

Committee Substitute for  
Committee Substitute for Senate Bill No. 386

An act relating to the responsibilities of the Fish and Wildlife Conservation Commission; amending s. 320.08058, F.S.; clarifying purposes for which manatee license plate fees are used; amending s. 327.02, F.S.; revising definitions; amending s. 327.04, F.S., relating to rules; amending s. 327.22, F.S., relating to the regulation of vessels by municipalities or counties; creating s. 327.302, F.S.; providing for boating accident report forms; amending s. 327.33, F.S.; revising provisions relating to reckless or careless operation of a vessel; providing penalties; renumbering and amending s. 861.065, F.S.; revising divers-down flag requirements; revising requirements for operation of vessels in the vicinity of a divers-down flag; providing penalties; amending s. 327.331, F.S.; providing for noncriminal infractions, effective October 1, 2001; amending s. 327.355, F.S., relating to operation of vessels by persons under 21 years of age who have consumed alcoholic beverages; amending s. 327.36, F.S., relating to mandatory adjudication of certain offenses; amending s. 327.37, F.S.; requiring persons engaging in water skiing, parasailing, or aquaplaning to wear a noninflatable flotation device; amending s. 327.39, F.S., relating to the regulation of personal watercraft; requiring the use of noninflatable flotation devices; prohibiting the lease, hiring, or rental of personal watercraft under certain circumstances; providing a penalty; providing commission rulemaking authority; amending s. 327.395, F.S., relating to boating safety identification cards; requiring that certain boater education or boater safety courses include a component relating to divers; amending s. 327.40, F.S.; clarifying requirements for uniform waterway markers for safety and navigation; providing permit exemptions; providing commission rulemaking authority; amending s. 327.41, F.S.; clarifying requirements for uniform waterway regulatory markers; amending s. 327.46, F.S.; clarifying rulemaking authority for the commission to establish restricted areas for public safety purposes; creating s. 327.49, F.S.; providing for the testing of vessels and vessel motors; amending s. 327.53, F.S.; relating to marine sanitation; amending s. 327.54, F.S., relating to liveries; revising requirements for prered or prerental instruction; revising age requirements for the lease, hire, or rental of personal watercraft; requiring liveries to carry liability insurance; providing a penalty; amending s. 327.60, F.S.; prohibiting local regulations from discriminating against personal watercraft; amending s. 327.72, F.S.; increasing time for payment of civil penalties; amending s. 327.73, F.S., relating to noncriminal infractions; reenacting s. 327.73(1)(p), F.S., for the purpose of incorporating the amendment to s. 327.39, F.S.; providing additional time for payment of civil penalties; providing additional penalties; providing for additional court costs in certain circumstances; authorizing public works or community service in certain circumstances; amending s. 327.73, F.S.; effective October 1, 2001; relating to noncriminal

infractions for violations of vessel laws; amending s. 327.731, F.S., relating to mandatory education for violators; correcting a cross reference; amending s. 327.803, F.S.; providing for an increase in membership of the Boating Advisory Council; modifying purpose; amending s. 328.48, F.S.; clarifying vessel registration requirements; amending s. 328.56, F.S.; clarifying vessel registration number requirements; amending s. 328.66, F.S.; relating to county vessel registration fees; amending s. 328.70, F.S.; providing requirements for classification of recreational vessels and livery vessels; amending s. 328.72, F.S.; relating to vessel registration; providing requirements for display of antique vessel registration numbers and decals; amending s. 328.72, F.S., providing for the distribution of vessel registration fees effective July 1, 2001; amending s. 328.76, F.S.; clarifying the use of vessel registration fees; effective July 1, 2001, amending 370.06, F.S., relating to saltwater products license requirements; clarifying disability exemptions; deleting obsolete provisions; amending s. 370.0605, F.S., providing for combination licenses; providing for a fee for electronic license sales; amending s. 372.57, F.S.; providing for combination licenses; amending s. 372.561, F.S.; providing that licenses and permits for hunting, saltwater fishing, and freshwater fishing must be issued, without fee, to certain disabled persons; amending s. 372.574, F.S.; providing for a fee for electronic license sales; providing for the replacement of a lost or destroyed license or permit; providing a fee; amending s. 372.66, F.S.; deleting the nonresident fur dealer agent license, the resident fur dealer agent license, and the resident local fur dealer license; amending s. 372.83, F.S.; providing that it is unlawful to make, forge, or counterfeit any hunting or fishing license; providing penalties; amending s. 713.78, F.S.; revising definition; repealing s. 258.398, F.S., removing designation of Lake Weir as an aquatic preserve; providing effective dates; repealing s. 370.14(10), (11), F.S., relating to saltwater fishing licenses; providing effective dates.

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

Section 1. Paragraph (b) of subsection (1) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(1) MANATEE LICENSE PLATES.—

(b) The manatee license plate annual use fee must be deposited into the Save the Manatee Trust Fund, created within the Fish and Wildlife Conservation Commission, and shall be used only for the purposes specified in s. 370.12(4). ~~The funds deposited in the Save the Manatee Trust Fund may be used only for manatee-related environmental education; manatee research; facilities, as provided in s. 370.12(4)(b); and manatee protection and recovery.~~

Section 2. Section 327.02, Florida Statutes, is amended to read:

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

(1) “Alien” means a person who is not a citizen of the United States.

(2) “Boating accident” means a collision, accident, or casualty involving a vessel in or upon, or entering into or exiting from, the water, including capsizing, collision with another vessel or object, sinking, personal injury, death, disappearance of any person from on board under circumstances which indicate the possibility of death or injury, or property damage to any vessel or dock.

(3) “Canoe” means a light, narrow vessel with curved sides and with both ends pointed. A canoe-like vessel with a transom may not be excluded from the definition of a canoe if the width of its transom is less than 45 percent of the width of its beam or it has been designated as a canoe by the United States Coast Guard.

(4) “Commercial vessel” means:

(a) Any vessel primarily engaged in the taking or landing of saltwater fish or saltwater products or freshwater fish or freshwater products, or any vessel licensed pursuant to s. 370.06 from which commercial quantities of saltwater products are harvested, from within and without the waters of this state for sale either to the consumer, retail dealer, or wholesale dealer.

(b) Any other vessel, except a recreational vessel as defined in this section engaged in any activity wherein a fee is paid by the user, either directly or indirectly, to the owner, operator, or custodian of the vessel.

(5) “Commission” means the Fish and Wildlife Conservation Commission.

(6) “Dealer” means any person authorized by the Department of Revenue to buy, sell, resell, or otherwise distribute vessels. Such person shall have a valid sales tax certificate of registration issued by the Department of Revenue and a valid commercial or occupational license required by any county, municipality, or political subdivision of the state in which the person operates.

(7) “Division” means the Division of Law Enforcement of the Fish and Wildlife Conservation Commission.

(8) “Documented vessel” means a vessel for which a valid certificate of documentation is outstanding pursuant to 46 C.F.R. part 67.

(9) “Floating structure” means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term “floating structure” includes, but is not limited to, each entity used as a residence, place of business or office with public access, hotel or motel,

restaurant or lounge, clubhouse, meeting facility, storage or parking facility, mining platform, dredge, dragline, or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term “vessel” provided in this section. Incidental movement upon water or resting partially or entirely on the bottom shall not, in and of itself, preclude an entity from classification as a floating structure.

(10) “Florida Intracoastal Waterway” means the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway, Stuart to Fort Myers; the St. Johns River, Jacksonville to Sanford; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; Carrabelle to Anclote open bay section (using Gulf of Mexico); the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and the Apalachicola, Chattahoochee, and Flint Rivers in Florida.

(11) “Homemade vessel” means any vessel built after October 31, 1972, for which a federal hull identification number is not required to be assigned by the manufacturer pursuant to federal law, or any vessel constructed or assembled prior to November 1, 1972, by other than a licensed manufacturer for his or her own use or the use of a specific person. A vessel assembled from a manufacturer’s kit or constructed from an unfinished manufactured hull shall be considered to be a homemade vessel if such a vessel is not required to have a hull identification number assigned by the United States Coast Guard. A rebuilt or reconstructed vessel shall in no event be construed to be a homemade vessel.

(12) “Houseboat” means any vessel which is used primarily as a residence for a minimum of 21 days during any 30-day period, in a county of this state, and this residential use of the vessel is to the preclusion of the use of the vessel as a means of transportation.

(13) “Length” means the measurement from end to end over the deck parallel to the centerline excluding sheer.

(14) “Lien” means a security interest which is reserved or created by a written agreement recorded with the Department of Highway Safety and Motor Vehicles pursuant to s. 328.15 which secures payment or performance of an obligation and is generally valid against third parties.

(15) “Lienholder” means a person holding a security interest in a vessel, which interest is recorded with the Department of Highway Safety and Motor Vehicles pursuant to s. 328.15..

(16) “Live-aboard vessel” means:

- (a) Any vessel used solely as a residence; or
- (b) Any vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence.

A commercial fishing boat is expressly excluded from the term “live-aboard vessel.”

(17) “Livery vessel” means any vessel leased, rented, or chartered to another for consideration.

~~(18)~~(17) “Manufactured vessel” means any vessel built after October 31, 1972, for which a federal hull identification number is required pursuant to federal law, or any vessel constructed or assembled prior to November 1, 1972, by a duly licensed manufacturer.

~~(19)~~(18) “Marina” means a licensed commercial facility which provides secured public moorings or dry storage for vessels on a leased basis. A commercial establishment authorized by a licensed vessel manufacturer as a dealership shall be considered a marina for nonjudicial sale purposes.

~~(20)~~(19) “Marine sanitation device” means any equipment other than a toilet, for installation on board a vessel, which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage. Marine sanitation device Types I, II, and III shall be defined as provided in 33 C.F.R. part 159.

(21) “Marker” means any channel mark or other aid to navigation, information or regulatory mark, isolated danger mark, safe water mark, special mark, inland waters obstruction mark, or mooring buoy in, on, or over the waters of the state or the shores thereof, and includes, but is not limited to, a sign, beacon, buoy, or light.

~~(22)~~(20) “Motorboat” means any vessel equipped with machinery for propulsion, irrespective of whether the propulsion machinery is in actual operation which is propelled or powered by machinery and which is used or capable of being used as a means of transportation on water.

~~(23)~~(21) “Navigation rules” means the International Navigational Rules Act of 1977, 33 U.S.C. appendix following s. 1602, as amended, including the annexes thereto in effect on June 1, 1983, for vessels on waters outside of established navigational lines of demarcation as specified in 33 C.F.R. part 80 or the Inland Navigational Rules Act of 1980, 33 U.S.C. s. 2001 et seq., as amended, including the annexes thereto in effect on December 24, 1981, for vessels on all waters not outside of such lines of demarcation.

~~(22) “Noncommercial vessel” means any vessel other than a commercial vessel as defined in this section.~~

~~(24)~~(23) “Nonresident” means a citizen of the United States who has not established residence in this state and has not continuously resided in this state for 1 year and in one county for the 6 months immediately preceding the initiation of a vessel titling or registration action.

~~(25)~~(24) “Operate” means to be in charge of or in command of or in actual physical control of a vessel upon the waters of this state, or to exercise control over or to have responsibility for a vessel’s navigation or safety while the vessel is underway upon the waters of this state, or to control or steer

a vessel being towed by another vessel upon the waters of the state; ~~provided, however, that this definition shall not apply to a person on a vessel that is docked or otherwise made fast to the shore and shall not apply to a vessel owner or operator who designates a driver pursuant to s. 327.35.~~

~~(26)~~(25) “Owner” means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person, reserved or created by agreement and securing payment of performance of an obligation, but the term excludes a lessee under a lease not intended as security.

~~(27)~~(26) “Person” means an individual, partnership, firm, corporation, association, or other entity.

~~(28)~~(27) “Personal watercraft” means a ~~small class A-1 or A-2 vessel less than 16 feet in length~~ which uses an ~~outboard motor, or an inboard motor powering a water jet pump,~~ as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, ~~or being towed behind~~ the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

~~(29)~~(28) “Portable toilet” means a device consisting of a lid, seat, containment vessel, and support structure that is specifically designed to receive, retain, and discharge human waste and that is capable of being removed from a vessel by hand.

~~(30)~~(29) “Prohibited activity” means such activity as will impede or disturb navigation or creates a safety hazard on waterways of this state.

~~(31)~~(30) “Racing shell,” “rowing scull,” or “racing kayak” means a manually propelled vessel which is recognized by national or international racing associations for use in competitive racing and in which all occupants, with the exception of a coxswain, if one is provided, row, scull, or paddle and which is not designed to carry and does not carry any equipment not solely for competitive racing.

(32) “Recreational vessel” means any vessel:

(a) Manufactured and used primarily for noncommercial purposes; or

(b) Leased, rented, or chartered to a person for the person’s noncommercial use.

~~(33)~~(31) “Registration” means a state operating license on a vessel which is issued with an identifying number, an annual certificate of registration, and a decal designating the year for which a registration fee is paid.

~~(32) “Regulatory marker” means any anchored or fixed marker in, on, or over the water, or anchored platform on the surface of the water, other than a marker provided in s. 327.40, and includes, but is not limited to, a bathing beach marker, speed zone marker, information marker, restricted zone marker, congested area marker, or warning marker.~~

(34)(33) “Resident” means a citizen of the United States who has established residence in this state and has continuously resided in this state for 1 year and in one county for the 6 months immediately preceding the initiation of a vessel titling or registration action.

(35)(34) “Sailboat” means any vessel whose sole source of propulsion is the wind ~~natural element~~ (i.e., wind).

(36)(35) “Unclaimed vessel” means any undocumented vessel, including its machinery, rigging, and accessories, which is in the physical possession of any marina, garage, or repair shop for repairs, improvements, or other work with the knowledge of the vessel owner and for which the costs of such services have been unpaid for a period in excess of 90 days from the date written notice of the completed work is given by the marina, garage, or repair shop to the vessel owner.

(37)(36) “Vessel” is synonymous with boat as referenced in s. 1(b), Art. VII of the State Constitution and includes every description of watercraft, barge, and air boat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(38)(37) “Waters of this state” means any navigable waters of the United States within the territorial limits of this state, and the marginal sea adjacent to this state and the high seas when navigated as a part of a journey or ride to or from the shore of this state, and all the inland lakes, rivers, and canals under the jurisdiction of this state.

Section 3. Section 327.04, Florida Statutes, is amended to read:

327.04 Rules.—The commission ~~department~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter conferring powers or duties upon it.

Section 4. Subsection (1) of section 327.22, Florida Statutes, is amended to read:

327.22 Regulation of vessels by municipalities or counties.—

(1) Nothing in this chapter shall be construed to prohibit any municipality or county that expends money for the patrol, regulation, and maintenance of any lakes, rivers, or waters, and for other boating-related activities in such municipality or county, from regulating vessels resident in such municipality or county. Any county or municipality may adopt ordinances which provide for enforcement of noncriminal violations of restricted areas ~~s. 327.33 relating to the careless operation of a vessel~~ which results in the endangering or damaging of property, by citation mailed to registered owner of the vessel. Any such ordinance shall apply only in legally established designated ~~restricted areas~~ which are properly marked as permitted pursuant to ss. 327.40 and 327.41 ~~and in need of shoreline protection~~. Any county and the municipalities located within the county may jointly regulate vessels.

Section 5. Effective October 1, 2000, section 327.302, Florida Statutes, is created to read:

327.302 Accident report forms.—

(1) The commission shall prepare and, upon request, supply to police departments, sheriffs, and other appropriate agencies or individuals forms for accident reports as required in this chapter, suitable with respect to the persons required to make such reports and the purposes to be served. The forms must call for sufficiently detailed information to disclose, with reference to a boating accident, the cause and conditions existing at the time of the accident and the persons and vessels involved. Accident report forms may call for the policy numbers of liability insurance and the names of carriers covering any vessel involved in an accident required to be reported under this chapter.

(2) Every accident report required to be made in writing must be made on the appropriate form approved by the commission and must contain all the information required therein unless not available. Notwithstanding any other provisions of this section, an accident report produce electronically by a law enforcement officer must, at a minimum, contain the same information as is required on those forms approved by the commission.

Section 6. Effective October 1, 2000, subsections (1) and (2) of section 327.33, Florida Statutes, are amended to read:

## 327.33 Reckless or careless operation of vessel.—

(1) It is unlawful to operate a vessel in a reckless manner. A person is guilty of reckless operation of a vessel who operates any vessel, or manipulates any water skis, aquaplane, or similar device, in willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure any person. Reckless operation of a vessel includes, but is not limited to, a violation of s. 327.331(6). Any person who violates a provision of this subsection ~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person operating a vessel upon the waters of this state shall operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, ~~the presence of a divers-down flag as defined in s. 861.065,~~ and all other attendant circumstances so as not to endanger the life, limb, or property of any person. ~~Any person operating a vessel on a river, inlet, or navigation channel shall make a reasonable effort to maintain a distance of 100 feet from any divers-down flag.~~ The failure to operate a vessel in a manner described in this subsection constitutes careless operation. However, vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property. Any person who violates the provisions of this subsection ~~commits is guilty of~~ a noncriminal violation as defined in s. 775.08.

Section 7. Effective October 1, 2000, section 861.065, Florida Statutes, is renumbered as section 327.331, Florida Statutes, and amended to read:

327.331 861.065 Divers; definitions; divers-down flag required; obstruction to navigation of certain waters; penalty.—

(1) As used in this section:

(a) “Diver” means any person who is wholly or partially submerged in the waters of the state and is equipped with a face mask and snorkel or underwater breathing apparatus.

~~(b)(2)~~ “Underwater breathing apparatus” ~~means~~ shall mean any apparatus, whether self-contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water is enabled to obtain or reuse air or any other gas or gases for breathing without returning to the surface of the water.

~~(c)(3)~~ “Divers-down flag” ~~means~~ shall mean a flag that ~~meets the following specifications: is either square or rectangular, to approximately 4 units high by 5 units long, with a 1-unit diagonal stripe. The divers-down flag shall have a white diagonal stripe on a red background. The stripe shall begin at the top staff-side of the flag and extend diagonally to the opposite lower corner. The flag shall be free-flying and shall be lowered when all divers are aboard or ashore. The minimum size shall be 12 by 12 inches.~~

1. The flag must be square or rectangular. If rectangular, the length must not be less than the height, or more than 25 percent longer than the height. The flag must have a wire or other stiffener to hold it fully unfurled and extended in the absence of a wind or breeze.

2. The flag must be red with a white diagonal stripe that begins at the top staff-side of the flag and extends diagonally to the lower opposite corner. The width of the stripe must be 25 percent of the height of the flag.

3. The minimum size for any divers-down flag displayed on a buoy or float towed by the diver is 12 inches by 12 inches. The minimum size for any divers-down flag displayed from a vessel or structure is 20 inches by 24 inches.

4. Any divers-down flag displayed from a vessel must be displayed from the highest point of the vessel or such other location which provides that the visibility of the divers-down flag is not obstructed in any direction.

~~(2)(4)~~ All divers must ~~shall~~ prominently display a divers-down flag in the area in which the diving occurs, other than when diving in an area customarily used for swimming only.

~~(3)(5)~~ No diver or group of divers shall display one or more divers-down flags on a river, inlet, or navigation channel, except in case of emergency, in a manner which shall unreasonably constitute a navigational hazard.

~~(4)(6)~~ Divers shall make reasonable efforts to stay within 100 feet of the divers-down flag on rivers, inlets, and navigation channels. Any person operating a vessel on a river, inlet, or navigation channel must make a reasonable effort to maintain a distance of at least 100 feet from any divers-down flag.

(5) Divers must make reasonable efforts to stay within 300 feet of the divers-down flag on all waters other than rivers, inlets, and navigation channels. Any person operating a vessel on waters other than a river, inlet, or navigation channel must make a reasonable effort to maintain a distance of at least 300 feet from any divers-down flag.

(6) Any vessel other than a law enforcement or rescue vessel that approaches within 100 feet of a divers-down flag on a river, inlet, or navigation channel, or within 300 feet of a divers-down flag on waters other than a river, inlet, or navigation channel, must proceed no faster than is necessary to maintain headway and steerageway.

(7) The divers-down flag must be lowered once all divers are aboard or ashore. No person may operate any vessel displaying a divers-down flag unless the vessel has one or more divers in the water.

~~(8)(7)~~ Any willful violation of this section shall be a misdemeanor of the second degree punishable as provided by s. 775.082 or s. 775.083.

Section 8. Effective October 1, 2001, subsection (8) of section 327.331, Florida Statutes, as amended by this act, is amended to read:

327.331 Divers; definitions; divers-down flag required; obstruction to navigation of certain waters; penalty.—

~~(8) Except as provided in s. 327.33, any willful violation of this section shall be a noncriminal infraction punishable as provided in s. 327.73 misdemeanor of the second degree punishable as provided by s. 775.082 or s. 775.083.~~

Section 9. Paragraph (a) of subsection (1) of section 327.355, Florida Statutes, is amended to read:

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

(1)(a) Notwithstanding s. 327.35, it is unlawful for a person under the age of 21 who has a breath-alcohol level of 0.02 percent or higher to operate or be in actual physical control of a vessel.

Section 10. Paragraph (a) of subsection (2) of section 327.36, Florida Statutes, is amended to read:

327.36 Mandatory adjudication; prohibition against accepting plea to lesser included offense.—

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

Section 11. Effective October 1, 2000, paragraphs (a) and (b) of subsection (2) of section 327.37, Florida Statutes, are amended to read:

327.37 Water skis, parasails, and aquaplanes regulated.—

(2)(a) A person may not engage in water skiing, parasailing, aquaplaning, or any similar activity at any time between the hours from one-half hour after sunset to one-half hour before sunrise.

(b) A person may not engage in water skiing, parasailing, aquaplaning, or any similar activity unless such person is wearing a noninflatable type I, type II, type III, or ~~noninflatable~~ type V personal flotation device approved by the United States Coast Guard.

Section 12. Effective October 1, 2000, subsections (1), (4), (5), and (6) of section 327.39, Florida Statutes, are amended to read:

327.39 Personal watercraft regulated.—

(1) A person may not operate a personal watercraft unless each person riding on or being towed behind such vessel is wearing a type I, type II, type III, or type V personal flotation device, other than an inflatable device, approved by the United States Coast Guard.

(4) A personal watercraft must at all times be operated in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb, or property, including, but not limited to, weaving through congested vessel traffic, jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility around such other vessel is obstructed, and swerving at the last possible moment to avoid collision shall constitute reckless operation of a vessel, as provided in s. 327.33(1). Any person operating a personal watercraft must comply with the provisions of s. 327.33.

(5) No person under the age of 14 shall operate any a personal watercraft on the waters of this state.

(6)(a) It is unlawful for the owner of any personal watercraft or any person having charge over or control of a personal watercraft to authorize or knowingly permit the same to be operated by a person under 14 years of age in violation of this section.

(b)1. It is unlawful for the owner of any leased, hired, or rented personal watercraft, or any person having charge over or control of a leased, hired, or rented personal watercraft, to authorize or knowingly permit the watercraft to be operated by any person who has not received instruction in the safe handling of personal watercraft, in compliance with rules established by the commission.

2. Any person receiving instruction in the safe handling of personal watercraft pursuant to a program established by rule of the commission must provide the owner of, or person having charge of or control over, a leased, hired, or rented personal watercraft with a written statement attesting to the same.

3. The commission shall have the authority to establish rules pursuant to chapter 120 prescribing the instruction to be given, which shall take into account the nature and operational characteristics of personal watercraft and general principles and regulations pertaining to boating safety.

(c) Any person who violates this subsection ~~commits shall be guilty of a~~ misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 13. Effective October 1, 2000, subsections (3) through (10) of section 327.395, Florida Statutes, are renumbered as subsections (4) through (11), respectively, and a new subsection (3) is added to said section, to read:

327.395 Boating safety identification cards.—

(3) Any commission-approved boater education or boater safety course, course-equivalency examination developed or approved by the commission, or temporary certificate examination developed or approved by the commission must include a component regarding diving vessels, awareness of divers in the water, divers-down flags, and the requirements of s. 327.331.

Section 14. Subsections (1) and (2) of section 327.40, Florida Statutes, are amended to read:

327.40 Uniform waterway markers for safety and navigation.—

~~(1) Waterways in Florida, unmarked by the Coast Guard, which need marking for safety or navigation purposes, shall be marked under the United States Aids to Navigation System, 33 C.F.R. part 62. Until December 31, 2003, channel markers and obstruction markers conforming to the Uniform State Waterway Marking System, 33 C.F.R. subpart 66.10, may continue to be used on waters of this state that are not navigable waters of the United States. Uniform Safety and Navigation System adopted by the advisory panel of state officials to the Merchant Marine Council of the United States Coast Guard.~~

(2)(a) Application for marking inland lakes and state waters and any navigable waters under concurrent jurisdiction of the Coast Guard and the division shall be made to the division, accompanied by a map locating the approximate placement of markers, a list of the markers to be placed, a statement of the specification of the markers, a statement of concerning the purpose of marking, and the names of persons responsible for the placement and upkeep of such markers. The division will assist the applicant to secure the proper permission from the Coast Guard where required, make such investigations as needed, and issue a permit. The division shall furnish the applicant with the information concerning the system adopted and the rules regulations existing for placing and maintaining the uniform safety and navigation markers. The division shall keep records of all approvals given and counsel with individuals, counties, municipalities, motorboat clubs, or other groups desiring to mark waterways for safety and navigation purposes in Florida.

(b) No person or municipality, county, or other governmental entity shall place any safety or navigation markers in, on, or over the waters or shores of the state without a permit from the division.

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

Section 15. Section 327.41, Florida Statutes, is amended to read:

327.41 Uniform waterway regulatory markers.—

~~(1) The Fish and Wildlife Conservation commission shall adopt rules and regulations pursuant to chapter 120 establishing a uniform system of regulatory markers for the waters of the state Florida Intracoastal Waterway, compatible with the system of regulatory markers prescribed by the United States Coast Guard in the United States Aids to Navigation System, 33 C.F.R. part 62, and shall give due regard to the System of Uniform Waterway Markers approved by the Advisory Panel of State Officials to the Merchant Marine Council, United States Coast Guard.~~

(2) Any county or municipality which has been granted a restricted area designation, pursuant to s. 327.46, for a portion of the Florida Intracoastal Waterway within its jurisdiction or which has adopted a restricted area by ordinance pursuant to s. 327.22, s. 327.60, or s. 370.12(2)(o), or any other governmental entity which has legally established a restricted area, may apply to the ~~Fish and Wildlife Conservation~~ commission for permission to place regulatory markers within the restricted area.

(3) Application for placing regulatory markers in the waters of the state on the Florida Intracoastal Waterway shall be made to the division as provided in s. 327.40 of Marine Resources, accompanied by a map locating the approximate placement of the markers, a statement of the specification of the markers, a statement of purpose of the markers, and a statement of the city or county responsible for the placement and upkeep of the markers.

(4) No person or municipality, county, or other governmental entity shall place any regulatory markers in, on, or over the waters of the state or the shores thereof ~~Florida Intracoastal Waterway~~ without a permit from the division pursuant to s. 327.40 of Marine Resources.

(5) Aquaculture leaseholds shall be marked as required by this section, and the commission may approve alternative marking requirements as a condition of the lease pursuant to s. 253.68. The provisions of this section notwithstanding, no permit shall be required for the placement of markers required by such a lease.

(6) The commission is authorized to adopt rules pursuant to chapter 120 to implement ~~the provisions of~~ this section.

Section 16. Section 327.46, Florida Statutes, is amended to read:

327.46 Restricted areas.—

(1)(a) The commission ~~has shall have~~ the authority to establish for establishing, by rule, pursuant to chapter 120, restricted areas on the waters of the state for any purpose deemed necessary for the safety of the public, including, but not limited to, vessel boat speeds and vessel boat traffic, where such restrictions are deemed necessary based on boating accidents, visibility, hazardous currents or water levels ~~tides~~, vessel traffic congestion, or other navigational hazards. Each such restricted area shall be developed in consultation and coordination with the governing body of the county or municipality in which the restricted area is located and, where required, with the United States Coast Guard and the United States Army Corps of Engineers. ~~Restricted areas shall be established in accordance with procedures under chapter 120.~~

(2) It is unlawful for any person to operate a vessel in a prohibited manner or to carry on any prohibited activity, as defined in this chapter, deemed a safety hazard or interference with navigation as provided above within a restricted water area which has been clearly marked by regulatory markers ~~buoys or some other distinguishing device~~ as a bathing or otherwise restricted area in accordance with and marked as authorized under this chapter. ~~;~~ provided, that

(3) This section shall not apply in the case of an emergency or to a law enforcement, firefighting, patrol or rescue vessel owned or operated by a governmental entity craft.

Section 17. Section 327.49, Florida Statutes, is created to read:

327.49 Testing vessels and vessel motors.—Subject to reasonable rules adopted by the commission, manufacturers of vessels and vessel motors that operate vessel and vessel motor test facilities may be authorized to test such vessels, vessel motors, or combinations thereof, on the waters of the state to ensure that they meet generally accepted boating safety standards.

Section 18. Subsection (2) of section 327.53, Florida Statutes, is amended to read:

327.53 Marine sanitation.—

(2)(a) Every houseboat shall be equipped with at least one permanently installed toilet which shall be properly connected to a United States Coast Guard certified or labeled Type III marine sanitation device. If the toilet is simultaneously connected to both a Type III marine sanitation device and to another approved marine sanitation device, the valve or other mechanism selecting between the two marine sanitation devices shall be set to direct all sewage to the Type III marine sanitation device and, while the vessel is on the waters of the state, shall be locked or otherwise secured by the boat operator, so as to prevent resetting.

(b) ~~A houseboat on which a Type I marine sanitation device was installed before January 30, 1980, need not install a Type III device until October 1, 1996. A houseboat on which a Type II marine sanitation device was installed before July 1, 1994, need not install a Type III device until October 1, 1996.~~

Section 19. Effective October 1, 2000, section 327.54, Florida Statutes, is amended to read:

327.54 Liveries; safety regulations; penalty.—

(1) A livery may not knowingly lease, hire, or rent a vessel to any person:

(a) When the number of persons intending to use the vessel exceeds the number considered to constitute a maximum safety load for the vessel as specified on the authorized persons capacity plate of the vessel.

(b) When the horsepower of the motor exceeds the capacity of the vessel.

(c) When the vessel does not contain the required safety equipment required under s. 327.50.

(d) When the vessel is not seaworthy.

(e) When the vessel is equipped with a motor of 10 horsepower or greater, unless the livery provides there is a prerental or preride instruction that includes, but need not be limited to: in the safe operation of the vessel by the livery.

1. Operational characteristics of the vessel to be rented.

2. Safe vessel operation and vessel right-of-way.

3. The responsibility of the vessel operator for the safe and proper operation of the vessel.

4. Local characteristics of the waterway where the vessel will be operated.

Any person delivering the information specified in this paragraph must have successfully completed a boater safety course approved by the National Association of State Boating Law Administrators and this state.

(f) Unless the livery displays boating safety information in a place visible to the renting public. The commission shall prescribe by rule pursuant to chapter 120, the contents and size of the boating safety information to be displayed.

(2) A livery may not knowingly lease, hire, or rent any vessel powered by a motor of 10 horsepower or greater to any person who is required to comply with s. 327.395, unless such person presents a valid boater safety identification card to the livery.

(3) If a vessel is unnecessarily overdue, the livery shall notify the proper authorities.

(4)(a) A livery may not knowingly lease, hire, or rent a personal watercraft to any person who is under 18 ~~16~~ years of age.

(b) A livery may not knowingly nor may it lease, hire, or rent a personal such watercraft to any person who has not received instruction in the safe

~~handling of personal watercraft, in compliance with rules established by the commission pursuant to chapter 120 or other vessel to any other person, unless the livery displays boating safety information about the safe and proper operation of vessels and requires a signature by the lessee that he or she has received instruction in the safe handling of the personal watercraft in compliance with standards established by the department.~~

(c) Any person receiving instruction in the safe handling of personal watercraft pursuant to a program established by rule of the commission must provide the livery with a written statement attesting to the same.

(5) A livery may not lease, hire, or rent any personal watercraft or offer to lease, hire, or rent any personal watercraft unless the livery first obtains and carries in full force and effect a policy from a licensed insurance carrier in this state, insuring against any accident, loss, injury, property damage, or other casualty caused by or resulting from the operation of the personal watercraft. The insurance policy shall provide coverage of at least \$500,000 per person and \$1 million per event. The livery must have proof of such insurance available for inspection at the location where personal watercraft are being leased, hired, or rented, or offered for lease, hire, or rent, and shall provide to each renter the insurance carrier's name and address and the insurance policy number.

~~(6)(5) Any person convicted of violating this section commits is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(6) When the livery has complied with subsections (1), (2), (3), and (4), its liability ceases and the person leasing the vessel from the livery is liable for any violations of this chapter and is personally liable for any accident or injury occurring while in charge of such vessel.~~

Section 20. Subsection (1) of section 327.60, Florida Statutes, is amended to read:

327.60 Local regulations; limitations.—

(1) The provisions of ss. 327.01, 327.02, 327.30-327.40, 327.44-327.50, 327.54, 327.56, 327.65, 328.40-328.48, 328.52-328.58, 328.62, and 328.64 shall govern the operation, equipment, and all other matters relating thereto whenever any vessel shall be operated upon the waterways or when any activity regulated hereby shall take place thereon. Nothing in these sections shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels, except that no such ordinance or local law may apply to the Florida Intracoastal Waterway and except that such ordinances or local laws shall be operative only when they are not in conflict with this chapter or any amendments thereto or regulations thereunder. Any ordinance or local law which has been adopted pursuant to this section or to any other state law may not discriminate against personal watercraft as defined in s. 327.02.

Section 21. Effective October 1, 2000, section 327.72, Florida Statutes, is amended to read:

327.72 Penalties.—Any person failing to comply with the provisions of this chapter or chapter 328 not specified in s. 327.73 or not paying the civil penalty fine specified in said section within 30 ~~10~~ days, except as otherwise provided in this chapter or chapter 328, ~~commits~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 22. Effective October 1, 2000, paragraph (k) of subsection (1) and subsection (4) of section 327.73, Florida Statutes, are amended, subsections, (9), (10), and (11) are added to said section, and paragraph (p) of subsection (1) of said section is reenacted for the purpose of incorporating the amendments to section 327.39, Florida Statutes, in a reference, to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(k) Violations relating to restricted areas and speed limits:

1. Established by the commission ~~department~~ pursuant to s. 327.46.
2. Established by local governmental authorities pursuant to s. 327.22 or s. 327.60.
3. Speed limits established pursuant to s. 370.12(2).

(p) Section 327.39(1), (2), (3), and (5), relating to personal watercraft.

Any person cited for a violation of any such provision shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

(4) Any person charged with a noncriminal infraction under this section may:

(a) Pay the civil penalty, either by mail or in person, within 30 ~~10~~ days of the date of receiving the citation; or,

(b) If he or she has posted bond, forfeit bond by not appearing at the designated time and location.

If the person cited follows either of the above procedures, he or she shall be deemed to have admitted the noncriminal infraction and to have waived the right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings.

(9)(a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified in this section within the 30-day period provided for in s. 327.72 must pay an additional court cost of \$12, which shall be used by the clerks of the courts to defray the costs of tracking unpaid uniform boating citations.

(b) Any person who fails to comply with the court's requirements as to civil penalties specified in this section due to demonstrated financial hardship shall be authorized to satisfy such civil penalties by public works or community service. Each hour of such service shall be applied, at the rate of the minimum wage, toward payment of the person's civil penalties; provided, however, that if the person has a trade or profession for which there is a community service need and application, the rate for each hour of such service shall be the average standard wage for such trade or profession. Any person who fails to comply with the court's requirements as to such civil penalties who does not demonstrate financial hardship may also, at the discretion of the court, be authorized to satisfy such civil penalties by public works or community service in the same manner.

(c) If the noncriminal infraction has caused or resulted in the death of another, the court may require the person who committed the infraction to perform 120 community service hours in addition to any other penalties.

(10) Any person cited for any noncriminal infraction which results in an accident that causes the death of another, or which results in an accident that causes "serious bodily injury" of another as defined in s. 327.353(1), shall not have the provisions of subsection (4) available to him or her but must appear before the designated official at the time and location of the scheduled hearing.

(11)(a) Court costs that are to be in addition to the stated civil penalty shall be imposed by the court in an amount not less than the following:

1. For swimming or diving infractions, \$3.
2. For nonmoving boating infractions, \$6
3. For boating infractions listed in s. 327.731(1), \$10.

(b) In addition to the court cost assessed under paragraph (a), the court shall impose a \$3 court cost for each noncriminal infraction, to be distributed as provided in s. 938.01, and a \$2 court cost as provided in s. 938.15 when assessed by a municipality or county.

Court costs imposed under this subsection may not exceed \$30. A criminal justice selection center or both local criminal justice access and assessment centers may be funded from these court costs.

Section 23. Effective October 1, 2001, paragraph (u) is added to subsection (1) of section 327.73, Florida Statutes, to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(u) Section 327.331, relating to divers-down flags, except for violations meeting the requirements of s. 327.33.

Any person cited for a violation of any such provision shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

Section 24. Effective October 1, 2001, subsection (1) of section 327.731, Florida Statutes, is amended to read:

327.731 Mandatory education for violators.—

(1) Every person convicted of a criminal violation of this chapter, every person convicted of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, and every person convicted of two noncriminal infractions as defined in s. 327.73(1)(h) through (k), (m) through (p), and (s) through (u) ~~(s), and (t)~~, said infractions occurring within a 12-month period, must:

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

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

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

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

Section 25. Subsections (1) and (3) of section 327.803, Florida Statutes, are amended to read:

327.803 Boating Advisory Council.—

(1) The Boating Advisory Council is created within the Fish and Wildlife Conservation Commission and shall be composed of 17 ~~16~~ members. The members include:

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

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

(c) One representative of manatee protection interests, one representative of the marine industries, two representatives of water-related environmental groups, one representative of marine manufacturers, one representative of commercial vessel owners or operators, one representative of sport boat racing, one representative actively involved and working full-time in the scuba diving industry who has experience in recreational boating, and two representatives of the boating public, each of whom shall be nominated by the executive director of the Fish and Wildlife Conservation Commission and appointed by the Governor to serve staggered 2-year terms.

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

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

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

(a) Boating and diving safety education.

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

(c) Boat usage.

Section 26. Subsection (2) of section 328.48, Florida Statutes, is amended to read:

328.48 Vessel registration, application, certificate, number, decal, duplicate certificate.—

(2) All vessels used ~~operated~~ on the waters of the state must be registered, either commercial or recreational ~~noncommercial~~ as defined in this chapter herein, except as follows:

(a) A vessel used exclusively on private lakes and ponds.

(b) A vessel owned by the United States Government.

(c) A vessel used exclusively as a ship's lifeboat.

(d) A non-motor-powered vessel.

Section 27. Section 328.56, Florida Statutes, is amended to read:

328.56 Vessel registration number.—Each vessel that is used operated on the waters of the state must display a commercial or recreational ~~non-commercial~~ Florida registration number, unless it is:

(1) A vessel used exclusively on private lakes and ponds.

(2) A vessel owned by the United States Government.

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

(4) A non-motor-powered vessel.

(5) A federally documented vessel.

(6) A vessel already covered by a registration number in full force and effect which has been awarded to it pursuant to a federally approved numbering system of another state or by the United States Coast Guard in a state without a federally approved numbering system, if the vessel has not been within this state for a period in excess of 90 consecutive days.

(7) A vessel operating under a valid temporary certificate of number.

(8) A vessel from a country other than the United States temporarily using the waters of this state.

(9) An undocumented vessel used exclusively for racing.

Section 28. Subsection (1) of section 328.66, Florida Statutes, is amended to read:

328.66 County and municipality optional registration fee.—

(1) Any county may impose an annual registration fee on vessels registered, operated, or stored in the water within its jurisdiction. This fee shall be 50 percent of the applicable state registration fee. However, the first \$1 of every registration imposed under this subsection shall be remitted to the state for deposit in the Save the Manatee Trust Fund created within the Fish and Wildlife Conservation Commission, and shall be used only for the purposes specified in s. 370.12(4) ~~for expenditure solely on activities related to the preservation of manatees~~. All other moneys received from such fee shall be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities of such municipality or county. A municipality that was imposing a registration fee before April 1, 1984, may continue to levy such fee, notwithstanding the provisions of this section.

Section 29. Section 328.70, Florida Statutes, is amended to read:

328.70 Legislative intent with respect to uniform registration fee, classification of vessels.—

(a) It is declared to be the intent of the Legislature that all vessels in the state be subject to a uniform registration fee at a rate based on the length of the vessels. It is also declared to be the intent of the Legislature that all vessels be classified as either “commercial” or “recreational noncommercial” and that all such vessels be registered according to the provisions of s. 328.72.

(b) Any vessel which is required to be registered and meets the definition of a commercial vessel shall be classified and registered as a “commercial vessel.”

(c) Any vessel which is required to be registered and is not ~~used operated~~ for commercial purposes shall be classified and registered as a “recreational noncommercial” vessel.”

(d) Livery vessels shall be classified as “commercial” or “recreational” based on the manner in which they are used.

Section 30. Subsections (2), (6), (7), and (11) of section 328.72, Florida Statutes, are amended to read:

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

(2) ANTIQUE VESSEL REGISTRATION FEE.—

(a) A vessel that is at least 30 years old, used only for recreational non-commercial purposes, and powered by the vessel's original-type power plant may be registered as an antique vessel. When applying for registration as an antique vessel, the owner of such a vessel shall submit certification, as prescribed by the Department of Highway Safety and Motor Vehicles or from a marine surveyor that the vessel meets the requirements of this paragraph.

(b) The registration number for an antique vessel shall be permanently attached to each side of the forward half of the vessel ~~displayed~~ as provided in ss. 328.48 and 328.54.

(c) The Department of Highway Safety and Motor Vehicles may issue a decal identifying the vessel as an antique vessel. The decal shall be displayed as provided in ss. ~~328.48~~ 327.14 and ~~328.54~~ 327.14.

(6) CHANGE OF CLASSIFICATION.—If the classification of a vessel changes from recreational noncommercial to commercial, or from commercial to recreational noncommercial, and a current registration certificate has been issued to the owner, the owner shall within 30 days forward his or her certificate to the county tax collector with a fee of \$2.25 and a new certificate shall be issued.

(7) SERVICE FEE.—In addition to other registration fees, the vessel owner shall pay the tax collector a \$2.25 service fee for each registration issued, replaced, or renewed. Except as provided in subsection (15), all fees, other than the service charge, collected by a tax collector must be remitted to the department not later than 7 working days following the last day of

the week in which the money was remitted. Vessels may travel in salt water or fresh water.

(11) VOLUNTARY CONTRIBUTIONS.—The application form for boat registration shall include a provision to allow each applicant to indicate a desire to pay an additional voluntary contribution to the Save the Manatee Trust Fund to be used for the purposes specified in s. 370.12(4). ~~for manatee and marine mammal research, protection, recovery, rescue, rehabilitation, and release.~~ This contribution shall be in addition to all other fees and charges. The amount of the request for a voluntary contribution solicited shall be \$2 or \$5 per registrant. A registrant who provides a voluntary contribution of \$5 or more shall be given a sticker or emblem by the tax collector to display, which signifies support for the Save the Manatee Trust Fund. All voluntary contributions shall be deposited in the Save the Manatee Trust Fund and shall be used for the purposes specified in s. 370.12(4). ~~for use according to this subsection. The first \$2 of voluntary contribution by a vessel registrant shall be available for the manatee protection and recovery effort pursuant to s. 370.12(4)(a). Any additional amount of voluntary contribution by a vessel registrant shall also be for the purpose of the manatee protection and recovery effort, except that any voluntary contribution in excess of the first \$2 voluntary contribution by a vessel registrant but not exceeding \$2 shall be available for manatee rehabilitation by those facilities approved to rescue, rehabilitate, and release manatees pursuant to s. 370.12(4)(b).~~ The form shall also include language permitting a voluntary contribution of \$5 per applicant, which contribution shall be transferred into the Election Campaign Financing Trust Fund. A statement providing an explanation of the purpose of the trust fund shall also be included.

Section 31. Effective July 1, 2001, subsection (15) of section 328.72, Florida Statutes, is amended to read:

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

(15) DISTRIBUTION OF FEES.—~~Moneys designated for the use of the counties, as specified in subsection (1), shall be distributed by the tax collector to the board of county commissioners for use as provided in this section. Such moneys deposited pursuant to s. 328.76 to be returned to the counties are for the sole purposes of providing recreational channel marking and public launching facilities and other boating-related activities, for removal of vessels and floating structures deemed a hazard to public safety and health for failure to comply with s. 327.53, and for manatee and marine mammal protection and recovery. The department shall ascertain, as a guideline in determining the amounts of distributions each county may receive, the number of noncommercial vessels registered in the county during the preceding fiscal year according to the fee schedule provided in subsection (1) and shall promulgate rules to effectuate this. Each fiscal year, prior to determination of distributions to the counties under this section, an amount equal to \$1 for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund for manatee and marine mammal research, protection, and recovery.~~

Section 32. Paragraphs (a) and (b) of subsection (1) of section 328.76, Florida Statutes, are amended to read:

328.76 Marine Resources Conservation Trust Fund; vessel registration funds; appropriation and distribution.—

(1) Except as otherwise specified and less any administrative costs, all funds collected from the registration of vessels through the Department of Highway Safety and Motor Vehicles and the tax collectors of the state shall be deposited in the Marine Resources Conservation Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery. The funds collected pursuant to s. 328.72(1) shall be transferred as follows:

(a) In each fiscal year, an amount equal to \$1.50 ~~\$1~~ for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund and shall be used only for the purposes specified in s. 370.12(4). ~~for manatee and marine mammal research, protection, and recovery in accordance with the provisions of s. 370.12(4)(a).~~

~~(b) In addition, in each fiscal year, an amount equal to 50 cents for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund in accordance with the provisions of s. 370.12(4)(b) for use by those facilities approved to rescue, rehabilitate, and release manatees as authorized pursuant to the Fish and Wildlife Service of the United States Department of the Interior.~~

Section 33. Effective July 1, 2001, subsection (1) of section 328.76, Florida Statutes, is amended to read:

328.76 Marine Resources Conservation Trust Fund; vessel registration funds; appropriation and distribution.—

(1) Except as otherwise specified and less any administrative costs, all funds collected from the registration of vessels through the Department of Highway Safety and Motor Vehicles and the tax collectors of the state, except for those funds designated for the use of the counties pursuant to s. 328.72(1), shall be deposited in the Marine Resources Conservation Trust Fund for recreational channel marking; public launching facilities; law enforcement and quality control programs; aquatic weed control; manatee protection, recovery, rescue, rehabilitation, and release; and marine mammal protection and recovery. The funds collected pursuant to s. 328.72(1) shall be transferred as follows:

(a) In each fiscal year, an amount equal to \$1.50 for each vessel registered in this state shall be transferred to the Save the Manatee Trust Fund and shall be used only for the purposes specified in s. 370.12(4) for manatee and marine mammal research, protection, and recovery in accordance with the provisions of s. 370.12(4)(a).

(b) In addition, in each fiscal year, an amount equal to 50 cents for each vessel registered in this state shall be transferred to the Save the Manatee

Trust Fund in accordance with the provisions of s. 370.12(4)(b) for use by those facilities approved to rescue, rehabilitate, and release manatees as authorized pursuant to the Fish and Wildlife Service of the United States Department of the Interior.

(c) Two dollars from each noncommercial vessel registration fee, except that for class A-1 vessels, shall be transferred to the Invasive Plant Control Trust Fund for aquatic weed research and control.

(d) Forty percent of the registration fees from commercial vessels shall be transferred to the Invasive Plant Control Trust Fund for aquatic plant research and control.

(e) Forty percent of the registration fees from commercial vessels shall be transferred by the Department of Highway Safety and Motor Vehicles, on a monthly basis, to the General Inspection Trust Fund of the Department of Agriculture and Consumer Service. These funds shall be used for shellfish and aquaculture law enforcement and quality control programs.

Section 34. Paragraph (a) of subsection (2) and subsection (3) of section 370.06, Florida Statutes, are amended to read:

370.06 Licenses.—

(2) SALTWATER PRODUCTS LICENSE.—

(a) Every person, firm, or corporation that sells, offers for sale, barter, or exchanges for merchandise any saltwater products, or which harvests saltwater products with certain gear or equipment as specified by law, must have a valid saltwater products license, except that the holder of an aquaculture certificate under s. 597.004 is not required to purchase and possess a saltwater products license in order to possess, transport, or sell marine aquaculture products. Each saltwater products license allows the holder to engage in any of the activities for which the license is required. The license must be in the possession of the licenseholder or aboard the vessel and shall be subject to inspection at any time that harvesting activities for which a license is required are being conducted. A restricted species endorsement on the saltwater products license is required to sell to a licensed wholesale dealer those species which the state, by law or rule, has designated as "restricted species." This endorsement may be issued only to a person who is at least 16 years of age, or to a firm certifying that over 25 percent of its income or \$5,000 of its income, whichever is less, is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. This endorsement may also be issued to a for-profit corporation if it certifies that at least \$5,000 of its income is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. However, if at least 50 percent of the annual income of a person, firm, or for-profit corporation is derived from charter fishing, the person, firm, or for-profit corporation must certify that at least \$2,500 of the income of the person, firm, or corporation is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state, in order to be issued the endorsement. Such income attribution must apply

to at least 1 year out of the last 3 years. For the purpose of this section "income" means that income which is attributable to work, employment, entrepreneurship, pensions, retirement benefits, and social security benefits. To renew an existing restricted species endorsement, a marine aquaculture producer possessing a valid saltwater products license with a restricted species endorsement may apply income from the sale of marine aquaculture products to licensed wholesale dealers.

1. ~~The Fish and Wildlife Conservation~~ commission is authorized to require verification of such income. Acceptable proof of income earned from the sale of saltwater products shall be:

a. Copies of trip ticket records generated pursuant to this subsection (marine fisheries information system), documenting qualifying sale of saltwater products;

b. Copies of sales records from locales other than Florida documenting qualifying sale of saltwater products;

c. A copy of the applicable federal income tax return, including Form 1099 attachments, verifying income earned from the sale of saltwater products;

d. Crew share statements verifying income earned from the sale of saltwater products; or

e. A certified public accountant's notarized statement attesting to qualifying source and amount of income.

Any provision of this section or any other section of the Florida Statutes to the contrary notwithstanding, any person who owns a retail seafood market or restaurant at a fixed location for at least 3 years who has had an occupational license for 3 years prior to January 1, 1990, who harvests saltwater products to supply his or her retail store and has had a saltwater products license for 1 of the past 3 years prior to January 1, 1990, may provide proof of his or her verification of income and sales value at the person's retail seafood market or restaurant and in his or her saltwater products enterprise by affidavit and shall thereupon be issued a restricted species endorsement.

2. Exceptions from income requirements shall be as follows:

a. A permanent restricted species endorsement shall be available to those persons age 62 and older who have qualified for such endorsement for at least 3 out of the last 5 years.

b. Active military duty time shall be excluded from consideration of time necessary to qualify and shall not be counted against the applicant for purposes of qualifying.

c. Upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation possessing or eligible for a restricted species endorsement, the purchaser of such vessel shall be exempted from the qualifying

income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after purchase of the vessel.

d. Upon the death or permanent disablement of a person possessing a restricted species endorsement, an immediate family member wishing to carry on the fishing operation shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after the death or disablement.

e. A restricted species endorsement may be issued on an individual saltwater products license to a person age 62 or older who documents that at least \$2,500 is attributable to the sale of saltwater products pursuant to the provisions of this paragraph.

f. A permanent restricted species endorsement may also be issued on an individual saltwater products license to a person age 70 or older who has held a saltwater products license for at least 3 of the last 5 license years.

g.(I) ~~Any resident who is certified to be totally and permanently disabled by a verified written statement, based upon the criteria for permanent total disability in chapter 440 from a physician licensed in this state, by any branch of the United States Armed Services, by the Social Security Administration, or by the United States Department of Veterans Affairs or its predecessor, or by any branch of the United States Armed Forces, or who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17, upon proof of the same, or any resident certified to be totally disabled by the United States Social Security Administration, upon proof of the same, or any resident who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17, shall be exempted from the income requirements if he or she also has held a saltwater products license for at least 3 of the last 5 license years prior to the date of the disability.~~

(II) A Disability Award Notice issued by the United States Social Security Administration is not sufficient certification for a resident to obtain the income exemption unless the notice certifies that the resident is totally and permanently disabled.

At least one saltwater products license bearing a restricted species endorsement shall be aboard any vessel harvesting restricted species in excess of any bag limit or when fishing under a commercial quota or in commercial quantities, and such vessel shall have a commercial vessel registration. This subsection does not apply to any person, firm, or corporation licensed under s. 370.07(1)(a)1. or (b) for activities pursuant to such licenses. A saltwater products license may be issued in the name of an individual or a valid boat registration number. Such license is not transferable. A decal shall be issued with each saltwater products license issued to a valid boat registration number. The saltwater products license decal shall be the same color as the vessel registration decal issued each year pursuant to s. 328.48(5) and shall indicate the period of time such license is valid. The saltwater products license decal shall be placed beside the vessel registration decal and, in the case of an undocumented vessel, shall be placed so that the vessel registration decal lies between the vessel registration number and the saltwater

products license decal. Any saltwater products license decal for a previous year shall be removed from a vessel operating on the waters of the state. A resident shall pay an annual license fee of \$50 for a saltwater products license issued in the name of an individual or \$100 for a saltwater products license issued to a valid boat registration number. A nonresident shall pay an annual license fee of \$200 for a saltwater products license issued in the name of an individual or \$400 for a saltwater products license issued to a valid boat registration number. An alien shall pay an annual license fee of \$300 for a saltwater products license issued in the name of an individual or \$600 for a saltwater products license issued to a valid boat registration number. Any person who sells saltwater products pursuant to this license may sell only to a licensed wholesale dealer. A saltwater products license must be presented to the licensed wholesale dealer each time saltwater products are sold, and an imprint made thereof. The wholesale dealer shall keep records of each transaction in such detail as may be required by rule of the ~~Fish and Wildlife Conservation~~ commission not in conflict with s. 370.07(6), and shall provide the holder of the saltwater products license with a copy of the record. It is unlawful for any licensed wholesale dealer to buy saltwater products from any unlicensed person under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. It is unlawful for any licensed wholesale dealer to buy saltwater products designated as "restricted species" from any person, firm, or corporation not possessing a restricted species endorsement on his or her saltwater products license under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. The commission shall be the licensing agency, may contract with private persons or entities to implement aspects of the licensing program, and shall establish by rule a marine fisheries information system in conjunction with the licensing program to gather fisheries data.

(3) NET LICENSES.—Except for cast nets and bait seines which are 100 feet in length or less and which have a mesh that is  $\frac{3}{8}$  inch or less, all nets used to take finfish, including, but not limited to, gill nets, trammel nets, and beach seines, must be licensed or registered. Each net used to take finfish for commercial purposes, or by a nonresident, must be licensed under a saltwater products license issued pursuant to subsection (2) and must bear the number of such license. ~~A noncommercial resident net registration must be issued to each net used to take finfish for noncommercial purposes and may only be issued to residents of the state. Each net so registered must bear the name of the person in whose name the net is registered.~~

Section 35. Paragraph (a) of subsection (2), and subsections (4), (6), and (12) of section 370.0605, F.S., are amended to read:

370.0605 Saltwater fishing license required; fees.—

(2) Saltwater fishing license fees are as follows:

(a)1. For a resident of the state, \$12 for a 1-year license.

2. For a resident of the state, \$60 for 5 consecutive years from the date of purchase.

3. For a nonresident ~~of the state~~, \$5 for a 3-day license, \$15 for a 7-day license, and \$30 for a 1-year license.

4. For a combination license for a resident to take freshwater fish and saltwater fish, \$24 for a 1-year license.

5. For a combination license for a resident to hunt and to take freshwater fish and saltwater fish, \$34 for a 1-year license.

6.4. For purposes of this section, "resident" has the same meaning as that found in s. 372.001.

(4) A saltwater fishing license must be issued, without license fee, to any resident who is certified:

~~(a) To be totally and permanently disabled by the verified written statement which is based upon the criteria for permanent total disability in chapter 440 of a physician licensed in this state, by any branch of the United States Armed Services, by the Social Security Administration, or by the United States Department of Veterans Affairs or its predecessor, or by any branch of the United States Armed Forces, or who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17, upon proof of same. Any license issued under this paragraph after January 1, 1997, expires after 5 years. Upon request, the license shall be reissued for a 5 year period and shall be reissued every 5 years thereafter; or who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17.~~

~~(b) To be totally disabled A Disability Award Notice issued by the United States Social Security Administration, upon proof of same. Any license issued under this paragraph after October 1, 1999, expires September 30, 2001. Upon proof of certification as provided in this paragraph, the license shall be reissued for a 2-year period and shall be reissued every 2 years thereafter. is not sufficient certification for obtaining a permanent fishing license under this section unless the notice certifies a resident is totally and permanently disabled. Any license issued after January 1, 1997, expires after 5 years and must be reissued, upon request, every 5 years thereafter.~~

~~(c) Notwithstanding any other provision of this subsection, any person who has received after July 1, 1997, and before July 1, 2000, a valid disability license under this subsection retains the rights vested thereunder until the license has expired.~~

(6)(a) The Fish and Wildlife Conservation Commission, all county tax collectors, or any appointed subagent may sell licenses and permits and collect fees pursuant to this section. A fee for electronic license sales may be established by competitive-bid procedures that are overseen by the commission.

(b) The commission is the issuing department for the purpose of issuing licenses and permits and collecting fees pursuant to this section.

(c) In addition to the license and permit fee collected, the sum of \$1.50 shall be charged for each license. Such charge shall be for the purpose of, and

the source from which is subtracted, all administrative costs of issuance, including, but not limited to, printing, distribution, and credit card fees. Tax collectors may retain \$1.50 for each license sold.

(d)1. Each county tax collector shall maintain records of all such licenses, permits, and stamps that are sold, voided, stolen, or lost. Licenses and permits must be issued and reported, and fees must be remitted, in accordance with the procedures established in chapter 372.

2. Not later than August 15 of each year, each county tax collector shall submit to the Fish and Wildlife Conservation Commission a written audit report, on forms prescribed or approved by the commission, as to the numbers of all unissued licenses and permits stamps for the previous fiscal year along with all unissued pictorial permits ~~a written audit report, on forms prescribed or approved by the Fish and Wildlife Conservation Commission, as to the numbers of the unissued stamps.~~

(e) A license or permit to replace a lost or destroyed license or permit may be obtained by submitting an application for replacement. The fee is \$10 for each application for replacement of a lifetime license and \$2 for each application for replacement for any other license or permit. Such fees shall be for the purpose of, and the source from which is subtracted, all administrative costs of issuing the license or permit, including, but not limited to, printing, distribution, and credit card fees. Tax collectors may retain \$1 for each application for a replacement license or permit processed.

(12) ~~The Fish and Wildlife Conservation~~ commission may designate by rule no more than 2 consecutive or nonconsecutive days in each year as free saltwater fishing days. ~~“Disabled Angler Fishing Days.”~~ Notwithstanding any other provision of this chapter, any ~~disabled~~ person may take saltwater marine fish for noncommercial purposes on a free saltwater fishing day ~~Disabled Angler Fishing Day~~ without obtaining or possessing a license or paying a license fee as prescribed in this section. A ~~disabled~~ person who takes saltwater marine fish on a free saltwater fishing day ~~Disabled Angler Fishing Day~~ without obtaining a license or paying a fee must comply with all laws, rules, and regulations governing holders of a fishing license and all other conditions and limitations regulating the taking of saltwater marine fish as are imposed by law or rule.

Section 36. Section 372.561, Florida Statutes, is amended to read:

372.561 Issuance of licenses to take wild animal life or freshwater aquatic life; costs; reporting.—

(1) ~~The provisions of This section~~ applies ~~shall apply~~ to such licenses or permits as are established in s. 372.57.

(2) The commission shall issue licenses and permits to take wild animal life or freshwater aquatic life upon proof by the applicant for licensure that she or he is entitled to such license or permit. The commission shall establish the forms for such licenses and permits. Each applicant for a license, permit, or authorization shall provide the applicant's social security number on the application form. Disclosure of social security numbers obtained through

this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement and use by the commission, and as otherwise provided by law.

(3) Licenses and permits for the state may be sold by the commission, by any tax collector in this state, or by any appointed subagent.

(4)(a) In addition to any license or permit fee, the sum of \$1.50 shall be charged for each license or management area permit sold. Such charge is for the purpose of, and the source from which is subtracted, all administrative costs of issuing a license or permit, including, but not limited to, printing, distribution, and credit card fees.

(b) Tax collectors may retain \$1 for each license or management area permit sold.

(5)(a) Hunting and fishing licenses and permits shall be issued, without fee, to any resident who is certified:

1. ~~To be totally and permanently disabled by the United States Department of Veterans Affairs or its predecessor or, by the United States Social Security Administration, by any branch of the United States Armed Forces, or by the verified written statement which is based upon the criteria for permanent and total disability in chapter 440 of a physician licensed in this state or who holds a valid identification card issued under the provisions of s. 295.17, upon proof of the same. Any license issued under this provision after January 1, 1997, expires after 5 years and must be reissued, upon request, every 5 years thereafter.~~

2. ~~To be totally disabled A Disability Award Notice issued by the United States Social Security Administration upon proof of the same. Any license issued under this provision after October 1, 1999, expires after 2 years and must be reissued, upon proof of certification as provided in this subsection, every 2 years thereafter is not sufficient certification for obtaining a permanent hunting and fishing license under this section unless said form certifies a resident is totally and permanently disabled.~~

(b) ~~Notwithstanding any other provisions of this section, any person who has received after July 1, 1997, and before July 1, 2000, a valid disability license issued under this subsection, retains the rights vested thereunder until the license has expired.~~

(6)(a) Tax collectors shall remit license and permit moneys, along with a report of funds collected and other required documentation, to the commission within 7 days following the last business day of the week in which the fees were received by the tax collector. The tax collector shall maintain records of all such licenses and permits which are sold, ~~and all stamps issued voided, stolen, or lost.~~ The tax collector is responsible to the commission for the fee for all licenses and permits sold and for the value of all licenses and permits stamps reported as lost. The tax collector shall report stolen licenses and permits to the appropriate law enforcement agency. The tax collector shall submit a written report and a copy of the law enforcement agency's

report to the commission within 5 days after discovering the theft. ~~The value of a validation stamp is \$5.~~

(b) Tax collectors are also responsible for fees for all licenses and permits sold by their subagents and for the value of all licenses and permits stamps reported as lost. The commission may adopt rules to implement this section.

(c) Not later than August 15 of each year, each county tax collector shall submit to the commission a written audit report, on forms prescribed or approved by the commission, as to the numbers of all unissued licenses and permits stamps for the previous year along with all unissued pictorial permits ~~a written audit report, on forms prescribed or approved by the commission, of the numbers of the unissued stamps.~~

(7) Within 30 days after the submission of the annual audit report, each county tax collector shall provide the commission with a written audit report on unissued, sold, and voided licenses, permits, and stamps with a certified reconciliation statement prepared by a certified public accountant. Concurrent with the submission of the certification, the county tax collector shall remit to the commission the monetary value of all licenses, permits, and stamps that are unaccounted for. Each tax collector is also responsible for fees for all licenses, permits, and stamps distributed by him or her to subagents, sold by him or her, or reported by him or her as lost.

Section 37. New paragraphs (i) and (j) are created in subsection (2), of section 372.57, F.S., and current paragraph (i) is renumbered as paragraph (k) and amended, to read:

372.57 Licenses and permits; exemptions; fees.—No person, except as provided herein, shall take game, freshwater fish, or fur-bearing animals within this state without having first obtained a license, permit, or authorization and paid the fees hereinafter set forth, unless such license is issued without fee as provided in s. 372.561. Such license, permit, or authorization shall authorize the person to whom it is issued to take game, freshwater fish, or fur-bearing animals in accordance with law and commission rules. Such license, permit, or authorization is not transferable. Each license or permit must bear on its face in indelible ink the name of the person to whom it is issued and other information requested by the commission. Such license, permit, or authorization issued by the commission or any agent must be in the personal possession of the person to whom issued while taking game, freshwater fish, or fur-bearing animals. The failure of such person to exhibit such license, permit, or authorization to the commission or its wildlife officers, when such person is found taking game, freshwater fish, or fur-bearing animals, is a violation of law. A positive form of identification is required when using an authorization, a lifetime license, a 5-year license, or when otherwise required by the license or permit. The lifetime licenses and 5-year licenses provided herein shall be embossed with the name, date of birth, the date of issuance, and other pertinent information as deemed necessary by the commission. A certified copy of the applicant's birth certificate shall accompany each application ~~all applications~~ for a lifetime license for a resident ~~resident~~ 12 years of age or ~~and~~ younger. Each applicant for a license, permit, or authorization shall provide the applicant's social security number

on the application form. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D child support enforcement program and use by the commission, and as otherwise provided by law.

(2) For residents and nonresidents, the license and fees for noncommercial fishing and for hunting and trapping in this state, and the activity authorized thereby, are as follows:

(i) A combination license for a resident to hunt and to take freshwater fish and saltwater fish is \$34 for a 1-year license.

(j) A permanent hunting and freshwater fishing license for a resident 64 years of age or older is \$12.

(k)(i) A sportsman's license for a resident is \$66. The sportsman's license authorizes the holder to take freshwater fish and game, subject to state and federal laws, rules, and regulations, including ~~and~~ rules of the commission, in effect at the time of taking, and authorizes the same activities authorized by a management area permit, a muzzle-loading gun permit, a turkey permit, a Florida waterfowl permit, and an archery permit. A nonresident may not purchase a sportsman's license.

Section 38. Section 372.574, Florida Statutes, is amended to read:

372.574 Appointment of subagents for the sale of hunting, fishing, and trapping licenses and permits.—

(1) A county tax collector who elects to sell licenses and permits may appoint any person as a subagent for the sale of fishing, hunting, and trapping licenses and permits that the tax collector is allowed to sell. The following are requirements for subagents:

(a) Each subagent must serve at the pleasure of the county tax collector.

(b) Neither an employee of the county tax collector nor her or his relative or next of kin, by blood or otherwise, may be appointed as a subagent.

(c) The tax collector may require each subagent to post an appropriate bond as determined by the tax collector, using an insurance company acceptable to the tax collector. In lieu of such bond, the tax collector may purchase blanket bonds covering all or selected subagents or may allow a subagent to post such other security as is required by the tax collector.

(d) A subagent may sell licenses and permits as are determined by the tax collector at such specific locations within the county and in states contiguous to Florida as will best serve the public interest and convenience in obtaining licenses and permits. The commission may uniformly prohibit subagents from selling certain licenses or permits.

(e) It is unlawful for any person to handle licenses or permits for a fee or compensation of any kind unless she or he has been appointed as a subagent.

(f) Any person who willfully violates any of the provisions of this law is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(g) A subagent may charge and receive as her or his compensation 50 cents for each license or permit sold. This charge is in addition to the sum required by law to be collected for the sale and issuance of each license or permit.

(h) A subagent shall submit payment for and report the sale of licenses and permits to the tax collector as prescribed by the tax collector but no less frequently than monthly.

(i) Subagents shall submit an activity report for sales made during the reporting period on forms prescribed or approved by the commission. Periodic audits may be performed at the discretion of the commission.

(2) If a tax collector elects not to appoint subagents, the commission may appoint subagents within that county. Subagents shall serve at the pleasure of the commission. The commission may establish, by rule, procedures for selection of subagents. The following are requirements for subagents so appointed:

(a) The commission may require each subagent to post an appropriate bond as determined by the commission, using an insurance company acceptable to the commission. In lieu of the bond, the commission may purchase blanket bonds covering all or selected subagents or may allow a subagent to post other security as required by the commission.

(b) A subagent may sell licenses and permits as authorized by the commission at specific locations within the county and in states as will best serve the public interest and convenience in obtaining licenses and permits. The commission may prohibit subagents from selling certain licenses or permits.

(c) It is unlawful for any person to handle licenses or permits for a fee or compensation of any kind unless he or she has been appointed as a subagent.

(d) Any person who willfully violates any of the provisions of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) A subagent may charge and receive as his or her compensation 50 cents for each license or permit sold. This charge is in addition to the sum required by law to be collected for the sale and issuance of each license or permit. In addition, no later than July 1, 1997, a subagent fee for the sale of licenses over the telephone by credit card shall be established by competitive bid procedures which are overseen by the Fish and Wildlife Conservation Commission. A fee for electronic license sales may be established by competitive-bid procedures that are overseen by the Fish and Wildlife Conservation Commission.

(f) A subagent shall submit payment for and report the sale of licenses and permits to the commission as prescribed by the commission.

(g) Subagents shall maintain records of all licenses and permits sold ~~and all stamps issued~~, voided, stolen, or lost. Subagents are responsible to the commission for the fees for all licenses and permits sold and for the value of all licenses and permits ~~stamps~~ reported as lost. Subagents must report all stolen licenses and permits ~~validation stamps~~ to the appropriate law enforcement agency. The subagent shall submit a written report and a copy of the law enforcement agency's report to the commission within 5 days after discovering the theft. ~~The value of a lost validation stamp is \$5.~~

(h) Subagents shall submit an activity report for sales made during the reporting period on forms prescribed or approved by the commission. Periodic audits may be performed at the discretion of the commission.

(i) By July 15 of each year, each subagent shall submit to the commission all unissued stamps for the previous year along with a written audit report, on forms prescribed or approved by the commission, on the numbers of the unissued stamps.

(3) The Fish and Wildlife Conservation Commission or any other law enforcement agency may carry out any investigation necessary to secure information required to carry out and enforce this section.

(4)(3) All social security numbers that which are provided pursuant to ss. 372.561 and 372.57 and are contained in records of any subagent appointed under pursuant to this section are confidential as provided in those sections.

Section 39. Section 372.66, Florida Statutes, is amended to read:

372.66 License required for fur and hide dealers.—

(1) It is unlawful for any person to engage in the business of a dealer or buyer in alligator skins or green or dried furs in the state or purchase such skins within the state until such person has been licensed as herein provided.

(2) Any resident dealer or buyer who solicits business through the mails, or by advertising, or who travels to buy or employs or has other agents or buyers, shall be deemed a resident state dealer and must shall be required to pay a license fee of \$100 per annum ~~and shall pay an agent's license fee of \$5 per annum for each agent or traveling buyer employed by or buying for such licensed state dealer.~~

~~(3) Any resident dealer or buyer who does not solicit by mail, advertise, travel to buy or employ or have agents or traveling buyers shall be deemed a resident local dealer and shall be required to pay a license fee of \$10 per annum.~~

(3)(4) A nonresident dealer or buyer must shall be required to pay a license fee of \$500 per annum ~~and shall pay a license fee of \$100 per annum for each agent, resident buyer or traveling buyer employed by or buying for or acting as agent for such nonresident buyer.~~

~~(5) All agents' licenses shall be applied for by, and issued to, a resident state dealer or nonresident dealer and shall show name and residence of~~

~~such agent and shall be in possession of such agent at all times when engaged in buying furs or hides. Application for such licenses shall be made to the Fish and Wildlife Conservation Commission on blanks furnished by it.~~

(4)(6) All dealers and buyers shall forward to the Fish and Wildlife Conservation Commission each 2 weeks during open season a report showing number and kind of hides bought and name of trapper from whom bought and the trapper's license number, or if trapper is exempt from license under any of the provisions of this chapter, such report shall show the nature of such exemption. A No common carrier may not shall knowingly ship or transport or receive for transportation any hides or furs unless such shipments have marked thereon name of shipper and the number of her or his fur-animal license or fur dealer's license.

Section 40. Section 372.83, Florida Statutes, is amended to read:

372.83 Noncriminal infractions; criminal penalties; suspension and revocation of licenses and permits.—

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

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

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

(c) Rules, regulations, or orders relating to quota hunt permits, daily use permits, hunting zone assignments, camping restrictions, the use of alcoholic beverages, vehicle use, and check station requirements within wildlife management areas or other areas managed by the commission.

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

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

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

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

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

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

A person who fails to pay the civil penalty specified in s. 372.711 within 30 days after being cited for a noncriminal infraction or to appear before the

court pursuant to that section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if she or he violates any of the following rules, regulations, or orders of the commission:

(a) Rules, regulations, or orders that specify season or time periods for the taking of freshwater fish or wildlife.

(b) Rules, regulations, or orders that specify bag limits or restrict methods of taking freshwater fish or wildlife.

(c) Rules, regulations, or orders that relate to the sale, possession for sale, purchase, transfer, transportation, or importation of freshwater fish or wildlife.

(d) Rules, regulations, or orders that prohibit public access for specified periods to wildlife management areas or other areas managed by the commission.

(e) Rules, regulations, or orders that require a person to pay a fee to obtain a permit to possess captive wildlife or that require the maintenance of records relating to captive wildlife.

(f) All other rules, regulations, and orders of the commission, except those specified in subsection (1).

(3) It is unlawful for any person to make, forge, counterfeit, or reproduce a freshwater fishing, hunting, or saltwater fishing license unless authorized by the commission. It is unlawful for any person to knowingly have in his or her possession a forgery, counterfeit, or imitation of such a license unless possession by the person has been fully authorized by the commission. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(4)(3)~~ Unless otherwise provided in this chapter, a person who violates any provision of this chapter is guilty, for the first offense, of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and is guilty, for the second offense or any subsequent offense, of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(5)(4)~~ The court may order the suspension or revocation of any license or permit issued to a person pursuant to this chapter, if that person commits a criminal offense specified in this chapter or a noncriminal infraction specified in this section.

Section 41. Paragraph (b) of subsection (1) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and documented ~~undocumented~~ vessels.—

(1) For the purposes of this section, the term:

(b) “Vessel” means every description of watercraft, barge, and air boat used or capable of being used as a means of transportation on water, other than a seaplane or a “documented has the same meaning as the term “un-documented vessel” as defined in s. 327.02(8)(36).

Section 42. Section 258.398, Florida Statutes, 1997 edition, and subsections (10) and (11) of section 370.14, Florida Statutes, are repealed.

Section 43. Except where otherwise provided, this act shall take effect July 1, 2000.

Approved by the Governor June 26, 2000.

Filed in Office Secretary of State June 26, 2000.