

CHAPTER 2014-136

Committee Substitute for Committee Substitute for House Bill No. 955

An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.355, F.S.; providing that a boating safety course may be offered in a classroom or online; conforming provisions relating to the reassignment of the boating safety program from the Department of Environmental Protection to the commission; amending s. 327.4105, F.S.; requiring the commission to submit an updated report relating to the regulation of mooring vessels; extending the expiration date of the pilot program for the regulation of mooring vessels; amending s. 327.731, F.S.; providing that a boating safety course may be offered in a classroom or online; eliminating an exemption from boating safety education requirements for boating law violators; amending s. 328.72, F.S.; expanding a county's authorization to use moneys collected from vessel registration fees; repealing s. 379.2257(3), F.S., relating to a charge to be applied to areas covered by cooperative agreements with the United States Forest Service over and above the license fee for hunting; amending s. 379.247, F.S.; removing provisions relating to noncommercial trawling; amending s. 379.353, F.S.; conforming provisions relating to the change in responsibility for providing developmental disabilities services from the Department of Children and Families to the Agency for Persons with Disabilities; amending s. 379.354, F.S.; clarifying the activities authorized under an annual military gold sportsman's license; repealing s. 379.355, F.S., relating to special recreational spiny lobster licenses; repealing s. 379.363(1)(h) and (i), F.S., relating to the annual gear license fee; repealing s. 379.3635, F.S., relating to haul seine and trawl permits to be used in Lake Okechobee; amending ss. 379.101, 379.208, and 379.401, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsection (5) 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.—

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

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

(b) ~~The court shall order the defendant to~~ Refrain from operating any vessel until the 50 hours of public service or community work has been performed; and

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

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

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

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

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

Section 3. Subsection (1) of section 327.731, Florida Statutes, is amended to read:

327.731 Mandatory education for violators.—

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

(a) Enroll in, attend, and successfully complete, at his or her own expense, a classroom or online boating safety course that is approved by and meets the 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; and

(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 4. 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.—Except for the first \$2, \$1 of which shall be remitted to the state for deposit into the Save the Manatee Trust Fund created within the Fish and Wildlife Conservation Commission and \$1 of which shall be remitted to the state for deposit into the Marine Resources Conservation Trust Fund to fund a grant program for public launching facilities, pursuant to s. 206.606, giving priority consideration to counties with more than 35,000 registered vessels, 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 only as provided in this section. Such moneys to be returned to the counties are for the sole purposes of providing, maintaining, or operating recreational channel marking and other uniform waterway markers, public boat ramps, lifts, and hoists, marine railways, boat piers, docks, mooring buoys, and other public launching facilities; and removing, derelict vessels, debris that specifically impede boat access, not including the dredging of channels vessel removal, and removal of vessels and floating structures deemed a hazard to public safety and health for failure to comply with s. 327.53. Counties shall demonstrate through an annual detailed accounting report of vessel registration revenues that the registration fees were spent as provided in this subsection. This report shall be provided to the Fish and Wildlife Conservation Commission no later than November 1 of each year. If, before ~~prior to~~ January 1 of each calendar year, the ~~annual detailed~~ accounting report meeting the prescribed criteria has still not been provided to the commission, the tax collector of that county may ~~shall~~ not distribute the moneys designated for the use of counties, as specified in subsection (1), to the board of county commissioners but shall, ~~instead,~~ for the next calendar year, remit such moneys to the state for deposit into the Marine Resources Conservation Trust Fund. The commission shall return those moneys to the county if the county fully complies with this section within that calendar year. If the county does not fully comply with this section within that calendar year, the moneys shall remain within the Marine Resources Trust Fund and may be appropriated for the purposes specified in this subsection.

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

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

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

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

(d) ~~No person holding a dead shrimp production permit issued pursuant to this subsection shall simultaneously hold a permit for noncommercial trawling under the provisions of subsection (5).~~ The number of permits issued by the commission for commercial trawling or dead shrimp production in any one year shall be limited to those active in the base year, 1976, and renewed annually since 1976. All permits for dead shrimp production issued pursuant to this section shall be inheritable or transferable to an immediate family member and annually renewable by the holder thereof. Such inheritance or transfer shall be valid upon being registered with the commission. Each permit not renewed shall expire and shall not be renewed under any circumstances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(30) “Resident” or “resident of Florida” means:

(a) For purposes of part VII ~~and for purposes of s. 379.355~~, a citizen of the United States who has continuously resided in this state for 1 year before applying for a hunting, fishing, or other license. However, for purposes of ss. 379.363, ~~379.3635~~, 379.364, 379.3711, 379.3712, 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, and 379.3762, the term “resident” or “resident of Florida” means a citizen of the United States who has continuously resided in this state for 6 months before applying for a hunting, fishing, or other license.

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

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

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

- a. A current Florida voter information card;
- b. A sworn statement manifesting and evidencing domicile in Florida in accordance with s. 222.17;
- c. Proof of a current Florida homestead exemption; or
- d. For a child younger than 18 years of age, a student identification card from a Florida school or, ~~if when~~ accompanied by his or her parent at the time of purchase, the parent's proof of residency.

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

379.208 Marine Resources Conservation Trust Fund; purposes.—

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

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

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

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

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

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

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

3. Rules or orders of the commission relating to daily use permits, alcoholic beverages, swimming, possession of firearms, operation of vehicles,

and watercraft speed within fish management areas managed by the commission.

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

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

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

6.7. Section 379.3581, providing hunter safety course requirements.

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

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

Approved by the Governor June 13, 2014.

Filed in Office Secretary of State June 13, 2014.