



Summary of HB 1423 – FL Fish and Wildlife Conservation Commission Bill

6/26/09

This bill was signed into law by Governor Crist in early June. The following contains highlights of the bill, but does not mention all parts of the bill. For a full copy of the bill, go to:

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h1423er.xml&DocumentType=Bill&BillNumber=1423&Session=2009> Select the 3rd engrossed version of the bill.

Seagrass: A person operating a vessel outside of a lawfully marked channel in a careless manner that causes seagrass scarring within an aquatic preserve commits a noncriminal infraction. (line 329)

Definition of liveaboard vessel: Any vessel used solely as a residence and not for navigation, any vessel represented as a place of business or a professional or other commercial enterprise, or any vessel for which a declaration of domicile has been filed. (line 377) A commercial fishing boat is expressly excluded from this term.

Change in BUI level that triggers certain punishments: A person convicted of boating under the influence who has a blood alcohol level of .15 or higher and has a person under the age of 18 in their boat at the time, will pay a severe fine of not less than \$1,000 and can face imprisonment of not less than nine months. (line 389). This mirrors the current law for automobile drivers.

Mandatory Boater Education: If you are born on or after 1/1/88, and are operating a boat with 10 hp or more, you must successfully take a NASBLA approved minimum 8 hour boating course, or pass an equivalency exam, or pass a temporary exam. You must carry a photo id and your boater safety id card. You are exempt if you have a USCG license, or if you operate only on private waters. You are exempt if you are accompanied by an older boater, or one who is compliant with this section and is 18 or older, or if you are operating a boat within 90 days of its purchase.

If you are visiting from another state, you need a written copy of your successful completion of boater education that meets or exceeds FL's requirements. (line 437)

A violation of this section is a noncriminal infraction.

Local government authority re: live-aboards and anchoring: Local governments may enact and enforce regulations which prohibit or restrict the mooring or anchoring of floating structures or liveaboard vessels within their jurisdictions, or of any vessels within permitted mooring fields. Note new definition of "liveaboard" above. However, local government authorities are prohibited from regulating the anchoring outside of such mooring fields of vessels other than liveaboards. (line 714)

Anti-derelict measures: Most boats operated, used, or stored on the waters of the state must be titled. (line 919) The hull identification number shall also be permanently affixed. (line 953)

Most boats must be registered within 30 days of purchase if they are being operated, used, or stored on the waters of the state. Boats that don't have to be registered include those on private waters, owned by the US government, used exclusively as a ship's lifeboat, or non powered less than 16' or a nonpowered canoe, kayak, racing shell or rowing skull regardless of length. (line 988)

Florida law imposes a "use" tax on big ticket items brought into the state for use by Florida residents. Non-residents bringing boats into the state were often charged a "use" tax if their boat was being repaired or outfitted in Florida until a provision was written to allow those boats to remain in the state for 90 days. This session, that exemption was changed so that boats purchased in Florida could remain in Florida for up to 180 days. However, at the end of the first 90 days, the new boat owner must apply to the Florida dealer who sold the boat or is working on the boat in order to receive an extension of an additional 90 days time to remain in Florida. (This change from 90 days to 180 days was made in HB 7031 as part of the state's economic development initiative to encourage boats to spend more time in Florida without having to pay the Florida "use" tax).

Storing on the waters of the state a boat with expired registration is a noncriminal violation. This does apply to vessels legally stored at a dock or marina. (line 1142)

Pilot Program for Mooring Fields: FWC will establish a pilot program to explore options for regulating anchoring or mooring of non-liveaboard vessels outside the marked boundaries of public mooring fields. (line 2115) The goals are to promote more mooring fields, promote public access to waters, and deter improperly stored boats. Each of the 5 geographically diverse locations chosen must be associated with an existing permitted mooring field. (line 2121)

Counties in this program may regulate by ordinance the anchoring of all vessels outside of a mooring field. This ordinance may only take effect after approval from FWC, with significant input from stakeholders. (line 2141)

The pilot programs and any ordinances enacted under the pilot programs will expire on 7/1/14. (line 2168)

Coral Reef Protection Program: DEP will establish a coral reef protection program. Boaters who damage a coral reef located off Palm Beach, Broward, Miami-Dade and Monroe Counties must self report the damage. (line 2268) This section of the bill applies only to state owned sovereign submerged lands which limits the effect to those areas owned by the state which are within the 3 mile area of Florida waters.

DEP is directed to create a fine structure similar to the one for seagrass beds which equates the amount of coral reef damaged by the boater to a fee for "restoring" the reef. Private organizations may apply for grants to assist DEP in restoration projects. This section closely follows the language and intent of the original seagrass protection provisions found elsewhere in Chapter 403, Florida Statutes.

Shoreline exemption: A new shoreline fishing permit is created in the state budget. The new license shall cost \$7.50 and be required of all those fishing from the shore except those fishing with a fishing pole that does not have a mechanical line retrieval device attached to it. This exemption applies only in the county of residence of the fisherman. Also, there is an exemption for those Florida citizens on food stamps or other forms of government assistance.

The primary reason for this license is a new federal requirement, which would have required FL anglers to have two licenses without this new state legislation. HB 1423 makes note of the new license and provides for the money from the sale of the license to be placed in the State Game Trust Fund for use by the FWC. (line 2194)

This fishing permit was put in the budget because the House and Senate had differing amounts for the license. Once the issue of the cost of the license was determined, the creation of the license referred to beginning on line 2194 of HB 1423 was provided for in the Implementing budget bill.



The Nations Leading Advocate for Recreational Boaters www.BoatUS.com