section 48. Section 379.502, Florida Statutes, is created
2025 to read:

2026 379.502 Enforcement; procedure; remedies.—The commission
2027 has the following judicial and administrative remedies available
2028 to it for violations of s. 379.501.

2029 (1)(a) The commission may institute a civil action in a
2030 court of competent jurisdiction to establish liability and to

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2031 recover damages for any injury to the waters or property of the
2032 state, including animal, plant, and aquatic life, caused by any
2033 violation of s. 379.501.

2034 (b) The commission may institute a civil action in a court
2035 of competent jurisdiction to impose and to recover a civil
2036 penalty for each violation in an amount of not more than \$10,000
2037 per offense. However, the court may receive evidence in
2038 mitigation. Each day, during any portion of which such violation
2039 occurs, constitutes a separate offense.

2040 (c) Except as provided in paragraph (2)(c), the fact that
2041 the commission has failed to exhaust its administrative
2042 remedies, has failed to serve a notice of violation, or has
2043 failed to hold an administrative hearing before initiating a
2044 civil action is not a defense to, or grounds for dismissal of,
2045 the judicial remedies for damages and civil penalties.

2046 (2)(a) The commission may institute an administrative
2047 proceeding to establish liability and to recover damages for any
2048 injury to the waters or property of the state, including animal,
2049 plant, or aquatic life, caused by any violation of s. 379.501.
2050 The commission may order that the violator pay a specified sum
2051 as damages to the state. Judgment for the amount of damages
2052 determined by the commission may be entered in any court having
2053 jurisdiction thereof and may be enforced as any other judgment.

2054 (b) If the commission has reason to believe that a
2055 violation has occurred, it may institute an administrative
2056 proceeding to order the prevention, abatement, or control of the
2057 conditions creating the violation or other appropriate
2058 corrective action. The commission shall proceed administratively
2059 in all cases in which the commission seeks administrative

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2060 penalties that do not exceed \$10,000 per assessment as
2061 calculated in accordance with subsections (3), (4), (5), and
2062 (6). The commission may not impose administrative penalties in
2063 excess of \$10,000 in a notice of violation. The commission may
2064 not have more than one notice of violation seeking
2065 administrative penalties pending against the same party at the
2066 same time unless the violations occurred at a different site or
2067 the violations were discovered by the commission subsequent to
2068 the filing of a previous notice of violation.

2069 (c) An administrative proceeding shall be instituted by the
2070 commission's serving of a written notice of violation upon the
2071 alleged violator by certified mail. If the commission is unable
2072 to effect service by certified mail, the notice of violation may
2073 be hand delivered or personally served in accordance with
2074 chapter 48. The notice shall specify the provision of the law,
2075 rule, regulation, permit, certification, or order of the
2076 commission alleged to have been violated and the facts alleged
2077 to constitute a violation thereof. An order for corrective
2078 action, penalty assessment, or damages may be included along
2079 with the notice. If the commission is seeking to impose an
2080 administrative penalty for any violation of s. 379.501 by
2081 issuing a notice of violation, any corrective action needed to
2082 correct the violation or damages caused by the violation must be
2083 pursued in the notice of violation or they are waived. However,
2084 an order does not become effective until after service and an
2085 administrative hearing, if requested within 20 days after
2086 service. Failure to request an administrative hearing within
2087 this period constitutes a waiver, unless the respondent files a
2088 written notice with the commission within this period opting out

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2089 of the administrative process initiated by the commission. Any
2090 respondent choosing to opt out of the administrative process
2091 initiated by the commission must file a written notice with the
2092 commission within 20 days after service of the notice of
2093 violation opting out of the administrative process. A
2094 respondent's decision to opt out of the administrative process
2095 does not preclude the commission from initiating a state court
2096 action seeking injunctive relief, damages, and the judicial
2097 imposition of civil penalties.

2098 (d) If a person timely files a petition challenging a
2099 notice of violation, that person will thereafter be referred to
2100 as the respondent. The hearing requested by the respondent shall
2101 be held within 180 days after the commission has referred the
2102 initial petition to the Division of Administrative Hearings
2103 unless the parties agree to a later date. The commission has the
2104 burden of proving by the preponderance of the evidence that the
2105 respondent is responsible for the violation. An administrative
2106 penalty may not be imposed unless the commission satisfies that
2107 burden. Following the close of the hearing, the administrative
2108 law judge shall issue a final order on all matters, including
2109 the imposition of an administrative penalty. If the commission
2110 seeks to enforce that portion of a final order imposing
2111 administrative penalties pursuant to s. 120.69, the respondent
2112 may not assert as a defense the inappropriateness of the
2113 administrative remedy. The commission retains its final-order
2114 authority in all administrative actions that do not request the
2115 imposition of administrative penalties.

2116 (e) After filing a petition requesting a formal hearing in
2117 response to a notice of violation, a respondent may request that

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2118 a private mediator be appointed to mediate the dispute by
2119 contacting the Florida Conflict Resolution Consortium within 10
2120 days after receipt of the initial order from the administrative
2121 law judge. The Florida Conflict Resolution Consortium shall pay
2122 all of the costs of the mediator and for up to 8 hours of the
2123 mediator's time per case at \$150 per hour. Upon notice from the
2124 respondent, the Florida Conflict Resolution Consortium shall
2125 provide the respondent with a panel of possible mediators from
2126 the area in which the hearing on the petition would be heard.
2127 The respondent shall select the mediator and notify the Florida
2128 Conflict Resolution Consortium of the selection within 15 days
2129 after receipt of the proposed panel of mediators. The Florida
2130 Conflict Resolution Consortium shall provide all of the
2131 administrative support for the mediation process. The mediation
2132 must be completed at least 15 days before the final hearing date
2133 set by the administrative law judge.

2134 (f) In any administrative proceeding brought by the
2135 commission, the prevailing party shall recover all costs as
2136 provided in ss. 57.041 and 57.071. The costs must be included in
2137 the final order. The respondent is the prevailing party when an
2138 order is entered awarding no penalties to the commission and the
2139 order has not been reversed on appeal or the time for seeking
2140 judicial review has expired. The respondent is entitled to an
2141 award of attorney's fees if the administrative law judge
2142 determines that the notice of violation issued by the commission
2143 was not substantially justified as defined in s. 57.111(3)(e).
2144 An award of attorney's fees as provided by this subsection may
2145 not exceed \$15,000.

2146 (g) This section does not prevent any other legal or

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2147 administrative action in accordance with law. This subsection
2148 does not limit the commission's authority set forth in this
2149 section and ss. 379.503 and 379.504 to judicially pursue
2150 injunctive relief. If the commission exercises its authority to
2151 judicially pursue injunctive relief, penalties in any amount up
2152 to the statutory maximum sought by the commission must be
2153 pursued as part of the state court action and not by initiating
2154 a separate administrative proceeding. The commission retains the
2155 authority to judicially pursue penalties in excess of \$10,000
2156 for violations not specifically included in the administrative
2157 penalty schedule, or for multiple or multiday violations alleged
2158 to exceed a total of \$10,000. The commission also retains the
2159 authority provided in this section and ss. 379.503 and 379.504
2160 to judicially pursue injunctive relief and damages, if a notice
2161 of violation seeking the imposition of administrative penalties
2162 has not been issued. The commission may enter into a settlement
2163 before or after initiating a notice of violation, and the
2164 settlement may include a penalty amount that is different from
2165 the administrative penalty schedule. Any case filed in state
2166 court because it is alleged to exceed a total of \$10,000 in
2167 penalties may be settled in the court action for less than
2168 \$10,000.

2169 (h) Chapter 120 does apply to any administrative action
2170 taken by the commission under this section or any delegated
2171 program pursuing administrative penalties in accordance with
2172 this section.

2173 (3) Administrative penalties must be calculated according
2174 to the following schedule:

2175 (a) For violations of s. 379.501(1)(a) or (b), \$3,000.

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2176 (b) For failure to conduct required monitoring or testing
2177 in compliance with a permit, \$2,000.

2178 (c) For failure to prepare, submit, maintain, or use
2179 required reports or other required documentation, \$500.

2180 (d) For failure to comply with any other regulatory statute
2181 or rule requirement relating to the administration of the
2182 commission's powers under s. 369.20 or s. 369.22 not otherwise
2183 identified in this section, \$500.

2184 (4) For each additional day during which a violation
2185 occurs, the administrative penalties in subsection (3) may be
2186 assessed per day, per violation.

2187 (5) The history of noncompliance of the violator for any
2188 previous violation resulting in an executed consent order, but
2189 not including a consent order entered into without a finding of
2190 violation, or resulting in a final order or judgment on or after
2191 July 1, 2009, involving the imposition of \$2,000 or more in
2192 penalties, shall be taken into consideration in the following
2193 manner:

2194 (a) One previous such violation within 5 years prior to the
2195 filing of the notice of violation shall result in a 25 percent
2196 per day increase in the scheduled administrative penalty.

2197 (b) Two previous such violations within 5 years prior to
2198 the filing of the notice of violation shall result in a 50
2199 percent per day increase in the scheduled administrative
2200 penalty.

2201 (c) Three or more previous such violations within 5 years
2202 before the filing of the notice of violation shall result in a
2203 100 percent per day increase in the scheduled administrative
2204 penalty.

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2205 (6) The direct economic benefit gained by the violator from
2206 the violation shall be added to the scheduled administrative
2207 penalty. The total administrative penalty, including any
2208 economic benefit added to the scheduled administrative penalty,
2209 may not exceed \$10,000.

2210 (7) The administrative penalties assessed for any
2211 particular violation may not exceed \$3,000 against any one
2212 violator, unless the violator has a history of noncompliance,
2213 the economic benefit of the violation as described in subsection
2214 (6) exceeds \$3,000, or there are multiday violations. The total
2215 administrative penalties may not exceed \$10,000 per assessment
2216 for all violations attributable to a specific person in the
2217 notice of violation.

2218 (8) The administrative law judge may receive evidence in
2219 mitigation. The penalties identified in subsection (3) may be
2220 reduced up to 50 percent by the administrative law judge for
2221 mitigating circumstances, including good faith efforts to comply
2222 prior to or after discovery of the violations by the commission.
2223 Upon an affirmative finding that the violation was caused by
2224 circumstances beyond the reasonable control of the respondent
2225 and could not have been prevented by the respondent's due
2226 diligence, the administrative law judge may further reduce the
2227 penalty.

2228 (9) Penalties collected under this section shall be
2229 deposited into the Invasive Plant Control Trust Fund to carry
2230 out the purposes set forth in ss. 369.20, 369.22, and 369.252.
2231 The Florida Conflict Resolution Consortium may use a portion of
2232 the fund to administer the mediation process provided in
2233 paragraph (2) (e) and to contract with private mediators for

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2234 administrative penalty cases related to s. 369.20 or s. 369.22.

2235 (10) The purpose of the administrative penalty schedule and
2236 process is to provide a more predictable and efficient manner
2237 for individuals and businesses to resolve relatively minor
2238 environmental disputes. Subsections (3) through (7) do not limit
2239 a state court in the assessment of damages. The administrative
2240 penalty schedule does not apply to the judicial imposition of
2241 civil penalties in state court as provided in this section.

2242 Section 49. Section 379.503, Florida Statutes, is created
2243 to read:

2244 379.503 Civil action.—

2245 (1) The commission may institute a civil action in a court
2246 of competent jurisdiction to seek injunctive relief to enforce
2247 compliance with ss. 379.501, 379.502, and 379.504 or any rule,
2248 regulation, permit, certification, or order adopted or issued by
2249 the commission pursuant to s. 369.20 or s. 369.22; to enjoin any
2250 violation specified in s. 379.501(1); and to seek injunctive
2251 relief to prevent irreparable injury to the waters and property,
2252 including animal, plant, and aquatic life, of the state and to
2253 protect human health, safety, and welfare caused or threatened
2254 by any violation of s. 379.501.

2255 (2) All the judicial and administrative remedies to recover
2256 damages and penalties in this section and s. 379.502 are
2257 alternative and mutually exclusive.

2258 Section 50. Section 379.504, Florida Statutes, is created
2259 to read:

2260 379.504 Civil liability; joint and several liability.—

2261 (1) Whoever commits a violation specified in s. 379.501(1)
2262 is liable to the state for any damage caused to the waters or

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2263 property of the state, including animal, plant, or aquatic life,
2264 and for reasonable costs and expenses of the state in restoring
2265 its waters and property, including animal, plant, and aquatic
2266 life, to their former condition, and furthermore is subject to
2267 the judicial imposition of a civil penalty for each offense in
2268 an amount of not more than \$10,000 per offense. However, the
2269 court may receive evidence in mitigation. Each day during any
2270 portion of which such violation occurs constitutes a separate
2271 offense. This section does not give the commission the right to
2272 bring an action on behalf of any private person.

2273 (2) If two or more persons violate s. 379.501(1) so that
2274 the damage is indivisible, each violator shall be jointly and
2275 severally liable for the damage and for the reasonable cost and
2276 expenses of the state incurred in restoring the waters and
2277 property of the state, including the animal, plant, and aquatic
2278 life, to their former condition. However, if the damage is
2279 divisible and may be attributed to a particular violator or
2280 violators, each violator is liable only for that damage
2281 attributable to his or her violation.

2282 (3) In assessing damages for fish killed, the value of the
2283 fish shall be determined in accordance with a table of values
2284 for individual categories of fish, which shall be adopted by the
2285 Department of Environmental Protection pursuant to s.
2286 403.141(3). The total number of fish killed may be estimated by
2287 standard practices used in estimating fish population.

2288 Section 51. Subsection (1) of section 403.088, Florida
2289 Statutes, is amended to read:

2290 403.088 Water pollution operation permits; conditions.—

2291 (1) No person, without written authorization of the

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2292 department, shall discharge into waters within the state any
2293 waste which, by itself or in combination with the wastes of
2294 other sources, reduces the quality of the receiving waters below
2295 the classification established for them. However, this section
2296 shall not be deemed to prohibit the application of pesticides to
2297 waters in the state for the control of insects, aquatic weeds,
2298 or algae, provided the application is performed pursuant to a
2299 program approved by the Department of Health, in the case of
2300 insect control, or the Fish and Wildlife Conservation Commission
2301 ~~department~~, in the case of aquatic weed or algae control. The
2302 department is directed to enter into interagency agreements to
2303 establish the procedures for program approval. Such agreements
2304 shall provide for public health, welfare, and safety, as well as
2305 environmental factors. Approved programs must provide that only
2306 chemicals approved for the particular use by the United States
2307 Environmental Protection Agency or by the Department of
2308 Agriculture and Consumer Services may be employed and that they
2309 be applied in accordance with registered label instructions,
2310 state standards for such application, and the provisions of the
2311 Florida Pesticide Law, part I of chapter 487.

2312 Section 52. The statutory powers, duties, and functions
2313 related to ss. 369.20, 369.22, and 369.252, Florida Statutes,
2314 which were transferred by chapter 2008-150, Laws of Florida, and
2315 all records, personnel, and property; unexpended balances of
2316 appropriations, allocations, and other funds; administrative
2317 authority; administrative rules; pending issues; and existing
2318 contracts of the Bureau of Invasive Plant Management in the
2319 Department of Environmental Protection are transferred by a type
2320 two transfer, pursuant to s. 20.06(2), Florida Statutes, to the

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2321 Fish and Wildlife Conservation Commission. All actions taken
2322 pursuant to chapter 2008-150, Laws of Florida, and the
2323 Interagency Agreement executed thereto are ratified.

2324 Section 53. The Invasive Plant Control Trust Fund, FLAIR
2325 number 37-2-030, in the Department of Environmental Protection
2326 is transferred to the Fish and Wildlife Conservation Commission,
2327 FLAIR number 77-2-030.

2328 Section 54. For the purpose of incorporating the amendment
2329 made by this act to section 319.32, Florida Statutes, in a
2330 reference thereto, paragraph (a) of subsection (2) of section
2331 379.209, Florida Statutes, is reenacted to read:

2332 379.209 Nongame Wildlife Trust Fund.—

2333 (2) (a) There is established within the Fish and Wildlife
2334 Conservation Commission the Nongame Wildlife Trust Fund. The
2335 fund shall be credited with moneys collected pursuant to ss.
2336 319.32(3) and 320.02(8). Additional funds may be provided from
2337 legislative appropriations and by donations from interested
2338 individuals and organizations. The commission shall designate an
2339 identifiable unit to administer the trust fund.

2340 Section 55. For the purpose of incorporating the amendment
2341 made by this act to section 379.353, Florida Statutes, in a
2342 reference thereto, subsection (7) of section 379.3581, Florida
2343 Statutes, is reenacted to read:

2344 379.3581 Hunter safety course; requirements; penalty.—

2345 (7) The hunter safety requirements of this section do not
2346 apply to persons for whom licenses are not required under s.
2347 379.353(2).

2348 Section 56. For the 2009-2010 fiscal year, the sum of
2349 \$185,000 is appropriated from the State Game Trust Fund to the

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2350 Fish and Wildlife Conservation Commission for license issuance
2351 costs resulting from changes to the saltwater fishing shoreline
2352 exemption.

2353 Section 57. Effective October 1, 2009, section 327.22,
2354 Florida Statutes, is repealed.

2355 Section 58. Subsection (7) of section 379.366, Florida
2356 Statutes, is repealed.

2357 Section 59. Except as otherwise expressly provided in this
2358 act, this act shall take effect July 1, 2009.