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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2014	.	
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The Committee on Environmental Preservation and Conservation  
(Dean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (5) of section 327.355, Florida  
Statutes, is amended to read:

327.355 Operation of vessels by persons under 21 years of  
age who have consumed alcoholic beverages.—

(5) A ~~Any~~ person ~~who is~~ convicted of a violation of  
subsection (1) shall be ordered by the court to ~~be punished as~~



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11 ~~follows:~~

12 (a) ~~The court shall order the defendant to~~ Participate in  
13 public service or a community work project for a minimum of 50  
14 hours;

15 (b) ~~The court shall order the defendant to~~ Refrain from  
16 operating any vessel until the 50 hours of public service or  
17 community work has been performed; and

18 (c) Enroll in, attend, and successfully complete, at his or  
19 her own expense, a classroom or online boating safety course  
20 that meets minimum standards established by commission ~~the~~  
21 ~~department~~ by rule.

22 Section 2. Subsections (5) and (6) of section 327.4105,  
23 Florida Statutes, are amended to read:

24 327.4105 Pilot program for regulation of mooring vessels  
25 outside of public mooring fields.—The Fish and Wildlife  
26 Conservation Commission, in consultation with the Department of  
27 Environmental Protection, is directed to establish a pilot  
28 program to explore potential options for regulating the  
29 anchoring or mooring of non-live-aboard vessels outside the  
30 marked boundaries of public mooring fields.

31 (5) The commission shall submit a report of its findings  
32 and recommendations to the Governor, the President of the  
33 Senate, and the Speaker of the House of Representatives by  
34 January 1, 2014, and shall submit an updated report by January  
35 1, 2017.

36 (6) The pilot program shall expire on July 1, 2017 ~~2014~~,  
37 unless reenacted by the Legislature. All ordinances enacted  
38 under this section shall expire concurrently with the expiration  
39 of the pilot program and shall be inoperative and unenforceable



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40 thereafter.

41 Section 3. Subsection (1) of section 327.731, Florida  
42 Statutes, is amended to read:

43 327.731 Mandatory education for violators.-

44 (1) ~~A Every~~ person convicted of a criminal violation under  
45 ~~of~~ this chapter, ~~every person~~ convicted of a noncriminal  
46 infraction under this chapter if the infraction resulted in a  
47 reportable boating accident, or ~~and every person~~ convicted of  
48 two noncriminal infractions as specified ~~defined~~ in s.  
49 327.73(1)(h)-(k), (m), (o), (p), and (s)-(x), said infractions  
50 occurring within a 12-month period, must:

51 (a) Enroll in, attend, and successfully complete, at his or  
52 her own expense, a classroom or online boating safety course  
53 that is approved by and meets the minimum standards established  
54 by ~~the commission by rule; however, the commission may provide~~  
55 ~~by rule pursuant to chapter 120 for waivers of the attendance~~  
56 ~~requirement for violators residing in areas where classroom~~  
57 ~~presentation of the course is not available;~~

58 (b) File with the commission within 90 days proof of  
59 successful completion of the course; and

60 (c) Refrain from operating a vessel until he or she has  
61 filed ~~the~~ proof of successful completion of the course with the  
62 commission.

63

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

67 Section 4. Subsection (15) of section 328.72, Florida  
68 Statutes, is amended to read:



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69           328.72 Classification; registration; fees and charges;  
70 surcharge; disposition of fees; fines; marine turtle stickers.-  
71           (15) DISTRIBUTION OF FEES.-Except for the first \$2, \$1 of  
72 which shall be remitted to the state for deposit into the Save  
73 the Manatee Trust Fund created within the Fish and Wildlife  
74 Conservation Commission and \$1 of which shall be remitted to the  
75 state for deposit into the Marine Resources Conservation Trust  
76 Fund to fund a grant program for public launching facilities,  
77 pursuant to s. 206.606, giving priority consideration to  
78 counties with more than 35,000 registered vessels, moneys  
79 designated for the use of the counties, as specified in  
80 subsection (1), shall be distributed by the tax collector to the  
81 board of county commissioners for use only as provided in this  
82 section. Such moneys to be returned to the counties are for the  
83 sole purposes of providing, maintaining, or operating  
84 recreational channel marking and other uniform waterway markers,  
85 public boat ramps, lifts, and hoists, marine railways, boat  
86 piers, docks, mooring buoys, and other public launching  
87 facilities; and removing, derelict vessels, debris that  
88 specifically impede boat access, not including the dredging of  
89 channels vessel removal, and ~~removal of~~ vessels and floating  
90 structures deemed a hazard to public safety and health for  
91 failure to comply with s. 327.53. Counties shall demonstrate  
92 through an annual detailed accounting report of vessel  
93 registration revenues that the registration fees were spent as  
94 provided in this subsection. This report shall be provided to  
95 the Fish and Wildlife Conservation Commission no later than  
96 November 1 of each year. If, before ~~prior to~~ January 1 of each  
97 calendar year, the ~~annual detailed~~ accounting report meeting the



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98 prescribed criteria has still not been provided to the  
99 commission, the tax collector of that county may ~~shall~~ not  
100 distribute the moneys designated for the use of counties, as  
101 specified in subsection (1), to the board of county  
102 commissioners but shall, ~~instead,~~ for the next calendar year,  
103 remit such moneys to the state for deposit into the Marine  
104 Resources Conservation Trust Fund. The commission shall return  
105 those moneys to the county if the county fully complies with  
106 this section within that calendar year. If the county does not  
107 fully comply with this section within that calendar year, the  
108 moneys shall remain within the Marine Resources Trust Fund and  
109 may be appropriated for the purposes specified in this  
110 subsection.

111 Section 5. Subsection (3) of section 379.2257, Florida  
112 Statutes, is repealed.

113 Section 6. Paragraph (d) of subsection (4) and subsection  
114 (5) of section 379.247, Florida Statutes, are amended to read:

115 379.247 Regulation of shrimp fishing; Clay, Duval, Nassau,  
116 Putnam, Flagler, and St. Johns Counties.-

117 (4) DEAD SHRIMP PRODUCTION.-Any person may operate as a  
118 commercial dead shrimp producer provided that:

119 (d) ~~No person holding a dead shrimp production permit~~  
120 ~~issued pursuant to this subsection shall simultaneously hold a~~  
121 ~~permit for noncommercial trawling under the provisions of~~  
122 ~~subsection (5).~~ The number of permits issued by the commission  
123 for commercial trawling or dead shrimp production in any one  
124 year shall be limited to those active in the base year, 1976,  
125 and renewed annually since 1976. All permits for dead shrimp  
126 production issued pursuant to this section shall be inheritable



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127 or transferable to an immediate family member and annually  
128 renewable by the holder thereof. Such inheritance or transfer  
129 shall be valid upon being registered with the commission. Each  
130 permit not renewed shall expire and shall not be renewed under  
131 any circumstances.

132 ~~(5) NONCOMMERCIAL TRAWLING.—If noncommercial trawling is~~  
133 ~~authorized by the Fish and Wildlife Conservation Commission, any~~  
134 ~~person may trawl for shrimp in the St. Johns River for his or~~  
135 ~~her own use as food under the following conditions:~~

136 ~~(a) Each person who desires to trawl for shrimp for use as~~  
137 ~~food shall obtain a noncommercial trawling permit from the local~~  
138 ~~office of the Fish and Wildlife Conservation Commission upon~~  
139 ~~filling out an application on a form prescribed by the~~  
140 ~~commission and upon paying a fee for the permit, which shall~~  
141 ~~cost \$50.~~

142 ~~(b) All trawling shall be restricted to the confines of the~~  
143 ~~St. Johns River proper in the area north of the Acosta Bridge in~~  
144 ~~Jacksonville and at least 100 yards from the nearest shoreline.~~

145 ~~(c) No shrimp caught by a person licensed under the~~  
146 ~~provisions of this subsection may be sold or offered for sale.~~

147 Section 7. Paragraph (g) of subsection (2) of section  
148 379.353, Florida Statutes, is amended to read:

149 379.353 Recreational licenses and permits; exemptions from  
150 fees and requirements.—

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

153 (g) Any person fishing who has been accepted as a client  
154 for developmental disabilities services by the Agency for  
155 Persons with Disabilities if ~~Department of Children and Family~~



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156 ~~Services, provided the agency department~~ furnishes proof  
157 thereof.

158 Section 8. Paragraph (j) of subsection (4) of section  
159 379.354, Florida Statutes, is amended to read:

160 379.354 Recreational licenses, permits, and authorization  
161 numbers; fees established.-

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

165 (j) Annual military gold sportsman's license, \$18.50. A ~~The~~  
166 ~~gold sportsman's license authorizes the person to whom it is~~  
167 ~~issued to take freshwater fish, saltwater fish, and game,~~  
168 ~~subject to the state and federal laws, rules, and regulations,~~  
169 ~~including rules of the commission, in effect at the time of~~  
170 ~~taking. Other authorized activities include activities~~  
171 ~~authorized by a management area permit, a muzzle-loading gun~~  
172 ~~season permit, a crossbow season permit, a turkey permit, a~~  
173 ~~Florida waterfowl permit, a deer permit, an archery season~~  
174 ~~permit, a snook permit, and a spiny lobster permit. Any resident~~  
175 ~~who is an active or retired member of the United States Armed~~  
176 ~~Forces, the United States Armed Forces Reserve, the National~~  
177 ~~Guard, the United States Coast Guard, or the United States Coast~~  
178 ~~Guard Reserve may is eligible to purchase the military gold~~  
179 ~~sportsman's license upon submission of a current military~~  
180 ~~identification card. The annual military gold sportsman's~~  
181 ~~license authorizes the same activities as the annual gold~~  
182 ~~sportsman's license.~~

183 Section 9. Section 379.355, Florida Statutes, is repealed.

184 Section 10. Paragraphs (h) and (i) of subsection (1) of



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185 section 379.363, Florida Statutes, are repealed.

186 Section 11. Section 379.3635, Florida Statutes, is  
187 repealed.

188 Section 12. Subsection (30) of section 379.101, Florida  
189 Statutes, is amended, to read:

190 379.101 Definitions.—In construing these statutes, where  
191 the context does not clearly indicate otherwise, the word,  
192 phrase, or term:

193 (30) "Resident" or "resident of Florida" means:

194 (a) For purposes of part VII ~~and for purposes of s.~~  
195 ~~379.355~~, a citizen of the United States who has continuously  
196 resided in this state for 1 year before applying for a hunting,  
197 fishing, or other license. However, for purposes of ss. 379.363,  
198 ~~379.3635~~, 379.364, 379.3711, 379.3712, 379.372, 379.373,  
199 379.374, 379.3751, 379.3752, 379.3761, and 379.3762, the term  
200 ~~"resident" or "resident of Florida"~~ means a citizen of the  
201 United States who has continuously resided in this state for 6  
202 months before applying for a hunting, fishing, or other license.

203 (b) For purposes of part VI, ~~except s. 379.355~~:

204 1. A ~~Any~~ member of the United States Armed Forces who is  
205 stationed in the state and his or her family members residing  
206 with such member; or

207 2. A ~~Any~~ person who has declared Florida as his or her only  
208 state of residence as evidenced by a valid Florida driver  
209 license or identification card that has ~~with~~ both a Florida  
210 address and a Florida residency verified by the Department of  
211 Highway Safety and Motor Vehicles, or, in the absence thereof,  
212 one of the following:

213 a. A current Florida voter information card;





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214 b. A sworn statement manifesting and evidencing domicile in  
215 Florida in accordance with s. 222.17;

216 c. Proof of a current Florida homestead exemption; or

217 d. For a child younger than 18 years of age, a student  
218 identification card from a Florida school or, if ~~when~~  
219 accompanied by his or her parent at the time of purchase, the  
220 parent's proof of residency.

221 Section 13. Paragraph (c) of subsection (2) of section  
222 379.208, Florida Statutes, is amended to read:

223 379.208 Marine Resources Conservation Trust Fund;  
224 purposes.—

225 (2) The Marine Resources Conservation Trust Fund shall  
226 receive the proceeds from:

227 (c) All fees collected under ss. 379.2424, ~~379.3557~~,  
228 379.357, 379.365, 379.366, and 379.3671.

229 Section 14. Paragraph (a) of subsection (1) and paragraph  
230 (a) of subsection (3) of section 379.401, Florida Statutes, are  
231 amended to read:

232 379.401 Penalties and violations; civil penalties for  
233 noncriminal infractions; criminal penalties; suspension and  
234 forfeiture of licenses and permits.—

235 (1) (a) LEVEL ONE VIOLATIONS.—A person commits a Level One  
236 violation if he or she violates any of the following provisions:

237 1. Rules or orders of the commission relating to the filing  
238 of reports or other documents required to be filed by persons  
239 who hold recreational licenses and permits issued by the  
240 commission.

241 2. Rules or orders of the commission relating to quota hunt  
242 permits, daily use permits, hunting zone assignments, camping,



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243 alcoholic beverages, vehicles, and check stations within  
244 wildlife management areas or other areas managed by the  
245 commission.

246 3. Rules or orders of the commission relating to daily use  
247 permits, alcoholic beverages, swimming, possession of firearms,  
248 operation of vehicles, and watercraft speed within fish  
249 management areas managed by the commission.

250 4. Rules or orders of the commission relating to vessel  
251 size or specifying motor restrictions on specified water bodies.

252 ~~5. Section 379.355, providing for special recreational~~  
253 ~~spiny lobster licenses.~~

254 ~~5.6.~~ Section 379.354(1)-(15), providing for recreational  
255 licenses to hunt, fish, and trap.

256 ~~6.7.~~ Section 379.3581, providing hunter safety course  
257 requirements.

258 ~~7.8.~~ Section 379.3003, prohibiting deer hunting unless  
259 required clothing is worn.

260 (3) (a) LEVEL THREE VIOLATIONS.—A person commits a Level  
261 Three violation if he or she violates any of the following  
262 provisions:

263 1. Rules or orders of the commission prohibiting the sale  
264 of saltwater fish.

265 2. Rules or orders of the commission prohibiting the  
266 illegal importation or possession of exotic marine plants or  
267 animals.

268 3. Section 379.407(2), establishing major violations.

269 4. Section 379.407(4), prohibiting the possession of  
270 certain finfish in excess of recreational daily bag limits.

271 5. Section 379.28, prohibiting the importation of



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272 freshwater fish.

273 6. Section 379.354(17), prohibiting the taking of game,  
274 freshwater fish, or saltwater fish while a required license is  
275 suspended or revoked.

276 7. Section 379.3014, prohibiting the illegal sale or  
277 possession of alligators.

278 8. Section 379.404(1), (3), and (6), prohibiting the  
279 illegal taking and possession of deer and wild turkey.

280 9. Section 379.406, prohibiting the possession and  
281 transportation of commercial quantities of freshwater game fish.

282 Section 15. This act shall take effect July 1, 2014.

283

284 ===== T I T L E A M E N D M E N T =====

285 And the title is amended as follows:

286 Delete everything before the enacting clause  
287 and insert:

288 A bill to be entitled  
289 An act relating to the Fish and Wildlife Conservation  
290 Commission; amending s. 327.355, F.S.; providing that  
291 a boating safety course may be offered in a classroom  
292 or online; conforming provisions relating to the  
293 reassignment of the boating safety program from the  
294 Department of Environmental Protection to the  
295 commission; amending s. 327.4105, F.S.; requiring the  
296 commission to submit an updated report relating to the  
297 regulation of mooring vessels; extending the  
298 expiration date of the pilot program for the  
299 regulation of mooring vessels; amending s. 327.731,  
300 F.S.; providing that a boating safety course may be



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301 offered in a classroom or online; eliminating an  
302 exemption from boating safety education requirements  
303 for boating law violators; amending s. 328.72, F.S.;  
304 expanding a county's authorization to use moneys  
305 collected from vessel registration fees; repealing s.  
306 379.2257(3), F.S., relating to a charge to be applied  
307 to areas covered by cooperative agreements with the  
308 United States Forest Service over and above the  
309 license fee for hunting; amending s. 379.247, F.S.;  
310 removing provisions relating to noncommercial  
311 trawling; amending s. 379.353, F.S.; conforming  
312 provisions relating to the change in responsibility  
313 for providing developmental disabilities services from  
314 the Department of Children and Families to the Agency  
315 for Persons with Disabilities; amending s. 379.354,  
316 F.S.; clarifying the activities authorized under an  
317 annual military gold sportsman's license; repealing s.  
318 379.355, F.S., relating to special recreational spiny  
319 lobster licenses; repealing s. 379.363(1)(h) and (i),  
320 F.S., relating to the annual gear license fee;  
321 repealing s. 379.3635, F.S., relating to haul seine  
322 and trawl permits to be used in Lake Okeechobee;  
323 amending ss. 379.101, 379.208, and 379.401, F.S.;  
324 conforming cross-references; providing an effective  
325 date.