

## ENROLLED

HB 989, Engrossed 2

2005 Legislature

1                                   A bill to be entitled  
2           An act relating to regulating natural resources; amending  
3           s. 327.803, F.S.; revising the membership of the Boating  
4           Advisory Council; increasing the terms of office of  
5           members appointed by the Governor and limiting the number  
6           of consecutive terms they may serve; adding issues upon  
7           which the council makes recommendations to the commission  
8           and the Department of Community Affairs; authorizing  
9           reimbursement of expenses for members of the council;  
10          providing for the filling of vacancies; providing for  
11          members of the council to be removed for cause; amending  
12          s. 370.06, F.S.; providing for receipt of a saltwater  
13          products license issued by the commission to a firm or  
14          corporation; revising a provision barring transfer of a  
15          saltwater products license; revising a provision regarding  
16          the annual fee that an individual, firm, or corporation  
17          must pay for a license; providing for an increase in  
18          annual saltwater products license fees; providing  
19          definitions; amending s. 370.13, F.S.; reducing stone crab  
20          trap certificate transfer fees; reducing surcharge fees;  
21          repealing s. 372.674, F.S., relating to environmental  
22          education and the Advisory Council on Environmental  
23          Education; amending s. 372.672, F.S., relating to the  
24          Florida Panther Research and Management Trust Fund, to  
25          conform; amending s. 373.118, F.S.; authorizing the  
26          Department of Environmental Protection to allow such  
27          facilities or ramps to be constructed and maintained by  
28          local governments; providing guidelines and limitations

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 relating to such projects; providing for fees; providing  
 30 an effective date.

31

32 Be It Enacted by the Legislature of the State of Florida:

33

34 Section 1. Section 327.803, Florida Statutes, is amended  
 35 to read:

36 327.803 Boating Advisory Council.--

37 (1) The Boating Advisory Council is created within the  
 38 Fish and Wildlife Conservation Commission and shall be composed  
 39 of 18 ~~17~~ members. The members include:

40 (a) One representative from the Fish and Wildlife  
 41 Conservation Commission, who shall serve as the chair of the  
 42 council.

43 (b) One representative each from the Department of  
 44 Environmental Protection, the United States Coast Guard  
 45 Auxiliary, the United States Power Squadron, and the inland  
 46 navigation districts.

47 (c) One representative of manatee protection interests,  
 48 one representative of the marine industries, one representative  
 49 ~~two representatives~~ of water-related environmental groups, one  
 50 representative of canoe or kayak enthusiasts, one representative  
 51 of marine manufacturers, one representative of commercial vessel  
 52 owners or operators, one representative of marine special events  
 53 ~~sport boat racing~~, one representative actively involved and  
 54 working full-time in the scuba diving industry who has  
 55 experience in recreational boating, one representative of either  
 56 the commercial fishing industry or the commercial shellfishing

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57 | industry, and two representatives of the boating public, each of  
58 | whom shall be nominated by the executive director of the Fish  
59 | and Wildlife Conservation Commission and appointed by the  
60 | Governor to serve staggered 3-year ~~2-year~~ terms. Members  
61 | appointed by the Governor may serve no more than two full  
62 | consecutive terms.

63 | (d) One member of the House of Representatives, who shall  
64 | be appointed by the Speaker of the House of Representatives.

65 | (e) One member of the Senate, who shall be appointed by  
66 | the President of the Senate.

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

70 | (3) The purpose of the council is to make recommendations  
71 | to the Fish and Wildlife Conservation Commission and the  
72 | Department of Community Affairs regarding issues affecting the  
73 | boating community, including, but not limited to, issues related  
74 | to:

75 | (a) Boating and diving safety education.

76 | (b) Boating-related facilities, including marinas and boat  
77 | testing facilities.

78 | (c) Boat usage.

79 | (d) Boat access.

80 | (e) Working waterfronts.

81 | (4) Members of the council shall serve without  
82 | compensation but are entitled to reimbursement of expenses as  
83 | provided in s. 112.061.

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

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

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

91           370.06 Licenses.--

92           (2) SALTWATER PRODUCTS LICENSE.--

93           (d) A saltwater products license may be issued in the name  
 94 of an individual or a valid commercial vessel ~~boat~~ registration  
 95 number. However, a firm or corporation may only receive a  
 96 license issued to a valid commercial vessel registration number.  
 97 A saltwater products license may not be transferred by the  
 98 licenseholder to another individual, firm, or corporation. Such  
 99 ~~license is not transferable.~~ A decal shall be issued with each  
 100 saltwater products license issued to a valid commercial vessel  
 101 ~~boat~~ registration number. The saltwater products license decal  
 102 shall be the same color as the vessel registration decal issued  
 103 each year pursuant to s. 328.48(5) and shall indicate the period  
 104 of time such license is valid. The saltwater products license  
 105 decal shall be placed beside the vessel registration decal and,  
 106 in the case of an undocumented vessel, shall be placed so that  
 107 the vessel registration decal lies between the commercial vessel  
 108 registration number and the saltwater products license decal.  
 109 Any saltwater products license decal for a previous year shall  
 110 be removed from a vessel operating on the waters of the state.

111           (e) The annual fee for a saltwater products license is:

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112        1. For a license issued in the name of an individual which  
 113 authorizes only that individual to engage in commercial fishing  
 114 activities from the shore or a vessel: a resident must pay \$50;  
 115 a nonresident must pay \$200; or an alien must pay \$300.

116        2. For a license issued in the name of an individual which  
 117 authorizes that named individual to engage in commercial fishing  
 118 activities from the shore or a vessel and also authorizes each  
 119 person who is fishing with the named individual aboard a vessel  
 120 to engage in such activities: a resident must pay \$150; a  
 121 nonresident must pay \$600; or an alien must pay \$900.

122        3. For a license issued to a valid commercial vessel  
 123 registration number which authorizes each person aboard such  
 124 registered vessel to engage in commercial fishing activities: a  
 125 resident, or a resident firm or corporation, must pay \$100; a  
 126 nonresident, or a nonresident firm or corporation, must pay  
 127 \$400; or an alien, or an alien firm or corporation, must pay  
 128 \$600. For purposes of this subparagraph, a resident firm or  
 129 corporation means a firm or corporation formed under the laws of  
 130 this state; a nonresident firm or corporation means a firm or  
 131 corporation formed under the laws of any state other than  
 132 Florida; and an alien firm or corporation means a firm or  
 133 corporation organized under any laws other than laws of the  
 134 United States, any United States territory or possession, or any  
 135 state of the United States. ~~A resident shall pay an annual~~  
 136 ~~license fee of \$50 for a saltwater products license issued in~~  
 137 ~~the name of an individual or \$100 for a saltwater products~~  
 138 ~~license issued to a valid boat registration number. A~~  
 139 ~~nonresident shall pay an annual license fee of \$200 for a~~

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140 ~~saltwater products license issued in the name of an individual~~  
 141 ~~or \$400 for a saltwater products license issued to a valid boat~~  
 142 ~~registration number. An alien shall pay an annual license fee of~~  
 143 ~~\$300 for a saltwater products license issued in the name of an~~  
 144 ~~individual or \$600 for a saltwater products license issued to a~~  
 145 ~~valid boat registration number.~~

146 Section 3. Paragraph (b) of subsection (1) of section  
 147 370.13, Florida Statutes, is amended to read:

148 370.13 Stone crab; regulation.--

149 (1) FEES AND EQUITABLE RENT.--

150 (b) Certificate fees.--

151 1. For each trap certificate issued by the commission  
 152 under the requirements of the stone crab trap limitation program  
 153 established by commission rule, there is an annual fee of \$.50  
 154 per certificate. Replacement tags for lost or damaged tags cost  
 155 \$.50 each, except that tags lost in the event of a major natural  
 156 disaster declared as an emergency disaster by the Governor shall  
 157 be replaced for the cost of the tag as incurred by the  
 158 commission.

159 2. The fee for transferring trap certificates is \$1 per  
 160 certificate transferred, except that the fee for eligible crew  
 161 members is 50 cents per certificate transferred. ~~Except for~~  
 162 ~~transfers to~~ Eligible crew members shall be as determined  
 163 according to criteria established by rule of the commission, ~~the~~  
 164 ~~fee for transferring certificates is \$2 per certificate~~  
 165 ~~transferred to be paid by the purchaser of the certificate or~~  
 166 ~~certificates. The transfer fee for eligible crew members is \$1~~  
 167 ~~per certificate.~~ Payment must be made by money order or

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168 cashier's check, submitted with the certificate transfer form  
169 developed by the commission.

170 3. In addition to the transfer fee, a surcharge of \$1 ~~\$2~~  
171 per certificate transferred, or 25 percent of the actual value  
172 of the transferred certificate, whichever is greater, will be  
173 assessed the first time a certificate is transferred outside the  
174 original holder's immediate family.

175 4. Transfer fees and surcharges only apply to the actual  
176 number of certificates received by the purchaser. A transfer of  
177 a certificate is not effective until the commission receives a  
178 notarized copy of the bill of sale as proof of the actual value  
179 of the transferred certificate or certificates, which must also  
180 be submitted with the transfer form and payment.

181 5. A transfer fee will not be assessed or required when  
182 the transfer is within a family as a result of the death or  
183 disability of the certificate owner. A surcharge will not be  
184 assessed for any transfer within an individual's immediate  
185 family.

186 6. The fees and surcharge amounts in this paragraph apply  
187 in the 2005-2006 license year and subsequent years.

188 Section 4. Section 372.674, Florida Statutes, is repealed.

189 Section 5. Paragraph (d) of subsection (2) of section  
190 372.672, Florida Statutes, is amended to read:

191 372.672 Florida Panther Research and Management Trust  
192 Fund.--

193 (2) Money from the fund shall be spent only for the  
194 following purposes:

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195 ~~(d) To fund and administer education programs authorized~~  
 196 ~~in s. 372.674.~~

197 Section 6. Subsection (5) is added to section 373.118,  
 198 Florida Statutes, to read:

199 373.118 General permits; delegation.--

200 (5) The department shall adopt by rule one or more general  
 201 permits for local governments to construct, operate, and  
 202 maintain public marina facilities, public mooring fields, public  
 203 boat ramps, including associated courtesy docks, and associated  
 204 parking facilities located in uplands. Such general permits  
 205 adopted by rule shall include provisions to ensure compliance  
 206 with part IV of this chapter, section 373.118(1), and the  
 207 criteria necessary to include the general permits in a state  
 208 programmatically general permit issued by the United States Army  
 209 Corps of Engineers under s. 404 of the Clean Water Act, Pub. L.  
 210 No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq. A facility  
 211 authorized under such general permits is exempt from review as a  
 212 development of regional impact if the facility complies with the  
 213 comprehensive plan of the applicable local government. Such  
 214 facilities shall be consistent with the local government manatee  
 215 protection plan required pursuant to ch. 370, F.S., and shall  
 216 obtain Clean Marina Program status prior to opening for  
 217 operation and maintain that status for the life of the facility.  
 218 Marinas and mooring fields authorized under any such general  
 219 permit shall not exceed an area of 50,000 square feet over  
 220 wetlands and other surface waters. All facilities permitted  
 221 under this section shall be constructed, maintained, and  
 222 operated in perpetuity for the exclusive use of the general



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223 public. The department shall initiate the rulemaking process  
224 within 60 days after the effective date of this act.

225       Section 7. This act shall take effect July 1, 2005.