

By the Committee on Environmental Preservation and Conservation;
and Senator Dean

592-02907-14

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1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending s. 327.355, F.S.; providing that
4 a boating safety course may be offered in a classroom
5 or online; conforming provisions relating to the
6 reassignment of the boating safety program from the
7 Department of Environmental Protection to the
8 commission; amending s. 327.4105, F.S.; requiring the
9 commission to submit an updated report relating to the
10 regulation of mooring vessels; extending the
11 expiration date of the pilot program for the
12 regulation of mooring vessels; amending s. 327.731,
13 F.S.; providing that a boating safety course may be
14 offered in a classroom or online; eliminating an
15 exemption from boating safety education requirements
16 for boating law violators; amending s. 328.72, F.S.;
17 expanding a county's authorization to use moneys
18 collected from vessel registration fees; repealing s.
19 379.2257(3), F.S., relating to a charge to be applied
20 to areas covered by cooperative agreements with the
21 United States Forest Service over and above the
22 license fee for hunting; amending s. 379.247, F.S.;
23 removing provisions relating to noncommercial
24 trawling; amending s. 379.353, F.S.; conforming
25 provisions relating to the change in responsibility
26 for providing developmental disabilities services from
27 the Department of Children and Families to the Agency
28 for Persons with Disabilities; amending s. 379.354,
29 F.S.; clarifying the activities authorized under an

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30 annual military gold sportsman's license; repealing s.
31 379.355, F.S., relating to special recreational spiny
32 lobster licenses; repealing s. 379.363(1)(h) and (i),
33 F.S., relating to the annual gear license fee;
34 repealing s. 379.3635, F.S., relating to haul seine
35 and trawl permits to be used in Lake Okeechobee;
36 amending ss. 379.101, 379.208, and 379.401, F.S.;
37 conforming cross-references; providing an effective
38 date.

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Subsection (5) of section 327.355, Florida
43 Statutes, is amended to read:

44 327.355 Operation of vessels by persons under 21 years of
45 age who have consumed alcoholic beverages.-

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

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

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

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

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

61 327.4105 Pilot program for regulation of mooring vessels
62 outside of public mooring fields.—The Fish and Wildlife
63 Conservation Commission, in consultation with the Department of
64 Environmental Protection, is directed to establish a pilot
65 program to explore potential options for regulating the
66 anchoring or mooring of non-live-aboard vessels outside the
67 marked boundaries of public mooring fields.

68 (5) The commission shall submit a report of its findings
69 and recommendations to the Governor, the President of the
70 Senate, and the Speaker of the House of Representatives by
71 January 1, 2014, and shall submit an updated report by January
72 1, 2017.

73 (6) The pilot program shall expire on July 1, 2017 2014,
74 unless reenacted by the Legislature. All ordinances enacted
75 under this section shall expire concurrently with the expiration
76 of the pilot program and shall be inoperative and unenforceable
77 thereafter.

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

80 327.731 Mandatory education for violators.—

81 (1) A ~~Every~~ person convicted of a criminal violation under
82 ~~of~~ this chapter, ~~every person~~ convicted of a noncriminal
83 infraction under this chapter if the infraction resulted in a
84 reportable boating accident, or ~~and every person~~ convicted of
85 two noncriminal infractions as specified ~~defined~~ in s.
86 327.73(1)(h)-(k), (m), (o), (p), and (s)-(x), said infractions
87 occurring within a 12-month period, must:

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88 (a) Enroll in, attend, and successfully complete, at his or
89 her own expense, a classroom or online boating safety course
90 that is approved by and meets the minimum standards established
91 by ~~the commission by rule; however, the commission may provide~~
92 ~~by rule pursuant to chapter 120 for waivers of the attendance~~
93 ~~requirement for violators residing in areas where classroom~~
94 ~~presentation of the course is not available;~~

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

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

100

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

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

106 328.72 Classification; registration; fees and charges;
107 surcharge; disposition of fees; fines; marine turtle stickers.-

108 (15) DISTRIBUTION OF FEES.-Except for the first \$2, \$1 of
109 which shall be remitted to the state for deposit into the Save
110 the Manatee Trust Fund created within the Fish and Wildlife
111 Conservation Commission and \$1 of which shall be remitted to the
112 state for deposit into the Marine Resources Conservation Trust
113 Fund to fund a grant program for public launching facilities,
114 pursuant to s. 206.606, giving priority consideration to
115 counties with more than 35,000 registered vessels, moneys
116 designated for the use of the counties, as specified in

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117 subsection (1), shall be distributed by the tax collector to the
118 board of county commissioners for use only as provided in this
119 section. Such moneys to be returned to the counties are for the
120 sole purposes of providing, maintaining, or operating
121 recreational channel marking and other uniform waterway markers,
122 public boat ramps, lifts, and hoists, marine railways, boat
123 piers, docks, mooring buoys, and other public launching
124 facilities; and removing, derelict vessels, debris that
125 specifically impede boat access, not including the dredging of
126 channels vessel removal, and ~~removal of~~ vessels and floating
127 structures deemed a hazard to public safety and health for
128 failure to comply with s. 327.53. Counties shall demonstrate
129 through an annual detailed accounting report of vessel
130 registration revenues that the registration fees were spent as
131 provided in this subsection. This report shall be provided to
132 the Fish and Wildlife Conservation Commission no later than
133 November 1 of each year. If, before ~~prior to~~ January 1 of each
134 calendar year, the ~~annual detailed~~ accounting report meeting the
135 prescribed criteria has still not been provided to the
136 commission, the tax collector of that county may ~~shall~~ not
137 distribute the moneys designated for the use of counties, as
138 specified in subsection (1), to the board of county
139 commissioners but shall, ~~instead,~~ for the next calendar year,
140 remit such moneys to the state for deposit into the Marine
141 Resources Conservation Trust Fund. The commission shall return
142 those moneys to the county if the county fully complies with
143 this section within that calendar year. If the county does not
144 fully comply with this section within that calendar year, the
145 moneys shall remain within the Marine Resources Trust Fund and

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146 may be appropriated for the purposes specified in this
147 subsection.

148 Section 5. Subsection (3) of section 379.2257, Florida
149 Statutes, is repealed.

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

152 379.247 Regulation of shrimp fishing; Clay, Duval, Nassau,
153 Putnam, Flagler, and St. Johns Counties.—

154 (4) DEAD SHRIMP PRODUCTION.—Any person may operate as a
155 commercial dead shrimp producer provided that:

156 (d) ~~No person holding a dead shrimp production permit~~
157 ~~issued pursuant to this subsection shall simultaneously hold a~~
158 ~~permit for noncommercial trawling under the provisions of~~
159 ~~subsection (5).~~ The number of permits issued by the commission
160 for commercial trawling or dead shrimp production in any one
161 year shall be limited to those active in the base year, 1976,
162 and renewed annually since 1976. All permits for dead shrimp
163 production issued pursuant to this section shall be inheritable
164 or transferable to an immediate family member and annually
165 renewable by the holder thereof. Such inheritance or transfer
166 shall be valid upon being registered with the commission. Each
167 permit not renewed shall expire and shall not be renewed under
168 any circumstances.

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

173 ~~(a) Each person who desires to trawl for shrimp for use as~~
174 ~~food shall obtain a noncommercial trawling permit from the local~~

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175 ~~office of the Fish and Wildlife Conservation Commission upon~~
176 ~~filling out an application on a form prescribed by the~~
177 ~~commission and upon paying a fee for the permit, which shall~~
178 ~~cost \$50.~~

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

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

184 Section 7. Paragraph (g) of subsection (2) of section
185 379.353, Florida Statutes, is amended to read:

186 379.353 Recreational licenses and permits; exemptions from
187 fees and requirements.—

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

190 (g) Any person fishing who has been accepted as a client
191 for developmental disabilities services by the Agency for
192 Persons with Disabilities if ~~Department of Children and Family~~
193 ~~Services, provided the agency department~~ furnishes proof
194 thereof.

195 Section 8. Paragraph (j) of subsection (4) of section
196 379.354, Florida Statutes, is amended to read:

197 379.354 Recreational licenses, permits, and authorization
198 numbers; fees established.—

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

202 (j) Annual military gold sportsman's license, \$18.50. A ~~The~~
203 ~~gold sportsman's license authorizes the person to whom it is~~

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204 ~~issued to take freshwater fish, saltwater fish, and game,~~
205 ~~subject to the state and federal laws, rules, and regulations,~~
206 ~~including rules of the commission, in effect at the time of~~
207 ~~taking. Other authorized activities include activities~~
208 ~~authorized by a management area permit, a muzzle-loading gun~~
209 ~~season permit, a crossbow season permit, a turkey permit, a~~
210 ~~Florida waterfowl permit, a deer permit, an archery season~~
211 ~~permit, a snook permit, and a spiny lobster permit. Any resident~~
212 ~~who is an active or retired member of the United States Armed~~
213 ~~Forces, the United States Armed Forces Reserve, the National~~
214 ~~Guard, the United States Coast Guard, or the United States Coast~~
215 ~~Guard Reserve may ~~is eligible to~~ purchase the military gold~~
216 ~~sportsman's license upon submission of a current military~~
217 ~~identification card. The annual military gold sportsman's~~
218 ~~license authorizes the same activities as the annual gold~~
219 ~~sportsman's license.~~

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

221 Section 10. Paragraphs (h) and (i) of subsection (1) of
222 section 379.363, Florida Statutes, are repealed.

223 Section 11. Section 379.3635, Florida Statutes, is
224 repealed.

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

227 379.101 Definitions.—In construing these statutes, where
228 the context does not clearly indicate otherwise, the word,
229 phrase, or term:

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

231 (a) For purposes of part VII ~~and for purposes of s.~~
232 ~~379.355,~~ a citizen of the United States who has continuously

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233 resided in this state for 1 year before applying for a hunting,
234 fishing, or other license. However, for purposes of ss. 379.363,
235 ~~379.3635~~, 379.364, 379.3711, 379.3712, 379.372, 379.373,
236 379.374, 379.3751, 379.3752, 379.3761, and 379.3762, the term
237 ~~"resident" or "resident of Florida"~~ means a citizen of the
238 United States who has continuously resided in this state for 6
239 months before applying for a hunting, fishing, or other license.

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

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

244 2. A ~~Any~~ person who has declared Florida as his or her only
245 state of residence as evidenced by a valid Florida driver
246 license or identification card that has ~~with~~ both a Florida
247 address and a Florida residency verified by the Department of
248 Highway Safety and Motor Vehicles, or, in the absence thereof,
249 one of the following:

250 a. A current Florida voter information card;

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

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

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

258 Section 13. Paragraph (c) of subsection (2) of section
259 379.208, Florida Statutes, is amended to read:

260 379.208 Marine Resources Conservation Trust Fund;
261 purposes.—

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262 (2) The Marine Resources Conservation Trust Fund shall
263 receive the proceeds from:

264 (c) All fees collected under ss. 379.2424, ~~379.355,~~
265 379.357, 379.365, 379.366, and 379.3671.

266 Section 14. Paragraph (a) of subsection (1) and paragraph
267 (a) of subsection (3) of section 379.401, Florida Statutes, are
268 amended to read:

269 379.401 Penalties and violations; civil penalties for
270 noncriminal infractions; criminal penalties; suspension and
271 forfeiture of licenses and permits.—

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

274 1. Rules or orders of the commission relating to the filing
275 of reports or other documents required to be filed by persons
276 who hold recreational licenses and permits issued by the
277 commission.

278 2. Rules or orders of the commission relating to quota hunt
279 permits, daily use permits, hunting zone assignments, camping,
280 alcoholic beverages, vehicles, and check stations within
281 wildlife management areas or other areas managed by the
282 commission.

283 3. Rules or orders of the commission relating to daily use
284 permits, alcoholic beverages, swimming, possession of firearms,
285 operation of vehicles, and watercraft speed within fish
286 management areas managed by the commission.

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

289 ~~5. Section 379.355, providing for special recreational~~
290 ~~spiny lobster licenses.~~

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291 ~~5.6.~~ Section 379.354(1)-(15), providing for recreational
292 licenses to hunt, fish, and trap.

293 ~~6.7.~~ Section 379.3581, providing hunter safety course
294 requirements.

295 ~~7.8.~~ Section 379.3003, prohibiting deer hunting unless
296 required clothing is worn.

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

300 1. Rules or orders of the commission prohibiting the sale
301 of saltwater fish.

302 2. Rules or orders of the commission prohibiting the
303 illegal importation or possession of exotic marine plants or
304 animals.

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

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

308 5. Section 379.28, prohibiting the importation of
309 freshwater fish.

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

313 7. Section 379.3014, prohibiting the illegal sale or
314 possession of alligators.

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

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

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