

1                   A bill to be entitled  
2           An act relating to the Fish and Wildlife Conservation  
3           Commission; amending s. 206.606, F.S.; transferring  
4           authority from the Department of Revenue to the Fish and  
5           Wildlife Conservation Commission to allocate funds from  
6           the Invasive Plant Control Trust Fund for specified  
7           purposes; amending s. 253.002, F.S.; authorizing the Board  
8           of Trustees of the Internal Improvement Trust Fund to  
9           delegate certain authority relating to aquatic and  
10          noninvasive plants to the Department of Agriculture and  
11          Consumer Services and the Fish and Wildlife Conservation  
12          Commission; amending s. 253.04, F.S.; providing for the  
13          preservation and regeneration of seagrasses; providing  
14          definitions; providing penalties; amending s. 319.32,  
15          F.S.; increasing the certificate of title fee for certain  
16          vehicles; amending s. 320.08056, F.S.; increasing the  
17          annual use fee for certain specialty license plates;  
18          amending s. 327.02, F.S.; revising the definition of the  
19          term "live-aboard vessel"; amending s. 327.35, F.S.;  
20          revising penalties for boating under the influence of  
21          alcohol; revising the blood-alcohol level or breath-  
22          alcohol level at which certain penalties apply; amending  
23          s. 327.36, F.S.; revising a prohibition against accepting  
24          a plea to a lesser included offense from a person who is  
25          charged with certain offenses involving the operation of a  
26          vessel; revising the blood-alcohol level or breath-alcohol  
27          level at which the prohibition applies; amending s.  
28          327.395, F.S.; revising the age limitation for the

29 operation of specified vessels; revising provisions  
30 relating to boating safety identification cards; providing  
31 exemptions and penalties; providing a short title;  
32 amending s. 327.40, F.S.; revising provisions for  
33 placement of navigation, safety, and informational markers  
34 of waterways; providing for uniform waterway markers;  
35 amending s. 327.41, F.S., relating to placement of markers  
36 by a county, municipality, or other governmental entity;  
37 revising terminology; providing for a county,  
38 municipality, or other governmental entity that has been  
39 granted or has adopted or established a boating-restricted  
40 area to apply for permission to place regulatory markers;  
41 amending s. 327.42, F.S.; revising provisions prohibiting  
42 mooring to or damaging markers or buoys; amending s.  
43 327.46, F.S.; revising provisions for establishment by the  
44 Fish and Wildlife Conservation Commission of boating-  
45 restricted areas; providing for counties and  
46 municipalities to establish boating-restricted areas with  
47 approval of the commission; directing the commission to  
48 adopt rules; revising a prohibition against operating a  
49 vessel in a prohibited manner in a boating-restricted  
50 area; amending s. 327.60, F.S.; revising provisions  
51 limiting local regulations relating to vessels operated  
52 upon the waters of this state; prohibiting specified  
53 county or municipality ordinances or regulations; amending  
54 s. 327.65, F.S.; conforming a cross-reference; creating s.  
55 327.66, F.S.; prohibiting possessing or operating a vessel  
56 equipped with certain fuel containers or related

57 | equipment; prohibiting transporting fuel in a vessel  
58 | except in compliance with certain federal regulations;  
59 | providing penalties; declaring fuel transported in  
60 | violation of such prohibitions to be a public nuisance and  
61 | directing the enforcing agency to abate the nuisance;  
62 | providing for disposal of the containers and fuel;  
63 | declaring conveyances, vessels, vehicles, and equipment  
64 | used in such violation to be contraband; providing for  
65 | seizure of the contraband; defining the term "conviction"  
66 | for specified purposes; providing for the costs to remove  
67 | fuel, containers, vessels, and equipment to be paid by the  
68 | owner; providing that a person who fails to pay such cost  
69 | shall not be issued a certificate of registration for a  
70 | vessel or motor vehicle; providing an exemption; amending  
71 | s. 327.70, F.S.; authorizing municipal police officers and  
72 | specified law enforcement officers to enforce the  
73 | provisions of chs. 327 and 328; providing for enforcement  
74 | of noncriminal violations by citation mailed to the owner  
75 | of a vessel; specifying responsibility for citations  
76 | issued to livery vessels; amending s. 327.73, F.S.;  
77 | revising provisions for citation of a noncriminal  
78 | infraction to provide for violations relating to boating-  
79 | restricted areas and speed limits; revising provisions  
80 | relating to establishment of such limits by counties and  
81 | municipalities; providing civil penalties for seagrass  
82 | scarring; amending s. 327.731, F.S.; conforming a cross-  
83 | reference; amending s. 328.03, F.S.; requiring vessels  
84 | used or stored on the waters of this state to be titled by

85 | this state pursuant to specified provisions; providing  
86 | exceptions; amending s. 328.07, F.S.; requiring certain  
87 | vessels used or stored on the waters of this state to have  
88 | affixed a hull identification number; amending ss. 328.46,  
89 | 328.48, and 328.56, F.S.; requiring vessels operated,  
90 | used, or stored on the waters of this state to be  
91 | registered and display the registration number; providing  
92 | exceptions; amending s. 328.58, F.S., relating to  
93 | reciprocity of nonresident or alien vessels; requiring the  
94 | owner of a vessel with a valid registration from another  
95 | state, a vessel with a valid registration from the United  
96 | States Coast Guard in another state, or a federally  
97 | documented vessel from another state to record the  
98 | registration number with the Department of Highway Safety  
99 | and Motor Vehicles when using or storing the vessel on the  
100 | waters of this state in excess of the 90-day reciprocity  
101 | period; amending s. 328.60, F.S.; providing an exception  
102 | to registration requirements for military personnel using  
103 | or storing on the waters of this state a vessel with a  
104 | valid registration from another state, a vessel with a  
105 | valid registration from the United States Coast Guard in  
106 | another state, or a federally documented vessel from  
107 | another state; amending s. 328.65, F.S.; revising  
108 | legislative intent with respect to registration and  
109 | numbering of vessels; amending s. 328.66, F.S.;  
110 | authorizing a county to impose an annual registration fee  
111 | on vessels used on the waters of this state within its  
112 | jurisdiction; amending s. 328.72, F.S.; providing

113 noncriminal penalties for use or storage of a previously  
114 registered vessel after the expiration of the registration  
115 period; amending ss. 369.20, 369.22, and 369.25, F.S.;  
116 authorizing the commission to enforce specified provisions  
117 relating to aquatic weeds and plants; granting certain  
118 activities a mixing zone for turbidity; amending s.  
119 379.304, F.S.; revising cross-references for permitting  
120 and violation provisions relating to the exhibition or  
121 sale of wildlife; amending s. 379.338, F.S.; providing for  
122 confiscation and disposition of illegally taken wildlife,  
123 freshwater fish, or saltwater fish; providing for  
124 disposition of the proceeds from sales; providing for an  
125 agency that assists in the enforcement action to receive a  
126 portion or all of any forfeited property; creating s.  
127 379.3381, F.S.; providing for photographs of wildlife,  
128 freshwater fish, and saltwater fish to be used as evidence  
129 in a prosecution in lieu of the wildlife, freshwater fish,  
130 or saltwater fish; amending s. 379.353, F.S.; revising  
131 eligibility criteria for exemption from certain  
132 recreational license and permit requirements; amending s.  
133 379.354, F.S.; providing for an annual resident shoreline  
134 fishing license and fee; authorizing the commission to use  
135 proceeds of specified hunting, fishing, and recreational  
136 licenses for certain purposes; increasing the fee amounts  
137 for waterfowl, wild turkey, snook, spiny lobster,  
138 management area, special use, and recreational user  
139 permits; providing for a management area permit and fee  
140 for outdoor recreational activities other than hunting and

141 fishing; providing for a deer permit and fee; requiring  
142 the commission to prepare an annual report and submit the  
143 report to the Governor and the Legislature; providing  
144 report requirements; amending s. 379.3671, F.S.; revising  
145 provisions for abandonment and reversion of lobster trap  
146 certificates under specified conditions; amending s.  
147 379.3751, F.S.; specifying activities relating to the  
148 taking and possession of alligators that require a license  
149 and payment of the applicable fee; deleting provisions  
150 relating to the issuance, form, and content of such  
151 licenses; amending s. 379.3761, F.S.; providing penalties  
152 for violations relating to the exhibition or sale of  
153 wildlife; amending s. 379.3762, F.S.; revising a cross-  
154 reference with respect to the penalties imposed for  
155 violations relating to the personal possession of  
156 wildlife; amending s. 379.401, F.S.; revising  
157 applicability of violation provisions relating to  
158 alligators and crocodiles; conforming references to  
159 wildlife; amending s. 379.4015, F.S.; specifying  
160 applicability of captive wildlife penalty provisions  
161 relating to the exhibition or sale of wildlife; creating  
162 s. 379.501, F.S.; providing penalties for violations  
163 relating to aquatic weeds and plants; providing  
164 legislative intent for civil penalties and criminal fines  
165 imposed by a court; creating s. 379.502, F.S.; providing  
166 judicial and administrative procedures and remedies to  
167 enforce penalty provisions for violations relating to  
168 aquatic weeds and plants; providing for mediation;

169 providing for recovery of costs and attorney's fees;  
170 requiring proceeds from related penalties to be credited  
171 to the Invasive Plant Control Trust Fund; creating s.  
172 379.503, F.S.; authorizing the commission to seek  
173 injunctive relief; providing that judicial and  
174 administrative remedies are alternative and mutually  
175 exclusive; creating s. 379.504, F.S.; providing civil  
176 penalties for violations relating to aquatic weeds and  
177 plants; authorizing a court to impose a civil penalty for  
178 each offense not to exceed a specified amount; providing  
179 for joint and several liability; providing for a  
180 methodology for assessing certain damages; amending s.  
181 403.088, F.S.; requiring the commission to approve an  
182 aquatic weeds and algae control program; directing the  
183 commission, in consultation with the Department of  
184 Environmental Protection, to establish a pilot program to  
185 explore options for regulating the anchoring or mooring of  
186 non-live-aboard vessels outside the marked boundaries of  
187 public mooring fields; providing geographic locations for  
188 the pilot program; providing goals and procedures;  
189 providing duties of the commission; requiring a report to  
190 the Governor and the Legislature; providing for expiration  
191 of the pilot program and any ordinance enacted thereunder;  
192 providing for construction; providing for a type two  
193 transfer of the Bureau of Invasive Plant Management within  
194 the Department of Environmental Protection to the Fish and  
195 Wildlife Conservation Commission; ratifying actions taken  
196 pursuant to ch. 2008-150, Laws of Florida, and an

197 interagency agreement executed pursuant thereto;  
198 transferring the Invasive Plant Control Trust Fund within  
199 the Department of Environmental Protection to the Fish and  
200 Wildlife Conservation Commission; providing a continuing  
201 appropriation to the commission for the costs associated  
202 with the shoreline fishing license exemption; reenacting  
203 s. 379.209(2)(a), F.S., relating to funds credited to the  
204 Nongame Wildlife Trust Fund, to incorporate an amendment  
205 made to s. 319.32, F.S., in a reference thereto;  
206 reenacting s. 379.3581(7), F.S., relating to hunting  
207 safety, to incorporate the amendment made to s. 379.353,  
208 F.S., in a reference thereto; reenacting ss. 379.2213,  
209 379.3501, and 379.3712, F.S., relating to management area  
210 permit revenues, expiration of licenses and permits, and  
211 commercial hunting preserve licenses, respectively, to  
212 incorporate the amendment made to s. 379.354, F.S., in  
213 references thereto; repealing s. 327.22, F.S., relating to  
214 regulation of vessels by municipalities or counties;  
215 repealing ss. 379.2211 and 379.2212, F.S., relating to  
216 Florida waterfowl permit revenues and Florida wild turkey  
217 permit revenues, respectively; repealing s. 379.366(7),  
218 F.S., to abrogate the expiration of provisions imposing  
219 blue crab effort management program fees and penalties;  
220 providing effective dates.

221  
222 Be It Enacted by the Legislature of the State of Florida:

223  
224 Section 1. Paragraph (a) of subsection (1) of section

225 206.606, Florida Statutes, is amended to read:

226 206.606 Distribution of certain proceeds.--

227 (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
 228 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust  
 229 Fund. Such moneys, after deducting the service charges imposed  
 230 by s. 215.20, the refunds granted pursuant to s. 206.41, and the  
 231 administrative costs incurred by the department in collecting,  
 232 administering, enforcing, and distributing the tax, which  
 233 administrative costs may not exceed 2 percent of collections,  
 234 shall be distributed monthly to the State Transportation Trust  
 235 Fund, except that:

236 (a) \$6.30 million shall be transferred to the Fish and  
 237 Wildlife Conservation Commission in each fiscal year and  
 238 deposited in the Invasive Plant Control Trust Fund to be used  
 239 for aquatic plant management, including nonchemical control of  
 240 aquatic weeds, research into nonchemical controls, and  
 241 enforcement activities. ~~Beginning in fiscal year 1993-1994,~~ The  
 242 commission ~~department~~ shall allocate at least \$1 million of such  
 243 funds to the eradication of melaleuca.

244 Section 2. Subsection (1) of section 253.002, Florida  
 245 Statutes, is amended to read:

246 253.002 Department of Environmental Protection, water  
 247 management districts, Fish and Wildlife Conservation Commission,  
 248 and Department of Agriculture and Consumer Services; duties with  
 249 respect to state lands.--

250 (1) The Department of Environmental Protection shall  
 251 perform all staff duties and functions related to the  
 252 acquisition, administration, and disposition of state lands,

253 title to which is or will be vested in the Board of Trustees of  
254 the Internal Improvement Trust Fund. However, upon the effective  
255 date of rules adopted pursuant to s. 373.427, a water management  
256 district created under s. 373.069 shall perform the staff duties  
257 and functions related to the review of any application for  
258 authorization to use board of trustees-owned submerged lands  
259 necessary for an activity regulated under part IV of chapter 373  
260 for which the water management district has permitting  
261 responsibility as set forth in an operating agreement adopted  
262 pursuant to s. 373.046(4); and the Department of Agriculture and  
263 Consumer Services shall perform the staff duties and functions  
264 related to the review of applications and compliance with  
265 conditions for use of board of trustees-owned submerged lands  
266 under authorizations or leases issued pursuant to ss. 253.67-  
267 253.75 and 597.010. Unless expressly prohibited by law, the  
268 board of trustees may delegate to the department any statutory  
269 duty or obligation relating to the acquisition, administration,  
270 or disposition of lands, title to which is or will be vested in  
271 the board of trustees. The board of trustees may also delegate  
272 to any water management district created under s. 373.069 the  
273 authority to take final agency action, without any action on  
274 behalf of the board, on applications for authorization to use  
275 board of trustees-owned submerged lands for any activity  
276 regulated under part IV of chapter 373 for which the water  
277 management district has permitting responsibility as set forth  
278 in an operating agreement adopted pursuant to s. 373.046(4).  
279 This water management district responsibility under this  
280 subsection shall be subject to the department's general

281 supervisory authority pursuant to s. 373.026(7). The board of  
 282 trustees may also delegate to the Department of Agriculture and  
 283 Consumer Services the authority to take final agency action on  
 284 behalf of the board on applications to use board of trustees-  
 285 owned submerged lands for any activity for which that department  
 286 has responsibility pursuant to ss. 253.67-253.75, 369.25,  
 287 369.251, and 597.010. However, the board of trustees shall  
 288 retain the authority to take final agency action on establishing  
 289 any areas for leasing, new leases, expanding existing lease  
 290 areas, or changing the type of lease activity in existing  
 291 leases. Upon issuance of an aquaculture lease or other real  
 292 property transaction relating to aquaculture, the Department of  
 293 Agriculture and Consumer Services must send a copy of the  
 294 document and the accompanying survey to the Department of  
 295 Environmental Protection. The board of trustees may also  
 296 delegate to the Fish and Wildlife Conservation Commission the  
 297 authority to take final agency action, without any action on  
 298 behalf of the board, on applications for authorization to use  
 299 board of trustees-owned submerged lands for any activity  
 300 regulated under ss. ~~s.~~ 369.20 and 369.22.

301 Section 3. Effective October 1, 2009, subsections (4)  
 302 through (7) of section 253.04, Florida Statutes, are renumbered  
 303 as subsections (5) through (8), respectively, and a new  
 304 subsection (4) is added to that section to read:

305 253.04 Duty of board to protect, etc., state lands; state  
 306 may join in any action brought.--

307 (4) (a) The duty to conserve and improve state-owned lands  
 308 and the products thereof shall include the preservation and

309 regeneration of seagrass, which is deemed essential to the  
 310 oceans, gulfs, estuaries, and shorelines of the state. A person  
 311 operating a vessel outside a lawfully marked channel in a  
 312 careless manner that causes seagrass scarring within an aquatic  
 313 preserve established in ss. 258.39-258.399, with the exception  
 314 of the Lake Jackson, Oklawaha River, Wekiva River, and Rainbow  
 315 Springs aquatic preserves, commits a noncriminal infraction,  
 316 punishable as provided in s. 327.73. Each violation is a  
 317 separate offense. As used in this subsection, the term:

318 1. "Seagrass" means Cuban shoal grass (Halodule wrightii),  
 319 turtle grass (Thalassia testudinum), manatee grass (Syringodium  
 320 filiforme), star grass (Halophila engelmannii), paddle grass  
 321 (Halophila decipiens), Johnson's seagrass (Halophila johnsonii),  
 322 or widgeon grass (Ruppia maritima).

323 2. "Seagrass scarring" means destruction of seagrass  
 324 roots, shoots, or stems that results in tracks on the substrate  
 325 commonly referred to as prop scars or propeller scars caused by  
 326 the operation of a motorized vessel in waters supporting  
 327 seagrasses.

328 (b) Any violation under paragraph (a) is a violation of  
 329 the vessel laws of this state and shall be charged on a uniform  
 330 boating citation as provided in s. 327.74. Any person who  
 331 refuses to post a bond or accept and sign a uniform boating  
 332 citation commits a misdemeanor of the second degree, as provided  
 333 in s. 327.73(3), punishable as provided in s. 775.082 or s.  
 334 775.083.

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

337 319.32 Fees; service charges; disposition.--

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

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

345 320.08056 Specialty license plates.--

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

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

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

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

352 327.02 Definitions of terms used in this chapter and in  
 353 chapter 328.--As used in this chapter and in chapter 328, unless  
 354 the context clearly requires a different meaning, the term:

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

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

358 (b) Any vessel represented as a place of business, or a  
 359 professional or other commercial enterprise; ~~or~~

360 (c) Any vessel for which a declaration of domicile has  
 361 been filed pursuant to s. 222.17 ~~a legal residence~~.

362

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

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

367 327.35 Boating under the influence; penalties; "designated  
 368 drivers".--

369 (1) A person is guilty of the offense of boating under the  
 370 influence and is subject to punishment as provided in subsection  
 371 (2) if the person is operating a vessel within this state and:

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

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

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

380 (4) Any person who is convicted of a violation of  
 381 subsection (1) and who has a blood-alcohol level or breath-  
 382 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is  
 383 convicted of a violation of subsection (1) and who at the time  
 384 of the offense was accompanied in the vessel by a person under  
 385 the age of 18 years, shall be punished:

386 (a) By a fine of:

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

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

391 3. Not less than \$4,000 for a third or subsequent  
 392 conviction.

- 393 (b) By imprisonment for:  
 394 1. Not more than 9 months for a first conviction.  
 395 2. Not more than 12 months for a second conviction.  
 396

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

401 Section 8. Paragraph (a) of subsection (2) of section  
 402 327.36, Florida Statutes, is amended to read:

403 327.36 Mandatory adjudication; prohibition against  
 404 accepting plea to lesser included offense.--

405 (2) (a) No trial judge may accept a plea of guilty to a  
 406 lesser offense from a person who is charged with a violation of  
 407 s. 327.35, manslaughter resulting from the operation of a  
 408 vessel, or vessel homicide and who has been given a breath or  
 409 blood test to determine blood or breath alcohol content, the  
 410 results of which show a blood-alcohol level or breath-alcohol  
 411 level of 0.15 ~~0.16~~ or more.

412 Section 9. Effective January 1, 2010, subsections (1),  
 413 (6), and (7) of section 327.395, Florida Statutes, are amended,  
 414 and subsection (12) is added to that section, to read:

415 327.395 Boating safety identification cards.--

416 (1) A person born on or after January 1, 1988, ~~21 years of~~  
 417 ~~age or younger~~ may not operate a vessel powered by a motor of 10  
 418 horsepower or greater unless such person has in his or her  
 419 possession aboard the vessel photographic identification and a  
 420 boater safety identification card issued by the commission which

421 shows that he or she has:

422 (a) Completed a commission-approved boater education  
 423 course that meets the minimum 8-hour instruction requirement  
 424 established by the National Association of State Boating Law  
 425 Administrators;

426 (b) Passed a course equivalency examination approved by  
 427 the commission; or

428 (c) Passed a temporary certificate examination developed  
 429 or approved by the commission.

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

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

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

434 (c) Is accompanied in the vessel by a person who is exempt  
 435 from this section or who holds an identification card in  
 436 compliance with this section, is 18 years of age or older, and  
 437 is attendant to the operation of the vessel and responsible for  
 438 the safe operation of the vessel and for any violation that  
 439 occurs during the operation.

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

444 (e) Is operating a vessel within 90 days after the  
 445 purchase of that vessel and has available for inspection aboard  
 446 that vessel a bill of sale meeting the requirements of s.  
 447 328.46(1).

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

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

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

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

456           327.40 Uniform waterway markers ~~for safety and navigation;~~  
457 ~~informational markers.--~~

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

466           (2) (a) Application for marking inland lakes and state  
467 waters and any navigable waters under concurrent jurisdiction of  
468 the Coast Guard and the division shall be made to the division,  
469 accompanied by a map locating the approximate placement of  
470 markers, a list of the markers to be placed, a statement of the  
471 specification of the markers, a statement of the purpose of  
472 marking, and the names of persons responsible for the placement  
473 and upkeep of such markers. The division will assist the  
474 applicant to secure the proper permission from the Coast Guard  
475 where required, make such investigations as needed, and issue a  
476 permit. The division shall furnish the applicant with the

477 information concerning the system adopted and the rules existing  
 478 for placing and maintaining the markers. The division shall keep  
 479 records of all approvals given and counsel with individuals,  
 480 counties, municipalities, motorboat clubs, or other groups  
 481 desiring to mark waterways for safety and navigation purposes in  
 482 Florida.

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

487 2. The placement of information ~~informational~~ markers,  
 488 ~~including, but not limited to, markers indicating end of boat~~  
 489 ~~ramp, no swimming, swimming area, lake name, trash receptacle,~~  
 490 ~~public health notice, or underwater hazard and canal,~~  
 491 ~~regulatory, emergency, and special event markers,~~ by counties,  
 492 municipalities, or other governmental entities on inland lakes  
 493 and their associated canals are exempt from permitting under  
 494 this section. ~~Such markers, excluding swimming area and special~~  
 495 ~~event markers, may be no more than 50 feet from the normal~~  
 496 ~~shoreline.~~

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

499 (3) The placement under this section or s. 327.41 of any  
 500 uniform waterway marker ~~safety or navigation marker or any~~  
 501 ~~informational marker under subparagraph (2)(b)2.~~ on state  
 502 submerged lands ~~under this section~~ does not subject such lands  
 503 to the lease requirements of chapter 253.

504 Section 11. Effective October 1, 2009, subsection (2) of

505 section 327.41, Florida Statutes, is amended to read:

506 327.41 Uniform waterway regulatory markers.--

507 (2) Any county or municipality which has been granted a  
 508 boating-restricted ~~restricted~~ area designation, by rule of the  
 509 commission pursuant to s. 327.46(1) (a), for a portion of the  
 510 Florida Intracoastal Waterway within its jurisdiction or which  
 511 has adopted a boating-restricted ~~restricted~~ area by ordinance  
 512 pursuant to s. 327.46(1) (b) or (c) ~~s. 327.22, s. 327.60,~~ or s.  
 513 379.2431(2) (p), or any other governmental entity which has  
 514 legally established a boating-restricted ~~restricted~~ area, may  
 515 apply to the commission for permission to place regulatory  
 516 markers within the boating-restricted ~~restricted~~ area.

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

519 327.42 Mooring to or damaging of uniform waterway markers  
 520 ~~or buoys~~ prohibited.--

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

526 (2) No person shall willfully damage, alter, or move a  
 527 lawfully placed uniform waterway ~~aid-to-navigation~~ marker ~~or~~  
 528 ~~buoy, regulatory marker or buoy, or area boundary marker or~~  
 529 ~~buoy.~~

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

532 327.46 Boating-restricted ~~Restricted~~ areas.--

533           (1) Boating-restricted ~~The commission has the authority to~~  
534 ~~establish by rule, pursuant to chapter 120, restricted areas,~~  
535 including, but not limited to, restrictions of vessel speeds and  
536 vessel traffic, may be established on the waters of this ~~the~~  
537 state for any purpose ~~deemed necessary to protect for~~ the safety  
538 of the public ~~if, including, but not limited to, vessel speeds~~  
539 ~~and vessel traffic, where such restrictions are deemed necessary~~  
540 based on boating accidents, visibility, hazardous currents or  
541 water levels, vessel traffic congestion, or other navigational  
542 hazards.

543           (a) The commission may establish boating-restricted areas  
544 by rule pursuant to chapter 120.

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

547           1. An ordinance establishing an idle speed, no wake  
548 boating-restricted area, if the area is:

549           a. Within 500 feet of any boat ramp, hoist, marine  
550 railway, or other launching or landing facility available for  
551 use by the general boating public on waterways more than 300  
552 feet in width or within 300 feet of any boat ramp, hoist, marine  
553 railway, or other launching or landing facility available for  
554 use by the general boating public on waterways not exceeding 300  
555 feet in width.

556           b. Within 500 feet of fuel pumps or dispensers at any  
557 marine fueling facility that sells motor fuel to the general  
558 boating public on waterways more than 300 feet in width or  
559 within 300 feet of the fuel pumps or dispensers at any licensed  
560 terminal facility that sells motor fuel to the general boating

561 public on waterways not exceeding 300 feet in width.

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

563 2. An ordinance establishing a slow speed, minimum wake

564 boating-restricted area if the area is:

565 a. Within 300 feet of any bridge fender system.

566 b. Within 300 feet of any bridge span presenting a

567 vertical clearance of less than 25 feet or a horizontal

568 clearance of less than 100 feet.

569 c. On a creek, stream, canal, or similar linear waterway

570 if the waterway is less than 75 feet in width from shoreline to

571 shoreline.

572 d. On a lake or pond of less than 10 acres in total

573 surface area.

574 3. An ordinance establishing a vessel-exclusion zone if

575 the area is:

576 a. Designated as a public bathing beach or swim area.

577 b. Reserved exclusively as a canoe trail or otherwise

578 limited to vessels under oars.

579 c. Within 300 feet of a dam, spillway, or flood control

580 structure.

581 (c) Municipalities and counties have the authority to

582 establish by ordinance the following other boating-restricted

583 areas:

584 1. An ordinance establishing an idle speed, no wake

585 boating-restricted area, if the area is within 300 feet of a

586 confluence of water bodies presenting a blind corner, a bend in

587 a narrow channel or fairway, or such other area if an

588 intervening obstruction to visibility may obscure other vessels

589 or other users of the waterway.

590 2. An ordinance establishing a slow speed, minimum wake,  
591 or numerical speed limit boating-restricted area if the area is:

592 a. Within 300 feet of a confluence of water bodies  
593 presenting a blind corner, a bend in a narrow channel or  
594 fairway, or such other area if an intervening obstruction to  
595 visibility may obscure other vessels or other users of the  
596 waterway.

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

598 c. Subject to hazardous water levels or currents, or  
599 containing other navigational hazards.

600 d. An area that accident reports, uniform boating  
601 citations, vessel traffic studies, or other creditable data  
602 demonstrate to present a significant risk of collision or a  
603 significant threat to boating safety.

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

606 a. As a canoe trail or otherwise limited to vessels under  
607 oars or under sail.

608 b. For a particular activity and user group separation  
609 must be imposed to protect the safety of those participating in  
610 such activity.

611  
612 Any of the ordinances adopted pursuant to this paragraph shall  
613 not take effect until the commission has reviewed the ordinance  
614 and determined by substantial competent evidence that the  
615 ordinance is necessary to protect public safety pursuant to this  
616 paragraph. Any application for approval of an ordinance shall be

617 reviewed and acted upon within 90 days after receipt of a  
 618 completed application. Within 30 days after a municipality or  
 619 county submits an application for approval to the commission,  
 620 the commission shall advise the municipality or county as to  
 621 what information, if any, is needed to deem the application  
 622 complete. An application shall be considered complete upon  
 623 receipt of all requested information and correction of any error  
 624 or omission for which the applicant was timely notified or when  
 625 the time for such notification has expired. The commission's  
 626 action on the application shall be subject to review under  
 627 chapter 120. The commission shall initiate rulemaking no later  
 628 than January 1, 2010, to provide criteria and procedures for  
 629 reviewing applications and procedures for providing for public  
 630 notice and participation pursuant to this paragraph.

631 (2) Each such boating-restricted ~~restricted~~ area shall be  
 632 developed in consultation and coordination with the governing  
 633 body of the county or municipality in which the boating-  
 634 restricted ~~restricted~~ area is located and, when the boating-  
 635 restricted area is to be on the navigable waters of the United  
 636 States ~~where required~~, with the United States Coast Guard and  
 637 the United States Army Corps of Engineers.

638 (3)~~(2)~~ It is unlawful for any person to operate a vessel  
 639 in a prohibited manner or to carry on any prohibited activity,  
 640 as defined in this chapter, ~~deemed a safety hazard or~~  
 641 ~~interference with navigation as provided above~~ within a boating-  
 642 restricted ~~restricted water~~ area which has been clearly marked  
 643 by regulatory markers as authorized under this chapter.

644 (4)~~(3)~~ Restrictions in a boating-restricted area

645 established pursuant to this section shall not apply in the case  
 646 of an emergency or to a law enforcement, firefighting, or rescue  
 647 vessel owned or operated by a governmental entity.

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

650 327.60 Local regulations; limitations.--

651 (1) The provisions of this chapter and chapter 328 ~~ss.~~  
 652 ~~327.01, 327.02, 327.30-327.40, 327.44-327.50, 327.54, 327.56,~~  
 653 ~~327.65, 328.40-328.48, 328.52-328.58, 328.62, and 328.64~~ shall  
 654 govern the operation, equipment, and all other matters relating  
 655 thereto whenever any vessel shall be operated upon the waters of  
 656 this state waterways or when any activity regulated hereby shall  
 657 take place thereon.

658 (2) Nothing in this chapter or chapter 328 ~~these sections~~  
 659 shall be construed to prevent the adoption of any ordinance or  
 660 local regulation ~~law~~ relating to operation ~~and equipment~~ of  
 661 vessels, except that a county or municipality shall not enact,  
 662 continue in effect, or enforce any ordinance or local  
 663 regulation:

664 (a) Establishing a vessel or associated equipment  
 665 performance or other safety standard, imposing a requirement for  
 666 associated equipment, or regulating the carrying or use of  
 667 marine safety articles;

668 (b) Relating to the design, manufacture, installation, or  
 669 use of any marine sanitation device on any vessel;

670 (c) Regulating any vessel upon the Florida Intracoastal  
 671 Waterway;

672 (d) Discriminating against personal watercraft;

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

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

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

681 (h) That conflicts with any provisions of this chapter or  
 682 any amendments thereto or rules adopted thereunder. ~~no such~~  
 683 ~~ordinance or local law may apply to the Florida Intracoastal~~  
 684 ~~Waterway and except that such ordinances or local laws shall be~~  
 685 ~~operative only when they are not in conflict with this chapter~~  
 686 ~~or any amendments thereto or regulations thereunder. Any~~  
 687 ~~ordinance or local law which has been adopted pursuant to this~~  
 688 ~~section or to any other state law may not discriminate against~~  
 689 ~~personal watercraft as defined in s. 327.02. Effective July 1,~~  
 690 ~~2006, any ordinance or local law adopted pursuant to this~~  
 691 ~~section or any other state law may not discriminate against~~  
 692 ~~airboats except by a two-thirds vote of the governing body~~  
 693 ~~enacting such ordinance.~~

694 (3)(2) ~~Nothing contained in the provisions of this section~~  
 695 ~~shall be construed to prohibit local governmental authorities~~  
 696 ~~from the enactment or enforcement of regulations which prohibit~~  
 697 ~~or restrict the mooring or anchoring of floating structures or~~  
 698 ~~live-aboard vessels within their jurisdictions or of any vessels~~  
 699 ~~within the marked boundaries of mooring fields permitted as~~  
 700 ~~provided in s. 327.40. However, local governmental authorities~~

701 are prohibited from regulating the anchoring outside of such  
 702 mooring fields of vessels other than live-aboard vessels as  
 703 defined in s. 327.02 ~~non-live-aboard vessels in navigation.~~

704 Section 15. Paragraph (a) of subsection (2) of section  
 705 327.65, Florida Statutes, is amended to read:

706 327.65 Muffling devices.--

707 (2) (a) Any county wishing to impose additional noise  
 708 pollution and exhaust regulations on vessels may, pursuant to s.  
 709 327.60 (2) (1), adopt by county ordinance the following  
 710 regulations:

711 1. No person shall operate or give permission for the  
 712 operation of any vessel on the waters of any county or on a  
 713 specified portion of the waters of any county, including the  
 714 Florida Intracoastal Waterway, which has adopted the provisions  
 715 of this section in such a manner as to exceed the following  
 716 sound levels at a distance of 50 feet from the vessel: for all  
 717 vessels, a maximum sound level of 90 dB A.

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

722 Section 16. Section 327.66, Florida Statutes, is created  
 723 to read:

724 327.66 Carriage of gasoline on vessels.--

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

726 1. Possess or operate any vessel that has been equipped  
 727 with tanks, bladders, drums, or other containers designed or  
 728 intended to hold gasoline, or install or maintain such

729 containers in a vessel, if such containers do not conform to  
730 federal regulations or have not been approved by the United  
731 States Coast Guard by inspection or special permit.

732 2. Transport any gasoline in an approved portable  
733 container when the container is in a compartment that is not  
734 ventilated in strict compliance with United States Coast Guard  
735 regulations pertaining to ventilation of compartments containing  
736 gasoline tanks.

737 (b) A person who violates paragraph (a) commits a  
738 misdemeanor of the second degree, punishable as provided in s.  
739 775.082 or s. 775.083.

740 (2) (a) Gasoline possessed or transported in violation of  
741 this section and all containers holding such gasoline are  
742 declared to be a public nuisance. A law enforcement agency  
743 discovering gasoline possessed or transported in violation of  
744 paragraph (1) (a) shall abate the nuisance by removing the  
745 gasoline and containers from the vessel and from the waters of  
746 this state. A law enforcement agency that removes gasoline or  
747 containers pursuant to this subsection may elect to:

748 1. Retain the property for the agency's own use;  
749 2. Transfer the property to another unit of state or local  
750 government;  
751 3. Donate the property to a charitable organization; or  
752 4. Sell the property at public sale pursuant to s.  
753 705.103.

754 (b) A law enforcement agency that seizes gasoline or  
755 containers pursuant to this subsection shall remove and reclaim,  
756 recycle, or otherwise dispose of the gasoline as soon as

757 practicable in a safe and proper manner.

758 (3) All conveyances, vessels, vehicles, and other  
759 equipment described in paragraph (1)(a) or used in the  
760 commission of a violation of paragraph (1)(a), other than  
761 gasoline or containers removed as provided in subsection (2),  
762 are declared to be contraband.

763 (a) Upon conviction of a person arrested for a violation  
764 of paragraph (1)(a), the judge shall issue an order adjudging  
765 and ordering that all conveyances, vessels, vehicles, and other  
766 equipment used in the violation shall be forfeited to the  
767 arresting agency. The requirement for a conviction before  
768 forfeiture of property establishes to the exclusion of any  
769 reasonable doubt that the property was used in connection with  
770 the violation resulting in the conviction, and the procedures of  
771 chapter 932 do not apply to any forfeiture of property under  
772 this subsection following a conviction.

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

777 (c) As used in this subsection, the term "conviction"  
778 means a finding of guilt or the acceptance of a plea of guilty  
779 or nolo contendere, regardless of whether adjudication is  
780 withheld or whether imposition of sentence is withheld,  
781 deferred, or suspended.

782 (4) All costs incurred by the law enforcement agency in  
783 the removal of any gasoline, gasoline container, other  
784 equipment, or vessel as provided in this section shall be

785 recoverable against the owner thereof. Any person who neglects  
 786 or refuses to pay such amount shall not be issued a certificate  
 787 of registration for such vessel or for any other vessel or motor  
 788 vehicle until the costs have been paid.

789 (5) Foreign flagged vessels entering United States waters  
 790 and waters of this state in compliance with 19 U.S.C. s. 1433  
 791 are exempt from this section.

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

794 327.70 Enforcement of this chapter and chapter 328.--

795 (1) This chapter and chapter 328 shall be enforced by the  
 796 Division of Law Enforcement of the Fish and Wildlife  
 797 Conservation Commission and its officers, the sheriffs of the  
 798 various counties and their deputies, municipal police officers,  
 799 and any other ~~authorized~~ law enforcement officer as defined in  
 800 s. 943.10, all of whom may order the removal of vessels deemed  
 801 to be an interference or a hazard to public safety, enforce the  
 802 provisions of this chapter and chapter 328, or cause any  
 803 inspections to be made of all vessels in accordance with this  
 804 chapter and chapter 328.

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

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

810 2. Section 327.44, relating to interference with  
 811 navigation.

812 3. Section 327.50(2), relating to required lights and

813 shapes.

814 4. Section 327.53, relating to marine sanitation.

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

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

817 (b) Citations issued to livery vessels under this

818 subsection shall be the responsibility of the lessee of the

819 vessel if the livery has included a warning of this

820 responsibility as a part of the rental agreement and has

821 provided to the agency issuing the citation the name, address,

822 and date of birth of the lessee when requested by that agency.

823 The livery is not responsible for the payment of citations if

824 the livery provides the required warning and lessee information.

825 (3)-(2) Such officers shall have the power and duty to

826 issue such orders and to make such investigations, reports, and

827 arrests in connection with any violation of the provisions of

828 this chapter and chapter 328 as are necessary to effectuate the

829 intent and purpose of this chapter and chapter 328.

830 (4)-(3) The Fish and Wildlife Conservation Commission or

831 any other law enforcement agency may make any investigation

832 necessary to secure information required to carry out and

833 enforce the provisions of this chapter and chapter 328.

834 Section 18. Effective October 1, 2009, paragraph (k) of

835 subsection (1) of section 327.73, Florida Statutes, is amended,

836 and paragraph (x) is added to that subsection, to read:

837 327.73 Noncriminal infractions.--

838 (1) Violations of the following provisions of the vessel

839 laws of this state are noncriminal infractions:

840 (k) Violations relating to boating-restricted ~~restricted~~

841 areas and speed limits:

842 1. Established by the commission or by local governmental  
 843 authorities pursuant to s. 327.46.

844 ~~2. Established by local governmental authorities pursuant~~  
 845 ~~to s. 327.22 or s. 327.60.~~

846 ~~2.3.~~ Speed limits established pursuant to s. 379.2431(2).

847 (x) Section 253.04(4)(a), relating to carelessly causing  
 848 seagrass scarring, for which the civil penalty upon conviction  
 849 is:

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

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

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

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

857

858 Any person cited for a violation of any such provision shall be  
 859 deemed to be charged with a noncriminal infraction, shall be  
 860 cited for such an infraction, and shall be cited to appear  
 861 before the county court. The civil penalty for any such  
 862 infraction is \$50, except as otherwise provided in this section.  
 863 Any person who fails to appear or otherwise properly respond to  
 864 a uniform boating citation shall, in addition to the charge  
 865 relating to the violation of the boating laws of this state, be  
 866 charged with the offense of failing to respond to such citation  
 867 and, upon conviction, be guilty of a misdemeanor of the second  
 868 degree, punishable as provided in s. 775.082 or s. 775.083. A

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

871 Section 19. Subsection (1) of section 327.731, Florida  
 872 Statutes, is amended to read:

873 327.731 Mandatory education for violators.--

874 (1) Every person convicted of a criminal violation of this  
 875 chapter, every person convicted of a noncriminal infraction  
 876 under this chapter if the infraction resulted in a reportable  
 877 boating accident, and every person convicted of two noncriminal  
 878 infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p),  
 879 and (s)-(x)~~(s)-(w)~~, said infractions occurring within a 12-month  
 880 period, must:

881 (a) Enroll in, attend, and successfully complete, at his  
 882 or her own expense, a boating safety course that meets minimum  
 883 standards established by the commission by rule; however, the  
 884 commission may provide by rule pursuant to chapter 120 for  
 885 waivers of the attendance requirement for violators residing in  
 886 areas where classroom presentation of the course is not  
 887 available;

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

890 (c) Refrain from operating a vessel until he or she has  
 891 filed the proof of successful completion of the course with the  
 892 commission.

893  
 894 Any person who has successfully completed an approved boating  
 895 course shall be exempt from these provisions upon showing proof  
 896 to the commission as specified in paragraph (b).

897 Section 20. Effective October 1, 2009, subsections (1) and  
 898 (2) of section 328.03, Florida Statutes, are amended to read:

899 328.03 Certificate of title required.--

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

903 (a) A vessel operated, used, or stored exclusively on  
 904 private lakes and ponds;~~;~~

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

906 (c) A non-motor-powered vessel less than 16 feet in  
 907 length;~~;~~

908 (d) A federally documented vessel;~~;~~

909 (e) A vessel already covered by a registration number in  
 910 full force and effect which was awarded to it pursuant to a  
 911 federally approved numbering system of another state or by the  
 912 United States Coast Guard in a state without a federally  
 913 approved numbering system, if the vessel is not located in this  
 914 state for a period in excess of 90 consecutive days;~~;~~

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

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

920 (h) A vessel used solely for demonstration, testing, or  
 921 sales promotional purposes by the manufacturer or dealer; or~~;~~

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

924 (2) A person shall not operate, use, or store a vessel for

925 | which a certificate of title is required unless the owner has  
 926 | received from the Department of Highway Safety and Motor  
 927 | Vehicles a valid certificate of title for such vessel. However,  
 928 | such vessel may be operated, used, or stored for a period of up  
 929 | to 180 days after ~~from~~ the date of application for a certificate  
 930 | of title while the application is pending.

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

933 | 328.07 Hull identification number required.--

934 | (1) No person shall operate, use, or store on the waters  
 935 | of this state a vessel the construction of which began after  
 936 | October 31, 1972, for which the department has issued a  
 937 | certificate of title or which is required by law to be  
 938 | registered, unless the vessel displays the assigned hull  
 939 | identification number affixed by the manufacturer as required by  
 940 | the United States Coast Guard or by the department for a  
 941 | homemade vessel or other vessel for which a hull identification  
 942 | number is not required by the United States Coast Guard. The  
 943 | hull identification number must be carved, burned, stamped,  
 944 | embossed, or otherwise permanently affixed to the outboard side  
 945 | of the transom or, if there is no transom, to the outermost  
 946 | starboard side at the end of the hull that bears the rudder or  
 947 | other steering mechanism, above the waterline of the vessel in  
 948 | such a way that alteration, removal, or replacement would be  
 949 | obvious and evident. The characters of the hull identification  
 950 | number must be no less than 12 in number and no less than one-  
 951 | fourth inch in height.

952 | (2) No person shall operate, use, or store on the waters

953 of this state a vessel the construction of which was completed  
 954 before November 1, 1972, for which the department has issued a  
 955 certificate of title or which is required by law to be  
 956 registered, unless the vessel displays a hull identification  
 957 number. The hull identification number shall be clearly  
 958 imprinted in the transom or on the hull by stamping, impressing,  
 959 or marking with pressure. In lieu of imprinting, the hull  
 960 identification number may be displayed on a plate in a permanent  
 961 manner. A vessel for which the manufacturer has provided no hull  
 962 identification number or a homemade vessel shall be assigned a  
 963 hull identification number by the department which shall be  
 964 affixed to the vessel pursuant to this section.

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

967 328.46 Operation of registered vessels.--

968 (1) Every vessel that is required to be registered and  
 969 that is being operated, used, or stored on ~~using~~ the waters of  
 970 this state shall be registered and numbered within 30 days after  
 971 purchase by the owner except as specifically exempt. During this  
 972 30-day period, the operator is required to have aboard the  
 973 vessel and available for inspection a bill of sale. The bill of  
 974 sale for the vessel shall serve as the temporary certificate of  
 975 number that is required by federal law and must contain the  
 976 following information:

- 977 (a) Make of the vessel.
- 978 (b) Length of the vessel.
- 979 (c) Type of propulsion.
- 980 (d) Hull identification number.

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

983 (f) Name of the purchaser.

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

985 (h) Signature of the purchaser.

986 (i) Name of the seller.

987 (j) Signature of the seller.

988 (k) Date of the sale of the vessel. The date of sale shall  
 989 also serve as the date of issuance of the temporary certificate  
 990 of number.

991 (l) Notice to the purchaser and operator that the  
 992 temporary authority to use the vessel on the waters of this  
 993 state is invalid after 30 days following the date of sale of the  
 994 vessel.

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

998 (a) Such vessel is registered within 30 days after  
 999 purchase by the owner and numbered with the identifying number  
 1000 set forth in the certificate of registration, displayed:

1001 1. In accordance with s. 328.48(4), except, if the vessel  
 1002 is an airboat, the registration number may be displayed on each  
 1003 side of the rudder; or

1004 2. In accordance with 33 C.F.R. s. 173.27, or with a  
 1005 federally approved numbering system of another state; and

1006 (b) The certificate of registration or temporary  
 1007 certificate of number awarded to such vessel is in full force  
 1008 and effect.

1009 Section 23. Effective October 1, 2009, subsection (2) of  
 1010 section 328.48, Florida Statutes, is amended to read:

1011 328.48 Vessel registration, application, certificate,  
 1012 number, decal, duplicate certificate.--

1013 (2) Each vessel operated, ~~All vessels used,~~ or stored on  
 1014 the waters of this ~~the~~ state must be registered as a, ~~either~~  
 1015 commercial vessel or recreational vessel as defined in s. 327.02  
 1016 ~~this chapter,~~ unless it is except as follows:

1017 (a) A vessel operated, used, and stored exclusively on  
 1018 private lakes and ponds;;

1019 (b) A vessel owned by the United States Government;;

1020 (c) A vessel used exclusively as a ship's lifeboat; or;

1021 (d) A non-motor-powered vessel less than 16 feet in  
 1022 length, or a ~~and any~~ non-motor-powered canoe, kayak, racing  
 1023 shell, or rowing scull, regardless of length.

1024 Section 24. Effective October 1, 2009, section 328.56,  
 1025 Florida Statutes, is amended to read:

1026 328.56 Vessel registration number.--Each vessel that is  
 1027 operated, used, or stored on the waters of this ~~the~~ state must  
 1028 display a commercial or recreational Florida registration  
 1029 number, unless it is:

1030 (1) A vessel operated, used, and stored exclusively on  
 1031 private lakes and ponds;;

1032 (2) A vessel owned by the United States Government;;

1033 (3) A vessel used exclusively as a ship's lifeboat;;

1034 (4) A non-motor-powered vessel less than 16 feet in  
 1035 length, or a ~~and any~~ non-motor-powered canoe, kayak, racing  
 1036 shell, or rowing scull, regardless of length;;

1037 (5) A federally documented vessel;;~~-~~  
 1038 (6) A vessel already covered by a registration number in  
 1039 full force and effect which has been awarded to it pursuant to a  
 1040 federally approved numbering system of another state or by the  
 1041 United States Coast Guard in a state without a federally  
 1042 approved numbering system, if the vessel has not been within  
 1043 this state for a period in excess of 90 consecutive days;;~~-~~  
 1044 (7) A vessel operating under a valid temporary certificate  
 1045 of number;;~~-~~  
 1046 (8) A vessel from a country other than the United States  
 1047 temporarily using the waters of this state;; ~~or-~~  
 1048 (9) An undocumented vessel used exclusively for racing.  
 1049 Section 25. Effective October 1, 2009, section 328.58,  
 1050 Florida Statutes, is amended to read:  
 1051 328.58 Reciprocity of nonresident or alien vessels.--The  
 1052 owner of any vessel already covered by a registration number in  
 1053 full force and effect which has been awarded by:  
 1054 (1) ~~By~~ Another state pursuant to a federally approved  
 1055 numbering system of another state;  
 1056 (2) ~~By~~ The United States Coast Guard in a state without a  
 1057 federally approved numbering system; or  
 1058 (3) ~~By~~ The United States Coast Guard for a federally  
 1059 documented vessel with a valid registration in full force and  
 1060 effect from another state,  
 1061  
 1062 shall record the number with the Department of Highway Safety  
 1063 and Motor Vehicles prior to operating, using, or storing the  
 1064 vessel on the waters of this state in excess of the 90-day

1065 reciprocity period provided for in this chapter. Such  
 1066 recordation shall be pursuant to the procedure required for the  
 1067 award of an original registration number, except that no  
 1068 additional or substitute registration number shall be issued if  
 1069 the vessel owner maintains the previously awarded registration  
 1070 number in full force and effect.

1071 Section 26. Effective October 1, 2009, section 328.60,  
 1072 Florida Statutes, is amended to read:

1073 328.60 Military personnel; registration; penalties.--Any  
 1074 military personnel on active duty in this state operating,  
 1075 using, or storing a vessel on the waters of this state that has  
 1076 a registration number in full force and effect which has been  
 1077 awarded to it pursuant to a federally approved numbering system  
 1078 of another state or by the United States Coast Guard in a state  
 1079 without a federally approved numbering system, or a federally  
 1080 documented vessel with a valid registration in full force and  
 1081 effect from another state shall not be required to register his  
 1082 or her vessel in this state while such certificate of  
 1083 registration remains valid; but, at the expiration of such  
 1084 registration certificate, all registration and titling shall be  
 1085 issued by this state. In the case of a federally documented  
 1086 vessel, the issuance of a title is not required by this chapter.

1087 Section 27. Effective October 1, 2009, section 328.65,  
 1088 Florida Statutes, is amended to read:

1089 328.65 Legislative intent with respect to registration and  
 1090 numbering of vessels.--It is the legislative intent that vessels  
 1091 be registered and numbered uniformly throughout the state. The  
 1092 purpose of ss. 327.58, 327.70, 327.72, 328.66, 328.68, and

1093 328.72 is to make registration and numbering procedures similar  
 1094 to those of automobiles and airplanes and to provide for a  
 1095 vessel registration fee and certificate so as to determine the  
 1096 ownership of vessels which are operated, used, or stored ~~operate~~  
 1097 on the waters of this state and to aid in the advancement of  
 1098 maritime safety.

1099 Section 28. Effective October 1, 2009, subsection (1) of  
 1100 section 328.66, Florida Statutes, is amended to read:

1101 328.66 County and municipality optional registration  
 1102 fee.--

1103 (1) Any county may impose an annual registration fee on  
 1104 vessels registered, operated, used, or stored on the waters of  
 1105 this state ~~in the water~~ within its jurisdiction. This fee shall  
 1106 be 50 percent of the applicable state registration fee. However,  
 1107 the first \$1 of every registration imposed under this subsection  
 1108 shall be remitted to the state for deposit in the Save the  
 1109 Manatee Trust Fund created within the Fish and Wildlife  
 1110 Conservation Commission, and shall be used only for the purposes  
 1111 specified in s. 379.2431(4). All other moneys received from such  
 1112 fee shall be expended for the patrol, regulation, and  
 1113 maintenance of the lakes, rivers, and waters and for other  
 1114 boating-related activities of such municipality or county. A  
 1115 municipality that was imposing a registration fee before April  
 1116 1, 1984, may continue to levy such fee, notwithstanding the  
 1117 provisions of this section.

1118 Section 29. Effective October 1, 2009, subsection (13) of  
 1119 section 328.72, Florida Statutes, is amended to read:

1120 328.72 Classification; registration; fees and charges;

1121 surcharge; disposition of fees; fines; marine turtle stickers.--

1122 (13) EXPIRED REGISTRATION.--The operation, use, or storage  
 1123 on the waters of this state of a previously registered vessel  
 1124 after the expiration of the registration period is a noncriminal  
 1125 violation, as defined in s. 327.73. This subsection does not  
 1126 apply to vessels lawfully stored at a dock or in a marina.

1127 Section 30. Subsections (13) and (14) are added to section  
 1128 369.20, Florida Statutes, to read:

1129 369.20 Florida Aquatic Weed Control Act.--

1130 (13) The commission has the power to enforce this section  
 1131 in the same manner and to the same extent as provided in ss.  
 1132 379.501-379.504.

1133 (14) Activities that are exempt from permitting pursuant  
 1134 to s. 403.813(1)(r) are granted a mixing zone for turbidity for  
 1135 a distance not to exceed 150 meters downstream in flowing  
 1136 streams or 150 meters in radius in other water bodies as  
 1137 measured from the cutterhead, return flow discharge, or other  
 1138 points of generation of turbidity.

1139 Section 31. Subsections (13) and (14) are added to section  
 1140 369.22, Florida Statutes, to read:

1141 369.22 Aquatic plant management.--

1142 (13) The commission has the power to enforce this section  
 1143 in the same manner and to the same extent as provided in ss.  
 1144 379.501-379.504.

1145 (14) Activities that are exempt from permitting pursuant  
 1146 to s. 403.813(1)(r) are granted a mixing zone for turbidity for  
 1147 a distance not to exceed 150 meters downstream in flowing  
 1148 streams or 150 meters in radius in other water bodies as

1149 measured from the cutterhead, return flow discharge, or other  
 1150 points of generation of turbidity.

1151 Section 32. Paragraph (j) of subsection (3) of section  
 1152 369.25, Florida Statutes, is amended to read:

1153 369.25 Aquatic plants; definitions; permits; powers of  
 1154 department; penalties.--

1155 (3) The department has the following powers:

1156 (j) To enforce this section and s. 369.251 ~~this chapter~~ in  
 1157 the same manner and to the same extent as provided in s.  
 1158 581.211.

1159 Section 33. Subsections (1) and (5) of section 379.304,  
 1160 Florida Statutes, are amended to read:

1161 379.304 Exhibition or sale of wildlife.--

1162 (1) Permits issued pursuant to s. 379.3761 ~~this section~~  
 1163 and places where wildlife is kept or held in captivity shall be  
 1164 subject to inspection by officers of the commission at all  
 1165 times. The commission shall have the power to release or  
 1166 confiscate any specimens of any wildlife, specifically birds,  
 1167 mammals, amphibians, or reptiles, whether indigenous to the  
 1168 state or not, when it is found that conditions under which they  
 1169 are being confined are unsanitary, or unsafe to the public in  
 1170 any manner, or that the species of wildlife are being  
 1171 maltreated, mistreated, or neglected or kept in any manner  
 1172 contrary to the provisions of chapter 828, any such permit to  
 1173 the contrary notwithstanding. Before any such wildlife is  
 1174 confiscated or released under the authority of this section, the  
 1175 owner thereof shall have been advised in writing of the  
 1176 existence of such unsatisfactory conditions; the owner shall

1177 have been given 30 days in which to correct such conditions; the  
 1178 owner shall have failed to correct such conditions; the owner  
 1179 shall have had an opportunity for a proceeding pursuant to  
 1180 chapter 120; and the commission shall have ordered such  
 1181 confiscation or release after careful consideration of all  
 1182 evidence in the particular case in question. The final order of  
 1183 the commission shall constitute final agency action.

1184 (5) A violation of this section is punishable as provided  
 1185 by s. 379.4015 ~~379.401~~.

1186 Section 34. Section 379.338, Florida Statutes, is amended  
 1187 to read:

1188 379.338 Confiscation and disposition of illegally taken  
 1189 wildlife, freshwater fish, and saltwater fish ~~game~~.--

1190 (1) All wildlife, ~~game and~~ freshwater fish, and saltwater  
 1191 fish seized under the authority of this chapter, any other  
 1192 chapter, or rules of the commission shall, upon conviction of  
 1193 the offender or sooner in accordance with a court order if the  
 1194 court so orders, be forfeited to the investigating law  
 1195 enforcement agency. The law enforcement agency may elect to  
 1196 retain the wildlife, freshwater fish, or saltwater fish for the  
 1197 agency's official use; transfer it to another unit of state or  
 1198 local government for official use; donate it to a charitable  
 1199 organization; sell it at a public sale pursuant to s. 705.103;  
 1200 or destroy the wildlife, freshwater fish, or saltwater fish if  
 1201 none of the other options is practicable or if the wildlife,  
 1202 freshwater fish, or saltwater fish is unwholesome or otherwise  
 1203 not of appreciable value. All illegally possessed live wildlife,  
 1204 freshwater fish, and saltwater fish that are properly documented

1205 as evidence as provided in s. 379.3381 may be returned to the  
 1206 habitat unharmed. Any unclaimed wildlife, freshwater fish, or  
 1207 saltwater fish shall be retained by the investigating law  
 1208 enforcement agency and disposed of in accordance with this  
 1209 subsection and given to some hospital or charitable institution  
 1210 and receipt therefor sent to the Fish and Wildlife Conservation  
 1211 Commission.

1212 (2) All furs or hides or fur-bearing animals seized under  
 1213 the authority of this chapter shall, upon conviction of the  
 1214 offender, be forfeited and sent to the commission, which shall  
 1215 sell the same and deposit the proceeds of such sale to the  
 1216 credit of the State Game Trust Fund. If any such hides or furs  
 1217 are seized and the offender is unknown, the court shall order  
 1218 such hides or furs sent to the Fish and Wildlife Conservation  
 1219 commission, which shall sell such hides and furs.

1220 (3) Except as otherwise provided by law, and deposit the  
 1221 proceeds of any such sale under this section shall be deposited  
 1222 in to the credit of the State Game Trust Fund or the Marine  
 1223 Resources Conservation Trust Fund.

1224 (4) Any state, county, or municipal law enforcement agency  
 1225 that enforces or assists the commission in enforcing this  
 1226 chapter, which enforcement results in a forfeiture of property  
 1227 as provided in this section, is entitled to receive all or a  
 1228 share of any property based upon its participation in the  
 1229 enforcement.

1230 Section 35. Section 379.3381, Florida Statutes, is created  
 1231 to read:

1232 379.3381 Photographic evidence of illegally taken

1233 wildlife, freshwater fish, and saltwater fish.--In any  
 1234 prosecution for a violation of this chapter, any other chapter,  
 1235 or rules of the commission, a photograph of illegally taken  
 1236 wildlife, freshwater fish, or saltwater fish may be deemed  
 1237 competent evidence of such property and may be admissible in the  
 1238 prosecution to the same extent as if such wildlife, freshwater  
 1239 fish, or saltwater fish were introduced as evidence. Such  
 1240 photograph shall bear a written description of the wildlife,  
 1241 freshwater fish, or saltwater fish alleged to have been  
 1242 illegally taken, the name of the violator, the location where  
 1243 the alleged illegal taking occurred, the name of the  
 1244 investigating law enforcement officer, the date the photograph  
 1245 was taken, and the name of the photographer. Such writing shall  
 1246 be made under oath by the investigating law enforcement officer,  
 1247 and the photograph shall be identified by the signature of the  
 1248 photographer.

1249 Section 36. Effective August 1, 2009, paragraphs (n)  
 1250 through (q) of subsection (2) of section 379.353, Florida  
 1251 Statutes, are redesignated as paragraphs (m) through (p),  
 1252 respectively, and paragraphs (h) and (m) of that subsection are  
 1253 amended to read:

1254 379.353 Recreational licenses and permits; exemptions from  
 1255 fees and requirements.--

1256 (2) A hunting, freshwater fishing, or saltwater fishing  
 1257 license or permit is not required for:

1258 (h) Any resident saltwater fishing from land or from a  
 1259 structure fixed to the land who has been determined eligible for  
 1260 the food stamp, temporary cash assistance, or Medicaid programs

1261 by the Department of Children and Family Services. A benefit  
 1262 issuance or program identification card issued by the Department  
 1263 of Children and Family Services or the Agency for Health Care  
 1264 Administration shall serve as proof of program eligibility. The  
 1265 individual must have the benefit issuance or program  
 1266 identification card and positive proof of identification in her  
 1267 or his possession when fishing.

1268 ~~(m) Any resident fishing for a saltwater species in fresh~~  
 1269 ~~water from land or from a structure fixed to land.~~

1270 Section 37. Effective July 1, 2010, paragraphs (h), (i),  
 1271 and (j) of subsection (4) and subsections (8), (11), and (12) of  
 1272 section 379.354, Florida Statutes, are amended, and effective  
 1273 July 15, 2009, paragraph (k) is added to subsection (4) of that  
 1274 section, to read:

1275 379.354 Recreational licenses, permits, and authorization  
 1276 numbers; fees established.--

1277 (4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses  
 1278 and fees for residents participating in hunting and fishing  
 1279 activities in this state are as follows:

1280 (h) Annual sportsman's license, \$79, except that an annual  
 1281 sportsman's license for a resident 64 years of age or older is  
 1282 \$12. A sportsman's license authorizes the person to whom it is  
 1283 issued to take game and freshwater fish, subject to the state  
 1284 and federal laws, rules, and regulations, including rules of the  
 1285 commission, in effect at the time of the taking. Other  
 1286 authorized activities include activities authorized by a  
 1287 management area permit, a muzzle-loading gun season permit, a  
 1288 crossbow season permit, a turkey permit, a Florida waterfowl

1289 permit, a deer permit, and an archery season permit.

1290 (i) Annual gold sportsman's license, \$98.50. The gold  
 1291 sportsman's license authorizes the person to whom it is issued  
 1292 to take freshwater fish, saltwater fish, and game, subject to  
 1293 the state and federal laws, rules, and regulations, including  
 1294 rules of the commission, in effect at the time of taking. Other  
 1295 authorized activities include activities authorized by a  
 1296 management area permit, a muzzle-loading gun season permit, a  
 1297 crossbow season permit, a turkey permit, a Florida waterfowl  
 1298 permit, a deer permit, an archery season permit, a snook permit,  
 1299 and a spiny lobster permit.

1300 (j) Annual military gold sportsman's license, \$18.50. The  
 1301 gold sportsman's license authorizes the person to whom it is  
 1302 issued to take freshwater fish, saltwater fish, and game,  
 1303 subject to the state and federal laws, rules, and regulations,  
 1304 including rules of the commission, in effect at the time of  
 1305 taking. Other authorized activities include activities  
 1306 authorized by a management area permit, a muzzle-loading gun  
 1307 season permit, a crossbow season permit, a turkey permit, a  
 1308 Florida waterfowl permit, a deer permit, an archery season  
 1309 permit, a snook permit, and a spiny lobster permit. Any resident  
 1310 who is an active or retired member of the United States Armed  
 1311 Forces, the United States Armed Forces Reserve, the National  
 1312 Guard, the United States Coast Guard, or the United States Coast  
 1313 Guard Reserve is eligible to purchase the military gold  
 1314 sportsman's license upon submission of a current military  
 1315 identification card.

1316 (k) Annual resident shoreline fishing license, \$7.50. The

1317 annual resident shoreline fishing license allows any resident to  
 1318 saltwater fish from land or from a structure fixed to the land.  
 1319 This license is not required for any resident issued any other  
 1320 license identified in this section that allows the take of  
 1321 saltwater fish.

1322 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY  
 1323 PERMITS.--In order to ensure that the cultural heritage of  
 1324 hunting and sport fishing as recognized in s. 379.104 is passed  
 1325 on to future Floridians, the commission shall use up to 10  
 1326 percent of the proceeds from the hunting and sport fishing  
 1327 permits issued pursuant to this subsection to promote hunting  
 1328 and sport fishing activities with an emphasis on youth  
 1329 participation. In addition to any license required under this  
 1330 chapter, the following permits and fees for specified hunting,  
 1331 fishing, and other recreational uses and activities are  
 1332 required:

1333 (a) An annual Florida waterfowl permit for a resident or  
 1334 nonresident to take wild ducks or geese within the state or its  
 1335 coastal waters is \$5 ~~\$3~~. Revenue generated from the sale of  
 1336 waterfowl permits or that pro rata portion of any license that  
 1337 includes waterfowl hunting privileges provided for in this  
 1338 paragraph shall be used for conservation, research, and  
 1339 management of waterfowl; for the development, restoration,  
 1340 maintenance, and preservation of wetlands within the state; or  
 1341 to promote the cultural heritage of hunting.

1342 (b)1. An annual Florida turkey permit for a resident to  
 1343 take wild turkeys within the state is \$10 ~~\$5~~. Revenue generated  
 1344 from the sale of resident wild turkey permits or that pro rata

1345 portion of any license that includes turkey hunting privileges  
 1346 provided for in this subparagraph shall be used for the  
 1347 conservation, research, and management of wild turkeys or to  
 1348 promote the cultural heritage of hunting.

1349 2. An annual Florida turkey permit for a nonresident to  
 1350 take wild turkeys within the state is \$125 ~~\$100~~. Revenue  
 1351 generated from the sale of nonresident wild turkey permits or  
 1352 that pro rata portion of any license that includes turkey  
 1353 hunting privileges provided for in this subparagraph shall be  
 1354 used for the conservation, research, and management of wild  
 1355 turkeys or to promote the cultural heritage of hunting.

1356 (c) An annual snook permit for a resident or nonresident  
 1357 to take or possess any snook from any waters of the state is \$10  
 1358 ~~\$2~~. Revenue generated from the sale of snook permits shall be  
 1359 used exclusively for programs to benefit the snook population.

1360 (d) An annual spiny lobster permit for a resident or  
 1361 nonresident to take or possess any spiny lobster for  
 1362 recreational purposes from any waters of the state is \$5 ~~\$2~~.  
 1363 Revenue generated from the sale of spiny lobster permits shall  
 1364 be used exclusively for programs to benefit the spiny lobster  
 1365 population.

1366 (e) A \$5 fee is imposed for each of the following permits:

1367 1. An annual archery season permit for a resident or  
 1368 nonresident to hunt within the state during any archery season  
 1369 authorized by the commission.

1370 2. An annual crossbow season permit for a resident or  
 1371 nonresident to hunt within the state during any crossbow season  
 1372 authorized by the commission.

1373           3. An annual muzzle-loading gun season permit for a  
1374 resident or nonresident to hunt within the state during any  
1375 muzzle-loading gun season authorized by the commission.

1376           (f) A special use permit for a resident or nonresident to  
1377 participate in limited entry hunting or fishing activities as  
1378 authorized by commission rule shall not exceed \$150 ~~\$100~~ per day  
1379 or \$300 ~~\$250~~ per week. Notwithstanding any other provision of  
1380 this chapter, there are no exclusions, exceptions, or exemptions  
1381 from this permit fee. In addition to the permit fee, the  
1382 commission may charge each special use permit applicant a  
1383 nonrefundable application fee not to exceed \$10.

1384           (g)1. A management area permit for a resident or  
1385 nonresident to hunt on, fish on, or otherwise use for outdoor  
1386 recreational purposes land owned, leased, or managed by the  
1387 commission, or by the state for the use and benefit of the  
1388 commission, shall not exceed \$30 ~~\$25~~ per year.

1389           2. Permit fees for short-term use of land that is owned,  
1390 leased, or managed by the commission may be established by rule  
1391 of the commission for activities on such lands. Such permits may  
1392 be in lieu of, or in addition to, the annual management area  
1393 permit authorized in subparagraph 1. and subparagraph 4.

1394           3. Other than for hunting or fishing, the provisions of  
1395 this paragraph shall not apply on any lands not owned by the  
1396 commission, unless the commission has obtained the written  
1397 consent of the owner or primary custodian of such lands.

1398           4. A management area permit for a resident or nonresident  
1399 to hike, camp, or otherwise engage in other outdoor recreational  
1400 activities, except hunting or fishing, on management area lands

1401 shall not exceed \$5 per day or \$30 per year.

1402 (h)1. A recreational user permit is required to hunt on,  
 1403 fish on, or otherwise use for outdoor recreational purposes land  
 1404 leased by the commission from private nongovernmental owners,  
 1405 ~~except for those lands located directly north of the~~  
 1406 ~~Apalachicola National Forest, east of the Ochlocknee River until~~  
 1407 ~~the point the river meets the dam forming Lake Talquin, and~~  
 1408 ~~south of the closest federal highway.~~ The fee for a recreational  
 1409 user permit shall be based upon the economic compensation  
 1410 desired by the landowner, game population levels, desired hunter  
 1411 density, and administrative costs. The permit fee shall be set  
 1412 by commission rule on a per-acre basis. The recreational user  
 1413 permit fee, less administrative costs of up to \$30 ~~\$25~~ per  
 1414 permit, shall be remitted to the landowner as provided in the  
 1415 lease agreement for each area.

1416 2. One minor dependent under 16 years of age may hunt  
 1417 under the supervision of the permittee and is exempt from the  
 1418 recreational user permit requirements. The spouse and dependent  
 1419 children of a permittee are exempt from the recreational user  
 1420 permit requirements when engaged in outdoor recreational  
 1421 activities other than hunting and when accompanied by a  
 1422 permittee. Notwithstanding any other provision of this chapter,  
 1423 no other exclusions, exceptions, or exemptions from the  
 1424 recreational user permit fee are authorized.

1425 (i) An annual deer permit for a resident or nonresident to  
 1426 take deer within the state during any season authorized by the  
 1427 commission is \$5. Revenue generated from the sale of deer  
 1428 permits shall be used for the conservation, research, and

1429 management of white-tailed deer or to promote the cultural  
 1430 heritage of hunting.

1431  
 1432 The commission shall prepare an annual report documenting the  
 1433 use of funds generated pursuant to paragraphs (a) and (b) and  
 1434 shall submit the report to the Governor, the Speaker of the  
 1435 House of Representatives, and the President of the Senate no  
 1436 later than September 1 of each year.

1437 (11) RESIDENT LIFETIME HUNTING LICENSES.--

1438 (a) Lifetime hunting licenses are available to residents  
 1439 only, as follows, for:

- 1440 1. Persons 4 years of age or younger, for a fee of \$200.
- 1441 2. Persons 5 years of age or older, but under 13 years of
- 1442 age, for a fee of \$350.
- 1443 3. Persons 13 years of age or older, for a fee of \$500.

1444 (b) The following activities are authorized by the  
 1445 purchase of a lifetime hunting license:

1446 1. Taking, or attempting to take or possess, game  
 1447 consistent with the state and federal laws and regulations and  
 1448 rules of the commission in effect at the time of the taking.

1449 2. All activities authorized by a muzzle-loading gun  
 1450 season permit, a crossbow season permit, a turkey permit, an  
 1451 archery season permit, a Florida waterfowl permit, a deer  
 1452 permit, and a management area permit, excluding fishing.

1453 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

1454 (a) Lifetime sportsman's licenses are available to  
 1455 residents only, as follows, for:

- 1456 1. Persons 4 years of age or younger, for a fee of \$400.

1457           2. Persons 5 years of age or older, but under 13 years of  
1458 age, for a fee of \$700.

1459           3. Persons 13 years of age or older, for a fee of \$1,000.

1460           (b) The following activities are authorized by the  
1461 purchase of a lifetime sportsman's license:

1462           1. Taking, or attempting to take or possess, freshwater  
1463 and saltwater fish, and game, consistent with the state and  
1464 federal laws and regulations and rules of the commission in  
1465 effect at the time of taking.

1466           2. All activities authorized by a management area permit,  
1467 a muzzle-loading gun season permit, a crossbow season permit, a  
1468 turkey permit, an archery season permit, a Florida waterfowl  
1469 permit, a deer permit, a snook permit, and a spiny lobster  
1470 permit.

1471           Section 38. Paragraph (c) of subsection (2) of section  
1472 379.3671, Florida Statutes, is amended to read:

1473           379.3671 Spiny lobster trap certificate program.--

1474           (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;  
1475 PENALTIES.--The Fish and Wildlife Conservation Commission shall  
1476 establish a trap certificate program for the spiny lobster  
1477 fishery of this state and shall be responsible for its  
1478 administration and enforcement as follows:

1479           (c) Prohibitions; penalties.--

1480           1. It is unlawful for a person to possess or use a spiny  
1481 lobster trap in or on state waters or adjacent federal waters  
1482 without having affixed thereto the trap tag required by this  
1483 section. It is unlawful for a person to possess or use any other  
1484 gear or device designed to attract and enclose or otherwise aid

1485 in the taking of spiny lobster by trapping that is not a trap as  
1486 defined by commission rule.

1487 2. It is unlawful for a person to possess or use spiny  
1488 lobster trap tags without having the necessary number of  
1489 certificates on record as required by this section.

1490 3. It is unlawful for any person to willfully molest, take  
1491 possession of, or remove the contents of another harvester's  
1492 spiny lobster trap without the express written consent of the  
1493 trap owner available for immediate inspection. Unauthorized  
1494 possession of another's trap gear or removal of trap contents  
1495 constitutes theft.

1496 a. A commercial harvester who violates this subparagraph  
1497 shall be punished under ss. 379.367 and 379.407. Any commercial  
1498 harvester receiving a judicial disposition other than dismissal  
1499 or acquittal on a charge of theft of or from a trap pursuant to  
1500 this subparagraph or s. 379.402 shall, in addition to the  
1501 penalties specified in ss. 379.367 and 379.407 and the  
1502 provisions of this section, permanently lose all his or her  
1503 saltwater fishing privileges, including his or her saltwater  
1504 products license, spiny lobster endorsement, and all trap  
1505 certificates allotted to him or her through this program. In  
1506 such cases, trap certificates and endorsements are  
1507 nontransferable.

1508 b. Any commercial harvester receiving a judicial  
1509 disposition other than dismissal or acquittal on a charge of  
1510 willful molestation of a trap, in addition to the penalties  
1511 specified in ss. 379.367 and 379.407, shall lose all saltwater  
1512 fishing privileges for a period of 24 calendar months.

1513 c. In addition, any commercial harvester charged with  
1514 violating this subparagraph and receiving a judicial disposition  
1515 other than dismissal or acquittal for violating this  
1516 subparagraph or s. 379.402 shall also be assessed an  
1517 administrative penalty of up to \$5,000.

1518  
1519 Immediately upon receiving a citation for a violation involving  
1520 theft of or from a trap, or molestation of a trap, and until  
1521 adjudicated for such a violation or, upon receipt of a judicial  
1522 disposition other than dismissal or acquittal of such a  
1523 violation, the commercial harvester committing the violation is  
1524 prohibited from transferring any spiny lobster trap certificates  
1525 and endorsements.

1526 4. In addition to any other penalties provided in s.  
1527 379.407, a commercial harvester who violates the provisions of  
1528 this section or commission rules relating to spiny lobster traps  
1529 shall be punished as follows:

1530 a. If the first violation is for violation of subparagraph  
1531 1. or subparagraph 2., the commission shall assess an additional  
1532 administrative penalty of up to \$1,000. For all other first  
1533 violations, the commission shall assess an additional  
1534 administrative penalty of up to \$500.

1535 b. For a second violation of subparagraph 1. or  
1536 subparagraph 2. which occurs within 24 months of any previous  
1537 such violation, the commission shall assess an additional  
1538 administrative penalty of up to \$2,000 and the spiny lobster  
1539 endorsement issued under s. 379.367(2) or (6) may be suspended  
1540 for the remainder of the current license year.

1541 c. For a third or subsequent violation of subparagraph 1.,  
 1542 subparagraph 2., or subparagraph 3. which occurs within 36  
 1543 months of any previous two such violations, the commission shall  
 1544 assess an additional administrative penalty of up to \$5,000 and  
 1545 may suspend the spiny lobster endorsement issued under s.  
 1546 379.367(2) or (6) for a period of up to 24 months or may revoke  
 1547 the spiny lobster endorsement and, if revoking the spiny lobster  
 1548 endorsement, may also proceed against the licenseholder's  
 1549 saltwater products license in accordance with the provisions of  
 1550 s. 379.407(2) (h).

1551 d. Any person assessed an additional administrative  
 1552 penalty pursuant to this section shall within 30 calendar days  
 1553 after notification:

- 1554 (I) Pay the administrative penalty to the commission; or
- 1555 (II) Request an administrative hearing pursuant to the
- 1556 provisions of ss. 120.569 and 120.57.

1557 e. The commission shall suspend the spiny lobster  
 1558 endorsement issued under s. 379.367(2) or (6) for any person  
 1559 failing to comply with the provisions of sub-subparagraph d.

1560 5.a. It is unlawful for any person to make, alter, forge,  
 1561 counterfeit, or reproduce a spiny lobster trap tag or  
 1562 certificate.

1563 b. It is unlawful for any person to knowingly have in his  
 1564 or her possession a forged, counterfeit, or imitation spiny  
 1565 lobster trap tag or certificate.

1566 c. It is unlawful for any person to barter, trade, sell,  
 1567 supply, agree to supply, aid in supplying, or give away a spiny  
 1568 lobster trap tag or certificate or to conspire to barter, trade,

1569 | sell, supply, aid in supplying, or give away a spiny lobster  
1570 | trap tag or certificate unless such action is duly authorized by  
1571 | the commission as provided in this chapter or in the rules of  
1572 | the commission.

1573 |       6.a. Any commercial harvester who violates the provisions  
1574 | of subparagraph 5., or any commercial harvester who engages in  
1575 | the commercial harvest, trapping, or possession of spiny lobster  
1576 | without a spiny lobster endorsement as required by s. 379.367(2)  
1577 | or (6) or during any period while such spiny lobster endorsement  
1578 | is under suspension or revocation, commits a felony of the third  
1579 | degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1580 | 775.084.

1581 |       b. In addition to any penalty imposed pursuant to sub-  
1582 | subparagraph a., the commission shall levy a fine of up to twice  
1583 | the amount of the appropriate surcharge to be paid on the fair  
1584 | market value of the transferred certificates, as provided in  
1585 | subparagraph (a)1., on any commercial harvester who violates the  
1586 | provisions of sub-subparagraph 5.c.

1587 |       c. In addition to any penalty imposed pursuant to sub-  
1588 | subparagraph a., any commercial harvester receiving any judicial  
1589 | disposition other than acquittal or dismissal for a violation of  
1590 | subparagraph 5. shall be assessed an administrative penalty of  
1591 | up to \$5,000, and the spiny lobster endorsement under which the  
1592 | violation was committed may be suspended for up to 24 calendar  
1593 | months. Immediately upon issuance of a citation involving a  
1594 | violation of subparagraph 5. and until adjudication of such a  
1595 | violation, and after receipt of any judicial disposition other  
1596 | than acquittal or dismissal for such a violation, the commercial

1597 harvester holding the spiny lobster endorsement listed on the  
1598 citation is prohibited from transferring any spiny lobster trap  
1599 certificates.

1600 d. Any other person who violates the provisions of  
1601 subparagraph 5. commits a Level Four violation under s. 379.401.

1602 7. Prior to the 2010-2011 license year, any certificates  
1603 for which the annual certificate fee is not paid for a period of  
1604 3 years shall be considered abandoned and shall revert to the  
1605 commission. Beginning with the 2010-2011 license year, any  
1606 certificate for which the annual certificate fee is not paid for  
1607 a period of 2 consecutive years shall be considered abandoned  
1608 and shall revert to the commission. During any period of trap  
1609 reduction, any certificates reverting to the commission shall  
1610 become permanently unavailable and be considered in that amount  
1611 to be reduced during the next license-year period. Otherwise,  
1612 any certificates that revert to the commission are to be  
1613 reallocated in such manner as provided by the commission.

1614 8. The proceeds of all administrative penalties collected  
1615 pursuant to subparagraph 4. and all fines collected pursuant to  
1616 sub-subparagraph 6.b. shall be deposited into the Marine  
1617 Resources Conservation Trust Fund.

1618 9. All traps shall be removed from the water during any  
1619 period of suspension or revocation.

1620 10. Except as otherwise provided, any person who violates  
1621 this paragraph commits a Level Two violation under s. 379.401.

1622 Section 39. Paragraphs (c), (d), and (e) of subsection (2)  
1623 of section 379.3751, Florida Statutes, are amended to read:

1624 379.3751 Taking and possession of alligators; trapping

1625 licenses; fees.--

1626 (2) The license and issuance fee, and the activity  
1627 authorized thereby, shall be as follows:

1628 (c) The annual fee for issuance of an alligator trapping  
1629 agent's license, which permits a person to act as an agent of  
1630 any person who has been issued a resident or nonresident  
1631 alligator trapping license as provided in paragraph (a) or  
1632 paragraph (b) and to take alligators occurring in the wild other  
1633 than alligator hatchlings, ~~and to possess and process alligators~~  
1634 ~~taken under authority of such agency relationship, and to~~  
1635 possess, process, and sell their hides and meat, shall be \$50.  
1636 ~~Such alligator trapping agent's license shall be issued only in~~  
1637 ~~conjunction with an alligator trapping license and shall bear on~~  
1638 ~~its face in indelible ink the name and license number of the~~  
1639 ~~alligator trapping licenseholder for whom the holder of this~~  
1640 ~~license is acting as an agent.~~

1641 (d) The annual fee for issuance of an alligator farming  
1642 license, which permits a person to operate a facility for  
1643 captive propagation of alligators, to possess alligators for  
1644 captive propagation, to take alligator hatchlings and alligator  
1645 eggs occurring in the wild, to rear such alligators, alligator  
1646 hatchlings, and alligator eggs in captivity, to process  
1647 alligators taken or possessed under authority of such alligator  
1648 farming license or otherwise legally acquired, and to possess,  
1649 process, and sell their hides and meat, shall be \$250.

1650 (e) The annual fee for issuance of an alligator farming  
1651 agent's license, which permits a person to act as an agent of  
1652 any person who has been issued an alligator farming license as

1653 provided in paragraph (d) and to take alligator hatchlings and  
 1654 alligator eggs occurring in the wild, ~~and~~ to possess and process  
 1655 alligators taken under authority of such agency relationship,  
 1656 and to possess, process, and sell their hides and meat, shall be  
 1657 \$50. ~~Such license shall be issued only in conjunction with an~~  
 1658 ~~alligator farming license, and shall bear on its face in~~  
 1659 ~~indelible ink the name and license number of the alligator~~  
 1660 ~~farming licenseholder for whom the holder of this license is~~  
 1661 ~~acting as an agent.~~

1662 Section 40. Subsection (6) is added to section 379.3761,  
 1663 Florida Statutes, to read:

1664 379.3761 Exhibition or sale of wildlife; fees;  
 1665 classifications.--

1666 (6) A person who violates this section is punishable as  
 1667 provided in s. 379.4015.

1668 Section 41. Subsection (5) of section 379.3762, Florida  
 1669 Statutes, is amended to read:

1670 379.3762 Personal possession of wildlife.--

1671 (5) A person who violates ~~Persons in violation of this~~  
 1672 ~~section is shall be~~ punishable as provided in s. 379.4015  
 1673 ~~379.401.~~

1674 Section 42. Paragraph (a) of subsection (2) and paragraph  
 1675 (a) of subsection (4) of section 379.401, Florida Statutes, are  
 1676 amended to read:

1677 379.401 Penalties and violations; civil penalties for  
 1678 noncriminal infractions; criminal penalties; suspension and  
 1679 forfeiture of licenses and permits.--

1680 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two

1681 violation if he or she violates any of the following provisions:

1682 1. Rules or orders of the commission relating to seasons  
 1683 or time periods for the taking of wildlife, freshwater fish, or  
 1684 saltwater fish.

1685 2. Rules or orders of the commission establishing bag,  
 1686 possession, or size limits or restricting methods of taking  
 1687 wildlife, freshwater fish, or saltwater fish.

1688 3. Rules or orders of the commission prohibiting access or  
 1689 otherwise relating to access to wildlife management areas or  
 1690 other areas managed by the commission.

1691 4. Rules or orders of the commission relating to the  
 1692 feeding of wildlife, freshwater fish, or saltwater fish.

1693 5. Rules or orders of the commission relating to landing  
 1694 requirements for freshwater fish or saltwater fish.

1695 6. Rules or orders of the commission relating to  
 1696 restricted hunting areas, critical wildlife areas, or bird  
 1697 sanctuaries.

1698 7. Rules or orders of the commission relating to tagging  
 1699 requirements for wildlife ~~game~~ and fur-bearing animals.

1700 8. Rules or orders of the commission relating to the use  
 1701 of dogs for the taking of wildlife ~~game~~.

1702 9. Rules or orders of the commission which are not  
 1703 otherwise classified.

1704 10. Rules or orders of the commission prohibiting the  
 1705 unlawful use of finfish traps.

1706 11. All prohibitions in this chapter which are not  
 1707 otherwise classified.

1708 12. Section 379.33, prohibiting the violation of or

1709 noncompliance with commission rules.

1710 13. Section 379.407(6), prohibiting the sale, purchase,  
1711 harvest, or attempted harvest of any saltwater product with  
1712 intent to sell.

1713 14. Section 379.2421, prohibiting the obstruction of  
1714 waterways with net gear.

1715 15. Section 379.413, prohibiting the unlawful taking of  
1716 bonefish.

1717 16. Section 379.365(2) (a) and (b), prohibiting the  
1718 possession or use of stone crab traps without trap tags and  
1719 theft of trap contents or gear.

1720 17. Section 379.366(4) (b), prohibiting the theft of blue  
1721 crab trap contents or trap gear.

1722 18. Section 379.3671(2) (c), prohibiting the possession or  
1723 use of spiny lobster traps without trap tags or certificates and  
1724 theft of trap contents or trap gear.

1725 19. Section 379.357, prohibiting the possession of tarpon  
1726 without purchasing a tarpon tag.

1727 20. Rules or orders of the commission ~~Section 379.409,~~  
1728 prohibiting the feeding or enticement of alligators or  
1729 crocodiles.

1730 21. Section 379.105, prohibiting the intentional  
1731 harassment of hunters, fishers, or trappers.

1732 (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level  
1733 Four violation if he or she violates any of the following  
1734 provisions:

1735 1. Section 379.365(2) (c), prohibiting criminal activities  
1736 relating to the taking of stone crabs.

1737           2. Section 379.366(4)(c), prohibiting criminal activities  
1738 relating to the taking and harvesting of blue crabs.

1739           3. Section 379.367(4), prohibiting the willful molestation  
1740 of spiny lobster gear.

1741           4. Section 379.3671(2)(c)5., prohibiting the unlawful  
1742 reproduction, possession, sale, trade, or barter of spiny  
1743 lobster trap tags or certificates.

1744           5. Section 379.354(16), prohibiting the making, forging,  
1745 counterfeiting, or reproduction of a recreational license or  
1746 possession of same without authorization from the commission.

1747           6. Section 379.404(5), prohibiting the sale of illegally-  
1748 taken deer or wild turkey.

1749           7. Section 379.405, prohibiting the molestation or theft  
1750 of freshwater fishing gear.

1751           8. Section 379.409, prohibiting the unlawful killing,  
1752 injuring, possessing, or capturing of alligators or other  
1753 crocodilia or their eggs.

1754           Section 43. Paragraph (a) of subsection (2) of section  
1755 379.4015, Florida Statutes, is amended to read:

1756           379.4015 Captive wildlife penalties.--

1757           (2) LEVEL TWO.--Unless otherwise provided by law, the  
1758 following classifications and penalties apply:

1759           (a) A person commits a Level Two violation if he or she  
1760 violates any of the following provisions:

1761           1. Unless otherwise stated in subsection (1), rules or  
1762 orders of the commission that require a person to pay a fee to  
1763 obtain a permit to possess captive wildlife or that require the  
1764 maintenance of records relating to captive wildlife.

1765           2. Rules or orders of the commission relating to captive  
1766 wildlife not specified in subsection (1) or subsection (3).

1767           3. Rules or orders of the commission that require housing  
1768 of wildlife in a safe manner when a violation results in an  
1769 escape of wildlife other than Class I wildlife.

1770           4. Section 379.372, relating to capturing, keeping,  
1771 possessing, transporting, or exhibiting venomous reptiles or  
1772 reptiles of concern.

1773           5. Section 379.373, relating to requiring a license or  
1774 permit for the capturing, keeping, possessing, or exhibiting of  
1775 venomous reptiles or reptiles of concern.

1776           6. Section 379.374, relating to bonding requirements for  
1777 public exhibits of venomous reptiles.

1778           7. Section 379.305, relating to commission rules and  
1779 regulations to prevent the escape of venomous reptiles or  
1780 reptiles of concern.

1781           8. Section 379.304, relating to exhibition or sale of  
1782 wildlife.

1783           9. Section 379.3761, relating to exhibition or sale of  
1784 wildlife.

1785           10. Section 379.3762, relating to personal possession of  
1786 wildlife.

1787           Section 44. Section 379.501, Florida Statutes, is created  
1788 to read:

1789           379.501 Aquatic weeds and plants; prohibitions;  
1790 violations; penalties; intent.--

1791           (1) A person may not:

1792           (a) Violate this section or any provision of s. 369.20 or

1793 s. 369.22 related to aquatic weeds and plants;  
 1794 (b) Fail to obtain any permit required by s. 369.20 or s.  
 1795 369.22 or by commission rule implementing s. 369.20 or s.  
 1796 369.22, or violate or fail to comply with any rule, regulation,  
 1797 order, permit, or certification adopted or issued by the  
 1798 commission pursuant to s. 369.20 or s. 369.22; or  
 1799 (c) Knowingly make any false statement, representation, or  
 1800 certification in any application, record, report, plan, or other  
 1801 document filed or required to be maintained under s. 369.20 or  
 1802 s. 369.22, or falsify, tamper with, or knowingly render  
 1803 inaccurate any monitoring device or method required to be  
 1804 maintained under s. 369.20 or s. 369.22 or by any permit, rule,  
 1805 regulation, or order issued under s. 369.20 or s. 369.22.  
 1806 (2) Any person who violates any provision of subsection  
 1807 (1) is liable to the state for any damage caused to the aquatic  
 1808 weeds or plants and for civil penalties as provided in s.  
 1809 379.502.  
 1810 (3) Any person who willfully commits a violation of  
 1811 paragraph (1) (a) commits a felony of the third degree,  
 1812 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 1813 Each day during any portion of which such violation occurs  
 1814 constitutes a separate offense.  
 1815 (4) Any person who commits a violation specified in  
 1816 paragraph (1) (a) due to reckless indifference or gross careless  
 1817 disregard commits a misdemeanor of the second degree, punishable  
 1818 as provided in s. 775.082 or s. 775.083.  
 1819 (5) Any person who willfully commits a violation specified  
 1820 in paragraph (1) (b) or paragraph (1) (c) commits a misdemeanor of

1821 the first degree, punishable as provided in s. 775.082 or s.  
1822 775.083.

1823 (6) It is the intent of the Legislature that the civil  
1824 penalties and criminal fines imposed by a court be of such an  
1825 amount as to ensure immediate and continued compliance with this  
1826 section.

1827 (7) Penalties assessed pursuant to ss. 379.501-379.504 are  
1828 in addition to any penalties assessed by the Board of Trustees  
1829 of the Internal Improvement Trust Fund, the Department of  
1830 Environmental Protection, or a water management district  
1831 pursuant to chapter 253, chapter 373, or chapter 403.

1832 Section 45. Section 379.502, Florida Statutes, is created  
1833 to read:

1834 379.502 Enforcement; procedure; remedies.--The commission  
1835 has the following judicial and administrative remedies available  
1836 to it for violations of s. 379.501:

1837 (1) (a) The commission may institute a civil action in a  
1838 court of competent jurisdiction to establish liability and to  
1839 recover damages for any injury to the waters or property of the  
1840 state, including animal, plant, and aquatic life, caused by any  
1841 violation of s. 379.501.

1842 (b) The commission may institute a civil action in a court  
1843 of competent jurisdiction to impose and to recover a civil  
1844 penalty for each violation in an amount of not more than \$10,000  
1845 per offense. However, the court may receive evidence in  
1846 mitigation. Each day, during any portion of which such violation  
1847 occurs, constitutes a separate offense.

1848 (c) Except as provided in paragraph (2) (c), the fact that

1849 the commission has failed to exhaust its administrative  
 1850 remedies, has failed to serve a notice of violation, or has  
 1851 failed to hold an administrative hearing before initiating a  
 1852 civil action is not a defense to, or grounds for dismissal of,  
 1853 the judicial remedies for damages and civil penalties.

1854 (2) (a) The commission may institute an administrative  
 1855 proceeding to establish liability and to recover damages for any  
 1856 injury to the waters or property of the state, including animal,  
 1857 plant, or aquatic life, caused by any violation of s. 379.501.  
 1858 The commission may order that the violator pay a specified sum  
 1859 as damages to the state. Judgment for the amount of damages  
 1860 determined by the commission may be entered in any court having  
 1861 jurisdiction thereof and may be enforced as any other judgment.

1862 (b) If the commission has reason to believe that a  
 1863 violation has occurred, it may institute an administrative  
 1864 proceeding to order the prevention, abatement, or control of the  
 1865 conditions creating the violation or other appropriate  
 1866 corrective action. The commission shall proceed administratively  
 1867 in all cases in which the commission seeks administrative  
 1868 penalties that do not exceed \$10,000 per assessment as  
 1869 calculated in accordance with subsections (3), (4), (5), and  
 1870 (6). The commission may not impose administrative penalties in  
 1871 excess of \$10,000 in a notice of violation. The commission may  
 1872 not have more than one notice of violation seeking  
 1873 administrative penalties pending against the same party at the  
 1874 same time unless the violations occurred at a different site or  
 1875 the violations were discovered by the commission subsequent to  
 1876 the filing of a previous notice of violation.

1877        (c) An administrative proceeding shall be instituted by  
1878 the commission's serving of a written notice of violation upon  
1879 the alleged violator by certified mail. If the commission is  
1880 unable to effect service by certified mail, the notice of  
1881 violation may be hand delivered or personally served in  
1882 accordance with chapter 48. The notice shall specify the  
1883 provision of the law, rule, regulation, permit, certification,  
1884 or order of the commission alleged to have been violated and the  
1885 facts alleged to constitute a violation thereof. An order for  
1886 corrective action, penalty assessment, or damages may be  
1887 included along with the notice. If the commission is seeking to  
1888 impose an administrative penalty for any violation of s. 379.501  
1889 by issuing a notice of violation, any corrective action needed  
1890 to correct the violation or damages caused by the violation must  
1891 be pursued in the notice of violation or they are waived.  
1892 However, an order does not become effective until after service  
1893 and an administrative hearing, if requested within 20 days after  
1894 service. Failure to request an administrative hearing within  
1895 this period constitutes a waiver, unless the respondent files a  
1896 written notice with the commission within this period opting out  
1897 of the administrative process initiated by the commission. Any  
1898 respondent choosing to opt out of the administrative process  
1899 initiated by the commission must file a written notice with the  
1900 commission, within 20 days after service of the notice of  
1901 violation, opting out of the administrative process. A  
1902 respondent's decision to opt out of the administrative process  
1903 does not preclude the commission from initiating a state court  
1904 action seeking injunctive relief, damages, and the judicial

1905 imposition of civil penalties.

1906 (d) If a person timely files a petition challenging a  
1907 notice of violation, that person will thereafter be referred to  
1908 as the respondent. The hearing requested by the respondent shall  
1909 be held within 180 days after the commission has referred the  
1910 initial petition to the Division of Administrative Hearings  
1911 unless the parties agree to a later date. The commission has the  
1912 burden of proving by the preponderance of the evidence that the  
1913 respondent is responsible for the violation. An administrative  
1914 penalty may not be imposed unless the commission satisfies that  
1915 burden. Following the close of the hearing, the administrative  
1916 law judge shall issue a final order on all matters, including  
1917 the imposition of an administrative penalty. If the commission  
1918 seeks to enforce that portion of a final order imposing  
1919 administrative penalties pursuant to s. 120.69, the respondent  
1920 may not assert as a defense the inappropriateness of the  
1921 administrative remedy. The commission retains its final-order  
1922 authority in all administrative actions that do not request the  
1923 imposition of administrative penalties.

1924 (e) After filing a petition requesting a formal hearing in  
1925 response to a notice of violation, a respondent may request that  
1926 a private mediator be appointed to mediate the dispute by  
1927 contacting the Florida Conflict Resolution Consortium within 10  
1928 days after receipt of the initial order from the administrative  
1929 law judge. The Florida Conflict Resolution Consortium shall pay  
1930 all of the costs of the mediator and for up to 8 hours of the  
1931 mediator's time per case at \$150 per hour. Upon notice from the  
1932 respondent, the Florida Conflict Resolution Consortium shall

1933 provide the respondent with a panel of possible mediators from  
 1934 the area in which the hearing on the petition would be heard.  
 1935 The respondent shall select the mediator and notify the Florida  
 1936 Conflict Resolution Consortium of the selection within 15 days  
 1937 after receipt of the proposed panel of mediators. The Florida  
 1938 Conflict Resolution Consortium shall provide all of the  
 1939 administrative support for the mediation process. The mediation  
 1940 must be completed at least 15 days before the final hearing date  
 1941 set by the administrative law judge.

1942 (f) In any administrative proceeding brought by the  
 1943 commission, the prevailing party shall recover all costs as  
 1944 provided in ss. 57.041 and 57.071. The costs must be included in  
 1945 the final order. The respondent is the prevailing party when an  
 1946 order is entered awarding no penalties to the commission and the  
 1947 order has not been reversed on appeal or the time for seeking  
 1948 judicial review has expired. The respondent is entitled to an  
 1949 award of attorney's fees if the administrative law judge  
 1950 determines that the notice of violation issued by the commission  
 1951 was not substantially justified as defined in s. 57.111(3)(e).  
 1952 An award of attorney's fees as provided by this subsection may  
 1953 not exceed \$15,000.

1954 (g) This section does not prevent any other legal or  
 1955 administrative action in accordance with law. This subsection  
 1956 does not limit the commission's authority set forth in this  
 1957 section and ss. 379.503 and 379.504 to judicially pursue  
 1958 injunctive relief. If the commission exercises its authority to  
 1959 judicially pursue injunctive relief, penalties in any amount up  
 1960 to the statutory maximum sought by the commission must be

1961 pursued as part of the state court action and not by initiating  
 1962 a separate administrative proceeding. The commission retains the  
 1963 authority to judicially pursue penalties in excess of \$10,000  
 1964 for violations not specifically included in the administrative  
 1965 penalty schedule, or for multiple or multiday violations alleged  
 1966 to exceed a total of \$10,000. The commission also retains the  
 1967 authority provided in this section and ss. 379.503 and 379.504  
 1968 to judicially pursue injunctive relief and damages, if a notice  
 1969 of violation seeking the imposition of administrative penalties  
 1970 has not been issued. The commission may enter into a settlement  
 1971 before or after initiating a notice of violation, and the  
 1972 settlement may include a penalty amount that is different from  
 1973 the administrative penalty schedule. Any case filed in state  
 1974 court because it is alleged to exceed a total of \$10,000 in  
 1975 penalties may be settled in the court action for less than  
 1976 \$10,000.

1977 (h) The provisions of chapter 120 shall apply to any  
 1978 administrative action taken by the commission under this section  
 1979 or any delegated program pursuing administrative penalties in  
 1980 accordance with this section.

1981 (3) Administrative penalties must be calculated according  
 1982 to the following schedule:

1983 (a) For violations of s. 379.501(1) (a) or (b), \$3,000.

1984 (b) For failure to conduct required monitoring or testing  
 1985 in compliance with a permit, \$2,000.

1986 (c) For failure to prepare, submit, maintain, or use  
 1987 required reports or other required documentation, \$500.

1988 (d) For failure to comply with any other regulatory

1989 statute or rule requirement relating to the administration of  
 1990 the commission's powers under s. 369.20 or s. 369.22 not  
 1991 otherwise identified in this section, \$500.

1992 (4) For each additional day during which a violation  
 1993 occurs, the administrative penalties in subsection (3) may be  
 1994 assessed per day, per violation.

1995 (5) The history of noncompliance of the violator for any  
 1996 previous violation resulting in an executed consent order, but  
 1997 not including a consent order entered into without a finding of  
 1998 violation, or resulting in a final order or judgment on or after  
 1999 July 1, 2009, involving the imposition of \$2,000 or more in  
 2000 penalties, shall be taken into consideration in the following  
 2001 manner:

2002 (a) One previous such violation within 5 years prior to  
 2003 the filing of the notice of violation shall result in a 25-  
 2004 percent per day increase in the scheduled administrative  
 2005 penalty.

2006 (b) Two previous such violations within 5 years prior to  
 2007 the filing of the notice of violation shall result in a 50-  
 2008 percent per day increase in the scheduled administrative  
 2009 penalty.

2010 (c) Three or more previous such violations within 5 years  
 2011 before the filing of the notice of violation shall result in a  
 2012 100-percent per day increase in the scheduled administrative  
 2013 penalty.

2014 (6) The direct economic benefit gained by the violator  
 2015 from the violation shall be added to the scheduled  
 2016 administrative penalty. The total administrative penalty,

2017 including any economic benefit added to the scheduled  
 2018 administrative penalty, may not exceed \$10,000.

2019 (7) The administrative penalties assessed for any  
 2020 particular violation may not exceed \$3,000 against any one  
 2021 violator unless the violator has a history of noncompliance, the  
 2022 economic benefit of the violation as described in subsection (6)  
 2023 exceeds \$3,000, or there are multiday violations. The total  
 2024 administrative penalties may not exceed \$10,000 per assessment  
 2025 for all violations attributable to a specific person in the  
 2026 notice of violation.

2027 (8) The administrative law judge may receive evidence in  
 2028 mitigation. The penalties identified in subsection (3) may be  
 2029 reduced up to 50 percent by the administrative law judge for  
 2030 mitigating circumstances, including good faith efforts to comply  
 2031 prior to or after discovery of the violations by the commission.  
 2032 Upon an affirmative finding that the violation was caused by  
 2033 circumstances beyond the reasonable control of the respondent  
 2034 and could not have been prevented by the respondent's due  
 2035 diligence, the administrative law judge may further reduce the  
 2036 penalty.

2037 (9) Penalties collected under this section shall be  
 2038 deposited into the Invasive Plant Control Trust Fund to carry  
 2039 out the purposes set forth in ss. 369.20, 369.22, and 369.252.  
 2040 The Florida Conflict Resolution Consortium may use a portion of  
 2041 the fund to administer the mediation process provided in  
 2042 paragraph (2) (e) and to contract with private mediators for  
 2043 administrative penalty cases related to s. 369.20 or s. 369.22.

2044 (10) The purpose of the administrative penalty schedule

2045 and process is to provide a more predictable and efficient  
 2046 manner for individuals and businesses to resolve relatively  
 2047 minor environmental disputes. Subsections (3) through (7) do not  
 2048 limit a state court in the assessment of damages. The  
 2049 administrative penalty schedule does not apply to the judicial  
 2050 imposition of civil penalties in state court as provided in this  
 2051 section.

2052 Section 46. Section 379.503, Florida Statutes, is created  
 2053 to read:

2054 379.503 Civil action.--

2055 (1) The commission may institute a civil action in a court  
 2056 of competent jurisdiction to seek injunctive relief to enforce  
 2057 compliance with ss. 379.501, 379.502, and 379.504 or any rule,  
 2058 regulation, permit, certification, or order adopted or issued by  
 2059 the commission pursuant to s. 369.20 or s. 369.22; to enjoin any  
 2060 violation specified in s. 379.501(1); and to seek injunctive  
 2061 relief to prevent irreparable injury to the waters and property,  
 2062 including animal, plant, and aquatic life, of the state and to  
 2063 protect human health, safety, and welfare caused or threatened  
 2064 by any violation of s. 379.501.

2065 (2) All the judicial and administrative remedies to  
 2066 recover damages and penalties in this section and s. 379.502 are  
 2067 alternative and mutually exclusive.

2068 Section 47. Section 379.504, Florida Statutes, is created  
 2069 to read:

2070 379.504 Civil liability; joint and several liability.--

2071 (1) A person who commits a violation specified in s.  
 2072 379.501(1) is liable to the state for any damage caused to the

2073 waters or property of the state, including animal, plant, or  
 2074 aquatic life, and for reasonable costs and expenses of the state  
 2075 in restoring its waters and property, including animal, plant,  
 2076 and aquatic life, to their former condition, and furthermore is  
 2077 subject to the judicial imposition of a civil penalty for each  
 2078 offense in an amount of not more than \$10,000 per offense.  
 2079 However, the court may receive evidence in mitigation. Each day  
 2080 during any portion of which such violation occurs constitutes a  
 2081 separate offense. This section does not give the commission the  
 2082 right to bring an action on behalf of any private person.

2083 (2) If two or more persons violate s. 379.501(1) so that  
 2084 the damage is indivisible, each violator shall be jointly and  
 2085 severally liable for the damage and for the reasonable cost and  
 2086 expenses of the state incurred in restoring the waters and  
 2087 property of the state, including the animal, plant, and aquatic  
 2088 life, to their former condition. However, if the damage is  
 2089 divisible and may be attributed to a particular violator or  
 2090 violators, each violator is liable only for that damage  
 2091 attributable to his or her violation.

2092 (3) In assessing damages for fish killed, the value of the  
 2093 fish shall be determined in accordance with a table of values  
 2094 for individual categories of fish, which shall be adopted by the  
 2095 Department of Environmental Protection pursuant to s.  
 2096 403.141(3). The total number of fish killed may be estimated by  
 2097 standard practices used in estimating fish population.

2098 Section 48. Subsection (1) of section 403.088, Florida  
 2099 Statutes, is amended to read:

2100 403.088 Water pollution operation permits; conditions.--

2101 (1) No person, without written authorization of the  
2102 department, shall discharge into waters within the state any  
2103 waste which, by itself or in combination with the wastes of  
2104 other sources, reduces the quality of the receiving waters below  
2105 the classification established for them. However, this section  
2106 shall not be deemed to prohibit the application of pesticides to  
2107 waters in the state for the control of insects, aquatic weeds,  
2108 or algae, provided the application is performed pursuant to a  
2109 program approved by the Department of Health, in the case of  
2110 insect control, or the Fish and Wildlife Conservation Commission  
2111 ~~department~~, in the case of aquatic weed or algae control. The  
2112 department is directed to enter into interagency agreements to  
2113 establish the procedures for program approval. Such agreements  
2114 shall provide for public health, welfare, and safety, as well as  
2115 environmental factors. Approved programs must provide that only  
2116 chemicals approved for the particular use by the United States  
2117 Environmental Protection Agency or by the Department of  
2118 Agriculture and Consumer Services may be employed and that they  
2119 be applied in accordance with registered label instructions,  
2120 state standards for such application, and the provisions of the  
2121 Florida Pesticide Law, part I of chapter 487.

2122 Section 49. The Fish and Wildlife Conservation Commission,  
2123 in consultation with the Department of Environmental Protection,  
2124 is directed to establish a pilot program to explore potential  
2125 options for regulating the anchoring or mooring of non-live-  
2126 aboard vessels outside the marked boundaries of public mooring  
2127 fields.

2128 (1) The goals of the pilot program are to encourage the

2129 establishment of additional public mooring fields and to develop  
 2130 and test policies and regulatory regimes that:

2131 (a) Promote the establishment and use of public mooring  
 2132 fields.

2133 (b) Promote public access to the waters of this state.

2134 (c) Enhance navigational safety.

2135 (d) Protect maritime infrastructure.

2136 (e) Protect the marine environment.

2137 (f) Deter improperly stored, abandoned, or derelict  
 2138 vessels.

2139 (2) Each location selected for inclusion in the pilot  
 2140 program must be associated with a properly permitted mooring  
 2141 field. The commission, in consultation with the department,  
 2142 shall select all locations for the pilot program prior to July  
 2143 1, 2011. Two locations shall be off the east coast of the state,  
 2144 two locations shall be off the west coast of the state, and one  
 2145 location shall be within Monroe County. The locations selected  
 2146 must be geographically diverse and take into consideration the  
 2147 various users and means of using the waters of this state.

2148 (3) Notwithstanding the provisions of s. 327.60, Florida  
 2149 Statutes, a county or municipality selected for participation in  
 2150 the pilot program may regulate by ordinance the anchoring of  
 2151 vessels, other than live-aboard vessels as defined in s. 327.02,  
 2152 Florida Statutes, outside of a mooring field. Any ordinance  
 2153 enacted under the pilot program shall take effect and become  
 2154 enforceable only after approval by the commission. The  
 2155 commission shall not approve any ordinance not consistent with  
 2156 the goals of the pilot program.

2157       (4) The commission shall:  
 2158       (a) Provide consultation and technical assistance to each  
 2159 municipality or county selected for participation in the pilot  
 2160 program to facilitate accomplishment of the pilot program's  
 2161 goals.  
 2162       (b) Coordinate the review of any proposed ordinance with  
 2163 the department; the United States Coast Guard; the Florida  
 2164 Inland Navigation District or the West Coast Inland Navigation  
 2165 District, as appropriate; and associations or other  
 2166 organizations representing vessel owners or operators.  
 2167       (c) Monitor and evaluate at least annually each location  
 2168 selected for participation in the pilot program and make such  
 2169 modifications as may be necessary to accomplish the pilot  
 2170 program's goals.  
 2171       (5) The commission shall submit a report of its findings  
 2172 and recommendations to the Governor, the President of the  
 2173 Senate, and the Speaker of the House of Representatives by  
 2174 January 1, 2014.  
 2175       (6) The pilot program shall expire on July 1, 2014, unless  
 2176 reenacted by the Legislature. All ordinances enacted under this  
 2177 section shall expire concurrently with the expiration of the  
 2178 pilot program and shall be inoperative and unenforceable  
 2179 thereafter.  
 2180       (7) Nothing in this section shall be construed to affect  
 2181 any mooring field authorized pursuant to s. 253.77, s. 327.40,  
 2182 or part IV of chapter 373, Florida Statutes, as applicable, or  
 2183 any lawful ordinance regulating the anchoring of any vessels  
 2184 within the marked boundaries of such mooring fields.

2185           Section 50. The statutory powers, duties, and functions  
 2186 related to ss. 369.20, 369.22, and 369.252, Florida Statutes,  
 2187 which were transferred by chapter 2008-150, Laws of Florida, and  
 2188 all records, personnel, and property; unexpended balances of  
 2189 appropriations, allocations, and other funds; administrative  
 2190 authority; administrative rules; pending issues; and existing  
 2191 contracts of the Bureau of Invasive Plant Management in the  
 2192 Department of Environmental Protection are transferred by a type  
 2193 two transfer, pursuant to s. 20.06(2), Florida Statutes, to the  
 2194 Fish and Wildlife Conservation Commission. All actions taken  
 2195 pursuant to chapter 2008-150, Laws of Florida, and the  
 2196 Interagency Agreement executed pursuant thereto are ratified.

2197           Section 51. The Invasive Plant Control Trust Fund, FLAIR  
 2198 number 37-2-030, in the Department of Environmental Protection  
 2199 is transferred to the Fish and Wildlife Conservation Commission,  
 2200 FLAIR number 77-2-030.

2201           Section 52. Beginning in the 2009-2010 fiscal year and  
 2202 continuing each fiscal year thereafter, the sum of \$185,000 is  
 2203 appropriated from the State Game Trust Fund to the Fish and  
 2204 Wildlife Conservation Commission for the costs associated with  
 2205 the shoreline fishing license exemption pursuant to s.  
 2206 379.354(4)(k), Florida Statutes.

2207           Section 53. For the purpose of incorporating the amendment  
 2208 made by this act to section 319.32, Florida Statutes, in a  
 2209 reference thereto, paragraph (a) of subsection (2) of section  
 2210 379.209, Florida Statutes, is reenacted to read:

2211           379.209 Nongame Wildlife Trust Fund.--

2212           (2) (a) There is established within the Fish and Wildlife

2213 Conservation Commission the Nongame Wildlife Trust Fund. The  
 2214 fund shall be credited with moneys collected pursuant to ss.  
 2215 319.32(3) and 320.02(8). Additional funds may be provided from  
 2216 legislative appropriations and by donations from interested  
 2217 individuals and organizations. The commission shall designate an  
 2218 identifiable unit to administer the trust fund.

2219 Section 54. For the purpose of incorporating the amendment  
 2220 made by this act to section 379.353, Florida Statutes, in a  
 2221 reference thereto, subsection (7) of section 379.3581, Florida  
 2222 Statutes, is reenacted to read:

2223 379.3581 Hunter safety course; requirements; penalty.--

2224 (7) The hunter safety requirements of this section do not  
 2225 apply to persons for whom licenses are not required under s.  
 2226 379.353(2).

2227 Section 55. For the purpose of incorporating the amendment  
 2228 made by this act to section 379.354, Florida Statutes, in a  
 2229 reference thereto, section 379.2213, Florida Statutes, is  
 2230 reenacted to read:

2231 379.2213 Management area permit revenues.--The commission  
 2232 shall expend the revenue generated from the sale of the  
 2233 management area permit as provided for in s. 379.354(8)(g) or  
 2234 that pro rata portion of any license that includes management  
 2235 area privileges as provided for in s. 379.354(4)(h), (i), and  
 2236 (j) for the lease, management, and protection of lands for  
 2237 public hunting, fishing, and other outdoor recreation.

2238 Section 56. For the purpose of incorporating the amendment  
 2239 made by this act to section 379.354, Florida Statutes, in a  
 2240 reference thereto, section 379.3501, Florida Statutes, is

2241 reenacted to read:

2242       379.3501 Expiration of licenses and permits.--Each license  
 2243 or permit issued under this part must be dated when issued. Each  
 2244 license or permit issued under this part remains valid for 12  
 2245 months after the date of issuance, except for a lifetime license  
 2246 issued pursuant to s. 379.354 which is valid from the date of  
 2247 issuance until the death of the individual to whom the license  
 2248 is issued unless otherwise revoked in accordance with s. 379.401  
 2249 or s. 379.404, or a 5-year license issued pursuant to s. 379.354  
 2250 which is valid for 5 consecutive years from the date of purchase  
 2251 unless otherwise revoked in accordance with s. 379.401 or s.  
 2252 379.404, or a license issued pursuant to s. 379.354(5)(a), (b),  
 2253 (c), (d), or (g) or (8)(f), (g)2., or (h)1., which is valid for  
 2254 the period specified on the license. A resident lifetime license  
 2255 or a resident 5-year license that has been purchased by a  
 2256 resident of this state and who subsequently resides in another  
 2257 state shall be honored for activities authorized by that  
 2258 license.

2259       Section 57. For the purpose of incorporating the amendment  
 2260 made by this act to section 379.354, Florida Statutes, in a  
 2261 reference thereto, subsection (2) of section 379.3712, Florida  
 2262 Statutes, is reenacted to read:

2263       379.3712 Private hunting preserve license fees;  
 2264 exception.--

2265       (2) A commercial hunting preserve license, which shall  
 2266 exempt patrons of licensed preserves from the license and permit  
 2267 requirements of s. 379.354(4)(c), (d), (f), (h), (i) and (j);  
 2268 (5)(g) and (h); (8)(a), (b), and (e); (9)(a)2.; (11); and (12)

CS/CS/HB 1423, Engrossed 1

2009

2269 while hunting on the licensed preserve property, shall be \$500.  
2270 Such commercial hunting preserve license shall be available only  
2271 to those private hunting preserves licensed pursuant to this  
2272 section which are operated exclusively for commercial purposes,  
2273 which are open to the public, and for which a uniform fee is  
2274 charged to patrons for hunting privileges.

2275 Section 58. Effective October 1, 2009, section 327.22,  
2276 Florida Statutes, is repealed.

2277 Section 59. Effective July 1, 2010, sections 379.2211 and  
2278 379.2212, Florida Statutes, are repealed.

2279 Section 60. Subsection (7) of section 379.366, Florida  
2280 Statutes, is repealed.

2281 Section 61. Except as otherwise expressly provided in this  
2282 act, this act shall take effect July 1, 2009.