

BILL

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YEAR

1 A bill to be entitled
 2 An act relating to the Fish and Wildlife Conservation
 3 Commission; amending s. 320.08058, F.S.; revising
 4 requirements for the distribution of the Florida
 5 panther license plate annual use fee; amending s.
 6 379.208, F.S.; revising provisions for the use of
 7 funds provided to the Marine Resources Conservation
 8 Trust Fund; authorizing the use of funds from vessel
 9 registration fees for specified purposes; eliminating
 10 a requirement for the carryover and distribution of
 11 certain funds; amending s. 379.2342, F.S.; eliminating
 12 requirements relating to the publication of the
 13 Florida Wildlife Magazine; eliminating provisions
 14 relating to the creation of the Florida Wildlife
 15 Magazine Advisory Council; amending s. 379.3581, F.S.;
 16 deleting the one-year limitation on the mentoring
 17 exemption, which would allow persons to hunt without
 18 taking a hunter safety course with a licensed hunter
 19 21 years or older, for more than one year; amending s.
 20 379.366, F.S.; reducing the fee amount for a soft-
 21 shell blue crab endorsement; amending s. 380.511,
 22 F.S.; revising a cross-reference to conform to changes
 23 made by the act; amending s. 921.0022, F.S.;
 24 recalculating spiny lobster trap violations as a Level
 25 5 violation; providing an effective date.

26
 27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Paragraph (b) of subsection (5) of section
30 320.08058, Florida Statutes, is amended to read:

31 320.08058 Specialty license plates.—

32 (5) FLORIDA PANTHER LICENSE PLATES.—

33 (b) The ~~department shall distribute the~~ Florida panther
34 license plate annual use fee ~~in the following manner:~~

35 ~~1. Eighty five percent~~ must be deposited in the Florida
36 Panther Research and Management Trust Fund in the Fish and
37 Wildlife Conservation Commission to be used for education and
38 programs to protect the endangered Florida panther, and up to 10
39 percent of such deposit may be used to promote and market the
40 license plate.

41 ~~2. Fifteen percent, but no less than \$300,000, must be~~
42 ~~deposited in the Florida Communities Trust Fund to be used~~
43 ~~pursuant to the Florida Communities Trust Act.~~

44 Section 2. Subsection (3) of section 379.208, Florida
45 Statutes, is amended to read:

46 379.208 Marine Resources Conservation Trust Fund;
47 purposes.—

48 (3) Funds provided to the Marine Resources Conservation
49 Trust Fund from vessel registration fees pursuant to s. 328.76
50 ~~may taxes distributed under s. 201.15 shall~~ be used for the
51 following purposes:

52 (a) To reimburse the cost of activities authorized
53 pursuant to the Fish and Wildlife Service of the United States
54 Department of the Interior. The facilities must be involved in
55 the actual rescue and full-time acute care veterinarian-based
56 rehabilitation of manatees. The cost of activities includes, but

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57 is not limited to, costs associated with expansion, capital
 58 outlay, repair, maintenance, and operation related to the
 59 rescue, treatment, stabilization, maintenance, release, and
 60 monitoring of manatees. Moneys distributed through the
 61 contractual agreement to each facility for manatee
 62 rehabilitation must be proportionate to the number of manatees
 63 under acute care rehabilitation; the number of maintenance days
 64 medically necessary in the facility; and the number released
 65 during the previous fiscal year. The commission may set a cap on
 66 the total amount reimbursed per manatee per year.

67 (b) For training on the care, treatment, and
 68 rehabilitation of marine mammals at the Whitney Laboratory and
 69 the College of Veterinary Medicine at the University of Florida.

70 (c) For program administration costs of the agency.

71 ~~(d) Funds not distributed in any 1 fiscal year must be~~
 72 ~~carried over for distribution in subsequent years.~~

73 Section 3. Present subsections (3) through (7) of section
 74 379.2342, Florida Statutes, are renumbered as subsections (2)
 75 through (6), respectively, and subsection (2) of that section is
 76 amended, to read:

77 379.2342 Private publication agreements; advertising;
 78 costs of production.—

79 ~~(2) (a) Beginning January 1, 2005, the commission, with the~~
 80 ~~advice and assistance of the Florida Wildlife Magazine Advisory~~
 81 ~~Council, shall publish the Florida Wildlife Magazine. The~~
 82 ~~magazine shall be published at least on a quarterly basis in~~
 83 ~~hard copy format and shall be available to the public by~~
 84 ~~subscription and retail distribution. The primary focus of the~~

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85 ~~magazine shall be to promote the heritage of hunting and fishing~~
 86 ~~in Florida. The magazine shall also disseminate information~~
 87 ~~regarding other outdoor recreational opportunities available to~~
 88 ~~Floridians and visitors.~~

89 ~~(b) In order to offset the cost of publication and~~
 90 ~~distribution of the magazine, the commission, with the advice~~
 91 ~~and assistance of the Florida Wildlife Magazine Advisory~~
 92 ~~Council, is authorized to sell advertising for placement in the~~
 93 ~~magazine. The commission shall have the right to approve all~~
 94 ~~elements of any advertising placed in the magazine, including~~
 95 ~~the form and content thereof. The magazine shall include a~~
 96 ~~statement providing that the inclusion of advertising in the~~
 97 ~~magazine does not constitute an endorsement by the state or the~~
 98 ~~commission of the products or services so advertised. The~~
 99 ~~commission may charge an annual magazine subscription fee of up~~
 100 ~~to \$25, a 2-year magazine subscription fee of up to \$45, and a~~
 101 ~~3-year magazine subscription fee of up to \$60. The commission~~
 102 ~~may charge a retail per copy fee of up to \$7. The provisions of~~
 103 ~~chapter 287 do not apply to the sale of advertising for~~
 104 ~~placement in the magazine. All revenues generated by the~~
 105 ~~magazine shall be credited to the State Game Trust Fund.~~

106 ~~(c) The Florida Wildlife Magazine Advisory Council is~~
 107 ~~created within the commission to advise and make recommendations~~
 108 ~~to the commission regarding development, publication, and sale~~
 109 ~~of the Florida Wildlife Magazine. In order to accomplish this~~
 110 ~~purpose, the council shall provide recommendations to the~~
 111 ~~commission regarding:~~

112 ~~1. The content of articles included in each edition of the~~

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113 ~~magazine.~~

114 ~~2. Advertising proposed for each edition of the magazine.~~

115 ~~3. Strategies to improve distribution and circulation of~~

116 ~~the magazine.~~

117 ~~4. Cost-reduction measures regarding publication of the~~

118 ~~magazine.~~

119 ~~(d) The Florida Wildlife Magazine Advisory Council shall~~

120 ~~consist of seven members appointed by the commission, and~~

121 ~~initial appointments shall be made no later than August 1, 2004.~~

122 ~~When making initial appointments to the council and filling~~

123 ~~vacancies, the commission shall appoint members to represent the~~

124 ~~following interests: hunting; saltwater fishing; freshwater~~

125 ~~fishing; recreational boating; recreational use of off-road~~

126 ~~vehicles; hiking, biking, bird watching, or similar passive~~

127 ~~activities; general business interests; and magazine publishing.~~

128 ~~(e) Two of the initial appointees shall serve 2-year~~

129 ~~terms, two of the initial appointees shall serve 3-year terms,~~

130 ~~and three of the initial appointees shall serve 4-year terms.~~

131 ~~Subsequent to the expiration of the initial terms, advisory~~

132 ~~council appointees shall serve 4-year terms.~~

133 ~~(f) The members of the advisory council shall elect a~~

134 ~~chair annually.~~

135 ~~(g) The council shall meet at least quarterly at the call~~

136 ~~of its chair, at the request of a majority of its membership, or~~

137 ~~at the request of the commission. A majority of the council~~

138 ~~shall constitute a quorum for the transaction of business.~~

139 ~~(h) The commission shall provide the council with~~

140 ~~clerical, expert, technical, or other services. All expenses of~~

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141 ~~the council shall be paid from appropriations made by the~~
 142 ~~Legislature to the commission. All vouchers shall be approved by~~
 143 ~~the executive director before submission to the Chief Financial~~
 144 ~~Officer for payment.~~

145 ~~(i) Members of the council shall serve without~~
 146 ~~compensation but shall receive per diem and reimbursement for~~
 147 ~~travel expenses as provided in s. 112.061.~~

148 ~~(j) Advisory council members may be reappointed. Advisory~~
 149 ~~council members shall serve at the pleasure of the commission.~~

150 Section 4. Paragraph (b) of subsection (2) of section
 151 379.3581, Florida Statutes, is amended to read:

152 379.3581 Hunter safety course; requirements; penalty.—

153 (2)

154 (b) A person born on or after June 1, 1975, who has not
 155 successfully completed a hunter safety course may apply to the
 156 commission for a special authorization to hunt under
 157 supervision. The special authorization for supervised hunting
 158 shall be designated on any license or permit required under this
 159 chapter for a person to take game or fur-bearing animals ~~and~~
 160 ~~shall be valid for not more than 1 year. A special authorization~~
 161 ~~for supervised hunting may not be issued more than once to the~~
 162 ~~person applying for such authorization.~~ A person issued a
 163 license with a special authorization to hunt under supervision
 164 must hunt under the supervision of, and in the presence of, a
 165 person 21 years or age or older who is licensed to hunt pursuant
 166 to s. 379.354 or who is exempt from licensing requirements or
 167 eligible for a free license pursuant to s. 379.353.

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168 Section 5. Effective beginning with the 2012-2013 blue
 169 crab license year, paragraph (a) of subsection (3) of section
 170 379.366, Florida Statutes, is amended to read:

171 379.366 Blue crab; regulation.—

172 (3) (a) Endorsement fees.—

173 1. The fee for a hard-shell blue crab endorsement for the
 174 taking of hard-shell blue crabs, as authorized by rule of the
 175 commission, is \$125, \$25 of which must be used solely for the
 176 trap retrieval program authorized under s. 379.2424 and in
 177 commission rules.

178 2. The fee for a soft-shell blue crab endorsement for the
 179 taking of soft-shell blue crabs, as authorized by rule of the
 180 commission, is \$125 ~~\$250~~, \$25 of which must be used solely for
 181 the trap retrieval program authorized under s. 379.2424 and in
 182 commission rules.

183 3. The fee for a nontransferable hard-shell blue crab
 184 endorsement for the taking of hard-shell blue crabs, as
 185 authorized by rule of the commission, is \$125, \$25 of which must
 186 be used solely for the trap retrieval program authorized under
 187 s. 379.2424 and in commission rules.

188 4. The fee for an incidental take blue crab endorsement
 189 for the taking of blue crabs as bycatch in shrimp trawls and
 190 stone crab traps is \$25, as authorized in commission rules.

191 Section 6. Paragraph (c) of subsection (1) of section
 192 380.511, Florida Statutes, is amended to read:

193 380.511 Florida Communities Trust Fund.—

194 (1) There is created the Florida Communities Trust Fund as
 195 a nonlapsing, revolving fund for projects, activities,

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196 acquisitions, and operating expenses necessary to carry out this
 197 part. The fund shall be held and administered by the trust. The
 198 following shall be credited to or deposited in the Florida
 199 Communities Trust Fund:

200 ~~(c) Proceeds from the sale of environmental license plates~~
 201 ~~authorized in s. 320.08058(5).~~

202
 203 All moneys so deposited into the Florida Communities Trust Fund
 204 shall be trust funds for the uses and purposes set forth in this
 205 section, within the meaning of s. 215.32(1)(b); and such moneys
 206 shall not become or be commingled with the General Revenue Fund
 207 of the state, as defined by s. 215.32(1)(a).

208 Section 7. Paragraph (e) of subsection (3) of section
 209 921.0022, Florida Statutes, is amended to read:

210 921.0022 Criminal Punishment Code; offense severity
 211 ranking chart.—

212 (3) OFFENSE SEVERITY RANKING CHART

213 (e) LEVEL 5

214

Florida Statute	Felony Degree	Description
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.

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218	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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219	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
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220	<u>379.367 (4) (a)</u>	<u>3rd</u>	<u>Willful molestation by any person of a commercial harvester's spiny lobster trap, line or buoy.</u>
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221	<u>379.367 (c) 3</u>	<u>3rd</u>	<u>Willful molestation, possession of or removal of another commercial harvester's trap contents or trap gear.</u>
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222 Section 8. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2012.