

1 A bill to be entitled

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

27 the Department of Children and Families to the Agency
 28 for Persons with Disabilities; amending s. 379.354,
 29 F.S.; clarifying the activities authorized under an
 30 annual military gold sportsman's license; repealing s.
 31 379.355, F.S., relating to special recreational spiny
 32 lobster licenses; repealing s. 379.363(1)(h) and (i),
 33 F.S., relating to the annual gear license fee;
 34 repealing s. 379.3635, F.S., relating to haul seine
 35 and trawl permits to be used in Lake Okeechobee;
 36 amending ss. 379.101, 379.208, and 379.401, F.S.;
 37 conforming cross-references; providing an effective
 38 date.

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

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

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

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

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

52 (b) ~~The court shall order the defendant to~~ Refrain from

53 operating any vessel until the 50 hours of public service or
54 community work has been performed; and

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

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

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

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

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

78 Section 3. Subsection (1) of section 327.731, Florida

79 Statutes, is amended to read:

80 327.731 Mandatory education for violators.—

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

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

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

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

100
 101 ~~Any person who has successfully completed an approved boating~~
 102 ~~course shall be exempt from these provisions upon showing proof~~
 103 ~~to the commission as specified in paragraph (b).~~

104 Section 4. Subsection (15) of section 328.72, Florida

105 Statutes, is amended to read:

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

108 (15) DISTRIBUTION OF FEES.—Except for the first \$2, \$1 of
 109 which shall be remitted to the state for deposit into the Save
 110 the Manatee Trust Fund created within the Fish and Wildlife
 111 Conservation Commission and \$1 of which shall be remitted to the
 112 state for deposit into the Marine Resources Conservation Trust
 113 Fund to fund a grant program for public launching facilities,
 114 pursuant to s. 206.606, giving priority consideration to
 115 counties with more than 35,000 registered vessels, moneys
 116 designated for the use of the counties, as specified in
 117 subsection (1), shall be distributed by the tax collector to the
 118 board of county commissioners for use only as provided in this
 119 section. Such moneys to be returned to the counties are for the
 120 sole purposes of providing, maintaining, or operating
 121 recreational channel marking and other uniform waterway markers,
 122 public boat ramps, lifts, and hoists, marine railways, boat
 123 piers, docks, mooring buoys, and other public launching
 124 facilities; and removing ~~derelict~~ vessels, debris that
 125 specifically impede boat access, not including the dredging of
 126 channels ~~vessel removal,~~ and ~~removal of~~ vessels and floating
 127 structures deemed a hazard to public safety and health for
 128 failure to comply with s. 327.53. Counties shall demonstrate
 129 through an annual detailed accounting report of vessel
 130 registration revenues that the registration fees were spent as

131 provided in this subsection. This report shall be provided to
 132 the Fish and Wildlife Conservation Commission no later than
 133 November 1 of each year. If, before ~~prior to~~ January 1 of each
 134 calendar year, the ~~annual-detailed~~ accounting report meeting the
 135 prescribed criteria has still not been provided to the
 136 commission, the tax collector of that county may ~~shall~~ not
 137 distribute the moneys designated for the use of counties, as
 138 specified in subsection (1), to the board of county
 139 commissioners but shall, ~~instead,~~ for the next calendar year,
 140 remit such moneys to the state for deposit into the Marine
 141 Resources Conservation Trust Fund. The commission shall return
 142 those moneys to the county if the county fully complies with
 143 this section within that calendar year. If the county does not
 144 fully comply with this section within that calendar year, the
 145 moneys shall remain within the Marine Resources Trust Fund and
 146 may be appropriated for the purposes specified in this
 147 subsection.

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

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

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

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

156 (d) ~~No person holding a dead shrimp production permit~~

157 ~~issued pursuant to this subsection shall simultaneously hold a~~
158 ~~permit for noncommercial trawling under the provisions of~~
159 ~~subsection (5).~~ The number of permits issued by the commission
160 for commercial trawling or dead shrimp production in any one
161 year shall be limited to those active in the base year, 1976,
162 and renewed annually since 1976. All permits for dead shrimp
163 production issued pursuant to this section shall be inheritable
164 or transferable to an immediate family member and annually
165 renewable by the holder thereof. Such inheritance or transfer
166 shall be valid upon being registered with the commission. Each
167 permit not renewed shall expire and shall not be renewed under
168 any circumstances.

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

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

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

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

185 Section 7. Paragraph (g) of subsection (2) of section
 186 379.353, Florida Statutes, is amended to read:

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

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

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

196 Section 8. Paragraph (j) of subsection (4) of section
 197 379.354, Florida Statutes, is amended to read:

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

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

203 (j) Annual military gold sportsman's license, \$18.50. A
 204 ~~The gold sportsman's license authorizes the person to whom it is~~
 205 ~~issued to take freshwater fish, saltwater fish, and game,~~
 206 ~~subject to the state and federal laws, rules, and regulations,~~
 207 ~~including rules of the commission, in effect at the time of~~
 208 ~~taking. Other authorized activities include activities~~

209 ~~authorized by a management area permit, a muzzle-loading gun~~
 210 ~~season permit, a crossbow season permit, a turkey permit, a~~
 211 ~~Florida waterfowl permit, a deer permit, an archery season~~
 212 ~~permit, a snook permit, and a spiny lobster permit. Any resident~~
 213 who is an active or retired member of the United States Armed
 214 Forces, the United States Armed Forces Reserve, the National
 215 Guard, the United States Coast Guard, or the United States Coast
 216 Guard Reserve may ~~is eligible to~~ purchase the military gold
 217 sportsman's license upon submission of a current military
 218 identification card. The annual military gold sportsman's
 219 license authorizes the same activities as the annual gold
 220 sportsman's license.

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

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

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

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

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

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

232 (a) For purposes of part VII ~~and for purposes of s.~~
 233 ~~379.355,~~ a citizen of the United States who has continuously
 234 resided in this state for 1 year before applying for a hunting,

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

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

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

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

251 a. A current Florida voter information card;

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

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

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

259 Section 13. Paragraph (c) of subsection (2) of section
 260 379.208, Florida Statutes, is amended to read:

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

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

265 (c) All fees collected under ss. 379.2424, ~~379.355,~~
 266 379.357, 379.365, 379.366, and 379.3671.

267 Section 14. Paragraph (a) of subsection (1) of section
 268 379.401, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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