

Fish and Wildlife Conservation Commission 2012 Post-Session Report

Legislative Affairs Office
April 30, 2012

The 2012 Regular Session ended March 9, on time. The House versions of all four FWC bills (see below) passed and were sent to the Governor. He has signed three of the bills into law – HB 1223, HB 1383, and HB 7025. The Governor has until May 5 to act on HB 313.

- HB 313/SB 802 – landowner/premises liability
- HB 1223/SB 1122 – swamp buggies (among other provisions of the Dept. of Highway Safety and Motor Vehicles)
- HB 1383/SB 1782 – environmental law enforcement consolidation
- HB 7025/SB 804 – lobster trap theft penalty modification, blue crab soft shell commercial fee reduction, repeal of *Florida Wildlife* magazine, hunter education mentor option modification, Panther Trust Fund revenues modification, marine mammal care funding technical fix, and clarification of fishing license requirements for scuba divers/scuba diving charter boats

The agency is so appreciative of the hard work of the sponsors of the bills to ensure passage:

- HB 313/SB 802 – Rep. Leonard Bemby and Rep. Greg Steube, and Sen. Charlie Dean/Committee on Environmental Preservation and Conservation
- HB 1223/SB 1122 – Rep. Ben Albritton and Sen. Jack Latvala
- HB 1383/SB 1782 – Rep. Rich Glorioso and Sen. Jack Latvala
- HB 7025/SB 804 – Rep. Steve Crisafulli/Subcommittee on Agriculture and Natural Resources and Sen. Charlie Dean/Committee on Environmental Preservation and Conservation

FWC is also extremely grateful to all of the legislators who voted for the bills and for the tireless efforts by stakeholders who not only supported the legislation, but because of their persistence, were integral to passage.

The following update of legislation that FWC was monitoring this Session is abbreviated based on the four FWC bills that passed the Legislature and have been or are waiting for approval from the Governor. For a more detailed report of legislation that FWC was following, whether the bills passed or not, go to the FWC website, Legislative Affairs page, at the following link:
<http://www.myfwc.com/media/2153469/PostSessionReport.pdf>

Note: Bills that passed the Legislature and have been approved by the Governor will be highlighted in green. If the Governor has not yet acted on a bill, it will be highlighted in yellow. The Governor has received ALL bills that passed the Legislature during the 2012 Session. The full report will be finalized once all gubernatorial action has taken place.

Fish and Wildlife Conservation Commission's Bills

HB 313 by Rep. Bemby/SB 802 by Sen. Dean/Committee on Environmental Preservation and Conservation – Premises/Landowner Liability

These bills provide that if a landowner enters into a “written agreement” with the State for their land to be used for outdoor recreational purposes, the landowner is entitled to certain liability protection; current law requires that a “lease” be executed with the State to receive the liability protection. The bills require that in order for the landowner to receive liability protection in this situation, the State must include language in the written agreement that acknowledges that the State is liable for actions or omissions of the State that result in injury or property damage. The bills also state that it is the intent of the Legislature that in these arrangements with the State, landowners may be reimbursed for reasonable costs and expenses, but they should not receive compensation over and above the reasonable costs and expenses; should this occur, however, neither the State nor the landowner is subjected to liability. The bills further provide that an owner or lessee who makes land available to any person for hunting, fishing, or wildlife viewing is entitled to certain liability protection; in order for landowners to benefit from the liability protection they must: 1) provide written or posted notice to the person(s) using the land of the liability limits; and 2) make no profit from or charge a fee for using the land. The liability limitation in either instance does not apply if there is deliberate, willful, or malicious injury to persons or property. Outdoor recreational purposes include, but are not limited to hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, motorcycling, and visiting historical, archaeological, scenic, or scientific sites. SB 802 was referred to the committees on Environmental Preservation & Conservation, Judiciary, and Budget, where it was subreferred to General Government Appropriations; it passed the first three committees, was withdrawn from the Budget Committee, scheduled for its 2nd Reading by the full Senate, was substituted by HB 313, and was laid on the table. HB 313 was referred to the subcommittees on Civil Justice, and Agriculture & Natural Resources, and to the Judiciary Committee; it passed all three committees, passed its 2nd and 3rd Readings by the full House, was sent to the Senate in Messages, was referred to four committees, was withdrawn from those committees, was substituted for SB 802, and passed its 2nd and 3rd Readings by the full Senate, March 7; it was presented to the Governor, April 20; he has until May 5 to take action.

HB 1223 by Rep. Albritton/SB 1122 by Sen. Latvala – Department of Highway Safety and Motor Vehicles/Swamp Buggies

Among many provisions pertaining to the Dept. of Highway Safety and Motor Vehicles, these bills exempt swamp buggies from the definition of “motor vehicle” in chapters 316 (state uniform traffic control) and 320 (motor vehicle licenses), F.S.; thus, swamp buggies would be exempt from traffic control requirements, such as turn signals, windshield wipers, etc., and would be exempt from vehicle registration requirements. The bills authorize the use of swamp buggies on state and federal lands if the respective agency authorizes them, including the roadways within; the agencies must post appropriate signage or otherwise inform the public that swamp buggies are allowed on the property. The bills also provide that swamp buggies are authorized on the roadways managed by local governments if specifically authorized; the local government must post appropriate signage or otherwise inform the public that swamp buggies are allowed on such roadways. SB 1122 was referred to the committees on Transportation, and Budget where it was subreferred to the Subcommittee on Transportation, Tourism, & Economic Development Appropriations; it passed Transportation, was recalled from Transportation, Tourism, & Economic Development, passed Budget, was scheduled for its 2nd Reading, March 9, was substituted by HB 1223, and laid on the table. HB 1223 was referred to the subcommittees on Transportation & Highway Safety, and Transportation & Economic Development Appropriations, and to the Economic Affairs Committee; it passed all three committees, passed its 2nd and 3rd Readings by the full House, was sent to the Senate in Messages, was referred to two committees, was withdrawn from those committees, was substituted for SB 1122, and passed its 2nd and 3rd Readings by the full Senate, March 9. The Governor signed the bill into law April 27, becoming Chapter 2012-181, Laws of Florida. The law will take effect July 1, 2012.

HB 1383 by Rep. Glorioso/SB 1782 by Sen. Latvala – Environmental Law Enforcement Consolidation

These bills transfer personnel and reassign responsibilities of the Dept. of Environmental Protection (DEP) law enforcement and the Dept. of Agriculture and Consumer Services (DACS) law enforcement to FWC's Division of Law Enforcement. The bills transfer all of DEP's law enforcement to FWC except the Bureau of Emergency Response. They transfer DACS' Florida Forest Service's enforcement responsibilities and the aquaculture investigator to FWC; DACS' interdiction station responsibility remains with DACS. Both bills establish working groups comprised of the agencies to determine appropriate support staff that should also be transferred to FWC to support the increased law enforcement responsibilities, and to determine which rules may need to be transferred to FWC in order to implement the additional responsibilities. Pay parity among personnel transferred has been provided in the appropriations bill. SB 1782 was referred to the committees on Environmental Preservation & Conservation, Agriculture, and Budget, where it was subreferred to the Subcommittee on General Government Appropriations; it passed Environmental Preservation & Conservation, and Agriculture, was recalled from General Government Appropriations, and passed Budget; it was scheduled for its 2nd Reading by the full Senate, was substituted by HB 1383, and was laid on the table. HB 1383 was referred to the subcommittees on Agriculture & Natural Resources, and Agriculture & Natural Resources Appropriations, and to the State Affairs Committee; it passed Agriculture & Natural Resources, and had its reference to Agriculture & Natural Resources Appropriations removed; it passed Appropriations, and State Affairs, passed its 2nd and 3rd Readings by the full House, was sent to the Senate in Messages, was referred to three committees, was withdrawn from those committees, substituted for SB 1782, and passed its 2nd and 3rd Readings by the full Senate, March 8. HB 1383 was signed into law by the Governor April 6, becoming Chapter 2012-88, Laws of Florida. The law will take effect July 1, 2012.

HB 7025 by Rep. Crisafulli/Agriculture and Natural Resources Subcommittee/SB 804 by Sen. Dean/Environmental Preservation and Conservation Committee – Fish and Wildlife Conservation Commission agency package

These bills: reduce the fee for obtaining a soft-shell blue crab endorsement from \$250 to \$125; repeal the statute requiring that FWC publish a printed copy of *Florida Wildlife* magazine and dissolve the Florida Wildlife Magazine Advisory Council; and modify the penalty for lobster trap theft/molestation to allow a judge the full range of punishment within the current penalty for this crime which is a 3rd degree felony (up to 5 years in prison and/or up to \$5000 fine). The bills also expand the one-year deferral to indefinitely of taking the hunter safety course if hunting under the supervision of a licensed hunter (mentor exemption); conform the source of revenues in the Marine Resources Conservation Trust Fund to fund marine mammal care from documentary stamp taxes to vessel registration fees to reflect a 2009 Session budgetary change; require the distribution of all fees from the Florida panther license plate into the Florida Panther Research and Management Trust Fund, removing a requirement that 15% of these fees go to the Florida Communities Trust Fund; and provide that scuba divers engaged in fishing must have an individual saltwater fishing license and all necessary permits if the vessel they are on does not have the necessary vessel license. SB 804 was referred to the committees on Environmental Preservation & Conservation, Criminal Justice, and Budget where it was subreferred to the Subcommittee on General Government Appropriations; it passed all four committees, was scheduled for its 2nd Reading by the full Senate, was substituted by HB 7025, and was laid on the table. After being approved by the Agriculture & Natural Resources Subcommittee, HB 7025 was referred to the Agriculture & Natural Resources Appropriations Subcommittee, and State Affairs Committee; it passed both committees, passed its 2nd and 3rd Readings by the full House, was sent to the Senate in Messages, was referred to four Senate committees, was withdrawn from those committees, was substituted for SB 804 and passed its 2nd and 3rd Readings before the full Senate, March 7. HB 7025 was signed into law by the Governor April 6, becoming Chapter 2012-95, Laws of Florida. The law will take effect July 1, 2012, with the exception of the reduction in the blue crab endorsement fee, which is effective beginning with the 2012-2013 blue crab license year.