

By Senator Smith

14-1003C-05

1    A bill to be entitled  
2                    An act relating to the Fish and Wildlife  
3                    Conservation Commission; amending s. 327.395,  
4                    F.S.; deleting provisions limiting boating  
5                    safety requirements to people 21 years of age  
6                    or younger; prohibiting any person born after a  
7                    specified date from operating a motor of 10  
8                    horsepower or greater without having  
9                    identification and a boater safety card issued  
10                    by the Fish and Wildlife Conservation  
11                    Commission; amending s. 327.803, F.S.; revising  
12                    certain criteria for membership on the Boating  
13                    Advisory Council; requiring the commission,  
14                    rather than the Governor, to make certain  
15                    appointments to the council; adding issues upon  
16                    which the council makes recommendations to the  
17                    Fish and Wildlife Conservation Commission and  
18                    the Department of Community Affairs;  
19                    authorizing reimbursement for expenses for  
20                    members of the council; providing for members  
21                    of the council to be removed for cause;  
22                    amending s. 370.06, F.S.; providing for receipt  
23                    of a saltwater products license issued by the  
24                    Fish and Wildlife Conservation Commission to a  
25                    firm or corporation; clarifying a provision  
26                    barring transfer of a saltwater products  
27                    license; clarifying a provision regarding the  
28                    annual fee that an individual, firm, or  
29                    corporation must pay for a license; providing  
30                    for an increase in annual saltwater products  
31                    license fees; providing definitions; amending

1 s. 370.13, F.S.; reducing certificate transfer  
2 fees for 2005-2006; providing for establishment  
3 of transfer fees in subsequent years; reducing  
4 surcharge fees for 2005-2006; providing for the  
5 establishment of surcharge fees in subsequent  
6 years; authorizing rulemaking by the Fish and  
7 Wildlife Conservation Commission; amending s.  
8 372.83, F.S.; establishing penalties for  
9 certain persons who illegally take game;  
10 creating s. 372.831, F.S.; establishing  
11 penalties for violations of rules, regulations,  
12 or orders relating to the use of dogs for  
13 hunting wildlife; amending s. 372.988, F.S.;  
14 applying requirements regarding fluorescent  
15 orange material to persons hunting on private  
16 land; reenacting s. 372.83(1), F.S., relating  
17 to noncriminal infractions relating to wildlife  
18 laws, to incorporate the amendment to s.  
19 372.988, F.S., in a reference thereto;  
20 repealing s. 372.674, F.S., relating to  
21 environmental education and the Advisory  
22 Council on Environmental Education; amending s.  
23 372.672, F.S., relating to the Florida Panther  
24 Research and Management Trust Fund, to conform;  
25 providing effective dates.

26  
27 Be It Enacted by the Legislature of the State of Florida:

28  
29 Section 1. Effective October 1, 2005, subsections (1)  
30 and (7) of section 327.395, Florida Statutes, are amended to  
31 read:

1           327.395 Boating safety identification cards.--  
2           (1) ~~Until October 1, 2001,~~ A person born after  
3           September 30, 1983, 1980, and on or after October 1, 2001, a  
4           ~~person 21 years of age or younger~~ may not operate a vessel  
5           powered by a motor of 10 horsepower or greater unless such  
6           person has in his or her possession aboard the vessel  
7           photographic identification and a boater safety identification  
8           card issued by the commission which shows that he or she has:  
9           (a) Completed a commission-approved boater education  
10          course that meets the minimum 8-hour instruction requirement  
11          established by the National Association of State Boating Law  
12          Administrators;  
13          (b) Passed a course equivalency examination approved  
14          by the commission; or  
15          (c) Passed a temporary certificate examination  
16          developed or approved by the commission.  
17          (7) A person who violates this section commits is  
18          ~~guilty of~~ a noncriminal infraction, punishable as provided in  
19          s. 327.73.

20                 Section 2. Section 327.803, Florida Statutes, is  
21                 amended to read:

22                 327.803 Boating Advisory Council.--

23                 (1) The Boating Advisory Council is created within the  
24                 Fish and Wildlife Conservation Commission and shall be  
25                 composed of 17 members. The members include:

26                 (a) One representative from the Fish and Wildlife  
27                 Conservation Commission, who shall serve as the chair of the  
28                 council.

29                 (b) One representative each from the Department of  
30                 Environmental Protection, the United States Coast Guard  
31

1 Auxiliary, the United States Power Squadron, and the inland  
2 navigation districts.

3 (c) One representative of manatee protection  
4 interests, one representative of the marine industries, two  
5 representatives of water-related environmental groups, one  
6 representative of marine manufacturers, one representative of  
7 commercial vessel owners or operators, one representative of  
8 marine special events ~~sport boat racing~~, one representative  
9 actively involved and working full-time in the scuba diving  
10 industry who has experience in recreational boating, and two  
11 representatives of the boating public, each of whom shall be  
12 ~~nominated by the executive director of the Fish and Wildlife~~  
13 ~~Conservation Commission and~~ appointed by the commission  
14 ~~Governor~~ to serve staggered 3-year ~~2-year~~ terms. Members  
15 appointed by the commission may serve no more than two full  
16 consecutive terms.

17 (d) One member of the House of Representatives, who  
18 shall be appointed by the Speaker of the House of  
19 Representatives.

20 (e) One member of the Senate, who shall be appointed  
21 by the President of the Senate.

22 (2) The council shall meet at the call of the chair,  
23 at the request of a majority of its membership, or at such  
24 times as may be prescribed by rule.

25 (3) The purpose of the council is to make  
26 recommendations to the Fish and Wildlife Conservation  
27 Commission and the Department of Community Affairs regarding  
28 issues affecting the boating community, including, but not  
29 limited to, issues related to:

30 (a) Boating and diving safety education.

31

1 (b) Boating-related facilities, including marinas and  
2 boat testing facilities.

3 (c) Boat usage.

4 (d) Boat access.

5 (e) Working waterfronts.

6 (4) Members of the council shall serve without  
7 compensation but are entitled to reimbursement for expenses as  
8 provided in s. 112.061.

9 (5) A vacancy on the council shall be filled for the  
10 remainder of the unexpired term in the same manner as the  
11 original appointment. Members whose terms have expired may  
12 continue to serve until replaced or reappointed.

13 (6) Members of the council may be removed for cause.

14 Section 3. Paragraphs (d) and (e) of subsection (2) of  
15 section 370.06, Florida Statutes, are amended to read:

16 370.06 Licenses.--

17 (2) SALTWATER PRODUCTS LICENSE.--

18 (d) A saltwater products license may be issued in the  
19 name of an individual or a valid commercial vessel ~~boat~~  
20 registration number. However, a firm or corporation may only  
21 receive a license issued to a valid commercial vessel  
22 registration number. A saltwater products license may not be  
23 transferred by the licenseholder to another individual, firm,  
24 or corporation. Such license is not transferable. A decal  
25 shall be issued with each saltwater products license issued to  
26 a valid commercial vessel ~~boat~~ registration number. The  
27 saltwater products license decal shall be the same color as  
28 the vessel registration decal issued each year pursuant to s.  
29 328.48(5) and shall indicate the period of time such license  
30 is valid. The saltwater products license decal shall be placed  
31 beside the vessel registration decal and, in the case of an

1 | undocumented vessel, shall be placed so that the vessel  
2 | registration decal lies between the commercial vessel  
3 | registration number and the saltwater products license decal.  
4 | Any saltwater products license decal for a previous year shall  
5 | be removed from a vessel operating on the waters of the state.

6 |       (e) The annual fee for a saltwater products license  
7 | is:

8 |           1. For a license issued in the name of an individual  
9 | which authorizes only that individual to engage in commercial  
10 | fishing activities from the shore or a vessel: a resident must  
11 | pay \$50; a nonresident must pay \$200; or an alien must pay  
12 | \$300.

13 |           2. For a license issued in the name of an individual  
14 | which authorizes that named individual to engage in commercial  
15 | fishing activities from the shore or a vessel and also  
16 | authorizes each person who is fishing with the named  
17 | individual aboard a vessel to engage in such activities: a  
18 | resident must pay \$150; a nonresident must pay \$600; or an  
19 | alien must pay \$900.

20 |           3. For a license issued to a valid commercial vessel  
21 | registration number which authorizes each person aboard such  
22 | registered vessel to engage in commercial fishing activities:  
23 | a resident, or a resident firm or corporation, must pay \$100;  
24 | a nonresident, or a nonresident firm or corporation, must pay  
25 | \$400; or an alien, or an alien firm or corporation, must pay  
26 | \$600. For purposes of this subparagraph, a resident firm or  
27 | corporation means a firm or corporation formed under the laws  
28 | of this state; a nonresident firm or corporation means a firm  
29 | or corporation formed under the laws of any state other than  
30 | Florida; and an alien firm or corporation means a firm or  
31 | corporation organized under any laws other than laws of the

1 United States, any United States territory or possession, or  
2 any state of the United States. A resident shall pay an annual  
3 license fee of \$50 for a saltwater products license issued in  
4 the name of an individual or \$100 for a saltwater products  
5 license issued to a valid boat registration number. A  
6 nonresident shall pay an annual license fee of \$200 for a  
7 saltwater products license issued in the name of an individual  
8 or \$400 for a saltwater products license issued to a valid  
9 boat registration number. An alien shall pay an annual license  
10 fee of \$300 for a saltwater products license issued in the  
11 name of an individual or \$600 for a saltwater products license  
12 issued to a valid boat registration number.

13 Section 4. Paragraph (b) of subsection (1) of section  
14 370.13, Florida Statutes, is amended to read:

15 370.13 Stone crab; regulation.--

16 (1) FEES AND EQUITABLE RENT.--

17 (b) Certificate fees.--

18 1. For each trap certificate issued by the commission  
19 under the requirements of the stone crab trap limitation  
20 program established by commission rule, there is an annual fee  
21 of \$.50 per certificate. Replacement tags for lost or damaged  
22 tags cost \$.50 each, except that tags lost in the event of a  
23 major natural disaster declared as an emergency disaster by  
24 the Governor, shall be replaced for the cost of the tag as  
25 incurred by the commission.

26 2. For the 2005-2006 fishing year established by rule  
27 of the commission, the fee for transferring trap certificates  
28 is \$1 per certificate transferred, except that the fee for  
29 eligible crew members is 50 cents per certificate transferred.  
30 In subsequent fishing years, the commission shall by rule  
31 establish transfer fees not to exceed \$1 per trap certificate

1 transferred to eligible crew members and \$2 per trap  
2 certificate transferred to all others. ~~Except for transfers to~~  
3 Eligible crew members shall be as determined according to  
4 criteria established by rule of the commission, ~~the fee for~~  
5 ~~transferring certificates is \$2 per certificate transferred to~~  
6 ~~be paid by the purchaser of the certificate or certificates.~~  
7 ~~The transfer fee for eligible crew members is \$1 per~~  
8 ~~certificate.~~ Payment must be made by money order or cashier's  
9 check, submitted with the certificate transfer form developed  
10 by the commission.

11 3. For the 2005-2006 fishing year established by rule  
12 of the commission, in addition to the transfer fee, a  
13 surcharge of ~~\$1~~\$2 per certificate transferred, or 25 percent  
14 of the actual value of the transferred certificate, whichever  
15 is greater, will be assessed the first time a certificate is  
16 transferred outside the original holder's immediate family. In  
17 subsequent fishing years, the commission shall by rule  
18 establish a surcharge fee not to exceed \$2 per certificate  
19 transferred, or a surcharge fee of 25 percent of the actual  
20 value of the transferred certificate, whichever is greater, to  
21 be assessed the first time a certificate is transferred  
22 outside the original holder's immediate family.

23 4. Transfer fees and surcharges only apply to the  
24 actual number of certificates received by the purchaser. A  
25 transfer of a certificate is not effective until the  
26 commission receives a notarized copy of the bill of sale as  
27 proof of the actual value of the transferred certificate or  
28 certificates, which must also be submitted with the transfer  
29 form and payment.

30 5. A transfer fee will not be assessed or required  
31 when the transfer is within a family as a result of the death



1 or disability of the certificate owner. A surcharge will not  
2 be assessed for any transfer within an individual's immediate  
3 family.

4 Section 5. Subsection (6) is added to section 372.83,  
5 Florida Statutes, to read:

6 372.83 Noncriminal infractions; criminal penalties;  
7 suspension and revocation of licenses and permits.--

8 (6) Any person required to forfeit a hunting license  
9 issued pursuant to this chapter and who is temporarily or  
10 permanently ineligible, or temporarily or permanently  
11 prohibited from acquiring such a license, and who takes game  
12 is subject to the following penalties:

13 (a) A first violation is a misdemeanor of the first  
14 degree, punishable as provided in s. 775.082 or s. 775.083,  
15 with a minimum mandatory fine of \$500.

16 (b) A second or subsequent violation is a misdemeanor  
17 of the first degree, punishable as provided in s. 775.082 or  
18 s. 775.83, with a mandatory fine of \$1,000.

19  
20 For purposes of this subsection, a violation means any  
21 judicial disposition other than acquittal or dismissal.

22 Section 6. Section 372.831, Florida Statutes, is  
23 created to read:

24 372.831 Dog hunting; criminal penalties; forfeiture of  
25 license.--

26 (1) Any person who violates rules of the commission or  
27 other regulations or orders that require the identification of  
28 dogs used to take wildlife, or written permission from a  
29 landowner for the use of dogs to take wildlife on that  
30 landowner's property, is subject to the following penalties:  
31

1           (a) A second violation within a 3-year period is a  
2 misdemeanor of the first degree, punishable as provided in s.  
3 775.082 or s. 775.083, with a minimum mandatory fine of \$250.

4           (b) A third violation within a 4-year period is a  
5 misdemeanor of the first degree, punishable as provided in s.  
6 775.082 or s. 775.083, with a minimum mandatory fine of \$500  
7 and forfeiture of any hunting license issued pursuant to this  
8 chapter. Any hunting privileges under this chapter may not be  
9 acquired for a 1-year period following the date of the  
10 judicial disposition.

11           (c) A fourth or subsequent violation within a 5-year  
12 period is a misdemeanor of the first degree, punishable as  
13 provided in s. 775.082 or s. 775.083, with a mandatory fine of  
14 \$1,000 and forfeiture of any hunting license issued pursuant  
15 to this chapter. Any hunting privileges under this chapter may  
16 not be acquired for a 3-year period following the date of the  
17 judicial disposition.

18  
19 Violations committed before July 1, 2005, are not violations  
20 for purposes of the penalties in this subsection.

21           (2) A person who knowingly releases any dog on  
22 property without written permission from the landowner for the  
23 purpose of taking deer commits a misdemeanor of the first  
24 degree, punishable as provided in s. 775.082 or s. 775.083,  
25 with a mandatory fine of \$1,000 and forfeiture of any hunting  
26 license issued pursuant to this chapter. Any hunting  
27 privileges under this chapter may not be acquired for a 1-year  
28 period following the date of the judicial disposition.

29  
30 For purposes of this section, a violation means any judicial  
31 disposition other than acquittal or dismissal.

1           Section 7. Section 372.988, Florida Statutes, is  
2 amended to read:

3           372.988 Required clothing for persons hunting  
4 deer.--It is unlawful for any person to hunt deer, or for any  
5 person to accompany another person hunting deer, during the  
6 open season for the taking of deer on public or private lands  
7 unless each person wears ~~shall wear~~ a total of at least 500  
8 square inches of daylight fluorescent orange material as an  
9 outer garment. Such clothing shall be worn above the  
10 waistline and may include a head covering. ~~The provisions of~~  
11 This section does ~~shall~~ not apply to any person hunting deer  
12 with a bow and arrow during seasons restricted to hunting with  
13 a bow and arrow.

14           Section 8. For the purpose of incorporating the  
15 amendments made by this act to section 372.988, Florida  
16 Statutes, in a reference thereto, subsection (1) of section  
17 372.83, Florida Statutes, is reenacted to read:

18           372.83 Noncriminal infractions; criminal penalties;  
19 suspension and revocation of licenses and permits.--

20           (1) A person is guilty of a noncriminal infraction,  
21 punishable as provided in s. 372.711, if she or he violates  
22 any of the following provisions:

23           (a) Rules, regulations, or orders relating to the  
24 filing of reports or other documents required of persons who  
25 are licensed or who hold permits issued by the commission.

26           (b) Rules, regulations, or orders relating to fish  
27 management areas.

28           (c) Rules, regulations, or orders relating to quota  
29 hunt permits, daily use permits, hunting zone assignments,  
30 camping restrictions, the use of alcoholic beverages, vehicle  
31

1 use, and check station requirements within wildlife management  
2 areas or other areas managed by the commission.

3 (d) Rules, regulations, or orders requiring permits  
4 free of charge to possess captive wildlife for personal use.

5 (e) Rules, regulations, or orders establishing size or  
6 slot limits for freshwater game fish.

7 (f) Rules, regulations, or orders regulating vessel  
8 size or specifying motor restrictions on specified water  
9 bodies.

10 (g) Rules, regulations, or orders relating to the  
11 registration of off-road vehicles and airboats operated on  
12 state lands.

13 (h) Section 372.57, relating to hunting, fishing, and  
14 trapping licenses.

15 (i) Section 372.988, relating to required clothing for  
16 persons hunting deer.

17

18 A person who fails to pay the civil penalty specified in s.  
19 372.711 within 30 days after being cited for a noncriminal  
20 infraction or to appear before the court pursuant to that  
21 section is guilty of a misdemeanor of the second degree,  
22 punishable as provided in s. 775.082 or s. 775.083.

23 Section 9. Section 372.674, Florida Statutes, is  
24 repealed.

25 Section 10. Subsection (2) of section 372.672, Florida  
26 Statutes, is amended to read:

27 372.672 Florida Panther Research and Management Trust  
28 Fund.--

29 (2) Money from the fund shall be spent only for the  
30 following purposes:

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1           (a) To manage and protect existing Florida panther  
2 populations by increasing panther food sources where food is a  
3 limiting factor, determining conflicts between public use and  
4 panther survival, maintaining sufficient genetic variability  
5 in existing populations, and undertaking management and  
6 enforcement activities that protect panther habitat.

7           (b) To educate the public concerning the value of the  
8 panther and the necessity for panther management.

9           (c) To reestablish Florida panthers into areas of  
10 suitable habitat, where feasible, by assessing the necessity  
11 of a captive breeding program for purposes of reintroduction  
12 of the panthers into the suitable habitat; selecting potential  
13 sites for reintroduction and investigating associated human  
14 sociological aspects; and assessing the potential for panther  
15 habitat acquisition.

16           ~~(d) To fund and administer education programs~~  
17 ~~authorized in s. 372.674.~~

18           Section 11. Except as otherwise expressly provided in  
19 this act, this act shall take effect July 1, 2005.

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SENATE SUMMARY

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3 Deletes a provision that limits boater safety rules to  
4 those who are 21 and under. Requires that all persons  
5 born after September 30, 1983, and operating a vessel  
6 that meets specific criteria have photographic  
7 identification and a boater safety identification card.  
8 Revises criteria for membership on the Boating Advisory  
9 Council. Requires the Fish and Wildlife Conservation  
10 Commission, rather than the Governor, to make certain  
11 appointments to the council. Adds issues upon which the  
12 council makes recommendations to the Fish and Wildlife  
13 Conservation Commission and the Department of Community  
14 Affairs. Authorizes reimbursement of expenses of a member  
15 of the council. Authorizes removal of a member of the  
16 council. Clarifies a prohibition against transferring a  
17 saltwater products license. Increases the annual  
18 saltwater products license fees. Provides penalties for  
19 taking game while under a forfeited license. Provides  
20 penalties for violating rules of the commission governing  
21 the use of dogs to take wildlife. Requires hunters to  
22 wear fluorescent orange while hunting on private land.  
23 (See bill for details.)  
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