

1 A bill to be entitled
2 An act relating to general government; amending
3 s. 372.672, F.S.; clarifying uses of funds in
4 the Florida Panther Research and Management
5 Trust Fund; amending s. 259.101, F.S., relating
6 to the Florida Preservation 2000 Act; providing
7 funds for the purchase of lands necessary to
8 restore Lake Apopka; amending s. 376.11, F.S.;
9 clarifying uses of funds in the Florida Coastal
10 Protection Trust Fund; amending s. 206.606,
11 F.S.; providing for transfer of certain funds
12 each fiscal year to the water management
13 districts for aquatic plant management;
14 amending ss. 369.20, 369.22, 369.25, 369.251,
15 and 369.252, F.S.; transferring authority for
16 aquatic plant control from the Department of
17 Environmental Protection to the water
18 management districts; amending ss. 403.813,
19 581.145, and 597.004, F.S., to conform;
20 amending s. 253.783, F.S.; eliminating a
21 provision prohibiting use of general revenue
22 funds to repay interest owed to counties of the
23 Cross Florida Barge Canal Navigation District;
24 amending s. 61.1812, F.S.; revising funding and
25 uses of the Child Support Incentive Trust Fund;
26 repealing part III of chapter 585, F.S.,
27 relating to animal and animal product
28 inspection and labeling; repealing s. 205.1951,
29 F.S., relating to prerequisites to issuing a
30 local occupational license, to conform;
31 amending ss. 570.50 and 570.51, F.S., relating

1 to duties of the Division of Food Safety, to
2 conform; repealing ss. 828.22-828.26, F.S.,
3 relating to humane slaughter requirements;
4 amending ss. 877.05 and 877.06, F.S., relating
5 to criminal prohibitions applicable to certain
6 slaughtering, to conform; amending s. 215.3206,
7 F.S.; prohibiting encumbrance of funds in a
8 terminated trust fund; providing an effective
9 date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Paragraph (a) of subsection (2) of section
14 372.672, Florida Statutes, is amended to read:

15 372.672 Florida Panther Research and Management Trust
16 Fund.--

17 (2) Money from the fund shall be spent only for the
18 following purposes:

19 (a) To manage and protect existing Florida panther
20 populations by increasing panther food sources where food is a
21 limiting factor, determining conflicts between public use and
22 panther survival, ~~and~~ maintaining sufficient genetic
23 variability in existing populations, and enforcing laws
24 necessary to preserve Florida panthers and their habitat.

25 Section 2. Subsection (3) of section 259.101, Florida
26 Statutes, 1996 Supplement, is amended to read:

27 259.101 Florida Preservation 2000 Act.--

28 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
29 costs of issuance, the costs of funding reserve accounts, and
30 other costs with respect to the bonds, the proceeds of bonds
31 issued pursuant to this act shall be deposited into the

1 Florida Preservation 2000 Trust Fund created by s. 375.045.
2 Ten percent of the proceeds of any bonds deposited into the
3 Preservation 2000 Trust Fund shall be distributed by the
4 Department of Environmental Protection to the Department of
5 Environmental Protection for the purchase by the South Florida
6 Water Management District of lands in Dade, Broward, and Palm
7 Beach Counties identified in s. 7, chapter 95-349, Laws of
8 Florida. This distribution shall apply for any bond issue for
9 the 1995-1996 fiscal year. For the 1997-1998 and 1998-1999
10 fiscal years only, \$20 million per year from the proceeds of
11 any bonds deposited into the Florida Preservation 2000 Trust
12 Fund shall be distributed by the Department of Environmental
13 Protection to the Department of Environmental Protection for
14 the purchase by the St. Johns Water Management District of
15 lands necessary to restore Lake Apopka.The remaining proceeds
16 shall be distributed by the Department of Environmental
17 Protection in the following manner:
18 (a) Fifty percent to the Department of Environmental
19 Protection for the purchase of public lands as described in s.
20 259.032. Of this 50 percent, at least one-fifth shall be used
21 for the acquisition of coastal lands.
22 (b) Thirty percent to the Department of Environmental
23 Protection for the purchase of water management lands pursuant
24 to s. 373.59, to be distributed among the water management
25 districts as provided in that section. Funds received by each
26 district may also be used for acquisition of lands necessary
27 to implement surface water improvement and management plans
28 approved in accordance with s. 373.456 or for acquisition of
29 lands necessary to implement the Everglades Construction
30 Project authorized by s. 373.4592.
31

1 (c) Ten percent to the Department of Community Affairs
 2 to provide land acquisition grants and loans to local
 3 governments through the Florida Communities Trust pursuant to
 4 part III of chapter 380. From funds allocated to the trust,
 5 \$3 million annually shall be used by the Green Swamp Land
 6 Authority specifically for the purchase through land
 7 protection agreements, as defined in s. 380.0677(5), of lands,
 8 or severable interests or rights in lands, in the Green Swamp
 9 Area of Critical State Concern. From funds allocated to the
 10 trust, \$3 million annually shall be used by the Monroe County
 11 Comprehensive Plan Land Authority specifically for the
 12 purchase of any real property interest in either those lands
 13 subject to the Rate of Growth Ordinances adopted by local
 14 governments in Monroe County or those lands within the
 15 boundary of an approved Conservation and Recreation Lands
 16 project located within the Florida Keys or Key West Areas of
 17 Critical State Concern; however, title to lands acquired
 18 within the boundary of an approved Conservation and Recreation
 19 Lands project may, in accordance with an approved joint
 20 acquisition agreement, vest in the Board of Trustees of the
 21 Internal Improvement Trust Fund. Of the remaining funds
 22 allocated to the trust after the above transfers occur,
 23 one-half shall be matched by local governments on a
 24 dollar-for-dollar basis. To the extent allowed by federal
 25 requirements for the use of bond proceeds, the trust shall
 26 expend Preservation 2000 funds to carry out the purposes of
 27 part III of chapter 380.

28 (d) Two and nine-tenths percent to the Department of
 29 Environmental Protection for the purchase of inholdings and
 30 additions to state parks. For the purposes of this paragraph,
 31 "state park" means all real property in the state under the

1 jurisdiction of the Division of Recreation and Parks of the
2 department, or which may come under its jurisdiction.

3 (e) Two and nine-tenths percent to the Division of
4 Forestry of the Department of Agriculture and Consumer
5 Services to fund the acquisition of state forest inholdings
6 and additions pursuant to s. 589.07.

7 (f) Two and nine-tenths percent to the Game and Fresh
8 Water Fish Commission to fund the acquisition of inholdings
9 and additions to lands managed by the commission which are
10 important to the conservation of fish and wildlife.

11 (g) One and three-tenths percent to the Department of
12 Environmental Protection for the Florida Greenways and Trails
13 Program, to acquire greenways and trails or greenways and
14 trails systems pursuant to chapter 260, including, but not
15 limited to, abandoned railroad rights-of-way and the Florida
16 National Scenic Trail.

17
18 Local governments may use federal grants or loans, private
19 donations, or environmental mitigation funds, including
20 environmental mitigation funds required pursuant to s.
21 338.250, for any part or all of any local match required for
22 the purposes described in this subsection. Bond proceeds
23 allocated pursuant to paragraph (c) may be used to purchase
24 lands on the priority lists developed pursuant to s. 259.035.
25 Title to lands purchased pursuant to paragraphs (a), (d), (e),
26 (f), and (g) shall be vested in the Board of Trustees of the
27 Internal Improvement Trust Fund, except that title to lands,
28 or rights or interests therein, acquired by either the
29 Southwest Florida Water Management District or the St. Johns
30 River Water Management District in furtherance of the Green
31 Swamp Land Authority's mission pursuant to s. 380.0677(3),

1 shall be vested in the district where the acquisition project
2 is located. Title to lands purchased pursuant to paragraph
3 (c) may be vested in the Board of Trustees of the Internal
4 Improvement Trust Fund, except that title to lands, or rights
5 or interests therein, acquired by either the Southwest Florida
6 Water Management District or the St. Johns River Water
7 Management District in furtherance of the Green Swamp Land
8 Authority's mission pursuant to s. 380.0677(3), shall be
9 vested in the district where the acquisition project is
10 located. This subsection is repealed effective October 1,
11 2000. Prior to repeal, the Legislature shall review the
12 provisions scheduled for repeal and shall determine whether to
13 reenact or modify the provisions or to take no action.

14 Section 3. Paragraph (j) is added to subsection (4) of
15 section 376.11, Florida Statutes, 1996 Supplement, to read:

16 376.11 Florida Coastal Protection Trust Fund.--

17 (4) Moneys in the Florida Coastal Protection Trust
18 Fund shall be disbursed for the following purposes and no
19 others:

20 (j) Funding for marine law enforcement.

21 Section 4. Subsection (1) of section 206.606, Florida
22 Statutes, 1996 Supplement, is amended to read:

23 206.606 Distribution of certain proceeds.--

24 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
25 206.87(1)(e) shall be deposited in the Fuel Tax Collection
26 Trust Fund created by s. 206.875. Such moneys, exclusive of
27 the service charges imposed by s. 215.20, and exclusive of
28 refunds granted pursuant to s. 206.41, shall be distributed
29 monthly to the State Transportation Trust Fund, except that:

30 (a) \$1.25~~\$7.55~~ million shall be transferred to the
31 Department of Environmental Protection in each fiscal year.

1 The transfers must be made in equal monthly amounts beginning
 2 on July 1 of each fiscal year. ~~\$1.25 million of~~ The amount
 3 transferred shall be deposited annually in the Marine
 4 Resources Conservation Trust Fund and must be used by the
 5 department to fund special projects to provide recreational
 6 channel marking, public launching facilities, and other
 7 boating-related activities. The department shall annually
 8 determine where unmet needs exist for boating-related
 9 activities, and may fund such activities in counties where,
 10 due to the number of vessel registrations, insufficient
 11 financial resources are available to meet total water resource
 12 needs.

13 (b) \$6.30 million shall be transferred to the water
 14 management districts each fiscal year. The transfers must be
 15 made in equal monthly amounts beginning on July 1 of each
 16 fiscal year. ~~The amount transferred remaining proceeds of the~~
 17 ~~annual transfer~~ shall be deposited in the Aquatic Plant
 18 Control Trust Fund and must be used for aquatic plant
 19 management, including nonchemical control of aquatic weeds,
 20 research into nonchemical controls, and enforcement
 21 activities. Beginning in fiscal year 1993-1994, the water
 22 management districts ~~department~~ shall allocate at least \$1
 23 million of such funds to the eradication of melaleuca.

24 (c) ~~(b)~~ \$1.25 million shall be transferred to the State
 25 Game Trust Fund in the Game and Fresh Water Fish Commission in
 26 each fiscal year. The transfers must be made in equal monthly
 27 amounts beginning on July 1 of each fiscal year, and must be
 28 used for recreational boating activities of a type consistent
 29 with projects eligible for funding under the Florida Boating
 30 Improvement Program administered by the Department of
 31

1 Environmental Protection, and freshwater fisheries management
2 and research.

3 (d)~~(c)~~ \$1.5 million per year shall be transferred to
4 the Board of Regents and shall be spent solely for purposes of
5 s. 334.065.

6 Section 5. Effective July 1, 1999, subsection (1) of
7 section 206.606, Florida Statutes, 1996 Supplement, as amended
8 by section 8 of chapter 96-321, Laws of Florida, is amended to
9 read:

10 206.606 Distribution of certain proceeds.--

11 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
12 206.87(1)(e) shall be deposited in the Fuel Tax Collection
13 Trust Fund. Such moneys, after deducting the service charges
14 imposed by s. 215.20, the refunds granted pursuant to s.
15 206.41, and the administrative costs incurred by the
16 department in collecting, administering, enforcing, and
17 distributing the tax, which administrative costs may not
18 exceed 2 percent of collections, shall be distributed monthly
19 to the State Transportation Trust Fund, except that:

20 (a) \$1.25~~\$7.55~~ million shall be transferred to the
21 Department of Environmental Protection in each fiscal year.
22 The transfers must be made in equal monthly amounts beginning
23 on July 1 of each fiscal year.~~\$1.25 million of~~ The amount
24 transferred shall be deposited annually in the Marine
25 Resources Conservation Trust Fund and must be used by the
26 department to fund special projects to provide recreational
27 channel marking, public launching facilities, and other
28 boating-related activities. The department shall annually
29 determine where unmet needs exist for boating-related
30 activities, and may fund such activities in counties where,
31 due to the number of vessel registrations, insufficient

1 financial resources are available to meet total water resource
2 needs.

3 (b) \$6.30 million shall be transferred to the water
4 management districts each fiscal year. The transfers must be
5 made in equal monthly amounts beginning on July 1 of each
6 fiscal year.~~The amount transferred remaining proceeds of the~~
7 ~~annual transfer~~ shall be deposited in the Aquatic Plant
8 Control Trust Fund and must be used for aquatic plant
9 management, including nonchemical control of aquatic weeds,
10 research into nonchemical controls, and enforcement
11 activities. Beginning in fiscal year 1993-1994, the water
12 management districts ~~department~~ shall allocate at least \$1
13 million of such funds to the eradication of melaleuca.

14 (c)~~(b)~~ \$1.25 million shall be transferred to the State
15 Game Trust Fund in the Game and Fresh Water Fish Commission in
16 each fiscal year. The transfers must be made in equal monthly
17 amounts beginning on July 1 of each fiscal year, and must be
18 used for recreational boating activities of a type consistent
19 with projects eligible for funding under the Florida Boating
20 Improvement Program administered by the Department of
21 Environmental Protection, and freshwater fisheries management
22 and research.

23 (d)~~(c)~~ \$1.5 million per year shall be transferred to
24 the Board of Regents and shall be spent solely for purposes of
25 s. 334.065.

26 Section 6. Section 369.20, Florida Statutes, 1996
27 Supplement, is amended to read:

28 369.20 Florida Aquatic Weed Control Act.--

29 (1) This act shall be known as the "Florida Aquatic
30 Weed Control Act."

31

1 (2) Each water management district ~~The Department of~~
2 ~~Environmental Protection~~ shall direct the control,
3 eradication, and regulation of noxious aquatic weeds in its
4 jurisdiction and direct the research and planning related to
5 these activities, as provided in this section, excluding the
6 authority to use fish as a biological control agent, so as to
7 protect human health, safety, and recreation and, to the
8 greatest degree practicable, prevent injury to plant and
9 animal life and property.

10 (3) It shall be the duty of each water management
11 district ~~the department~~ to guide and coordinate the activities
12 of all public bodies, authorities, agencies, and special
13 districts charged with the control or eradication of aquatic
14 weeds and plants in its jurisdiction. Any water management
15 district ~~It~~ may delegate all or part of such functions to the
16 Game and Fresh Water Fish Commission.

17 (4) Each water management district ~~The department~~
18 shall also promote, develop, and support research activities
19 directed toward the more effective and efficient control of
20 aquatic plants in its jurisdiction. In the furtherance of this
21 purpose, a water management district ~~the department~~ is
22 authorized to:

23 (a) Accept donations and grants of funds and services
24 from both public and private sources;

25 (b) Contract or enter into agreements with public or
26 private agencies or corporations for research and development
27 of aquatic plant control methods or for the performance of
28 aquatic plant control activities;

29 (c) Construct, acquire, operate, and maintain
30 facilities and equipment; and
31

1 (d) Enter upon, or authorize the entry upon, private
2 property for purposes of making surveys and examinations and
3 to engage in aquatic plant control activities; and such entry
4 shall not be deemed a trespass.

5 (5) A water management district ~~The Department of~~
6 ~~Environmental Protection~~ may disburse funds to any special
7 district or other local authority charged with the
8 responsibility of controlling or eradicating aquatic plants,
9 upon:

10 (a) Receipt of satisfactory proof that such special
11 district or local authority has sufficient funds on hand to
12 match the ~~state~~ funds herein referred to on an equal basis;

13 (b) Approval by the water management district
14 ~~department~~ of the control techniques to be used by the special
15 district or local authority; and

16 (c) Review and approval of the program of the special
17 district or local authority by the water management district
18 ~~department~~ to be in conformance with the state control plan.

19 (6) The water management district ~~department~~ shall
20 adopt, amend, or repeal all rules as necessary to carry out
21 the duties, obligations, and powers set forth in this section
22 and perform any other acts necessary for the proper
23 administration, enforcement, or interpretation of this
24 section, including creating general permits and exemptions and
25 adopting rules and forms governing reports.

26 (7) No person or public agency shall control,
27 eradicate, remove, or otherwise alter any aquatic weeds or
28 plants in waters of the state unless a permit for such
29 activity has been issued by the applicable water management
30 district ~~department~~, or unless the activity is in waters
31 expressly exempted by district ~~department~~ rule. Each water

1 management district ~~The department~~ shall develop standards by
2 rule which shall address, at a minimum, chemical, biological,
3 and mechanical control activities; an evaluation of the
4 benefits of such activities to the public; specific criteria
5 recognizing the differences between natural and artificially
6 created waters; and the different amount and quality of
7 littoral vegetation on various waters. Applications for a
8 permit to engage in aquatic plant control activities shall be
9 made to the applicable water management district ~~department~~.
10 In reviewing such applications, the applicable water
11 management district ~~department~~ shall consider the criteria set
12 forth in subsection (2).

13 Section 7. Section 369.22, Florida Statutes, is
14 amended to read:

15 369.22 Nonindigenous aquatic plant control.--

16 (1) This section shall be known as the "Florida
17 Nonindigenous Aquatic Plant Control Act."

18 (2) For the purpose of this section, the following
19 words and phrases shall have the following meanings:

20 ~~(a) "Department" means the Department of Environmental~~
21 ~~Protection.~~

22 (a)~~(b)~~ "Aquatic plant" is any plant growing in, or
23 closely associated with, the aquatic environment and includes
24 "floating," "emersed," "submersed," and "ditch bank" species.

25 (b)~~(c)~~ "Nonindigenous aquatic plant" is any aquatic
26 plant that is nonnative to the State of Florida and has
27 certain characteristics, such as massive productivity, choking
28 density, or an obstructive nature, which render it
29 detrimental, obnoxious, or unwanted in a particular location.

30 (c)~~(d)~~ A "maintenance program" is a method for the
31 control of nonindigenous aquatic plants in which control

1 techniques are utilized in a coordinated manner on a
 2 continuous basis in order to maintain the plant population at
 3 the lowest feasible level as determined by the districts
 4 ~~department~~.

5 (d)~~(e)~~ An "eradication program" is a method for the
 6 control of nonindigenous aquatic plants in which control
 7 techniques are utilized in a coordinated manner in an attempt
 8 to kill all the aquatic plants on a permanent basis in a given
 9 geographical area.

10 (e)~~(f)~~ A "complaint spray program" is a method for the
 11 control of nonindigenous aquatic plants in which weeds are
 12 allowed to grow unhindered to a given level of undesirability,
 13 at which point eradication techniques are applied in an effort
 14 to restore the area in question to a relatively low level of
 15 infestation.

16 (f)~~(g)~~ "Waters" means rivers, streams, lakes,
 17 navigable waters and associated tributaries, canals, meandered
 18 lakes, enclosed water systems, and any other bodies of water.

19 (g)~~(h)~~ "Intercounty waters" means any waters which lie
 20 in more than one county or form any part of the boundary
 21 between two or more counties, as determined by the districts
 22 ~~department~~.

23 (h)~~(i)~~ "Intracounty waters" means any waters which lie
 24 wholly within the boundaries of one county as determined by
 25 the districts ~~department~~.

26 (i)~~(j)~~ "Districts" means ~~the six water management~~
 27 ~~districts created by law and named, respectively, the~~
 28 ~~Northwest Florida Water Management District, the Suwannee~~
 29 ~~River Water Management District, the St. Johns River Water~~
 30 ~~Management District, the Southwest Florida Water Management~~
 31 ~~District, the Central and Southern Florida Flood Control~~

1 ~~District, and the Ridge and Lower Gulf Coast Water Management~~
 2 ~~District; and on July 1, 1975, shall mean~~ the five water
 3 management districts created by chapter 73-190, Laws of
 4 Florida, and named, respectively, the Northwest Florida Water
 5 Management District, the Suwannee River Water Management
 6 District, the St. Johns River Water Management District, the
 7 Southwest Florida Water Management District, and the South
 8 Florida Water Management District.

9 (3) The Legislature recognizes that the uncontrolled
 10 growth of nonindigenous aquatic plants in the waters of
 11 Florida poses a variety of environmental, health, safety, and
 12 economic problems. The Legislature acknowledges the
 13 responsibility of the state to cope with the uncontrolled and
 14 seemingly never-ending growth of nonindigenous aquatic plants
 15 in the waters throughout Florida. It is, therefore, the intent
 16 of the Legislature that the state policy for the control of
 17 nonindigenous aquatic plants in waters of state responsibility
 18 be carried out under the general supervision and control of
 19 the districts ~~department~~, and that the state itself be
 20 responsible for the control of such plants in all intercounty
 21 waters; but that control of such plants in intracounty waters
 22 be the designated responsibility of the appropriate unit of
 23 local or county government, special district, authority, or
 24 other public body. It is the intent of the Legislature that
 25 the control of nonindigenous aquatic plants be carried out
 26 primarily by means of maintenance programs, rather than
 27 eradication or complaint spray programs, for the purpose of
 28 achieving more effective control at a lower long-range cost.
 29 It is also the intent of the Legislature that the districts
 30 ~~department~~ guide, review, approve, and coordinate all
 31 nonindigenous aquatic plant control programs ~~within each of~~

1 ~~the water management districts as defined in paragraph (2)(j).~~

2 It is the intent of the Legislature to account for the costs
3 of nonindigenous aquatic plant maintenance programs by
4 watershed for comparison management purposes.

5 (4) The districts ~~department~~ shall supervise and
6 direct all maintenance programs for control of nonindigenous
7 aquatic plants, as provided in this section, excluding the
8 authority to use fish as a biological control agent, so as to
9 protect human health, safety, and recreation and, to the
10 greatest degree practicable, prevent injury to plant, fish,
11 and animal life and to property.

12 (5) When state funds are involved, or when waters of
13 state responsibility are involved, it is the duty of the
14 districts ~~department~~ to guide, review, approve, and coordinate
15 the activities of all public bodies, authorities, state
16 agencies, units of local or county government, commissions,
17 ~~districts,~~ and special districts engaged in operations to
18 maintain, control, or eradicate nonindigenous aquatic plants,
19 except for activities involving biological control programs
20 using fish as the control agent. The districts ~~department~~ may
21 delegate all or part of such functions to any appropriate
22 state agency, special district, unit of local or county
23 government, commission, authority, or other public body.
24 However, special attention shall be given by each district to
25 the keeping of accounting and cost data in order to prepare
26 the annual fiscal report required in subsection (7).

27 (6) A district ~~The department~~ may disburse funds to
28 any ~~district,~~ special district, or other local authority for
29 the purpose of operating a maintenance program for controlling
30 nonindigenous aquatic plants and other noxious aquatic plants
31 in the waters of state responsibility upon:

1 (a) Receipt of satisfactory proof that such special
2 district or local authority has sufficient funds on hand to
3 match the ~~state~~ funds herein referred to on an equal basis;

4 (b) Approval by the district ~~department~~ of the
5 maintenance control techniques to be used by the special
6 district or local authority; and

7 (c) Review and approval of the program of the special
8 district or local authority by the district ~~department~~ to be
9 in conformance with the state maintenance control plan.

10 (7) The districts ~~department~~ shall submit an annual
11 report on the status of the nonindigenous aquatic plant
12 maintenance program to the President of the Senate, the
13 Speaker of the House of Representatives, and the Governor and
14 Cabinet by January 1 of the following year. This report shall
15 include a statement of the degree of maintenance control
16 achieved by individual nonindigenous aquatic plant species in
17 the intercounty waters of each of the ~~water management~~
18 districts for the preceding county fiscal year, together with
19 an analysis of the costs of achieving this degree of control.
20 This cost accounting shall include the expenditures by all
21 governmental agencies in the waters of state responsibility.
22 If the level of maintenance control achieved falls short of
23 that which is deemed adequate by the districts ~~department~~,
24 then the report shall include an estimate of the additional
25 funding that would have been required to achieve this level of
26 maintenance control. All measures of maintenance program
27 achievement and the related cost shall be presented by ~~water~~
28 ~~management~~ districts so that comparisons may be made among the
29 ~~water management~~ districts, as well as with the state as a
30 whole.
31

1 (8) The districts ~~department~~ shall have the authority
 2 to cooperate with the United States and to enter into such
 3 cooperative agreements or commitments as the districts
 4 ~~department~~ may determine necessary to carry out the
 5 maintenance, control, or eradication of water hyacinths,
 6 alligator weed, and other noxious aquatic plant growths from
 7 the waters of the state and to enter into contracts with the
 8 United States obligating the state to indemnify and save
 9 harmless the United States from any and all claims and
 10 liability arising out of the initiation and prosecution of any
 11 project undertaken under this section. However, any claim or
 12 claims required to be paid under this section shall be paid
 13 from money appropriated to the nonindigenous aquatic plant
 14 control program.

15 (9) The districts ~~department~~ may delegate various
 16 nonindigenous aquatic plant control and maintenance functions
 17 to the Game and Fresh Water Fish Commission. The commission
 18 shall, in accepting commitments to engage in nonindigenous
 19 aquatic plant control and maintenance activities, be subject
 20 to the rules of the districts ~~department~~, except that the
 21 commission shall regulate, control, and coordinate the use of
 22 any fish for aquatic weed control in fresh waters of the
 23 state. In addition, the commission shall render technical and
 24 other assistance to the districts ~~department~~ in order to carry
 25 out most effectively the purposes of s. 369.20. However,
 26 nothing herein shall diminish or impair the regulatory
 27 authority of the commission with respect to the powers granted
 28 to it by s. 9, Art. IV of the State Constitution.

29 (10) The districts ~~are department is~~ directed to use
 30 biological agents, excluding fish, for the control of
 31 nonindigenous aquatic plants.

1 (11) The districts ~~department~~ shall adopt, amend, or
2 repeal all rules as necessary to carry out the duties,
3 obligations, and powers set forth in this section and perform
4 any other acts necessary for the proper administration,
5 enforcement, or interpretation of this section, including
6 adopting rules and forms governing reports.

7 (12) No person or public agency shall control,
8 eradicate, remove, or otherwise alter any nonindigenous
9 aquatic plants in waters of the state unless a permit for such
10 activity has been issued by the applicable district
11 ~~department~~, or unless the activity is in waters expressly
12 exempted by district ~~department~~ rule. Each district ~~The~~
13 ~~department~~ shall develop standards by rule which shall
14 address, at a minimum, chemical, biological, and mechanical
15 control activities; an evaluation of the benefits of such
16 activities to the public; specific criteria recognizing the
17 differences between natural and artificially created waters;
18 and the different amount and quality of littoral vegetation on
19 various waters. Applications for a permit to engage in aquatic
20 plant control activities shall be made to the applicable
21 district ~~department~~. In reviewing such applications, the
22 applicable district ~~department~~ shall consider the criteria set
23 forth in subsection (4).

24 Section 8. Section 369.25, Florida Statutes, is
25 amended to read:

26 369.25 Aquatic plants; definitions; permits; powers of
27 water management districts ~~department~~; penalties.--

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

29 (a) "Aquatic plant" means any plant, including a
30 floating, emersed, submersed, or ditch bank species, growing
31

1 in, or closely associated with, an aquatic environment and
2 includes any part or seed of such plant.

3 (b) "District Department" means any water management
4 district listed in s. 369.22(2)(i)~~the Department of~~
5 ~~Environmental Protection.~~

6 (c) "Nonnursery cultivation" means the tending of
7 aquatic plant species for harvest in the natural environment.

8 (d) "Noxious aquatic plant" means any part, including,
9 but not limited to, seeds or reproductive parts, of an aquatic
10 plant which has the potential to hinder the growth of
11 beneficial plants, interfere with irrigation or navigation, or
12 adversely affect the public welfare or the natural resources
13 of this state.

14 (e) "Person" includes a natural person, a public or
15 private corporation, a governmental entity, or any other kind
16 of entity.

17 (2) No person shall engage in any business involving
18 the importation, transportation, nonnursery cultivation,
19 collection, sale, or possession of any aquatic plant species
20 without a permit issued by the applicable district department
21 or the Department of Agriculture and Consumer Services. No
22 person shall import, transport, nonnursery cultivate, collect,
23 sell, or possess any noxious aquatic plant listed on the
24 prohibited aquatic plant list established by the districts
25 ~~department~~ without a permit issued by the applicable district
26 ~~department~~ or the Department of Agriculture and Consumer
27 Services. No permit shall be issued until the applicable
28 district department determines that the proposed activity
29 poses no threat or danger to the waters, wildlife, natural
30 resources, or environment of the state.

31

1 (3) A district ~~The department~~ has the following
2 powers:

3 (a) To make such rules governing the importation,
4 transportation, nonnursery cultivation, collection, and
5 possession of aquatic plants as may be necessary for the
6 eradication, control, or prevention of the dissemination of
7 noxious aquatic plants that are not inconsistent with rules of
8 the Department of Agriculture and Consumer Services.

9 (b) To establish by rule lists of aquatic plant
10 species regulated under this section, including those exempted
11 from such regulation, provided the Department of Agriculture
12 and Consumer Services and the Game and Fresh Water Fish
13 Commission approve such lists prior to the lists becoming
14 effective.

15 (c) To evaluate an aquatic plant species through
16 research or other means to determine whether such species
17 poses a threat or danger to the waters, wildlife, natural
18 resources, or environment of the state.

19 (d) To declare a quarantine against aquatic plants,
20 including the vats, pools, or other containers or bodies of
21 water in which such plants are growing, except in aquatic
22 plant nurseries, to prevent the dissemination of any noxious
23 aquatic plant.

24 (e) To make rules governing the application for,
25 issuance of, suspension of, and revocation of permits under
26 this section.

27 (f) To enter into cooperative agreements with any
28 person as necessary or desirable to carry out and enforce the
29 provisions of this section.

30 (g) To purchase all necessary supplies, material, and
31 equipment and accept all grants and donations useful in the

1 implementation and enforcement of the provisions of this
2 section.

3 (h) To enter upon and inspect any facility or place,
4 except aquatic plant nurseries regulated by the Department of
5 Agriculture and Consumer Services, where aquatic plants are
6 cultivated, held, packaged, shipped, stored, or sold, or any
7 vehicle of conveyance of aquatic plants, to ascertain whether
8 the provisions of this section and district rules ~~department~~
9 ~~regulations~~ are being complied with, and to seize and destroy,
10 without compensation, any aquatic plants imported,
11 transported, cultivated, collected, or otherwise possessed in
12 violation of this section or district rules ~~department~~
13 ~~regulations~~.

14 (i) To conduct a public information program,
15 including, but not limited to, erection of road signs, in
16 order to inform the public and interested parties of this
17 section and its associated rules and of the dangers of noxious
18 aquatic plant introductions.

19 (4) The districts ~~department~~ shall adopt rules which
20 limit the sanctions available for violations under this act to
21 quarantine and confiscation:

22 (a) If the prohibited activity apparently results from
23 natural dispersion; or

24 (b) If a small amount of noxious aquatic plant
25 material incidentally adheres to a boat or boat trailer
26 operated by a person who is not involved in any phase of the
27 aquatic plant business and if that person is not knowingly
28 violating this act.

29 (5)(a) A ~~Any~~ person who violates any provision ~~the~~
30 ~~provisions~~ of this section commits ~~is guilty of~~ a misdemeanor

31

1 of the second degree, punishable as provided in s. 775.082 or
2 s. 775.083.

3 (b) All law enforcement officers of the state and its
4 agencies with power to make arrests for violations of state
5 law shall enforce the provisions of this section.

6 Section 9. Section 369.251, Florida Statutes, is
7 amended to read:

8 369.251 Invasive nonnative plants; prohibitions;
9 study; removal; rules.--

10 (1) A person may not sell, transport, collect,
11 cultivate, or possess any plant, including any part or seed,
12 of the species *Melaleuca quinquenervia*, *Schinus*
13 *terebinthifolius*, *Casuarina equisetifolia*, *Casuarina glauca*,
14 or *Mimosa pigra* without a permit from the applicable water
15 management district ~~department~~. Any person who violates this
16 section commits a misdemeanor of the second degree, punishable
17 by fine only, as provided in s. 775.083.

18 (2) The water management districts ~~department~~ shall
19 study methods of control of plants of the species *Melaleuca*
20 *quinquenervia*, *Schinus terebinthifolius*, *Casuarina*
21 *equisetifolia*, *Casuarina glauca*, and *Mimosa pigra*. The South
22 Florida Water Management District shall undertake programs to
23 remove such plants from conservation area I, conservation area
24 II, and conservation area III of the district.

25 (3) The water management districts ~~department~~ shall
26 adopt rules necessary to implement this section. Possession or
27 transportation resulting from natural dispersion, mulching
28 operations, control and disposal, or use in herbaria or other
29 educational or research institutions, or for other reasons
30 determined by the water management districts ~~department~~ to be
31 consistent with this section and where there is neither the

1 danger of, nor intent to, further disperse any plant species
2 prohibited by this section, is not subject to the permit or
3 penalty provisions of this section.

4 Section 10. Section 369.252, Florida Statutes, 1996
5 Supplement, is amended to read:

6 369.252 Invasive exotic plant control on public
7 lands.--The water management districts ~~department~~ shall
8 establish a program to:

9 (1) Achieve eradication or maintenance control of
10 invasive exotic plants on public lands when the scientific
11 data indicate that they are detrimental to the state's natural
12 environment;

13 (2) Assist state and local government agencies in the
14 development and implementation of coordinated management plans
15 for the control of invasive exotic plant species on public
16 lands;

17 (3) Contract, or enter into agreements, with entities
18 in the State University System or other governmental entities
19 for research concerning biological control agents; production
20 and growth of biological control agents; and development of
21 workable methods for the management of invasive exotic plants
22 on public lands; and

23 (4) Use funds in the Aquatic Plant Control Trust Fund
24 as authorized by the Legislature for carrying out activities
25 under this section on public lands.

26 Section 11. Paragraph (r) of subsection (2) of section
27 403.813, Florida Statutes, 1996 Supplement, is amended to
28 read:

29 403.813 Permits issued at district centers;
30 exceptions.--

31

1 (2) No permit under this chapter, chapter 373, chapter
2 61-691, Laws of Florida, or chapter 25214 or chapter 25270,
3 Laws of Florida, 1949, shall be required for activities
4 associated with the following types of projects; however,
5 nothing in this subsection relieves an applicant from any
6 requirement to obtain permission to use or occupy lands owned
7 by the Board of Trustees of the Internal Improvement Trust
8 Fund or any water management district in its governmental or
9 proprietary capacity or from complying with applicable local
10 pollution control programs authorized under this chapter or
11 other requirements of county and municipal governments:

12 (r) The removal of noxious aquatic plants, the removal
13 of tussocks, the associated replanting of indigenous aquatic
14 plants, or the associated removal from lakes of
15 unconsolidated, flocculent organic detrital material that
16 exists on the surface of natural mineral soil which is
17 necessary to accomplish such plant removal or replanting, or
18 the removal of aquatic plants for aquatic plant management,
19 including associated incidental removal of sediment attached
20 to plant roots, if these activities have a valid permit issued
21 by a water management district ~~the department~~ under s. 369.20
22 or s. 369.25. This paragraph does not apply to any mitigation
23 proposed to offset the impacts of activities permitted under
24 chapter 373.

25 Section 12. Subsection (2) of section 581.145, Florida
26 Statutes, 1996 Supplement, is amended to read:

27 581.145 Aquatic plant nursery registration; special
28 permit requirements.--

29 (2) It shall be unlawful for any nursery or nursery
30 stock dealer to import, transport, cultivate, collect, sell,
31 or possess any noxious aquatic plant listed on the prohibited

1 aquatic plant list established by a water management district
2 ~~the Department of Environmental Protection~~ in s. 369.25(3)(b)
3 without a special permit issued by the department.

4 (a) No special permit shall be issued until the
5 department determines that the proposed activity poses no
6 threat or danger to the waters, wildlife, natural resources,
7 agriculture, or environment of the state.

8 (b) The department may not issue a special permit with
9 respect to a prohibited aquatic plant species if a water
10 management district ~~the Department of Environmental Protection~~
11 prohibits the importation, transportation, cultivation,
12 collection, sale, or possession of the species.

13 Section 13. Paragraph (b) of subsection (1) of section
14 597.004, Florida Statutes, 1996 Supplement, is amended to
15 read:

16 597.004 Aquaculture certificate of registration.--

17 (1) CERTIFICATION.--

18 (b) Any aquatic plant producer certified by a water
19 management district ~~the department~~ pursuant to s. 369.25 shall
20 also be issued an aquaculture certificate of registration.

21 Section 14. Paragraph (e) of subsection (2) of section
22 253.783, Florida Statutes, is amended to read:

23 253.783 Additional powers and duties of the
24 department; disposition of surplus lands; payments to
25 counties.--

26 (2) It is declared to be in the public interest that
27 the department shall do and is hereby authorized to do any and
28 all things and incur and pay from the Cross Florida Barge
29 Canal Trust Fund, for the public purposes described herein,
30 any and all expenses necessary, convenient, and proper to:

31

1 (e) Refund to the counties of the Cross Florida Canal
 2 Navigation District moneys pursuant to this paragraph from the
 3 funds remaining in the Cross Florida Barge Canal Trust Fund
 4 from the funds derived from the conveyance of lands of the
 5 project to the Federal Government or any agency thereof,
 6 pursuant to s. 253.781, and from the sales of surplus lands
 7 pursuant to this section. Following federal deauthorization of
 8 the project, such refunds shall consist of the \$9,340,720
 9 principal in ad valorem taxes contributed by the counties and
 10 the interest which had accrued on that amount from the time of
 11 payment to June 30, 1985. In no event shall the counties be
 12 paid less than the aggregate sum of \$32 million in cash or the
 13 appraised values of the surplus lands. Such refunds shall be
 14 in proportion to the ad valorem tax share paid to the Cross
 15 Florida Canal Navigation District by the respective counties.
 16 Should the remaining funds in the Cross Florida Barge Canal
 17 Trust Fund and the funds derived from the conveyance of lands
 18 of the project to the Federal Government for payment or from
 19 the sale of surplus land be inadequate to pay the total of the
 20 principal plus interest, first priority shall be given to
 21 repaying the principal and second priority shall be given to
 22 repaying the interest. Interest to be refunded to the counties
 23 shall be compounded annually at the following rates:
 24 1937-1950, 4 percent; 1951-1960, 5 percent; 1961-1970, 6
 25 percent; 1971-1975, 7 percent; 1976-June 30, 1985, 8 percent.
 26 In computing interest, amounts already repaid to the counties
 27 shall not be subject to further assessments of interest. Any
 28 partial repayments provided to the counties under this act
 29 shall be considered as contributing to the total repayment
 30 owed to the counties. Should the funds generated by conveyance
 31 to the Federal Government and sales of surplus lands be more

1 than sufficient to repay said counties in accordance with this
2 section, such excess funds may be used for the maintenance of
3 the greenways corridor. ~~In no case shall general revenue funds~~
4 ~~be used to repay interest owed to the counties.~~

5 Section 15. Subsection (1) of section 61.1812, Florida
6 Statutes, is amended to read:

7 61.1812 Child Support Incentive Trust Fund.--

8 (1) The Child Support Incentive Trust Fund is hereby
9 created, to be administered by the Department of Revenue. All
10 child support enforcement incentive earnings and that portion
11 of the state share of Title IV-A public assistance collections
12 recovered in fiscal year 1996-1997 by the Title IV-D program
13 of the department which is in excess of the amount estimated
14 by the February 1997 Social Services Estimating Conference to
15 be recovered in fiscal year 1996-1997 shall be credited to the
16 trust fund, and no other receipts, except interest earnings,
17 shall be credited thereto. For fiscal years beginning with
18 1997-1998, in addition to incentive earnings and interest
19 earnings, that portion of the state share of Title IV-A public
20 assistance collections recovered in each fiscal year by the
21 Title IV-D program of the department which is in excess of the
22 amount estimated by the February 1997 Social Services
23 Estimating Conference to be recovered in fiscal year 1997-1998
24 shall be credited to the trust fund.The purpose of the trust
25 fund is to account for federal incentive payments to the state
26 for child support enforcement and to support the activities of
27 the child support enforcement program under Title IV-D of the
28 Social Security Act. The department shall invest the money in
29 the trust fund pursuant to ss. 215.44-215.52, and retain all
30 interest earnings in the trust fund. The department shall
31 separately account for receipts credited to the trust fund.

1 Annually, on June 30, if revenues deposited into the trust
2 fund, exclusive of federal child support incentive earnings,
3 have exceeded expenditures for the child support enforcement
4 program administered by the department for the prior 12-month
5 period, the excess revenues are hereby transferred to the
6 General Revenue Fund.

7 Section 16. Sections 585.70, 585.71, 585.715, 585.72,
8 585.73, 585.74, 585.75, 585.76, 585.77, 585.78, 585.79,
9 585.80, 585.81, 585.82, 585.83, 585.84, 585.85, 585.86,
10 585.87, 585.88, 585.89, 585.90, 585.902, 585.903, 585.904,
11 585.91, 585.92, 585.93, and 585.96, Florida Statutes, are
12 repealed.

13 Section 17. Section 205.1951, Florida Statutes, is
14 repealed.

15 Section 18. Section 570.50, Florida Statutes, is
16 amended to read:

17 570.50 Division of Food Safety; powers and
18 duties.--The duties of the Division of Food Safety include,
19 but are not limited to:

20 ~~(1) Enforcing those provisions of chapter 585, and the~~
21 ~~rules adopted under that chapter, relating to the inspection~~
22 ~~of meat and the antemortem and postmortem inspection of~~
23 ~~poultry.~~

24 (1)(2) Conducting those general inspection activities
25 relating to food and food products being processed, held, or
26 offered for sale in this state and enforcing those provisions
27 of chapters 500, 501, 502, 503, 531, 583, ~~585,~~586, and 601
28 relating to foods as authorized by the department.

29 (2)(3) Analyzing samples of foods offered for sale in
30 this state as required under chapters 500, 501, 502, 503, ~~585,~~
31 586, and 601.

1 ~~(3)(4)~~ Investigating, evaluating, and developing new
2 or improved methodology to enhance the analytical capability
3 and efficiency of all divisional laboratories and performing
4 other related analyses as deemed necessary.

5 ~~(4)(5)~~ Analyzing food and feed samples offered for
6 sale in the state for chemical residues as required under the
7 adulteration sections of chapters 500 and 580.

8 Section 19. Subsection (2) of section 570.51, Florida
9 Statutes, is amended to read:

10 570.51 Director; qualifications; duties.--

11 (2) The director shall supervise, direct, and
12 coordinate the activities of the division and enforce the
13 provisions of chapters 500, 501, 502, 503, 531, 583, ~~585~~, and
14 601 and any other chapter necessary to carry out the
15 responsibilities of the division.

16 Section 20. Sections 828.22, 828.23, 828.24, 828.25,
17 and 828.26, Florida Statutes, are repealed.

18 Section 21. Section 877.05, Florida Statutes, is
19 amended to read:

20 877.05 Killing young veal for sale; penalty;
21 exception.--Whoever kills or causes to be killed for the
22 purpose of sale, any calf less than 4 weeks old, and knowingly
23 sells, or has in his possession with intent to sell, the meat
24 of any calf killed when less than 4 weeks old, shall be guilty
25 of a misdemeanor of the second degree, punishable as provided
26 in s. 775.083. This section shall not apply to calves
27 slaughtered on the premises of meat packing or slaughtering
28 establishments operating under ~~state or~~ federal meat
29 inspection supervision.

30 Section 22. Subsections (1) and (2) of section 877.06,
31 Florida Statutes, are amended to read:

1 877.06 Labeling of beef not slaughtered according to
2 ~~state or~~ United States standards; enforcement; penalty.--

3 (1) Every person, firm, or corporation operating a
4 restaurant or any other eating place, or retail or wholesale
5 market or packinghouse, in this state, and who sells beef that
6 has not been slaughtered and inspected according to standards
7 established by ~~either~~ the Government ~~of Florida or~~ of the
8 United States, shall mark, stamp, or describe the same by the
9 following words, "slaughtered in" followed by the name of the
10 state or country and the words "has not been slaughtered and
11 inspected according to federal ~~or state~~ standards."

12 (2)~~(a)~~ Packinghouses and wholesale and retail meat
13 markets before sale of beef which is within the purview of
14 subsection (1) shall plainly stamp on each carcass, each
15 carton, each can, and each container, the words prescribed in
16 subsection (1) and all advertising as to the sale of such beef
17 shall include such words; provided, however, that a
18 conspicuous sign containing the words prescribed in subsection
19 (1) visibly displayed near the display of such beef in retail
20 markets may be used when the stamping of individual cuts of
21 beef is impractical.

22 ~~(b) It shall be the duty of the Department of~~
23 ~~Agriculture and Consumer Services through its agents or~~
24 ~~inspectors to enforce the provisions of this subsection.~~

25 Section 23. Subsection (2) of section 215.3206,
26 Florida Statutes, is amended to read:

27 215.3206 Trust funds; termination or re-creation.--

28 (2) If the trust fund is terminated and not
29 immediately re-created, all cash balances and income of the
30 trust fund shall be deposited into the General Revenue Fund.
31 The agency or Chief Justice shall pay any outstanding debts of

1 the trust fund as soon as practicable, and the Comptroller
2 shall close out and remove the trust fund from the various
3 state accounting systems, using generally accepted accounting
4 practices concerning warrants outstanding, assets, and
5 liabilities. No appropriation or budget amendment shall be
6 construed to authorize any encumbrance of funds from a trust
7 fund after the date on which the trust fund is terminated or
8 is judicially determined to be invalid.

9 Section 24. This act shall take effect July 1, 1997.

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