

1                                   A bill to be entitled  
2           An act relating to the Fish and Wildlife Conservation  
3           Commission; transferring and reassigning functions and  
4           responsibilities of the Division of Law Enforcement,  
5           excluding the Bureau of Emergency Response, within the  
6           Department of Environmental Protection to the Division  
7           of Law Enforcement within the Fish and Wildlife  
8           Conservation Commission; reassigning the Bureau of  
9           Emergency Response within the Department of  
10          Environmental Protection to the Secretary of  
11          Environmental Protection as the Office of Emergency  
12          Response within the Department of Environmental  
13          Protection; providing for the transfer of additional  
14          positions to the commission; providing for a  
15          memorandum of agreement between the department and the  
16          commission regarding the responsibilities of the  
17          commission to the department; transferring and  
18          reassigning functions and responsibilities of sworn  
19          positions funded by the Conservation and Recreation  
20          Lands Program and assigned to the Florida Forest  
21          Service within the Department of Agriculture and  
22          Consumer Services and the investigator responsible for  
23          the enforcement of aquaculture violations at the  
24          Department of Agriculture and Consumer Services to the  
25          Division of Law Enforcement within the Fish and  
26          Wildlife Conservation Commission; providing for a  
27          memorandum of agreement between the department and the  
28          commission regarding the responsibilities between the

29 | commission and the department; providing for  
30 | transition advisory working groups; assigning powers,  
31 | duties, responsibilities, and functions for  
32 | enforcement of the laws and rules governing certain  
33 | lands managed by the Department of Environmental  
34 | Protection and certain lands and aquaculture managed  
35 | by the Department of Agriculture and Consumer Services  
36 | to the Fish and Wildlife Conservation Commission;  
37 | conferring full power to the law enforcement officers  
38 | of the Fish and Wildlife Conservation Commission to  
39 | investigate and arrest for violations of rules of the  
40 | Department of Agriculture and Consumer Services, the  
41 | Department of Environmental Protection, and the Board  
42 | of Trustees of the Internal Improvement Trust Fund;  
43 | providing for the retention and transfer of specified  
44 | benefits for employees that are transferred from the  
45 | Department of Environmental Protection and the  
46 | Department of Agriculture and Consumer Services to  
47 | fill positions transferred to the Fish and Wildlife  
48 | Conservation Commission; creating s. 258.601, F.S.;  
49 | specifying powers and duties of the commission  
50 | relating to state parks and preserves and wild and  
51 | scenic rivers; amending ss. 20.255, 258.008, 258.501,  
52 | 282.709, 316.003, 316.2397, 316.640, 375.041, 376.065,  
53 | 376.07, 376.071, 376.16, 376.3071, 379.3311, 379.3312,  
54 | 379.3313, 379.333, 379.341, 379.343, 403.413, 784.07,  
55 | 843.08, 843.085, 870.04, and 932.7055, F.S.;

CS/CS/HB 1383

2012

56 conforming provisions to changes made by the act;  
57 providing an effective date.  
58

59 Be It Enacted by the Legislature of the State of Florida:  
60

61 Section 1. (1) All powers, duties, functions, records,  
62 offices, personnel, property, pending issues and existing  
63 contracts, administrative authority, administrative rules, and  
64 unexpended balances of appropriations, allocations, and other  
65 funds relating to the Division of Law Enforcement within the  
66 Department of Environmental Protection, excluding the Bureau of  
67 Emergency Response, are transferred by a type two transfer, as  
68 defined in s. 20.06(2), Florida Statutes, to the Division of Law  
69 Enforcement within the Florida Fish and Wildlife Conservation  
70 Commission.

71 (2) The Bureau of Emergency Response within the Department  
72 of Environmental Protection is reassigned to the Secretary of  
73 Environmental Protection as the Office of Emergency Response  
74 within the Department of Environmental Protection.

75 (3) The Secretary of Environmental Protection shall  
76 transfer to the Fish and Wildlife Conservation Commission the  
77 number of administrative, auditing, inspector general, attorney,  
78 and operational support positions, including any related powers,  
79 duties, functions, property, and funding, proportionate to the  
80 number of Division of Law Enforcement full-time equivalent and  
81 other personal services positions being transferred from the  
82 department to the commission.

83 (4) A memorandum of agreement shall be developed between

84 the department and the commission detailing the responsibilities  
85 of the commission to the department, to include, at a minimum,  
86 the following:

87 (a) Support and response for oil spills, hazardous spills,  
88 and natural disasters.

89 (b) Law enforcement patrol and investigative services for  
90 all state-owned lands managed by the department.

91 (c) Law enforcement services, including investigative  
92 services, for all criminal law violations of chapters 161, 258,  
93 373, 376, and 403, Florida Statutes.

94 (d) Enforcement services for all civil violations of all  
95 department administrative rules related to the following program  
96 areas:

97 1. Division of Recreation and Parks.

98 2. Office of Coastal and Aquatic Managed Areas.

99 3. Office of Greenways and Trails.

100 (e) Current and future funding for positions and property  
101 being transferred from the department to the commission that is  
102 funded through any trust fund.

103 Section 2. (1) All powers, duties, functions, records,  
104 property, pending issues and existing contracts, administrative  
105 authority, administrative rules, and unexpended balances of  
106 appropriations, allocations, and other funds relating to sworn  
107 positions funded by the Conservation and Recreation Lands  
108 Program and assigned to the Florida Forest Service within the  
109 Department of Agriculture and Consumer Services as of July 1,  
110 2011, and the investigator responsible for the enforcement of  
111 aquaculture violations at the Department of Agriculture and

CS/CS/HB 1383

2012

112 Consumer Services as of July 1, 2011, are transferred by a type  
113 two transfer, as defined in s. 20.06(2), Florida Statutes, to  
114 the Division of Law Enforcement within the Fish and Wildlife  
115 Conservation Commission.

116 (2) A memorandum of agreement shall be developed between  
117 the department and the commission detailing the responsibilities  
118 between the commission and the department, to include, at a  
119 minimum, the following:

120 (a) Law enforcement patrol and investigative services for  
121 all state-owned forests managed by the department.

122 (b) Current and future funding for positions and property  
123 assigned to the Conservation and Recreation Lands Program that  
124 are transferred from the department to the commission.

125 Section 3. (1) The Secretary of Environmental Protection  
126 and the Executive Director of the Fish and Wildlife Conservation  
127 Commission shall each appoint three staff members to a  
128 transition advisory working group to review and determine the  
129 following:

130 (a) The appropriate proportionate number of  
131 administrative, auditing, inspector general, attorney, and  
132 operational support positions and their related funding levels  
133 and sources and assigned property to be transferred from the  
134 Office of General Counsel, Office of Inspector General, and  
135 Division of Administrative Services or other relevant offices or  
136 divisions within the Department of Environmental Protection to  
137 the Fish and Wildlife Conservation Commission.

138 (b) The development of a recommended plan addressing the  
139 transfer or shared use of buildings, regional offices, and other

CS/CS/HB 1383

2012

140 facilities used or owned by the Department of Environmental  
141 Protection.

142 (c) Any operating budget adjustments as necessary to  
143 implement the requirements of this act. Adjustments made to the  
144 operating budgets of the department and the commission in the  
145 implementation of this act must be made in consultation with the  
146 appropriate substantive and fiscal committees of the Senate and  
147 the House of Representatives. The revisions to the approved  
148 operating budgets for the 2012-2013 fiscal year which are  
149 necessary to reflect the organizational changes made by this act  
150 shall be implemented pursuant to s. 216.292(4)(d), Florida  
151 Statutes, and subject to s. 216.177, Florida Statutes.  
152 Subsequent adjustments between agencies that are determined  
153 necessary by the department or commission and approved by the  
154 Executive Office of the Governor are authorized and subject to  
155 s. 216.177, Florida Statutes. The appropriate substantive  
156 committees of the Senate and the House of Representatives shall  
157 also be notified of the proposed revisions to ensure consistency  
158 with legislative policy and intent.

159 (2) The Secretary of Environmental Protection, the  
160 Commissioner of Agriculture, and the Executive Director of the  
161 Fish and Wildlife Conservation Commission shall each appoint two  
162 staff members to a transition advisory working group to identify  
163 rules of the Department of Environmental Protection, the Board  
164 of Trustees of the Internal Improvement Trust Fund, the  
165 Department of Agriculture and Consumer Services, and the Fish  
166 and Wildlife Conservation Commission that need to be amended to  
167 reflect the changes made by this act.

168           Section 4. (1) The Fish and Wildlife Conservation  
169 Commission is assigned all powers, duties, responsibilities,  
170 functions, positions, and property necessary for enforcement of  
171 the laws and rules governing:

172           (a) Management, protection, conservation, improvement, and  
173 expansion of the state-owned lands managed by the Department of  
174 Environmental Protection, including state parks, coastal and  
175 aquatic managed areas, and greenways and trails.

176           (b) Conservation and recreation lands and commercial  
177 aquaculture managed by the Department of Agriculture and  
178 Consumer Services.

179           (2) Law enforcement officers of the Fish and Wildlife  
180 Conservation Commission are conferred full power to investigate  
181 and arrest for any violation of the rules of the Department of  
182 Agriculture and Consumer Services, the Department of  
183 Environmental Protection, and the Board of Trustees of the  
184 Internal Improvement Trust Fund.

185           Section 5. Notwithstanding chapter 60K-5, Florida  
186 Administrative Code, or any provision of law to the contrary,  
187 employees who are transferred from the Department of  
188 Environmental Protection and the Department of Agriculture and  
189 Consumer Services to fill positions transferred to the Fish and  
190 Wildlife Conservation Commission shall retain and transfer any  
191 accrued annual leave, sick leave, and regular and special  
192 compensatory leave balances.

193           Section 6. Part IV of chapter 258, Florida Statutes,  
194 consisting of section 258.601, is created to read:

195                           PART IV

MISCELLANEOUS PROVISIONS

258.601 Enforcement of prohibited activities.-Prohibited activities under this chapter shall be enforced by the Department of Environmental Protection and the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers.

Section 7. Subsections (5) through (8) of section 20.255, Florida Statutes, are renumbered as subsections (4) through (7), respectively, and present subsections (2), (3), and (4) of that section are amended to read:

20.255 Department of Environmental Protection.-There is created a Department of Environmental Protection.

(2) (a) There shall be three deputy secretaries who are to be appointed by and shall serve at the pleasure of the secretary. The secretary may assign any deputy secretary the responsibility to supervise, coordinate, and formulate policy for any division, office, or district. The following special offices are established and headed by managers, each of whom is to be appointed by and serve at the pleasure of the secretary:

1. Office of Chief of Staff;
2. Office of General Counsel;
3. Office of Inspector General;
4. Office of External Affairs;
5. Office of Legislative Affairs;
6. Office of Intergovernmental Programs; and
7. Office of Greenways and Trails.
8. Office of Emergency Response.

(b) There shall be six administrative districts involved



224 in regulatory matters of waste management, water resource  
 225 management, wetlands, and air resources, which shall be headed  
 226 by managers, each of whom is to be appointed by and serve at the  
 227 pleasure of the secretary. Divisions of the department may have  
 228 one assistant or two deputy division directors, as required to  
 229 facilitate effective operation.

230

231 The managers of all divisions and offices specifically named in  
 232 this section and the directors of the six administrative  
 233 districts are exempt from part II of chapter 110 and are  
 234 included in the Senior Management Service in accordance with s.  
 235 110.205(2)(j).

236 (3) The following divisions of the Department of  
 237 Environmental Protection are established:

238 (a) Division of Administrative Services.

239 (b) Division of Air Resource Management.

240 (c) Division of Water Resource Management.

241 ~~(d) Division of Law Enforcement.~~

242 (d)~~(e)~~ Division of Environmental Assessment and  
 243 Restoration.

244 (e)~~(f)~~ Division of Waste Management.

245 (f)~~(g)~~ Division of Recreation and Parks.

246 (g)~~(h)~~ Division of State Lands, the director of which is  
 247 to be appointed by the secretary of the department, subject to  
 248 confirmation by the Governor and Cabinet sitting as the Board of  
 249 Trustees of the Internal Improvement Trust Fund.

250

251 In order to ensure statewide and intradepartmental consistency,

CS/CS/HB 1383

2012

252 the department's divisions shall direct the district offices and  
 253 bureaus on matters of interpretation and applicability of the  
 254 department's rules and programs.

255 ~~(4) Law enforcement officers of the Department of~~  
 256 ~~Environmental Protection who meet the provisions of s. 943.13~~  
 257 ~~are constituted law enforcement officers of this state with full~~  
 258 ~~power to investigate and arrest for any violation of the laws of~~  
 259 ~~this state, and the rules of the department and the Board of~~  
 260 ~~Trustees of the Internal Improvement Trust Fund. The general~~  
 261 ~~laws applicable to investigations, searches, and arrests by~~  
 262 ~~peace officers of this state apply to such law enforcement~~  
 263 ~~officers.~~

264 Section 8. Subsection (1) of section 258.008, Florida  
 265 Statutes, is amended to read:

266 258.008 Prohibited activities; penalties.—

267 (1) Except as provided in subsection (3), any person who  
 268 violates or otherwise fails to comply with the rules adopted  
 269 under this chapter commits a noncriminal infraction for which  
 270 ejection from all property managed by the Division of Recreation  
 271 and Parks and a fine of up to \$500 may be imposed by the  
 272 division. Fines paid under this subsection shall be paid to the  
 273 Fish and Wildlife Conservation Commission ~~Department of~~  
 274 ~~Environmental Protection~~ and deposited in the State Game Park  
 275 Trust Fund as provided in ss. 379.338, 379.339, and 379.3395.

276 Section 9. Subsection (16) of section 258.501, Florida  
 277 Statutes, is amended to read:

278 258.501 Myakka River; wild and scenic segment.—

279           (16) ENFORCEMENT. ~~Officers of~~ The department and the Fish  
 280 and Wildlife Conservation Commission shall have full authority  
 281 to enforce any rule adopted by the department ~~under this section~~  
 282 ~~with the same police powers given them by law to enforce the~~  
 283 ~~rules of state parks and the rules pertaining to saltwater areas~~  
 284 ~~under the jurisdiction of the Florida Marine Patrol.~~

285           Section 10. Paragraph (a) of subsection (2) of section  
 286 282.709, Florida Statutes, is amended to read:

287           282.709 State agency law enforcement radio system and  
 288 interoperability network.—

289           (2) The Joint Task Force on State Agency Law Enforcement  
 290 Communications is created adjunct to the department to advise  
 291 the department of member-agency needs relating to the planning,  
 292 designing, and establishment of the statewide communication  
 293 system.

294           (a) The Joint Task Force on State Agency Law Enforcement  
 295 Communications shall consist of the following ~~eight~~ members, ~~as~~  
 296 ~~follows~~:

297           1. A representative of the Division of Alcoholic Beverages  
 298 and Tobacco of the Department of Business and Professional  
 299 Regulation who shall be appointed by the secretary of the  
 300 department.

301           2. A representative of the Division of Florida Highway  
 302 Patrol of the Department of Highway Safety and Motor Vehicles  
 303 who shall be appointed by the executive director of the  
 304 department.

305           3. A representative of the Department of Law Enforcement  
 306 who shall be appointed by the executive director of the

307 department.

308 4. A representative of the Fish and Wildlife Conservation  
 309 Commission who shall be appointed by the executive director of  
 310 the commission.

311 ~~5. A representative of the Division of Law Enforcement of~~  
 312 ~~the Department of Environmental Protection who shall be~~  
 313 ~~appointed by the secretary of the department.~~

314 ~~5.6.~~ A representative of the Department of Corrections who  
 315 shall be appointed by the secretary of the department.

316 ~~6.7.~~ A representative of the Division of State Fire  
 317 Marshal of the Department of Financial Services who shall be  
 318 appointed by the State Fire Marshal.

319 ~~7.8.~~ A representative of the Department of Transportation  
 320 who shall be appointed by the secretary of the department.

321 Section 11. Subsection (1) of section 316.003, Florida  
 322 Statutes, is amended to read:

323 316.003 Definitions.—The following words and phrases, when  
 324 used in this chapter, shall have the meanings respectively  
 325 ascribed to them in this section, except where the context  
 326 otherwise requires:

327 (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire  
 328 department (fire patrol), police vehicles, and such ambulances  
 329 and emergency vehicles of municipal departments, public service  
 330 corporations operated by private corporations, the Fish and  
 331 Wildlife Conservation Commission, the Department of  
 332 Environmental Protection, the Department of Health, the  
 333 Department of Transportation, and the Department of Corrections  
 334 as are designated or authorized by their respective department

335 or the chief of police of an incorporated city or any sheriff of  
 336 any of the various counties.

337 Section 12. Subsections (3) and (9) of section 316.2397,  
 338 Florida Statutes, are amended to read:

339 316.2397 Certain lights prohibited; exceptions.—

340 (3) Vehicles of the fire department and fire patrol,  
 341 including vehicles of volunteer firefighters as permitted under  
 342 s. 316.2398, vehicles of medical staff physicians or technicians  
 343 of medical facilities licensed by the state as authorized under  
 344 s. 316.2398, ambulances as authorized under this chapter, and  
 345 buses and taxicabs as authorized under s. 316.2399 may ~~are~~  
 346 ~~permitted to~~ show or display red lights. Vehicles of the fire  
 347 department, fire patrol, police vehicles, and such ambulances  
 348 and emergency vehicles of municipal and county departments,  
 349 public service corporations operated by private corporations,  
 350 the Fish and Wildlife Conservation Commission, the Department of  
 351 Environmental Protection, the Department of Transportation, the  
 352 Department of Agriculture and Consumer Services, and the  
 353 Department of Corrections as are designated or authorized by  
 354 their respective department or the chief of police of an  
 355 incorporated city or any sheriff of any county may ~~are hereby~~  
 356 ~~authorized to~~ operate emergency lights and sirens in an  
 357 emergency. Wreckers, mosquito control fog and spray vehicles,  
 358 and emergency vehicles of governmental departments or public  
 359 service corporations may show or display amber lights when in  
 360 actual operation or when a hazard exists provided they are not  
 361 used going to and from the scene of operation or hazard without  
 362 specific authorization of a law enforcement officer or law

363 enforcement agency. Wreckers must use amber rotating or flashing  
 364 lights while performing recoveries and loading on the roadside  
 365 day or night, and may use such lights while towing a vehicle on  
 366 wheel lifts, slings, or under reach if the operator of the  
 367 wrecker deems such lights necessary. A flatbed, car carrier, or  
 368 rollback may not use amber rotating or flashing lights when  
 369 hauling a vehicle on the bed unless it creates a hazard to other  
 370 motorists because of protruding objects. Further, escort  
 371 vehicles may show or display amber lights when in the actual  
 372 process of escorting overdimensioned equipment, material, or  
 373 buildings as authorized by law. Vehicles owned or leased by  
 374 private security agencies may show or display green and amber  
 375 lights, with either color being no greater than 50 percent of  
 376 the lights displayed, while the security personnel are engaged  
 377 in security duties on private or public property.

378 (9) Flashing red lights may be used by emergency response  
 379 vehicles of the Fish and Wildlife Conservation Commission, the  
 380 Department of Environmental Protection, and the Department of  
 381 Health when responding to an emergency in the line of duty.

382 Section 13. Paragraph (a) of subsection (1) of section  
 383 316.640, Florida Statutes, is amended to read:

384 316.640 Enforcement.—The enforcement of the traffic laws  
 385 of this state is vested as follows:

386 (1) STATE.—

387 (a)1.a. The Division of Florida Highway Patrol of the  
 388 Department of Highway Safety and Motor Vehicles; the Division of  
 389 Law Enforcement of the Fish and Wildlife Conservation  
 390 Commission; ~~the Division of Law Enforcement of the Department of~~

391 ~~Environmental Protection;~~ and the agents, inspectors, and  
 392 officers of the Department of Law Enforcement each have  
 393 authority to enforce all of the traffic laws of this state on  
 394 all the streets and highways thereof and elsewhere throughout  
 395 the state wherever the public has a right to travel by motor  
 396 vehicle.

397       b. University police officers may ~~shall have authority to~~  
 398 enforce all of the traffic laws of this state when violations  
 399 occur on or within 1,000 feet of any property or facilities that  
 400 are under the guidance, supervision, regulation, or control of a  
 401 state university, a direct-support organization of such state  
 402 university, or any other organization controlled by the state  
 403 university or a direct-support organization of the state  
 404 university, or when such violations occur within a specified  
 405 jurisdictional area as agreed upon in a mutual aid agreement  
 406 entered into with a law enforcement agency pursuant to s.  
 407 23.1225(1). Traffic laws may also be enforced off-campus when  
 408 hot pursuit originates on or within 1,000 feet of any such  
 409 property or facilities, or as agreed upon in accordance with the  
 410 mutual aid agreement.

411       c. Community college police officers may ~~shall have the~~  
 412 ~~authority to~~ enforce all the traffic laws of this state only  
 413 when such violations occur on any property or facilities that  
 414 are under the guidance, supervision, regulation, or control of  
 415 the community college system.

416       d. Police officers employed by an airport authority may  
 417 ~~shall have the authority to~~ enforce all of the traffic laws of  
 418 this state only when such violations occur on any property or

419 facilities that are owned or operated by an airport authority.

420 (I) An airport authority may employ as a parking  
 421 enforcement specialist any individual who successfully completes  
 422 a training program established and approved by the Criminal  
 423 Justice Standards and Training Commission for parking  
 424 enforcement specialists but who does not otherwise meet the  
 425 uniform minimum standards established by the commission for law  
 426 enforcement officers or auxiliary or part-time officers under s.  
 427 943.12. ~~Nothing in~~ This sub-sub-subparagraph may not ~~shall~~ be  
 428 construed to permit the carrying of firearms or other weapons,  
 429 nor shall such parking enforcement specialist have arrest  
 430 authority.

431 (II) A parking enforcement specialist employed by an  
 432 airport authority may ~~is authorized to~~ enforce all state,  
 433 county, and municipal laws and ordinances governing parking only  
 434 when such violations are on property or facilities owned or  
 435 operated by the airport authority employing the specialist, by  
 436 appropriate state, county, or municipal traffic citation.

437 e. The Office of Agricultural Law Enforcement of the  
 438 Department of Agriculture and Consumer Services may ~~shall have~~  
 439 ~~the authority to~~ enforce traffic laws of this state.

440 f. School safety officers may ~~shall have the authority to~~  
 441 enforce all of the traffic laws of this state when such  
 442 violations occur on or about any property or facilities that  
 443 ~~which~~ are under the guidance, supervision, regulation, or  
 444 control of the district school board.

445 2. An agency of the state as described in subparagraph 1.  
 446 is prohibited from establishing a traffic citation quota. A



447 violation of this subparagraph is not subject to the penalties  
448 provided in chapter 318.

449 3. Any disciplinary action taken or performance evaluation  
450 conducted by an agency of the state as described in subparagraph  
451 1. of a law enforcement officer's traffic enforcement activity  
452 must be in accordance with written work-performance standards.  
453 Such standards must be approved by the agency and any collective  
454 bargaining unit representing such law enforcement officer. A  
455 violation of this subparagraph is not subject to the penalties  
456 provided in chapter 318.

457 4. The Division of the Florida Highway Patrol may employ  
458 as a traffic accident investigation officer any individual who  
459 successfully completes instruction in traffic accident  
460 investigation and court presentation through the Selective  
461 Traffic Enforcement Program as approved by the Criminal Justice  
462 Standards and Training Commission and funded through the  
463 National Highway Traffic Safety Administration or a similar  
464 program approved by the commission, but who does not necessarily  
465 meet the uniform minimum standards established by the commission  
466 for law enforcement officers or auxiliary law enforcement  
467 officers under chapter 943. Any such traffic accident  
468 investigation officer who makes an investigation at the scene of  
469 a traffic accident may issue traffic citations, based upon  
470 personal investigation, when he or she has reasonable and  
471 probable grounds to believe that a person who was involved in  
472 the accident committed an offense under this chapter, chapter  
473 319, chapter 320, or chapter 322 in connection with the  
474 accident. This subparagraph does not permit the officer to carry

CS/CS/HB 1383

2012

475 | firearms or other weapons, and such an officer does not have  
 476 | authority to make arrests.

477 |       Section 14. Subsection (4) of section 375.041, Florida  
 478 | Statutes, is amended to read:

479 |       375.041 Land Acquisition Trust Fund.—

480 |       (4) The department may disburse moneys in the Land  
 481 | Acquisition Trust Fund to pay all necessary expenses to carry  
 482 | out the purposes of this act. The department shall disburse  
 483 | moneys from the Land Acquisition Trust Fund to the Fish and  
 484 | Wildlife Conservation Commission for the purpose of funding law  
 485 | enforcement services on state lands.

486 |       Section 15. Subsection (5) of section 376.065, Florida  
 487 | Statutes, is amended to read:

488 |       376.065 Operation of terminal facility without discharge  
 489 | prevention and response certificate prohibited; penalty.—

490 |       (5) (a) A ~~Any~~ person who violates this section or the terms  
 491 | and requirements of such certification commits a noncriminal  
 492 | infraction. The civil penalty for any such infraction shall be  
 493 | \$500, except as otherwise provided in this section.

494 |       (b) A ~~Any~~ person cited for an infraction under this  
 495 | section may:

- 496 |       1. Pay the civil penalty;
- 497 |       2. Post a bond equal to the amount of the applicable civil  
 498 | penalty; or
- 499 |       3. Sign and accept a citation indicating a promise to  
 500 | appear before the county court.

501 |  
 502 | The department employee ~~officer~~ authorized to issue these

CS/CS/HB 1383

2012

503 citations may indicate on the citation the time and location of  
504 the scheduled hearing and shall indicate the applicable civil  
505 penalty.

506 (c) A ~~Any~~ person who willfully refuses to post bond or  
507 accept and sign a citation commits a misdemeanor of the second  
508 degree, punishable as provided in s. 775.082 or s. 775.083.

509 (d) After compliance with ~~the provisions of~~ subparagraph  
510 (b)2. or subparagraph (b)3., a ~~any~~ person charged with a  
511 noncriminal infraction under this section may:

512 1. Pay the civil penalty, either by mail or in person,  
513 within 30 days after the date of receiving the citation; or

514 2. If the person has posted bond, forfeit the bond by not  
515 appearing at the designated time and location.

516

517 A person cited for an infraction under this section who pays the  
518 civil penalty or forfeits the bond has admitted the infraction  
519 and waives the right to a hearing on the issue of commission of  
520 the infraction. Such admission may not be used as evidence in  
521 any other proceedings.

522 (e) A ~~Any~~ person who elects to appear before the county  
523 court or who is required to so appear waives the limitations of  
524 the civil penalty specified in paragraph (a). The court, after a  
525 hearing, shall make a determination as to whether an infraction  
526 has been committed. If the commission of the infraction is  
527 proved, the court shall impose a civil penalty of \$500.

528 (f) At a hearing under this subsection, the commission of  
529 a charged infraction must be proved by the greater weight of the  
530 evidence.

531 (g) A person who is found by the hearing official to have  
 532 committed an infraction may appeal that finding to the circuit  
 533 court.

534 (h) A ~~Any~~ person who has not posted bond and who fails  
 535 either to pay the fine specified in paragraph (a) within 30 days  
 536 after receipt of the citation or to appear before the court  
 537 commits a misdemeanor of the second degree, punishable as  
 538 provided in s. 775.082 or s. 775.083.

539 Section 16. Subsection (3) of section 376.07, Florida  
 540 Statutes, is amended to read:

541 376.07 Regulatory powers of department; penalties for  
 542 inadequate booming by terminal facilities.—

543 (3) The department shall not require vessels to maintain  
 544 discharge prevention gear, holding tanks, and containment gear  
 545 which exceed federal requirements. However, a terminal facility  
 546 transferring heavy oil to or from a vessel with a heavy oil  
 547 storage capacity greater than 10,000 gallons shall be required,  
 548 considering existing weather and tidal conditions, to adequately  
 549 boom or seal off the transfer area during a transfer, including,  
 550 but not limited to, a bunkering operation, to minimize the  
 551 escape of such pollutants from the containment area. As used in  
 552 this subsection, the term "adequate booming" means booming with  
 553 proper containment equipment which is employed and located for  
 554 the purpose of preventing, for the most likely discharge, as  
 555 much of the pollutant as possible from escaping out of the  
 556 containment area.

557 (a) The owner or operator of a terminal facility involved  
 558 in the transfer of such pollutant to or from a vessel which is

CS/CS/HB 1383

2012

559 not adequately boomed commits a noncriminal infraction and shall  
560 be cited for such infraction. The civil penalty for such an  
561 infraction shall be \$2,500, except as otherwise provided in this  
562 section.

563 (b) A ~~Any~~ person cited for an infraction under this  
564 section may:

- 565 1. Pay the civil penalty;
- 566 2. Post bond equal to the amount of the applicable civil  
567 penalty; or
- 568 3. Sign and accept a citation indicating a promise to  
569 appear before the county court.

570

571 The department employee ~~officer~~ authorized to issue these  
572 citations may indicate on the citation the time and location of  
573 the scheduled hearing and shall indicate the applicable civil  
574 penalty.

575 (c) A ~~Any~~ person who willfully refuses to post bond or  
576 accept and sign a citation commits a misdemeanor of the second  
577 degree, punishable as provided in s. 775.082 or s. 775.083.

578 (d) After compliance with subparagraph (b)2. or  
579 subparagraph (b)3., a ~~any~~ person charged with a noncriminal  
580 infraction under this section may:

- 581 1. Pay the civil penalty, either by mail or in person,  
582 within 30 days after the date of receiving the citation; or
- 583 2. If the person has posted bond, forfeit the bond by not  
584 appearing at the designated time and location.

585

586 A person cited for an infraction under this section who pays the

587 civil penalty or forfeits the bond has admitted the infraction  
 588 and waives the right to a hearing on the issue of commission of  
 589 the infraction. Such admission may not be used as evidence in  
 590 any other proceedings.

591 (e) A ~~Any~~ person who elects to appear before the county  
 592 court or who is required to appear waives the limitations of the  
 593 civil penalty specified in paragraph (a). The issue of whether  
 594 an infraction has been committed and the severity of the  
 595 infraction shall be determined by a hearing official at a  
 596 hearing. If the commission of the infraction is proved by the  
 597 greater weight of the evidence, the court shall impose a civil  
 598 penalty of \$2,500. If the court determines that the owner or  
 599 operator of the terminal facility failed to deploy any boom  
 600 equipment during such a transfer, including, but not limited to,  
 601 a bunkering operation, the civil penalty shall be \$5,000.

602 (f) A person who is found by the hearing official to have  
 603 committed an infraction may appeal that finding to the circuit  
 604 court.

605 (g) A ~~Any~~ person who has not posted bond and who fails  
 606 either to pay the civil penalty specified in paragraph (a)  
 607 within 30 days after receipt of the citation or to appear before  
 608 the court commits a misdemeanor of the second degree, punishable  
 609 as provided in s. 775.082 or s. 775.083.

610 Section 17. Subsection (2) of section 376.071, Florida  
 611 Statutes, is amended to read:

612 376.071 Discharge contingency plan for vessels.—

613 (2) (a) A ~~Any~~ master of a vessel that ~~which~~ violates  
 614 subsection (1) commits a noncriminal infraction and shall be

615 cited for such infraction. The civil penalty for such an  
 616 infraction shall be \$5,000, except as otherwise provided in this  
 617 subsection.

618 (b) A ~~Any~~ person charged with a noncriminal infraction  
 619 under this section may:

- 620 1. Pay the civil penalty;
- 621 2. Post bond equal to the amount of the applicable civil  
 622 penalty; or
- 623 3. Sign and accept a citation indicating a promise to  
 624 appear before the county court for the county in which the  
 625 violation occurred or the county closest to the location at  
 626 which the violation occurred.

627  
 628 The department employee ~~officer~~ authorized to issue these  
 629 citations may indicate on the citation the time and location of  
 630 the scheduled hearing and shall indicate the applicable civil  
 631 penalty.

632 (c) A ~~Any~~ person who willfully refuses to post bond or  
 633 accept and sign a citation commits a misdemeanor of the second  
 634 degree, punishable as provided in s. 775.082 or s. 775.083.

635 (d) After complying with the provisions of subparagraph  
 636 (b)2. or subparagraph (b)3., a ~~any~~ person charged with a  
 637 noncriminal infraction under this section may:

- 638 1. Pay the civil penalty, either by mail or in person,  
 639 within 30 days after the date of receiving the citation; or
- 640 2. If the person has posted bond, forfeit the bond by not  
 641 appearing at the designated time and location.

642

643 A person cited for an infraction under this section who pays the  
 644 civil penalty or forfeits the bond has admitted the infraction  
 645 and waives the right to a hearing on the issue of commission of  
 646 the infraction. Such admission may not be used as evidence in  
 647 any other proceedings.

648 (e) A ~~Any~~ person who elects to appear before the county  
 649 court or who is required to appear waives the limitations of the  
 650 civil penalty specified in paragraph (a). The court, after a  
 651 hearing, shall make a determination as to whether an infraction  
 652 has been committed. If the commission of the infraction is  
 653 proved, the court shall impose a civil penalty of \$5,000.

654 (f) At a hearing under this subsection, the commission of  
 655 a charged infraction must be proved by the greater weight of the  
 656 evidence.

657 (g) A person who is found by the hearing official to have  
 658 committed an infraction may appeal that finding to the circuit  
 659 court.

660 (h) A ~~Any~~ person who has not posted bond and who fails  
 661 either to pay the civil penalty specified in paragraph (a)  
 662 within 30 days after receipt of the citation or to appear before  
 663 the court commits a misdemeanor of the second degree, punishable  
 664 as provided in s. 775.082 or s. 775.083.

665 Section 18. Subsection (4) of section 376.16, Florida  
 666 Statutes, is amended to read:

667 376.16 Enforcement and penalties.—

668 (4) A ~~Any~~ person charged with a noncriminal infraction  
 669 pursuant to subsection (2) or subsection (3) may:

670 (a) Pay the civil penalty;



671 (b) Post a bond equal to the amount of the applicable  
 672 civil penalty; or

673 (c) Sign and accept a citation indicating a promise to  
 674 appear before the county court.

675  
 676 The department employee ~~officer~~ authorized to issue these  
 677 citations may indicate on the citation the time and location of  
 678 the scheduled hearing and shall indicate the applicable civil  
 679 penalty.

680 Section 19. Paragraph (q) is added to subsection (4) of  
 681 section 376.3071, Florida Statutes, to read:

682 376.3071 Inland Protection Trust Fund; creation; purposes;  
 683 funding.—

684 (4) USES.—Whenever, in its determination, incidents of  
 685 inland contamination related to the storage of petroleum or  
 686 petroleum products may pose a threat to the environment or the  
 687 public health, safety, or welfare, the department shall obligate  
 688 moneys available in the fund to provide for:

689 (q) Enforcement of this section and ss. 376.30-376.317 by  
 690 the Fish and Wildlife Conservation Commission. The department  
 691 shall disburse moneys to the commission for such purpose.

692  
 693 The Inland Protection Trust Fund may only be used to fund the  
 694 activities in ss. 376.30-376.317 except ss. 376.3078 and  
 695 376.3079. Amounts on deposit in the Inland Protection Trust Fund  
 696 in each fiscal year shall first be applied or allocated for the  
 697 payment of amounts payable by the department pursuant to  
 698 paragraph (o) under a service contract entered into by the

699 department pursuant to s. 376.3075 and appropriated in each year  
 700 by the Legislature prior to making or providing for other  
 701 disbursements from the fund. Nothing in this subsection shall  
 702 authorize the use of the Inland Protection Trust Fund for  
 703 cleanup of contamination caused primarily by a discharge of  
 704 solvents as defined in s. 206.9925(6), or polychlorinated  
 705 biphenyls when their presence causes them to be hazardous  
 706 wastes, except solvent contamination which is the result of  
 707 chemical or physical breakdown of petroleum products and is  
 708 otherwise eligible. Facilities used primarily for the storage of  
 709 motor or diesel fuels as defined in ss. 206.01 and 206.86 shall  
 710 be presumed not to be excluded from eligibility pursuant to this  
 711 section.

712 Section 20. Section 379.3311, Florida Statutes, is amended  
 713 to read:

714 379.3311 Police powers of commission and its agents.—

715 (1) The ~~Fish and Wildlife Conservation~~ commission, the  
 716 executive director and the executive director's assistants  
 717 designated by her or him, and each commission wildlife officer  
 718 are constituted peace officers with the power to make arrests  
 719 for violations of the laws of this state when committed in the  
 720 presence of the officer or when committed on lands under the  
 721 supervision and management of the commission, the department,  
 722 the Board of Trustees of the Internal Improvement Trust Fund, or  
 723 the Department of Agricultural and Consumer Services, including  
 724 state parks, coastal and aquatic managed areas, and greenways  
 725 and trails. The general laws applicable to arrests by peace  
 726 officers of this state shall also be applicable to such said

727 director, assistants, and commission ~~wildlife~~ officers. Such  
 728 persons may enter upon any land or waters of the state for  
 729 performance of their lawful duties and may take with them any  
 730 necessary equipment, and such entry does ~~shall~~ not constitute a  
 731 trespass.

732 (2) Such officers may ~~shall have power and authority to~~  
 733 enforce throughout the state all laws relating to game, nongame  
 734 birds, fish, and fur-bearing animals and all rules and  
 735 regulations of the ~~Fish and Wildlife Conservation~~ commission  
 736 relating to wild animal life, marine life, and freshwater  
 737 aquatic life, and in connection with such ~~said~~ laws, rules, and  
 738 regulations, in the enforcement thereof and in the performance  
 739 of their duties thereunder, to:

- 740 (a) Go upon all premises, posted or otherwise;
- 741 (b) Execute warrants and search warrants for the violation  
 742 of such ~~said~~ laws;
- 743 (c) Serve subpoenas issued for the examination,  
 744 investigation, and trial of all offenses against such ~~said~~ laws;
- 745 (d) Carry firearms or other weapons, concealed or  
 746 otherwise, in the performance of their duties;
- 747 (e) Arrest upon probable cause without warrant any person  
 748 found in the act of violating any such ~~of the provisions of said~~  
 749 laws or, in pursuit immediately following such violations, to  
 750 examine any person, boat, conveyance, vehicle, game bag, game  
 751 coat, or other receptacle for wild animal life, marine life, or  
 752 freshwater aquatic life, or any camp, tent, cabin, or roster, in  
 753 the presence of any person stopping at or belonging to such  
 754 camp, tent, cabin, or roster, when such ~~said~~ officer has reason

CS/CS/HB 1383

2012

755 to believe, and has exhibited her or his authority and stated to  
 756 the suspected person in charge the officer's reason for  
 757 believing, that any of the aforesaid laws have been violated at  
 758 such camp;

759 (f) Secure and execute search warrants and in pursuance  
 760 thereof to enter any building, enclosure, or car and to break  
 761 open, when found necessary, any apartment, chest, locker, box,  
 762 trunk, crate, basket, bag, package, or container and examine the  
 763 contents thereof;

764 (g) Seize and take possession of all wild animal life,  
 765 marine life, or freshwater aquatic life taken or in possession  
 766 or under control of, or shipped or about to be shipped by, any  
 767 person at any time in any manner contrary to such ~~said~~ laws.

768 (3) It is unlawful for any person to resist an arrest  
 769 authorized by this section or in any manner to interfere, either  
 770 by abetting, assisting such resistance, or otherwise interfering  
 771 with such ~~said~~ executive director, assistants, or commission  
 772 ~~wildlife~~ officers while engaged in the performance of the duties  
 773 imposed upon them by law or regulation of the ~~Fish and Wildlife~~  
 774 Conservation commission, the department, the Board of Trustees  
 775 of the Internal Improvement Trust Fund, or the Department of  
 776 Agriculture and Consumer Services.

777 (4) Upon final disposition of any alleged offense for  
 778 which a citation for any violation of this chapter or the rules  
 779 of the commission has been issued, the court shall, within 10  
 780 days after the final disposition of the action, certify the  
 781 disposition to the commission.

782 Section 21. Section 379.3312, Florida Statutes, is amended

783 to read:

784 379.3312 Powers of arrest by agents of ~~Department of~~  
 785 ~~Environmental Protection or Fish and Wildlife Conservation~~  
 786 commission.—Any certified law enforcement officer of the  
 787 ~~Department of Environmental Protection or the Fish and Wildlife~~  
 788 ~~Conservation~~ commission, upon receiving information, relayed to  
 789 her or him from any law enforcement officer stationed on the  
 790 ground, on the water, or in the air, that a driver, operator, or  
 791 occupant of any vehicle, boat, or airboat has violated any  
 792 section of chapter 327, chapter 328, or this chapter, or s.  
 793 597.010 or s. 597.020, may arrest the driver, operator, or  
 794 occupant for violation of such ~~said~~ laws when reasonable and  
 795 proper identification of the vehicle, boat, or airboat and  
 796 reasonable and probable grounds to believe that the driver,  
 797 operator, or occupant has committed or is committing any such  
 798 offense have been communicated to the arresting officer by the  
 799 other officer stationed on the ground, on the water, or in the  
 800 air.

801 Section 22. Subsection (1) of section 379.3313, Florida  
 802 Statutes, is amended to read:

803 379.3313 Powers of commission law enforcement officers.—

804 (1) Law enforcement officers of the commission are  
 805 constituted law enforcement officers of this state with full  
 806 power to investigate and arrest for any violation of the laws of  
 807 this state and the rules of the commission, the department, the  
 808 Board of Trustees of the Internal Improvement Trust Fund, and  
 809 the Department of Agriculture and Consumer Services under their  
 810 jurisdiction. The general laws applicable to arrests by peace

811 officers of this state shall also be applicable to law  
812 enforcement officers of the commission. Such law enforcement  
813 officers may enter upon any land or waters of the state for  
814 performance of their lawful duties and may take with them any  
815 necessary equipment, and such entry will not constitute a  
816 trespass. It is lawful for any boat, motor vehicle, or aircraft  
817 owned or chartered by the commission or its agents or employees  
818 to land on and depart from any of the beaches or waters of the  
819 state. Such law enforcement officers have the authority, without  
820 warrant, to board, inspect, and search any boat, fishing  
821 appliance, storage or processing plant, fishhouse, spongehouse,  
822 oysterhouse, or other warehouse, building, or vehicle engaged in  
823 transporting or storing any fish or fishery products. Such  
824 authority to search and inspect without a search warrant is  
825 limited to those cases in which such law enforcement officers  
826 have reason to believe that fish or any saltwater products are  
827 taken or kept for sale, barter, transportation, or other  
828 purposes in violation of laws or rules adopted ~~promulgated~~ under  
829 this law. ~~Any~~ Such law enforcement officers ~~officer~~ may at any  
830 time seize or take possession of any saltwater products or  
831 contraband which have been unlawfully caught, taken, or  
832 processed or which are unlawfully possessed or transported in  
833 violation of any of the laws of this state or any rule of the  
834 commission. Such law enforcement officers may arrest any person  
835 in the act of violating ~~any of the provisions of~~ this law, the  
836 rules of the commission, or any of the laws of this state. It is  
837 ~~hereby declared~~ unlawful for a ~~any~~ person to resist such arrest  
838 or in any manner interfere, either by abetting or assisting such

CS/CS/HB 1383

2012

839 resistance or otherwise interfering, with any such law  
 840 enforcement officer while engaged in the performance of the  
 841 duties imposed upon him or her by law or rule of the commission.

842 Section 23. Subsections (1) and (2) of section 379.333,  
 843 Florida Statutes, are amended to read:

844 379.333 Arrest by officers of the ~~Fish and Wildlife~~  
 845 ~~Conservation~~ commission; recognizance; cash bond; citation.—

846 (1) In all cases of arrest by officers of the ~~Fish and~~  
 847 ~~Wildlife Conservation~~ commission ~~and the Department of~~  
 848 ~~Environmental Protection~~, the person arrested shall be delivered  
 849 forthwith by such ~~said~~ officer to the sheriff of the county, or  
 850 shall obtain from such person arrested a recognizance or, if  
 851 deemed necessary, a cash bond or other sufficient security  
 852 conditioned for her or his appearance before the proper tribunal  
 853 of such county to answer the charge for which the person has  
 854 been arrested.

855 (2) All officers of the commission shall ~~and the~~  
 856 ~~department are hereby directed to~~ deliver all bonds accepted and  
 857 approved by them to the sheriff of the county in which the  
 858 offense is alleged to have been committed.

859 Section 24. Subsection (1) of section 379.341, Florida  
 860 Statutes, is amended to read:

861 379.341 Disposition of illegal fishing devices; exercise  
 862 of police power.—

863 (1) In all cases of arrest and conviction for use of  
 864 illegal nets or traps or fishing devices, as provided in this  
 865 chapter, such illegal net, trap, or fishing device is declared  
 866 to be a nuisance and shall be seized and carried before the

CS/CS/HB 1383

2012

867 court having jurisdiction of such offense and such ~~said~~ court  
 868 shall order such illegal trap, net, or fishing device forfeited  
 869 to the commission immediately after trial and conviction of the  
 870 person in whose possession they were found. When any illegal  
 871 net, trap, or fishing device is found in the fresh waters of the  
 872 state, and its ~~the~~ owner is ~~of same shall~~ not be known to the  
 873 officer finding it ~~the same~~, such officer shall immediately  
 874 procure from the county court judge an order forfeiting such  
 875 ~~said~~ illegal net, trap, or fishing device to the commission. The  
 876 commission may destroy such illegal net, trap, or fishing  
 877 device, if in its judgment such ~~said~~ net, trap, or fishing  
 878 device is not of value in the work of the commission ~~department~~.

879 Section 25. Section 379.343, Florida Statutes, is amended  
 880 to read:

881 379.343 Rewards.—The Fish and Wildlife Conservation  
 882 Commission is authorized to offer rewards in amounts of up to  
 883 \$500 to any person furnishing information leading to the arrest  
 884 and conviction of any person who has inflicted or attempted to  
 885 inflict bodily injury upon any commission ~~wildlife~~ officer  
 886 engaged in the enforcement of the provisions of this chapter or  
 887 the rules and regulations of the Fish and Wildlife Conservation  
 888 Commission.

889 Section 26. Subsection (2) of section 403.413, Florida  
 890 Statutes, is amended to read:

891 403.413 Florida Litter Law.—

892 (2) DEFINITIONS.—As used in this section:

893 (f) ~~(a)~~ "Litter" means any garbage; rubbish; trash; refuse;  
 894 can; bottle; box; container; paper; tobacco product; tire;



895 | appliance; mechanical equipment or part; building or  
 896 | construction material; tool; machinery; wood; motor vehicle or  
 897 | motor vehicle part; vessel; aircraft; farm machinery or  
 898 | equipment; sludge from a waste treatment facility, water supply  
 899 | treatment plant, or air pollution control facility; or substance  
 900 | in any form resulting from domestic, industrial, commercial,  
 901 | mining, agricultural, or governmental operations.

902 |     (h)~~(b)~~ "Person" means any individual, firm, sole  
 903 | proprietorship, partnership, corporation, or unincorporated  
 904 | association.

905 |     (e)~~(e)~~ "Law enforcement officer" means any officer of the  
 906 | Florida Highway Patrol, a county sheriff's department, a  
 907 | municipal law enforcement department, a law enforcement  
 908 | department of any other political subdivision, ~~the department,~~  
 909 | or the Fish and Wildlife Conservation Commission. In addition,  
 910 | and solely for the purposes of this section, "law enforcement  
 911 | officer" means any employee of a county or municipal park or  
 912 | recreation department designated by the department head as a  
 913 | litter enforcement officer.

914 |     (a)~~(d)~~ "Aircraft" means a motor vehicle or other vehicle  
 915 | that is used or designed to fly but does not include a parachute  
 916 | or any other device used primarily as safety equipment.

917 |     (b)~~(e)~~ "Commercial purpose" means for the purpose of  
 918 | economic gain.

919 |     (c)~~(f)~~ "Commercial vehicle" means a vehicle that is owned  
 920 | or used by a business, corporation, association, partnership, or  
 921 | sole proprietorship or any other entity conducting business for  
 922 | a commercial purpose.

CS/CS/HB 1383

2012

923        (d) ~~(g)~~ "Dump" means to dump, throw, discard, place,  
 924 deposit, or dispose of.

925        (g) ~~(h)~~ "Motor vehicle" means an automobile, motorcycle,  
 926 truck, trailer, semitrailer, truck tractor, or semitrailer  
 927 combination or any other vehicle that is powered by a motor.

928        (i) "Vessel" means a boat, barge, or airboat or any other  
 929 vehicle used for transportation on water.

930        Section 27. Paragraph (d) of subsection (1) of section  
 931 784.07, Florida Statutes, is amended to read:

932        784.07 Assault or battery of law enforcement officers,  
 933 firefighters, emergency medical care providers, public transit  
 934 employees or agents, or other specified officers;  
 935 reclassification of offenses; minimum sentences.—

936        (1) As used in this section, the term:

937        (d) "Law enforcement officer" includes a law enforcement  
 938 officer, a correctional officer, a correctional probation  
 939 officer, a part-time law enforcement officer, a part-time  
 940 correctional officer, an auxiliary law enforcement officer, and  
 941 an auxiliary correctional officer, as those terms are  
 942 respectively defined in s. 943.10, and any county probation  
 943 officer; an employee or agent of the Department of Corrections  
 944 who supervises or provides services to inmates; an officer of  
 945 the Parole Commission; a federal law enforcement officer as  
 946 defined in s. 901.1505; and law enforcement personnel of the  
 947 Fish and Wildlife Conservation Commission, ~~the Department of~~  
 948 ~~Environmental Protection,~~ or the Department of Law Enforcement.

949        Section 28. Section 843.08, Florida Statutes, is amended  
 950 to read:

CS/CS/HB 1383

2012

951           843.08 Falsely personating officer, etc.—A person who  
 952 falsely assumes or pretends to be a sheriff, officer of the  
 953 Florida Highway Patrol, officer of the Fish and Wildlife  
 954 Conservation Commission, ~~officer of the Department of~~  
 955 ~~Environmental Protection,~~ officer of the Department of  
 956 Transportation, officer of the Department of Financial Services,  
 957 officer of the Department of Corrections, correctional probation  
 958 officer, deputy sheriff, state attorney or assistant state  
 959 attorney, statewide prosecutor or assistant statewide  
 960 prosecutor, state attorney investigator, coroner, police  
 961 officer, lottery special agent or lottery investigator, beverage  
 962 enforcement agent, or watchman, or any member of the Parole  
 963 Commission and any administrative aide or supervisor employed by  
 964 the commission, or any personnel or representative of the  
 965 Department of Law Enforcement, or a federal law enforcement  
 966 officer as defined in s. 901.1505, and takes upon himself or  
 967 herself to act as such, or to require any other person to aid or  
 968 assist him or her in a matter pertaining to the duty of any such  
 969 officer, commits a felony of the third degree, punishable as  
 970 provided in s. 775.082, s. 775.083, or s. 775.084.‡ However, a  
 971 person who falsely personates any such officer during the course  
 972 of the commission of a felony commits a felony of the second  
 973 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 974 775.084.~~‡; except that~~ If the commission of the felony results in  
 975 the death or personal injury of another human being, the person  
 976 commits a felony of the first degree, punishable as provided in  
 977 s. 775.082, s. 775.083, or s. 775.084.

978           Section 29. Section 843.085, Florida Statutes, is amended

979 to read:

980 843.085 Unlawful use of police badges or other indicia of  
 981 authority.—It is unlawful for any person:

982 (1) Unless appointed by the Governor pursuant to chapter  
 983 354, authorized by the appropriate agency, or displayed in a  
 984 closed or mounted case as a collection or exhibit, to wear or  
 985 display any authorized indicia of authority, including any  
 986 badge, insignia, emblem, identification card, or uniform, or any  
 987 colorable imitation thereof, of any federal, state, county, or  
 988 municipal law enforcement agency, or other criminal justice  
 989 agency as now or hereafter defined in s. 943.045, which could  
 990 deceive a reasonable person into believing that such item is  
 991 authorized by any of the agencies described above for use by the  
 992 person displaying or wearing it, or which displays in any manner  
 993 or combination the word or words "police," "patrolman," "agent,"  
 994 "sheriff," "deputy," "trooper," "highway patrol," "commission  
 995 officer," "Wildlife Officer," "Marine Patrol Officer," "state  
 996 attorney," "public defender," "marshal," "constable," or  
 997 "bailiff," which could deceive a reasonable person into  
 998 believing that such item is authorized by any of the agencies  
 999 described above for use by the person displaying or wearing it.

1000 (2) To own or operate a motor vehicle marked or identified  
 1001 in any manner or combination by the word or words "police,"  
 1002 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"  
 1003 "commission officer," "Wildlife Officer," "Marine Patrol  
 1004 Officer," "marshal," "constable," or "bailiff," or by any  
 1005 lettering, marking, or insignia, or colorable imitation thereof,  
 1006 including, but not limited to, stars, badges, or shields,

CS/CS/HB 1383

2012

1007 | officially used to identify the vehicle as a federal, state,  
1008 | county, or municipal law enforcement vehicle or a vehicle used  
1009 | by a criminal justice agency as now or hereafter defined in s.  
1010 | 943.045, which could deceive a reasonable person into believing  
1011 | that such vehicle is authorized by any of the agencies described  
1012 | above for use by the person operating the motor vehicle, unless  
1013 | such vehicle is owned or operated by the appropriate agency and  
1014 | its use is authorized by such agency, or the local law  
1015 | enforcement agency authorizes the use of such vehicle or unless  
1016 | the person is appointed by the Governor pursuant to chapter 354.

1017 |       (3) To sell, transfer, or give away the authorized badge,  
1018 | or colorable imitation thereof, including miniatures, of any  
1019 | criminal justice agency as now or hereafter defined in s.  
1020 | 943.045, or bearing in any manner or combination the word or  
1021 | words "police," "patrolman," "sheriff," "deputy," "trooper,"  
1022 | "highway patrol," "commission officer," "Wildlife Officer,"  
1023 | "Marine Patrol Officer," "marshal," "constable," "agent," "state  
1024 | attorney," "public defender," or "bailiff," which could deceive  
1025 | a reasonable person into believing that such item is authorized  
1026 | by any of the agencies described above, except for agency  
1027 | purchases or upon the presentation and recordation of both a  
1028 | driver's license and other identification showing any transferee  
1029 | to actually be a member of such criminal justice agency or  
1030 | unless the person is appointed by the Governor pursuant to  
1031 | chapter 354. A transferor of an item covered by this subsection  
1032 | is required to maintain for 2 years a written record of such  
1033 | transaction, including records showing compliance with this  
1034 | subsection, and if such transferor is a business, it shall make

CS/CS/HB 1383

2012

1035 such records available during normal business hours for  
 1036 inspection by any law enforcement agency having jurisdiction in  
 1037 the area where the business is located.

1038 (4) Nothing in this section shall prohibit a fraternal,  
 1039 benevolent, or labor organization or association, or their  
 1040 chapters or subsidiaries, from using the following words, in any  
 1041 manner or in any combination, if those words appear in the  
 1042 official name of the organization or association: "police,"  
 1043 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"  
 1044 "commission officer," "Wildlife Officer," "Marine Patrol  
 1045 Officer," "marshal," "constable," or "bailiff."

1046 (5) Violation of any provision of this section is a  
 1047 misdemeanor of the first degree, punishable as provided in s.  
 1048 775.082 or s. 775.083. This section is cumulative to any law now  
 1049 in force in the state.

1050 Section 30. Section 870.04, Florida Statutes, is amended  
 1051 to read:

1052 870.04 Specified officers to disperse riotous assembly.—If  
 1053 any number of persons, whether armed or not, are unlawfully,  
 1054 riotously, or tumultuously assembled in any county, city, or  
 1055 municipality, the sheriff or the sheriff's deputies, or the  
 1056 mayor, or any commissioner, council member, alderman, or police  
 1057 officer of the ~~said~~ city or municipality, or any officer or  
 1058 member of the Florida Highway Patrol, or any officer or agent of  
 1059 the Fish and Wildlife Conservation Commission, ~~Department of~~  
 1060 ~~Environmental Protection,~~ any ~~or~~ beverage enforcement agent, any  
 1061 personnel or representatives of the Department of Law  
 1062 Enforcement or its successor, or any other peace officer, shall

CS/CS/HB 1383

2012

1063 go among the persons so assembled, or as near to them as may be  
 1064 done with safety, and shall in the name of the state command all  
 1065 the persons so assembled immediately and peaceably to disperse. +  
 1066 ~~and~~ If such persons do not thereupon immediately and peaceably  
 1067 disperse, such ~~said~~ officers shall command the assistance of all  
 1068 such persons in seizing, arresting, and securing such persons in  
 1069 custody. ~~+~~ ~~and~~ If any person present being so commanded to aid  
 1070 and assist in seizing and securing such rioter or persons so  
 1071 unlawfully assembled, or in suppressing such riot or unlawful  
 1072 assembly, refuses or neglects to obey such command, or, when  
 1073 required by such officers to depart from the place, refuses and  
 1074 neglects to do so, the person shall be deemed one of the rioters  
 1075 or persons unlawfully assembled, and may be prosecuted and  
 1076 punished accordingly.

1077 Section 31. Paragraphs (c) through (n) of subsection (6)  
 1078 of section 932.7055, Florida Statutes, are redesignated as  
 1079 paragraphs (b) through (m), respectively, and present paragraph  
 1080 (b) of that subsection is amended to read:

1081 932.7055 Disposition of liens and forfeited property.—

1082 (6) If the seizing agency is a state agency, all remaining  
 1083 proceeds shall be deposited into the General Revenue Fund.

1084 However, if the seizing agency is:

1085 ~~(b) The Department of Environmental Protection, the~~  
 1086 ~~proceeds accrued pursuant to the provisions of the Florida~~  
 1087 ~~Contraband Forfeiture Act shall be deposited into the Internal~~  
 1088 ~~Improvement Trust Fund.~~

1089 Section 32. This act shall take effect July 1, 2012.