

House Bill No. 989

An act relating to regulating natural resources; amending s. 327.803, F.S.; revising the membership of the Boating Advisory Council; increasing the terms of office of members appointed by the Governor and limiting the number of consecutive terms they may serve; adding issues upon which the council makes recommendations to the commission and the Department of Community Affairs; authorizing reimbursement of expenses for members of the council; providing for the filling of vacancies; providing for members of the council to be removed for cause; amending s. 370.06, F.S.; providing for receipt of a saltwater products license issued by the commission to a firm or corporation; revising a provision barring transfer of a saltwater products license; revising a provision regarding the annual fee that an individual, firm, or corporation must pay for a license; providing for an increase in annual saltwater products license fees; providing definitions; amending s. 370.13, F.S.; reducing stone crab trap certificate transfer fees; reducing surcharge fees; repealing s. 372.674, F.S., relating to environmental education and the Advisory Council on Environmental Education; amending s. 372.672, F.S., relating to the Florida Panther Research and Management Trust Fund, to conform; amending s. 373.118, F.S.; authorizing the Department of Environmental Protection to allow such facilities or ramps to be constructed and maintained by local governments; providing guidelines and limitations relating to such projects; providing for fees; providing an effective date.

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

Section 1. Section 327.803, Florida Statutes, is 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 18 ~~17~~ 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, one representative ~~two representatives~~ of water-related environmental groups, one representative of canoe or kayak enthusiasts, one representative of marine manufacturers, one representative of commercial vessel owners or operators, one representative of marine special events ~~sport boat racing~~, one representative actively involved and

working full-time in the scuba diving industry who has experience in recreational boating, one representative of either the commercial fishing industry or the commercial shellfishing industry, 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 ~~3-year~~ 2-year terms. Members appointed by the Governor may serve no more than two full consecutive 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.

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

(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.

(d) Boat access.

(e) Working waterfronts.

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

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

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

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

370.06 Licenses.—

(2) SALTWATER PRODUCTS LICENSE.—

(d) A saltwater products license may be issued in the name of an individual or a valid commercial vessel ~~boat~~ registration number. However, a firm or corporation may only receive a license issued to a valid commercial vessel registration number. A saltwater products license may not be transferred by

the licenseholder to another individual, firm, or corporation. Such license is not transferable. A decal shall be issued with each saltwater products license issued to a valid commercial vessel 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 commercial 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.

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

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

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

3. For a license issued to a valid commercial vessel registration number which authorizes each person aboard such registered vessel to engage in commercial fishing activities: a resident, or a resident firm or corporation, must pay \$100; a nonresident, or a nonresident firm or corporation, must pay \$400; or an alien, or an alien firm or corporation, must pay \$600. For purposes of this subparagraph, a resident firm or corporation means a firm or corporation formed under the laws of this state; a nonresident firm or corporation means a firm or corporation formed under the laws of any state other than Florida; and an alien firm or corporation means a firm or corporation organized under any laws other than laws of the United States, any United States territory or possession, or any state of the United States. 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.

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

370.13 Stone crab; regulation.—

(1) FEES AND EQUITABLE RENT.—

(b) Certificate fees.—

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

2. The fee for transferring trap certificates is \$1 per certificate transferred, except that the fee for eligible crew members is 50 cents per certificate transferred. ~~Except for transfers to Eligible crew members shall be as determined according to criteria established by rule of the commission, the fee for transferring certificates is \$2 per certificate transferred to be paid by the purchaser of the certificate or certificates. The transfer fee for eligible crew members is \$1 per certificate.~~ Payment must be made by money order or cashier's check, submitted with the certificate transfer form developed by the commission.

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

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

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

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

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

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

372.672 Florida Panther Research and Management Trust Fund.—

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

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

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

373.118 General permits; delegation.—

(5) The department shall adopt by rule one or more general permits for local governments to construct, operate, and maintain public marina facilities, public mooring fields, public boat ramps, including associated courtesy docks, and associated parking facilities located in uplands. Such general permits adopted by rule shall include provisions to ensure compliance with part IV of this chapter, section 373.118(1), and the criteria necessary to include the general permits in a state programmatic general permit issued by the United States Army Corps of Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq. A facility authorized under such general permits is exempt from review as a development of regional impact if the facility complies with the comprehensive plan of the applicable local government. Such facilities shall be consistent with the local government manatee protection plan required pursuant to ch. 370, F.S., and shall obtain Clean Marina Program status prior to opening for operation and maintain that status for the life of the facility. Marinas and mooring fields authorized under any such general permit shall not exceed an area of 50,000 square feet over wetlands and other surface waters. All facilities permitted under this section shall be constructed, maintained, and operated in perpetuity for the exclusive use of the general public. The department shall initiate the rulemaking process within 60 days after the effective date of this act.

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

Approved by the Governor June 8, 2005.

Filed in Office Secretary of State June 8, 2005.