

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2		.	
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4		.	

ORIGINAL STAMP BELOW

Representative(s) Alexander offered the following:

**Amendment (with title amendment)**

On page 81, between lines 30 and 31

insert:

Section 59. Subsection (1) of section 370.0603, Florida Statutes, is amended to read:

370.0603 Marine Resources Conservation Trust Fund; purposes.--

(1) The Marine Resources Conservation Trust Fund within the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ shall serve as a broad-based depository for funds from various marine-related activities and shall be administered by the commission ~~department~~ for the purposes of:

- (a) Funding for marine research.
- (b) Funding for fishery enhancement, including, but not limited to, fishery statistics development, artificial reefs, and fish hatcheries.
- (c) Funding for marine law enforcement.

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1 (d) Funding for administration of licensing programs  
2 for recreational fishing, saltwater products sales, and  
3 related information and education activities.

4 (e) Funding for the operations of the Fish and  
5 Wildlife Conservation ~~Marine Fisheries~~ Commission.

6 (f) Funding for titling and registration of vessels.

7 (g) Funding for marine turtle protection, research,  
8 and recovery activities from revenues that are specifically  
9 credited to the trust fund for these purposes.

10 (h) Funding activities for rehabilitation of oyster  
11 harvesting areas from which special oyster surcharge fees are  
12 collected, including relaying and transplanting live oysters.

13 Section 60. Subsections (1) thru (3), (5) thru (18)  
14 and (20) thru (28), of Section 370.16, Florida Statutes, 1998  
15 Supplement, are amended to read:

16 370.16 Oysters and shellfish; regulation.--

17 (1) LEASE, APPLICATION FORM; NOTICE TO RIPARIAN OWNER;  
18 LANDS LEASED TO BE COMPACT.--When any qualified person desires  
19 to lease a part of the bottom or bed of any of the water of  
20 this state, for the purpose of growing oysters or clams, as  
21 provided for in this section, he or she shall present to the  
22 Department of Environmental Protection ~~Division of Marine~~  
23 ~~Resources~~ a written application setting forth the name and  
24 address of the applicant, a reasonably definite description of  
25 the location and amount of land covered by water desired, and  
26 shall pray that the application be filed; that the water  
27 bottoms be surveyed and a plat or map of the survey thereof be  
28 made if no plat or map of such bottoms should have been so  
29 made thereto; and that the water bottoms described be leased  
30 to the applicant under the provisions of this section. Such  
31 applicant shall accompany with his or her written application

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1 a sufficient sum to defray the estimated expenses of the  
2 survey; thereupon the department ~~division~~ shall file such  
3 application and shall direct the same surveyed and platted  
4 forthwith at the expense of the applicant. When applications  
5 are made by two or more persons for the same lands, they shall  
6 be leased to the applicant who first filed application for  
7 same; but to all applications for leases of any of the bottoms  
8 of said waters owned under the riparian acts of the laws of  
9 Florida, heretofore enacted, notice of such application shall  
10 be given the riparian owner, when known, and, when not known,  
11 notice of such application shall be given by publication for 4  
12 weeks in some newspaper published in the county in which the  
13 water bottoms lie; and when there is no newspaper published in  
14 such county, then by posting the notice for 4 weeks at the  
15 courthouse door of the county, and preference shall be given  
16 to the riparian owners under the terms and conditions herein  
17 created, when the riparian owner makes application for such  
18 water bottoms for the purpose of planting oysters or clams  
19 before the same are leased to another. The lands leased shall  
20 be as compact as possible, taking into consideration the shape  
21 of the body of water and the condition of the bottom as to  
22 hardness, or soft mud or sand, or other conditions which would  
23 render the bottoms desirable or undesirable for the purpose of  
24 oyster or clam cultivation.

25 (2) SURVEYS, PLATS, AND MAPS OF REEFS.--The Department  
26 of Environmental Protection ~~Division of Marine Resources~~ shall  
27 accept, adopt, and use official reports, surveys, and maps of  
28 oyster, clam, or other shellfish grounds made under the  
29 direction of any authority of the United States as prima facie  
30 evidence of the natural oyster and clam reefs, for the purpose  
31 and intent of this chapter. The department ~~said division~~ may

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1 also make surveys of any natural oyster or clam reefs when it  
2 deems such surveys necessary and where such surveys are made  
3 pursuant to an application for a lease, the cost thereof may  
4 be charged to the applicant as a part of the cost of his or  
5 her application.

6 (3) EXECUTION OF LEASES; LESSEE TO STAKE OFF  
7 BOUNDARIES; PENALTY FOR FAILURE TO COMPLY WITH  
8 REGULATIONS.--As soon as the survey has been made and the plat  
9 or map thereof filed with the Department of Environmental  
10 Protection Division of Marine Resources and the cost thereof  
11 paid by the applicant, the department division may execute in  
12 duplicate a lease of the water bottoms to the applicant. One  
13 duplicate, with a plat or map of the water bottoms so leased,  
14 shall be delivered to the applicant, and the other, with a  
15 plat or map of the bottom so leased, shall be retained by the  
16 department division and registered in a lease book which shall  
17 be kept exclusively for that purpose by the department  
18 division; thereafter the lessees shall enjoy the exclusive use  
19 of the lands and all oysters and clams, shell, and cultch  
20 grown or placed thereon shall be the exclusive property of  
21 such lessee as long as he or she shall comply with the  
22 provisions of this chapter. The department division shall  
23 require the lessee to stake off and mark the water bottoms  
24 leased, by such ranges, monuments, stakes, buoys, etc., so  
25 placed and made as not to interfere with the navigation, as it  
26 may deem necessary to locate the same to the end that the  
27 location and limits of the lands embraced in such lease be  
28 easily and accurately found and fixed, and such lessee shall  
29 keep the same in good condition during the open and closed  
30 oyster or clam season. All leases shall be marked according to  
31 the standards derived from the uniform waterway markers for

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1 safety and navigation as described in s. 327.40. The  
2 department ~~division~~ may stipulate in each individual lease  
3 contract the types, shape, depth, size, and height of marker  
4 or corner posts. Failure on the part of the lessee to comply  
5 with the orders of the department ~~division~~ to this effect  
6 within the time fixed by it, and to keep the markers, etc., in  
7 good condition during the open and closed oyster or clam  
8 season, shall subject such lessee to a fine not exceeding \$100  
9 for each and every such offense. All lessees shall cause the  
10 area of the leased water bottoms and the names of the lessees  
11 to be shown by signs as may be determined by the department  
12 ~~division~~, if so required.

13 (5) INCREASE OF RENTALS AFTER 10 YEARS.--After 10  
14 years from the execution of the lease, the rentals shall be  
15 increased to a minimum of \$1 per acre per annum. The  
16 department shall assess rental value on the leased water  
17 bottoms, taking into consideration their value as  
18 oyster-growing or clam-growing water bottoms, their nearness  
19 to factories, transportation, and other conditions adding  
20 value thereto and placing such valuation upon them in shape of  
21 annual rental to be paid thereunder as said condition shall  
22 warrant.

23 (6) LEASES TRANSFERABLE, ETC.--The leases shall be  
24 inheritable and transferable, in whole or in part, and shall  
25 also be subject to mortgage, pledge, or hypothecation and  
26 shall be subject to seizure and sale for debts as any other  
27 property, rights, and credits in this state, and this  
28 provision shall also apply to all buildings, betterments, and  
29 improvements thereon. Leases granted under this section cannot  
30 be transferred, by sale or barter, in whole or in part,  
31 without the written, express acquiescence of the Department of

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1 Environmental Protection Division of Marine Resources, and  
2 such a transferee shall pay a \$50 transfer fee before  
3 department division acquiescence may be given. No lease or  
4 part of a lease may be transferred by sale or barter until the  
5 lease has been in existence at least 2 years and has been  
6 cultivated according to the statutory standards found in  
7 paragraph (4)(e), except as otherwise provided by regulation  
8 adopted by the department Division of Marine Resources. No  
9 such inheritance or transfer shall be valid or of any force or  
10 effect whatever unless evidenced by an authentic act,  
11 judgment, or proper judicial deed, registered in the office of  
12 the department division in a book to be provided for said  
13 purpose. The department division shall keep proper indexes so  
14 that all original leases and all subsequent changes and  
15 transfers can be easily and accurately ascertained.

16 (7) PAYMENT OF RENT; FORFEITURE FOR NONPAYMENT;  
17 NOTICE, ETC.--All leases shall stipulate for the payment of  
18 the annual rent in advance on or before January 1 of each  
19 year, and the further stipulation that the failure of the  
20 tenant to pay the rent punctually on or before that day, or  
21 within 30 days thereafter shall ipso facto, and upon demand,  
22 terminate and cancel said lease and forfeit to the state all  
23 the works, improvements, betterments, oysters, and clams on  
24 the leased water bottoms, and authorize the Department of  
25 Environmental Protection Division of Marine Resources to at  
26 once enter on said water bottom and take possession thereof,  
27 and such water bottom shall then be open for lease as herein  
28 provided; and the department division shall within 10 days  
29 thereafter enter such termination, cancellation, and  
30 forfeiture on its books and shall give such public notice  
31 thereof, and of the fact that the water bottoms are open to

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1 lease, as it shall deem proper; provided, that the department  
2 ~~division~~ may, in its discretion, waive such termination,  
3 cancellation, and forfeiture when the rent due, with 10  
4 percent additional, and all costs and expenses growing out of  
5 such failure to pay, be tendered to it within 60 days after  
6 the same became due; provided, that in all cases of  
7 cancellation of lease, the department ~~division~~ shall, after 60  
8 days' notice by publication in some newspaper published in the  
9 state, having a general statewide circulation, which notice  
10 shall contain a full description of the leased waters and beds  
11 and any parts thereof, sell such lease to the highest and best  
12 bidder; and all moneys received over and above the rents due  
13 to the state, under the terms of the lease and provisions  
14 herein, and costs and expenses growing out of such failure to  
15 pay, shall be paid to the lessee forfeiting his or her rights  
16 therein. No leased water bottoms shall be forfeited for  
17 nonpayment of rent under the provisions of this section,  
18 unless there shall previously have been mailed by the said  
19 department ~~division~~ to the last known address of such tenant  
20 according to the books of said department ~~division~~, 30 days'  
21 notice of the maturity of such lease. Whenever any leased  
22 water bottoms are forfeited for nonpayment of rent, and there  
23 is a plat or survey thereof in the archives of the department  
24 ~~division~~, when such bedding grounds are re-leased, no new  
25 survey thereof shall be made, but the original stakes,  
26 monuments, and bounds shall be preserved, and the new lease  
27 shall be based upon the original survey. This subsection  
28 shall also apply to all costs and expenses taxed against a  
29 lessee by the department ~~division~~ under this section.

30 (8) CANCELLATION OF LEASES TO NATURAL REEFS.--Any  
31 person, within 6 months from and after the execution of any

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1 lease to water bottoms, may file a petition with the  
2 Department of Environmental Protection ~~Division of Marine~~  
3 ~~Resources~~ for the purpose of determining whether a natural  
4 oyster or clam reef having an area of not less than 100 square  
5 yards existed within the leased area on the date of the lease,  
6 with sufficient natural or maternal oysters or clams thereon  
7 (not including coon oysters) to have constituted a stratum  
8 sufficient to have been resorted to by the public generally  
9 for the purpose of gathering the same to sell for a  
10 livelihood. The petition shall be in writing addressed to the  
11 ~~Division of Marine Resources of the~~ Department of  
12 Environmental Protection, verified under oath, stating the  
13 location and approximate area of the natural reef and the  
14 claim or interest of the petitioner therein and requesting the  
15 cancellation of the lease to the said natural reef. No  
16 petition may be considered unless it is accompanied by a  
17 deposit of \$10 to defray the expense of examining into the  
18 matter. The petition may include several contemporaneous  
19 natural reefs of oysters or clams. Upon receipt of such  
20 petition, the department ~~division~~ shall cause an investigation  
21 to be made into the truth of the allegations of the petition,  
22 and, if found untrue, the \$10 deposit shall be retained by the  
23 department ~~division~~ to defray the expense of the  
24 investigation, but should the allegations of the petition be  
25 found true and the leased premises to contain a natural oyster  
26 or clam reef, as above described, the said \$10 shall be  
27 returned to the petitioner and the costs and expenses of the  
28 investigation taxed against the lessee and the lease canceled  
29 to the extent of the natural reef and the same shall be marked  
30 with buoys and stakes and notices placed thereon showing the  
31 same to be a public reef, the cost of the markers and notices



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1 to be taxed against the lessee.

2 (9) WHEN NATURAL REEFS MAY BE INCLUDED IN LEASE.--When  
3 an application for oyster or clam bedding grounds is filed and  
4 upon survey of such bedding ground, it should develop that the  
5 area applied for contains natural oyster or clam reefs or beds  
6 less in size than 100 square yards, or oyster or clam reefs or  
7 bars of greater size, but not of sufficient quantity to  
8 constitute a stratum, and it should further be made to appear  
9 to the Department of Environmental Protection ~~Division of~~  
10 ~~Marine Resources~~ by the affidavit of the applicant, together  
11 with such other proof as the department ~~division~~ may require,  
12 that the natural reef, bed, or bar could not be excluded, and  
13 the territory applied for properly protected or policed, the  
14 department ~~division~~ may, if it deems it for the best interest  
15 of the state and the oyster industry so to do, permit the  
16 including of such natural reefs, beds, or bars; and it shall  
17 fix a reasonable value on the same, to be paid by the  
18 applicant for such bedding ground; provided, that no such  
19 natural reefs shall be included in any lease hereafter granted  
20 to the bottom or bed of waters of this state contiguous to  
21 Franklin County. There shall be no future oyster leases  
22 issued in Franklin County except for purposes of oyster  
23 aquaculture activities approved under ss. 253.67-253.75.  
24 However, such aquaculture leases shall be for an area not  
25 larger than 1 acre and shall not be transferred or subleased.  
26 Only the flexible belt system or off-bottom methods may be  
27 used for aquaculture on these lease areas, and no cultch  
28 materials shall be placed on the bottom of the lease areas.  
29 Under no circumstances shall mechanical dredging devices be  
30 used to harvest oysters on such lease areas. Oyster  
31 aquaculture leases issued in Franklin County shall be issued

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1 only to Florida residents.

2 (10) SETTLEMENT OF BOUNDARY DISPUTES; REVIEW.--The  
3 Department of Environmental Protection ~~Division of Marine~~  
4 ~~Resources~~ shall determine and settle all disputes as to  
5 boundaries between lessees of bedding grounds. The department  
6 ~~division~~ shall, in all cases, be the judge as to whether any  
7 particular bottom is or is not a natural reef or whether it is  
8 suitable for bedding oysters or clams.

9 (11) TRESPASS ON LEASED BEDS; GATHERING OYSTERS AND  
10 CLAMS BETWEEN SUNSET AND SUNRISE FROM NATURAL REEFS, ETC.--Any  
11 person who willfully takes oysters, shells, cultch, or clams  
12 bedded or planted by a licensee under this chapter, or grantee  
13 under the provisions of heretofore existing laws, or riparian  
14 owner who may have heretofore planted the same on his or her  
15 riparian bottoms, or any oysters or clams deposited by anyone  
16 making up a cargo for market, or who willfully carries or  
17 attempts to carry away the same without permission of the  
18 owner thereof, or who willfully or knowingly removes, breaks  
19 off, destroys, or otherwise injures or alters any stakes,  
20 bounds, monuments, buoys, notices, or other designations of  
21 any natural oyster or clam reefs or beds or private bedding or  
22 propagating grounds, or who willfully injures, destroys, or  
23 removes any other protection around any oyster or clam beds,  
24 or who willfully moves any bedding ground stakes, buoys,  
25 marks, or designations, placed by the department ~~division~~, or  
26 who gathers oysters or clams between sunset and sunrise from  
27 the natural reefs or from private bedding grounds, is guilty  
28 of a violation of this section.

29 (12) PROTECTION OF OYSTER AND CLAM REEFS AND  
30 SHELLFISH.--

31 (a) The Department of Environmental Protection

1 ~~Division of Marine Resources~~ shall improve, enlarge, and  
2 protect the natural oyster and clam reefs of this state to the  
3 extent it may deem advisable and the means at its disposal  
4 will permit.

5 (b) The Fish and Wildlife Conservation Commission  
6 ~~division~~ shall ~~also~~, to the same extent, assist in protecting  
7 shellfish aquaculture products produced on leased or granted  
8 reefs in the hands of lessees or grantees from the state.  
9 Harvesting shellfish is prohibited within a distance of 25  
10 feet outside lawfully marked lease boundaries or within  
11 setback and access corridors within specifically designated  
12 high-density aquaculture lease areas and aquaculture use  
13 zones.

14 (c) The department, in cooperation with the  
15 commission, division shall provide the Legislature ~~annually~~  
16 with recommendations as needed for the development and the  
17 proper protection of the rights of the state and private  
18 holders therein with respect to the oyster and clam business.

19 (13) STAKING OFF WATER BOTTOMS OR BEDDING OYSTERS  
20 WITHOUT OBTAINING LEASE.--Any person staking off the water  
21 bottoms of this state, or bedding oysters on the bottoms of  
22 the waters of this state, without previously leasing same as  
23 required by law shall be guilty of a violation of this  
24 section, and shall acquire no rights by reason of such staking  
25 off. This provision does not apply to grants heretofore made  
26 under the provisions of any heretofore existing laws or to  
27 artificial beds made heretofore by a riparian owner or his or  
28 her grantees on the owner's riparian bottoms.

29 (14) SHELLFISH HARVESTING SEASONS; DAYS: SPECIAL  
30 PROVISIONS RELATING TO APALACHICOLA BAY.--

31 (a) The Fish and Wildlife Conservation Commission

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1 ~~Marine Fisheries Commission~~ shall consider setting the  
2 shellfish harvesting seasons in the Apalachicola Bay as  
3 follows:

4         1. The open season shall be from October 1 to July 31  
5 of each year.

6         2. The entire bay, including private leased or granted  
7 grounds, shall be closed to shellfish harvesting from August 1  
8 to September 30 of each year for the purpose of oyster  
9 relaying and transplanting and shell planting.

10         (b) If the commission changes the harvesting seasons  
11 by rule as set forth in this subsection, for 3 years after the  
12 rule takes effect, the commission ~~department~~ shall monitor the  
13 impacts of the new harvesting schedule on the bay and on local  
14 shellfish harvesters to determine whether the new harvesting  
15 schedule should be discontinued, retained, or modified. In  
16 monitoring the new schedule and in preparing its report, the  
17 commission ~~department~~ shall consider the following:

18         1. Whether the bay benefits ecologically from being  
19 closed to shellfish harvesting from August 1 to September 30  
20 of each year.

21         2. Whether the new harvesting schedule enhances the  
22 enforcement of shellfish harvesting laws in the bay.

23         3. Whether the new harvesting schedule enhances  
24 natural shellfish production, oyster relay and planting  
25 programs, and shell planting programs in the bay.

26         4. Whether the new harvesting schedule has more than a  
27 short-term adverse economic impact, if any, on local shellfish  
28 harvesters.

29         (c) The Fish and Wildlife Conservation Commission  
30 ~~Marine Fisheries Commission~~ by rule shall consider restricting  
31 harvesting on shellfish grants or leases to the same days of

1 the week as harvesting on public beds.

2 (15) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL  
3 REEFS; LICENSES, ETC., PENALTY.--

4 (a) It is unlawful to use a dredge or any means or  
5 implement other than hand tongs in removing oysters from the  
6 natural or artificial state reefs. This restriction shall  
7 apply to all areas of the Apalachicola Bay for all shellfish  
8 harvesting, excluding private grounds leased or granted by the  
9 state prior to July 1, 1989, if the lease or grant  
10 specifically authorizes the use of implements other than hand  
11 tongs for harvesting. Except in the Apalachicola Bay, upon  
12 the payment of \$25 annually, for each vessel or boat using a  
13 dredge or machinery in the gathering of clams or mussels, a  
14 special activity license may be issued by the Fish and  
15 Wildlife Conservation Commission ~~division~~ pursuant to s.  
16 370.06 for such use to such person.

17 (b) Special activity licenses issued to harvest  
18 shellfish by dredge or other mechanical means from privately  
19 held shellfish leases or grants in Apalachicola Bay shall  
20 include, but not be limited to, the following conditions:

21 1. The use of any mechanical harvesting device other  
22 than ordinary hand tongs for taking shellfish for any purpose  
23 from public shellfish beds in Apalachicola Bay shall be  
24 unlawful.

25 2. The possession of any mechanical harvesting device  
26 on the waters of Apalachicola Bay from 5 p.m. until sunrise  
27 shall be unlawful.

28 3. Leaseholders or grantees shall telephonically  
29 notify the Fish and Wildlife Conservation Commission ~~Division~~  
30 ~~of Law Enforcement and the Division of Marine Resources~~ no  
31 less than 48 hours prior to each day's use of a dredge or

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1 scrape in order to arrange for a commission ~~Marine Patrol~~  
2 officer to be present on the lease or grant area while a  
3 dredge or scrape is used on the lease or grant. Under no  
4 circumstances may a dredge or scrape be used without a  
5 commission ~~Marine Patrol~~ officer present.

6 4. Only two dredges or scrapes per lease or grant may  
7 be possessed or operated at any time.

8 5. Each vessel used for the transport or deployment of  
9 a dredge or scrape shall prominently display the lease or  
10 grant number or numbers, in numerals which are at least 12  
11 inches high and 6 inches wide, in such a manner that the lease  
12 or grant number or numbers are readily identifiable from both  
13 the air and the water. The commission ~~department~~ shall apply  
14 other statutes, rules, or conditions necessary to protect the  
15 environment and natural resources from improper transport,  
16 deployment, and operation of a dredge or scrape. Any  
17 violation of this paragraph or of any other statutes, rules,  
18 or conditions referenced in the special activity license shall  
19 be considered a violation of the license and shall result in  
20 revocation of the license and forfeiture of the bond submitted  
21 to the commission ~~department~~ as a prerequisite to the issuance  
22 of this license.

23 (c) Oysters may be harvested from natural or public or  
24 private leased or granted grounds by common hand tongs or by  
25 hand, by scuba diving, free diving, leaning from vessels, or  
26 wading. In the Apalachicola Bay, this provision shall apply  
27 to all shellfish.

28 (16) FISHING FOR RELAYING OR TRANSPLANTING PURPOSES.--

29 (a) Designation of areas for the taking of oysters and  
30 clams to be planted on leases, grants, and public areas is to  
31 be made by qualified personnel of the Fish and Wildlife

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1 Conservation Commission ~~Division of Marine Resources~~. Oysters,  
2 clams, and mussels may be taken for relaying or transplanting  
3 at any time during the year so long as, in the opinion of the  
4 commission ~~division~~, the public health will not be endangered.  
5 The amount of oysters, clams, and mussels to be obtained for  
6 relaying or transplanting, the area relayed or transplanted  
7 to, and relaying or transplanting time periods will be  
8 established in each case by the commission ~~division~~.

9 (b) Application for a special activity license issued  
10 pursuant to s. 370.06 for obtaining oysters, clams, or mussels  
11 for relaying from closed shellfish harvesting areas to  
12 shellfish or aquaculture leases in open areas or certified  
13 controlled purification plants or transplanting sublegal-sized  
14 oysters, clams, or mussels to shellfish aquaculture leases for  
15 growout or cultivation purposes must be made to the commission  
16 ~~division~~. In return, the commission ~~division~~ may assign an  
17 area and a period of time for the oysters, clams, or mussels  
18 to be relayed or transplanted to be taken. All relaying and  
19 transplanting operations shall take place under the  
20 surveillance of the commission ~~division~~.

21 (c) Relayed oysters, clams, or mussels shall not be  
22 subsequently harvested for any reason without written  
23 permission or public notice from the commission ~~division~~, if  
24 oysters, clams, or mussels were relayed from areas not  
25 approved by the commission ~~division~~ as shellfish harvesting  
26 areas.

27 (17) LICENSES; OYSTER, CLAM, AND MUSSEL  
28 CANNERIES.--Every person as a condition precedent to the  
29 operation of any oyster, clam, or mussel canning factory in  
30 this state shall obtain a license pursuant to s. 370.071 and  
31 pay a license fee of \$50.

1           (18) FALSE RETURNS AS TO OYSTERS OR CLAMS  
2 HANDLED.--Each packer, canner, corporation, firm, commission  
3 person, or dealer in fish shall, on the first day of each  
4 month, make a return under oath to the Fish and Wildlife  
5 Conservation Commission ~~Division of Marine Resources~~, as to  
6 the number of oysters, clams, and shellfish purchased, caught,  
7 or handled during the preceding month. Whoever is found  
8 guilty of making any false affidavit to any such report is  
9 guilty of perjury and punished as provided by law, and any  
10 person who fails to make such report shall be punished by a  
11 fine not exceeding \$500 or by imprisonment in the county jail  
12 not exceeding 6 months.

13           (20) WATER PATROL FOR COLLECTION OF TAX.--

14           (a) The Fish and Wildlife Conservation Commission  
15 ~~Division of Law Enforcement~~ may establish and maintain  
16 necessary patrols of the salt waters of Florida, with  
17 authority to use such force as may be necessary to capture any  
18 vessel or person violating the provisions of the laws relating  
19 to oysters and clams, and may establish ports of entry at  
20 convenient locations where the severance or privilege tax  
21 levied on oysters and clams may be collected or paid and may  
22 make such rules and regulations as it may deem necessary for  
23 the enforcement of such tax.

24           (b) Each person in any way dealing in shellfish shall  
25 keep a record, on blanks or forms prescribed by the commission  
26 ~~Division of Marine Resources~~, of all oysters, clams, and  
27 shellfish taken, purchased, used, or handled by him or her,  
28 with the name of the persons from whom purchased, if  
29 purchased, together with the quantity and the date taken or  
30 purchased, and shall exhibit this account at all times when  
31 requested so to do by the commission ~~division~~ or any



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1 conservation agent; and he or she shall, on the first day of  
2 each month, make a return under oath to the commission  
3 ~~division~~ as to the number of oysters, clams, and shellfish  
4 purchased, caught, or handled during the preceding month. The  
5 commission ~~division~~ may require detailed returns whenever it  
6 deems them necessary.

7 (21) SEIZURE OF VESSELS AND CARGOES VIOLATING OYSTER  
8 AND CLAM LAWS, ETC.--Vessels, with their cargoes, violating  
9 the provisions of the laws relating to oysters and clams may  
10 be seized by anyone duly and lawfully authorized to make  
11 arrests under this section or by any sheriff or the sheriff's  
12 deputies, and taken into custody, and when not arrested by the  
13 sheriff or the sheriff's deputies, delivered to the sheriff of  
14 the county in which the seizure is made, and shall be liable  
15 to forfeiture, on appropriate proceedings being instituted by  
16 the Fish and Wildlife Conservation Commission ~~Division of~~  
17 ~~Marine Resources~~, before the courts of that county. In such  
18 case the cargo shall at once be disposed of by the sheriff,  
19 for account of whom it may concern. Should the master or any  
20 of the crew of said vessel be found guilty of using dredges or  
21 other instruments in fishing oysters on natural reefs contrary  
22 to law, or fishing on the natural oyster or clam reefs out of  
23 season, or unlawfully taking oysters or clams belonging to a  
24 lessee, such vessel shall be declared forfeited by the court,  
25 and ordered sold and the proceeds of the sale shall be  
26 deposited with the Treasurer to the credit of the General  
27 Revenue Fund; any person guilty of such violations shall not  
28 be permitted to have any license provided for in this chapter  
29 within a period of 1 year from the date of conviction.  
30 Pending proceedings such vessel may be released upon the owner  
31 furnishing bond, with good and solvent security in double the

1 value of the vessel, conditioned upon its being returned in  
2 good condition to the sheriff to abide the judgment of the  
3 court.

4 (22) OYSTER AND CLAM REHABILITATION.--The board of  
5 county commissioners of the several counties may appropriate  
6 and expend such sums as it may deem proper for the purpose of  
7 planting or transplanting oysters, clams, oyster shell, clam  
8 shell, or cultch or to perform such other acts for the  
9 enhancement of the oyster and clam industries of the state,  
10 out of any sum in the county treasury not otherwise  
11 appropriated.

12 (23) DREDGING OF DEAD SHELLS PROHIBITED.--The dredging  
13 of dead shell deposits is prohibited in the state.

14 (24) COOPERATION WITH UNITED STATES FISH AND WILDLIFE  
15 SERVICE.--The Fish and Wildlife Conservation Commission  
16 ~~Division of Marine Resources~~ shall cooperate with the United  
17 States Fish and Wildlife Service, under existing federal laws,  
18 rules, and regulations, and is authorized to accept donations,  
19 grants, and matching funds from the Federal Government in  
20 order to carry out its oyster resource and development  
21 responsibilities. The commission ~~division~~ is further  
22 authorized to accept any and all donations including funds,  
23 oysters, or oyster shells.

24 (25) OYSTER AND CLAM SHELLS PROPERTY OF DEPARTMENT  
25 ~~DIVISION~~.--

26 (a) Except for oysters used directly in the half-shell  
27 trade, 50 percent of all shells from oysters and clams shucked  
28 commercially in the state shall be and remain the property of  
29 the Department of Environmental Protection ~~Division of Marine~~  
30 ~~Resources~~ when such shells are needed and required for  
31 rehabilitation projects and planting operations, in

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1 cooperation with the Fish and Wildlife Conservation  
2 Commission, when sufficient resources and facilities exist for  
3 handling and planting said shell, and when the collection and  
4 handling of such shell is practical and useful, except that  
5 bona fide holders of leases and grants may retain 75 percent  
6 of such shell as they produce for planting purposes by  
7 obtaining a special activity license from the commission  
8 division pursuant to s. 370.06. Storage, transportation, and  
9 planting of shells so retained by lessees and grantees shall  
10 be carried out under the surveillance of agents of the Fish  
11 and Wildlife Conservation Commission division and be subject  
12 to such reasonable time limits as the department division may  
13 fix. In the event of an accumulation of an excess of shells,  
14 the department division is authorized to sell shells only to  
15 private growers for use in oyster or clam cultivation on bona  
16 fide leases and grants. No profit shall accrue to the  
17 department division in these transactions, and shells are to  
18 be sold for the estimated moneys spent by the department  
19 division to gather and stockpile the shells. Planting of  
20 shells obtained from the department division by purchase shall  
21 be subject to the surveillance of the Fish and Wildlife  
22 Conservation Commission division if the department division  
23 chooses to exercise its right of supervision. Any shells not  
24 claimed and used by private oyster cultivators 10 years after  
25 shells are gathered and stockpiled may be sold at auction to  
26 the highest bidder for any private use.

27 (b) Whenever the department division determines that  
28 it is unfeasible to collect oyster or clam shells, the shells  
29 become the property of the producer.

30 (c) Whenever oyster or clam shells are owned by the  
31 department division and it is not useful or feasible to use

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1 them in the rehabilitation projects, and when no leaseholder  
2 has exercised his or her option to acquire them, the  
3 department division may sell such shells for the highest price  
4 obtainable. The shells thus sold may be used in any manner  
5 and for any purpose at the discretion of the purchaser.

6 (d) Moneys derived from the sale of shell shall be  
7 deposited in the Land Acquisition ~~Marine Resources~~  
8 ~~Conservation~~ Trust Fund for shellfish programs.

9 (e) The department division shall annually publish  
10 notice, in a newspaper serving the county, of its intention to  
11 collect the oyster and clam shells and shall notify, by  
12 certified mail, each shucking establishment from which shells  
13 are to be collected. The notice shall contain the period of  
14 time the department division intends to collect the shells in  
15 that county and the collection purpose.

16 (26) OYSTER CULTURE.--The Fish and Wildlife  
17 Conservation Commission ~~Division of Marine Resources~~ shall  
18 protect all oyster beds, oyster grounds, and oyster reefs from  
19 damage or destruction resulting from improper cultivation,  
20 propagation, planting, or harvesting and control the pollution  
21 of the waters over or surrounding oyster grounds, beds, or  
22 reefs, and to this end the Department of Health and  
23 Rehabilitative Services is authorized and directed to lend its  
24 cooperation to the commission division, to make available to  
25 it its laboratory testing facilities and apparatus. The  
26 commission division may also do and perform all acts and  
27 things within its power and authority necessary to the  
28 performance of its duties.

29 (27) HEALTH PERMITS.--

30 (a) Any person engaged in harvesting, handling, or  
31 processing oysters for commercial use shall be required to

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1 obtain a health permit from the county health department or  
2 from a private physician.

3 (b) No person shall be employed or remain employed in  
4 a certified oyster house without the possession of the  
5 required health permit.

6 (c) For the purpose of this subsection, "commercial  
7 use" shall be a quantity of more than 4 bushels, or more than  
8 2 gallons, of shucked oysters, per person or per boat, or any  
9 number or quantity of oysters if the oysters are to be sold.

10 (28) REQUIREMENTS FOR OYSTER VESSELS.--

11 (a) All vessels used for the harvesting, gathering, or  
12 transporting of oysters for commercial use shall be  
13 constructed and maintained to prevent contamination or  
14 deterioration of oysters. To this end, all such vessels shall  
15 be provided with false bottoms and bulkheads fore and aft to  
16 prevent oysters from coming in contact with any bilge water.  
17 No dogs or other animals shall be allowed at any time on  
18 vessels used to harvest or transport oysters. A violation of  
19 any provision of this subsection shall result in at least the  
20 revocation of the violator's license.

21 (b) For the purpose of this subsection, "commercial  
22 use" shall be a quantity of more than 4 bushels, or more than  
23 2 gallons, of shucked oysters, per person or per boat, or any  
24 number or quantity of oysters if the oysters are to be sold.

25 Section 61. Subsection (5) of section 932.7055,  
26 Florida Statutes, 1998 Supplement, is amended to read:

27 932.7055 Disposition of liens and forfeited  
28 property.--

29 (5) If the seizing agency is a state agency, all  
30 remaining proceeds shall be deposited into the General Revenue  
31 Fund. However, if the seizing agency is:

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1           (a) The Department of Law Enforcement, the proceeds  
2 accrued pursuant to the provisions of the Florida Contraband  
3 Forfeiture Act shall be deposited into the Forfeiture and  
4 Investigative Support Trust Fund as provided in s. 943.362 or  
5 into the department's Federal Law Enforcement Trust Fund as  
6 provided in s. 943.365, as applicable.

7           (b) The Department of Environmental Protection, the  
8 proceeds accrued pursuant to the provisions of the Florida  
9 Contraband Forfeiture Act shall be deposited into the  
10 Forfeited Property Trust Fund ~~Marine Resources Conservation~~  
11 ~~Trust Fund to be used for law enforcement purposes as provided~~  
12 ~~in ss. 370.021 and 370.061~~ or into the department's Federal  
13 Law Enforcement Trust Fund as provided in s. 20.2553, as  
14 applicable.

15           (c) The Division of Alcoholic Beverages and Tobacco,  
16 the proceeds accrued pursuant to the Florida Contraband  
17 Forfeiture Act shall be deposited into the Alcoholic Beverage  
18 and Tobacco Trust Fund or into the department's Federal Law  
19 Enforcement Trust Fund as provided in s. 561.027, as  
20 applicable.

21           (d) The Department of Highway Safety and Motor  
22 Vehicles, the proceeds accrued pursuant to the Florida  
23 Contraband Forfeiture Act shall be deposited into the  
24 Department of Highway Safety and Motor Vehicles Law  
25 Enforcement Trust Fund as provided in s. 932.705(1)(a) or into  
26 the department's Federal Law Enforcement Trust Fund as  
27 provided in s. 932.705(1)(b), as applicable.

28           (e) The Fish and Wildlife Conservation ~~Game and Fresh~~  
29 ~~Water Fish~~ Commission, the proceeds accrued pursuant to the  
30 provisions of the Florida Contraband Forfeiture Act shall be  
31 deposited into the State Game Trust Fund as provided in ss.

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1 372.73, 372.9901, and 372.9904, into the Marine Resources  
2 Conservation Trust Fund as provided in s. 370.061, or into the  
3 commission's Federal Law Enforcement Trust Fund as provided in  
4 s. 372.107, as applicable.

5 (f) A state attorney's office acting within its  
6 judicial circuit, the proceeds accrued pursuant to the  
7 provisions of the Florida Contraband Forfeiture Act shall be  
8 deposited into the State Attorney's Forfeiture and  
9 Investigative Support Trust Fund to be used for the  
10 investigation of crime and prosecution of criminals within the  
11 judicial circuit.

12 (g) A school board security agency employing law  
13 enforcement officers, the proceeds accrued pursuant to the  
14 provisions of the Florida Contraband Forfeiture Act shall be  
15 deposited into the School Board Law Enforcement Trust Fund.

16 (h) One of the State University System police  
17 departments acting within the jurisdiction of its employing  
18 state university, the proceeds accrued pursuant to the  
19 provisions of the Florida Contraband Forfeiture Act shall be  
20 deposited into that state university's special law enforcement  
21 trust fund.

22 (i) The Department of Agriculture and Consumer  
23 Services, the proceeds accrued pursuant to the provisions of  
24 the Florida Contraband Forfeiture Act shall be deposited into  
25 the Agricultural Law Enforcement Trust Fund or into the  
26 department's Federal Law Enforcement Trust Fund as provided in  
27 s. 570.205, as applicable.

28 (j) The Department of Military Affairs, the proceeds  
29 accrued from federal forfeiture sharing pursuant to 21 U.S.C.  
30 ss. 881(e)(1)(A) and (3), 18 U.S.C. s. 981(e)(2), and 19  
31 U.S.C. s. 1616a shall be deposited into the Armory Board Trust

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1 Fund and used for purposes authorized by such federal  
2 provisions based on the department's budgetary authority or  
3 into the department's Federal Law Enforcement Trust Fund as  
4 provided in s. 250.175, as applicable.

5 Section 62. Subsection (1) of section 20.055, Florida  
6 Statutes, 1998 Supplement, is amended to read:

7 20.055 Agency inspectors general.--

8 (1) For the purposes of this section:

9 (a) "State agency" means each department created  
10 pursuant to this chapter, and also includes the Executive  
11 Office of the Governor, the Department of Military Affairs,  
12 the Parole Commission, the Board of Regents, the Fish and  
13 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
14 the Public Service Commission, and the state courts system.

15 (b) "Agency head" means the Governor, a Cabinet  
16 officer, a secretary as defined in s. 20.03(5), or an  
17 executive director as defined in s. 20.03(6). It also includes  
18 the chair of the Public Service Commission and the Chief  
19 Justice of the State Supreme Court.

20 Section 63. Subsection (1) of section 23.21, Florida  
21 Statutes, is amended to read:

22 23.21 Definitions.--For purposes of this part:

23 (1) "Department" means a principal administrative unit  
24 within the executive branch of state government, as defined in  
25 chapter 20, and includes the State Board of Administration,  
26 the Executive Office of the Governor, the Fish and Wildlife  
27 Conservation ~~Game and Fresh Water Fish~~ Commission, the Parole  
28 Commission, the Agency for Health Care Administration, the  
29 Board of Regents, the State Board of Community Colleges, the  
30 Justice Administrative Commission, the Capital Collateral  
31 Representative, and separate budget entities placed for



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1 administrative purposes within a department.

2 Section 64. Paragraph (b) of subsection (1) of section  
3 120.52, Florida Statutes, is amended to read:

4 120.52 Definitions.--As used in this act:

5 (1) "Agency" means:

6 (b) Each state officer and state department,  
7 departmental unit described in s. 20.04, commission, regional  
8 planning agency, board, multicounty special district with a  
9 majority of its governing board comprised of nonelected  
10 persons, and authority, including, but not limited to, the  
11 Commission on Ethics and the Fish and Wildlife Conservation  
12 ~~Game and Fresh Water Fish~~ Commission when acting pursuant to  
13 statutory authority derived from the Legislature, educational  
14 units, and those entities described in chapters 163, 298, 373,  
15 380, and 582 and s. 186.504, except any legal entity or agency  
16 created in whole or in part pursuant to chapter 361, part II,  
17 an expressway authority pursuant to chapter 348, or any legal  
18 or administrative entity created by an interlocal agreement  
19 pursuant to s. 163.01(7), unless any party to such agreement  
20 is otherwise an agency as defined in this subsection.

21 (c) Each other unit of government in the state,  
22 including counties and municipalities, to the extent they are  
23 expressly made subject to this act by general or special law  
24 or existing judicial decisions.

25 Section 65. Subsection (5) of section 120.81, Florida  
26 Statutes, is amended to read:

27 120.81 Exceptions and special requirements; general  
28 areas.--

29 (5) HUNTING AND FISHING REGULATION.--Agency action  
30 which has the effect of altering established hunting or  
31 fishing seasons, or altering established annual harvest limits

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1 for saltwater fishing if the procedure for altering such  
2 harvest limits is set out by rule of the Fish and Wildlife  
3 Conservation ~~Marine Fisheries~~ Commission, is not a rule as  
4 defined by this chapter, provided such action is adequately  
5 noticed in the area affected through publishing in a newspaper  
6 of general circulation or through notice by broadcasting by  
7 electronic media.

8 Section 66. Subsection (6) of section 163.3244,  
9 Florida Statutes, is amended to read:

10 163.3244 Sustainable communities demonstration  
11 project.--

12 (6) The secretary of the Department of Environmental  
13 Protection, the Secretary of Community Affairs, the Secretary  
14 of Transportation, the Commissioner of Agriculture, the  
15 executive director of the Fish and Wildlife Conservation ~~Game~~  
16 ~~and Fresh Water Fish~~ Commission, and the executive directors  
17 of the five water management districts shall have the  
18 authority to enter into agreements with landowners,  
19 developers, businesses, industries, individuals, and  
20 governmental agencies as may be necessary to effectuate the  
21 provisions of this section.

22 Section 67. Subsection (6) of section 186.003, Florida  
23 Statutes, 1998 Supplement, is amended to read:

24 186.003 Definitions.--As used in ss. 186.001-186.031  
25 and 186.801-186.911, the term:

26 (6) "State agency" means each executive department,  
27 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
28 Commission, the Parole Commission, and the Department of  
29 Military Affairs.

30 Section 68. Subsection (1) of section 186.005, Florida  
31 Statutes, is amended to read:

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1           186.005 Designation of departmental planning  
2 officer.--

3           (1) The head of each executive department and the  
4 Public Service Commission, the Fish and Wildlife Conservation  
5 ~~Game and Fresh Water Fish~~ Commission, the Parole Commission,  
6 and the Department of Military Affairs shall select from  
7 within such agency a person to be designated as the planning  
8 officer for such agency. The planning officer shall be  
9 responsible for coordinating with the Executive Office of the  
10 Governor and with the planning officers of other agencies all  
11 activities and responsibilities of such agency relating to  
12 planning.

13           Section 69. Subsection (1) of section 229.8058,  
14 Florida Statutes, is amended to read:

15           229.8058 Advisory Council on Environmental Education;  
16 establishment; responsibilities.--

17           (1) There is created within the Legislature the  
18 Advisory Council on Environmental Education. The council shall  
19 have 14 voting members, including:

20           (a) Two members of the Senate, appointed by the  
21 President of the Senate.

22           (b) Two members of the House of Representatives,  
23 appointed by the Speaker of the House of Representatives.

24           (c) Five members appointed by the Governor.

25           (d) A representative of the Department of Education.

26           (e) A representative of the Department of  
27 Environmental Protection.

28           (f) A representative of the Fish and Wildlife  
29 Conservation ~~Game and Fresh Water Fish~~ Commission.

30           (g) A representative of the Executive Office of the  
31 Governor.

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1           (h) The chair of the Environmental Education  
2 Foundation.

3           Section 70. Subsection (6) of section 240.155, Florida  
4 Statutes, is amended to read:

5           240.155 Campus master plans and campus development  
6 agreements.--

7           (6) Before a campus master plan is adopted, a copy of  
8 the draft master plan must be sent for review to the host and  
9 any affected local governments, the state land planning  
10 agency, the Department of Environmental Protection, the  
11 Department of Transportation, the Department of State, the  
12 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
13 Commission, and the applicable water management district and  
14 regional planning council. These agencies must be given 90  
15 days after receipt of the campus master plans in which to  
16 conduct their review and provide comments to the Board of  
17 Regents. The commencement of this review period must be  
18 advertised in newspapers of general circulation within the  
19 host local government and any affected local government to  
20 allow for public comment. Following receipt and consideration  
21 of all comments, and the holding of at least two public  
22 hearings within the host jurisdiction, the Board of Regents  
23 shall adopt the campus master plan. It is the intent of the  
24 Legislature that the Board of Regents comply with the notice  
25 requirements set forth in s. 163.3184(15) to ensure full  
26 public participation in this planning process. Campus master  
27 plans developed under this section are not rules and are not  
28 subject to chapter 120 except as otherwise provided in this  
29 section.

30           Section 71. Subsection (1) of section 252.365, Florida  
31 Statutes, is amended to read:

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1           252.365 Designation of emergency coordination  
2 officers.--

3           (1) The head of each executive department, the  
4 executive director of each water management district, the  
5 Public Service Commission, the Fish and Wildlife Conservation  
6 ~~Game and Fresh Water Fish~~ Commission, and the Department of  
7 Military Affairs shall select from within such agency a person  
8 to be designated as the emergency coordination officer for the  
9 agency and an alternate.

10           Section 72. Section 253.05, Florida Statutes, is  
11 amended to read:

12           253.05 Prosecuting officers to assist in protecting  
13 state lands.--State attorneys, other prosecuting officers of  
14 the state or county, wildlife officers of the Fish and  
15 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
16 Commission, conservation officers, together with the Secretary  
17 of Environmental Protection, and county sheriffs and their  
18 deputies shall see that the lands owned by the state, as  
19 described in ss. 253.01 and 253.03, shall not be the object of  
20 damage, trespass, depredation, or unlawful use by any person.  
21 The said officers and their deputies shall, upon information  
22 that unlawful use is being made of state lands, report the  
23 same, together with the information in their possession  
24 relating thereto, to the Board of Trustees of the Internal  
25 Improvement Trust Fund and shall cooperate with the said board  
26 in carrying out the purposes of ss. 253.01-253.04 and this  
27 section. State attorneys and other prosecuting officers of the  
28 state or any county, upon request of the Governor or Board of  
29 Trustees of the Internal Improvement Trust Fund, shall  
30 institute and maintain such legal proceedings as may be  
31 necessary to carry out the purpose of said sections.

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1           Section 73. Subsection (1) of section 253.45, Florida  
2 Statutes, is amended to read:

3           253.45 Sale or lease of phosphate, clay, minerals,  
4 etc., in or under state lands.--

5           (1) The Board of Trustees of the Internal Improvement  
6 Trust Fund may sell or lease any phosphate, earth or clay,  
7 sand, gravel, shell, mineral, metal, timber or water, or any  
8 other substance similar to the foregoing, in, on, or under,  
9 any land the title to which is vested in the state, the  
10 Department of Management Services, the Department of  
11 Environmental Protection, the Fish and Wildlife Conservation  
12 ~~Game and Fresh Water Fish~~ Commission, the State Board of  
13 Education, or any other state board, department, or agency;  
14 provided that the board of trustees may not grant such a sale  
15 or lease on the land of any other state board, department, or  
16 agency without first obtaining approval therefrom. No sale or  
17 lease provided for in this section shall be allowed on  
18 hard-surfaced beaches that are used for bathing or driving and  
19 areas contiguous thereto out to a mean low-water depth of 3  
20 feet and landward to the nearest paved public road. Any sale  
21 or lease provided for in this section shall be conducted by  
22 competitive bidding as provided for in ss. 253.52, 253.53, and  
23 253.54. The proceeds of such sales or leases are to be  
24 credited to the board of trustees, board, department, or  
25 agency which has title or control of the land involved.

26           Section 74. Section 253.75, Florida Statutes, is  
27 amended to read:

28           253.75 Studies and recommendations by the department  
29 and the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
30 ~~Fish~~ Commission; designation of recommended traditional and  
31 other use zones; supervision of aquaculture operations.--

1           (1) Prior to the granting of any lease under this act,  
2 the board shall request a recommendation by the department,  
3 when the application relates to tidal bottoms, and by the Fish  
4 and Wildlife Conservation ~~Game and Fresh Water Fish~~  
5 Commission, when the application relates to bottom land  
6 covered by fresh water. Such recommendations shall be based on  
7 such factors as an assessment of the probable effect of the  
8 proposed leasing arrangement on the lawful rights of riparian  
9 owners, navigation, commercial and sport fishing, and the  
10 conservation of fish or other wildlife or other natural  
11 resources, including beaches and shores.

12           (2) The department and the Fish and Wildlife  
13 Conservation ~~Game and Fresh Water Fish~~ Commission shall both  
14 have the following responsibilities with respect to submerged  
15 land and water column falling within their respective  
16 jurisdictions:

17           (a) To undertake, or cause to be undertaken, the  
18 studies and surveys necessary to support their respective  
19 recommendations to the board;

20           (b) To institute procedures for supervising the  
21 aquaculture activities of lessees holding under this act and  
22 reporting thereon from time to time to the board; and

23           (c) To designate in advance areas of submerged land  
24 and water column owned by the state for which they recommend  
25 reservation for uses that may possibly be inconsistent with  
26 the conduct of aquaculture activities. Such uses shall  
27 include, but not be limited to, recreational, commercial and  
28 sport fishing and other traditional uses, exploration for  
29 petroleum and other minerals, and scientific instrumentation.  
30 The existence of such designated areas shall be considered by  
31 the board in granting leases under this act.

1           Section 75. Subsection (3) of section 253.7829,  
2 Florida Statutes, is amended to read:

3           253.7829 Management plan for retention or disposition  
4 of former Cross Florida Barge Canal lands; authority to manage  
5 lands until disposition.--

6           (3)(a) Before taking any action to control the rhesus  
7 monkey population located in Marion County, the Fish and  
8 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
9 Commission shall conduct a study of the options available to  
10 them to deal with control of the rhesus monkeys located within  
11 a 10-mile radius of the convergence of the Oklawaha and Silver  
12 Rivers. The options studied shall include but not be limited  
13 to:

14           1. Developing a management plan to allow the monkeys  
15 to remain in their present locations.

16           2. Relocating all or some of the monkeys to  
17 appropriate private state or federal lands in the United  
18 States.

19           3. Sterilizing all or some of the monkeys, regardless  
20 of whether they remain in their present location or are  
21 relocated.

22           4. Euthanizing all or some of the monkeys.

23           (b) During the time the study is being conducted, the  
24 Fish and Wildlife Conservation ~~Florida Game and Fresh Water~~  
25 ~~Fish~~ Commission may control monkeys that constitute a threat  
26 to visitors to such area. Such control includes, but is not  
27 limited to, the right to deny public access to any area where  
28 the monkeys are known to congregate. The Fish and Wildlife  
29 Conservation ~~Florida Game and Fresh Water Fish~~ Commission  
30 shall post adequate warning signs in areas to which the public  
31 is denied access.



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1           (c) The Fish and Wildlife Conservation ~~Florida Game~~  
2 ~~and Fresh Water Fish~~ Commission may consult with any other  
3 local or state agency while conducting the study and may  
4 subcontract with any such agency to complete the study.

5           (d) The study of the options shall be delivered to the  
6 Board of Trustees of the Internal Improvement Trust Fund.

7           (e) Nothing in this subsection affects the signed  
8 agreement between the department and the Silver Springs  
9 Attraction regarding the relocation of rhesus monkeys from  
10 Silver River State Park to the attraction, and such agreement  
11 continues to be valid.

12           Section 76. Subsection (3) of section 255.502, Florida  
13 Statutes, 1998 Supplement, is amended to read:

14           255.502 Definitions; ss. 255.501-255.525.--As used in  
15 this act, the following words and terms shall have the  
16 following meanings unless the context otherwise requires:

17           (3) "Agency" means any department created by chapter  
18 20, the Executive Office of the Governor, the Fish and  
19 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
20 the Parole Commission, the State Board of Administration, the  
21 Department of Military Affairs, or the Legislative Branch or  
22 the Judicial Branch of state government.

23           Section 77. Subsection (2) of section 258.157, Florida  
24 Statutes, is amended to read:

25           258.157 Prohibited acts in Savannas State Reserve.--

26           (2) It is unlawful for any person, except a law  
27 enforcement or conservation officer, to have in his or her  
28 possession any firearm while within the Savannas except when  
29 in compliance with regulations established by the Fish and  
30 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
31 Commission applying to lands within the described boundaries.

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1           Section 78. Subsection (4) of section 258.397, Florida  
2 Statutes, is amended to read:

3           258.397 Biscayne Bay Aquatic Preserve.--

4           (4) RULES.--

5           (a) The board of trustees shall adopt and enforce  
6 reasonable rules and regulations to carry out the provisions  
7 of this section and specifically to provide:

8           1. Additional preserve management criteria as may be  
9 necessary to accommodate special circumstances.

10           2. Regulation of human activity within the preserve in  
11 such a manner as not to interfere unreasonably with lawful and  
12 traditional public uses of the preserve, such as fishing (both  
13 sport and commercial), boating, and swimming.

14           (b) Other uses of the preserve, or human activity  
15 within the preserve, although not originally contemplated, may  
16 be permitted by the board of trustees, but only subsequent to  
17 a formal finding of compatibility with the purposes of this  
18 section.

19           (c) Fishing involving the use of seines or nets is  
20 prohibited in the preserve, except when the fishing is for  
21 shrimp or mullet and such fishing is otherwise permitted by  
22 state law or rules promulgated by the Fish and Wildlife  
23 Conservation ~~Marine Fisheries~~ Commission. As used in this  
24 paragraph, the terms "seines" or "nets" shall not include  
25 landing nets, cast nets, or bully nets.

26           Section 79. Paragraph (a) of subsection (7) of section  
27 258.501, Florida Statutes, is amended to read:

28           258.501 Myakka River; wild and scenic segment.--

29           (7) MANAGEMENT COORDINATING COUNCIL.--

30           (a) Upon designation, the department shall create a  
31 permanent council to provide interagency and intergovernmental

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1 coordination in the management of the river. The coordinating  
2 council shall be composed of one representative appointed from  
3 each of the following: the department, the Department of  
4 Transportation, the Fish and Wildlife Conservation ~~Game and~~  
5 ~~Fresh Water Fish~~ Commission, the Department of Community  
6 Affairs, the Division of Forestry of the Department of  
7 Agriculture and Consumer Services, the Division of Historical  
8 Resources of the Department of State, the Tampa Bay Regional  
9 Planning Council, the Southwest Florida Water Management  
10 District, the Southwest Florida Regional Planning Council,  
11 Manatee County, Sarasota County, Charlotte County, the City of  
12 Sarasota, the City of North Port, agricultural interests,  
13 environmental organizations, and any others deemed advisable  
14 by the department.

15 Section 80. Subsection (1) of section 259.036, Florida  
16 Statutes, is amended to read:

17 259.036 Management review teams.--

18 (1) To determine whether conservation, preservation,  
19 and recreation lands titled in the name of the Board of  
20 Trustees of the Internal Improvement Trust Fund are being  
21 managed for the purposes for which they were acquired and in  
22 accordance with a land management plan adopted pursuant to s.  
23 259.032, the board of trustees, acting through the Department  
24 of Environmental Protection, shall cause periodic management  
25 reviews to be conducted as follows:

26 (a) The department shall establish a regional land  
27 management review team composed of the following members:

28 1. One individual who is from the county or local  
29 community in which the parcel or project is located and who is  
30 selected by the county commission in the county which is most  
31 impacted by the acquisition.

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1           2. One individual from the Division of Recreation and  
2 Parks of the department.

3           3. One individual from the Division of Forestry of the  
4 Department of Agriculture and Consumer Services.

5           4. One individual from the Fish and Wildlife  
6 Conservation ~~Game and Fresh Water Fish~~ Commission.

7           5. One individual from the department's district  
8 office in which the parcel is located.

9           6. A private land manager mutually agreeable to the  
10 state agency representatives.

11          7. A member of the local soil and water conservation  
12 district board of supervisors.

13          8. A member of a conservation organization.

14          (b) The staff of the Division of State Lands shall act  
15 as the review team coordinator for the purposes of  
16 establishing schedules for the reviews and other staff  
17 functions. The Legislature shall appropriate funds necessary  
18 to implement land management review team functions.

19          Section 81. Paragraph (a) of subsection (2) of section  
20 282.1095, Florida Statutes, is amended to read:

21          282.1095 State agency law enforcement radio system.--

22          (2)(a) The Joint Task Force on State Agency Law  
23 Enforcement Communications shall consist of eight members, as  
24 follows:

25           1. A representative of the Division of Alcoholic  
26 Beverages and Tobacco of the Department of Business and  
27 Professional Regulation who shall be appointed by the  
28 secretary of the department.

29           2. A representative of the Division of Florida Highway  
30 Patrol of the Department of Highway Safety and Motor Vehicles  
31 who shall be appointed by the executive director of the

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1 department.

2 3. A representative of the Department of Law  
3 Enforcement who shall be appointed by the executive director  
4 of the department.

5 4. A representative of the Fish and Wildlife  
6 Conservation ~~Game and Fresh Water Fish~~ Commission who shall be  
7 appointed by the executive director of the commission.

8 5. A representative of the Division of Law Enforcement  
9 of the Department of Environmental Protection who shall be  
10 appointed by the secretary of the department.

11 6. A representative of the Department of Corrections  
12 who shall be appointed by the secretary of the department.

13 7. A representative of the Division of State Fire  
14 Marshal of the Department of Insurance who shall be appointed  
15 by the State Fire Marshal.

16 8. A representative of the Department of  
17 Transportation who shall be appointed by the secretary of the  
18 department.

19 Section 82. Subsections (3) and (7) of section  
20 282.404, Florida Statutes, are amended to read:

21 282.404 Geographic information board; definition;  
22 membership; creation; duties; advisory council; membership;  
23 duties.--

24 (3) The board consists of the Director of Planning and  
25 Budgeting within the Executive Office of the Governor, the  
26 executive director of the Fish and Wildlife Conservation ~~Game~~  
27 ~~and Fresh Water Fish~~ Commission, the executive director of the  
28 Department of Revenue, and the State Cadastral Surveyor, as  
29 defined in s. 177.503, or their designees, and the heads of  
30 the following agencies, or their designees: the Department of  
31 Agriculture and Consumer Services, the Department of Community

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1 Affairs, the Department of Environmental Protection, the  
2 Department of Transportation, and the Board of Professional  
3 Surveyors and Mappers. The Governor shall appoint to the board  
4 one member each to represent the counties, municipalities,  
5 regional planning councils, water management districts, and  
6 county property appraisers. The Governor shall initially  
7 appoint two members to serve 2-year terms and three members to  
8 serve 4-year terms. Thereafter, the terms of all appointed  
9 members must be 4 years and the terms must be staggered.  
10 Members may be appointed to successive terms and incumbent  
11 members may continue to serve the board until a new  
12 appointment is made.

13 (7) The Geographic Information Advisory Council  
14 consists of one member each from the Office of Planning and  
15 Budgeting within the Executive Office of the Governor, the  
16 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
17 Commission, the Department of Revenue, the Department of  
18 Agriculture and Consumer Services, the Department of Community  
19 Affairs, the Department of Environmental Protection, the  
20 Department of Transportation, the State Cadastral Surveyor,  
21 the Board of Professional Surveyors and Mappers, counties,  
22 municipalities, regional planning councils, water management  
23 districts, and property appraisers, as appointed by the  
24 corresponding member of the board, and the State Geologist.  
25 The Governor shall appoint to the council one member each, as  
26 recommended by the respective organization, to represent the  
27 Department of Children and Family Services, the Department of  
28 Health, the Florida Survey and Mapping Society, Florida Region  
29 of the American Society of Photogrammetry and Remote Sensing,  
30 Florida Association of Cadastral Mappers, the Florida  
31 Association of Professional Geologists, Florida Engineering

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1 Society, Florida Chapter of the Urban and Regional Information  
2 Systems Association, the forestry industry, the State  
3 University System survey and mapping academic research  
4 programs, and State University System geographic information  
5 systems academic research programs; and two members  
6 representing utilities, one from a regional utility, and one  
7 from a local or municipal utility. These persons must have  
8 technical expertise in geographic information issues. The  
9 Governor shall initially appoint six members to serve 2-year  
10 terms and six members to serve 4-year terms. Thereafter, the  
11 terms of all appointed members must be 4 years and must be  
12 staggered. Members may be appointed to successive terms, and  
13 incumbent members may continue to serve the council until a  
14 successor is appointed. Representatives of the Federal  
15 Government may serve as ex officio members without voting  
16 rights.

17 Section 83. Subsection (2) of section 285.09, Florida  
18 Statutes, is amended to read:

19 285.09 Rights of Miccosukee and Seminole Tribes with  
20 respect to hunting, fishing, and frogging.--

21 (2) In addition, members of the Miccosukee Tribe may  
22 take wild game and fish for subsistence purposes and take  
23 frogs for personal consumption as food or for commercial  
24 purposes at any time within their reservation and the area  
25 leased to the Miccosukee Tribe pursuant to the actions of the  
26 Board of Trustees of the Internal Improvement Trust Fund on  
27 April 8, 1981. The Fish and Wildlife Conservation ~~Game and~~  
28 ~~Fresh Water Fish~~ Commission may restrict, for wildlife  
29 management purposes, the exercise of these rights in the area  
30 leased. Prior to placing restrictions upon hunting, fishing,  
31 and frogging for subsistence purposes, the Fish and Wildlife

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1 ~~Conservation Game and Fresh Water Fish~~ Commission shall  
2 totally restrict nonsubsistence uses for the particular  
3 species.

4 Section 84. Section 285.10, Florida Statutes, is  
5 amended to read:

6 285.10 No license or permit fees required;  
7 identification card required.--Indians may exercise the  
8 hunting, fishing, and frogging rights granted to them in those  
9 areas specified by s. 285.09 without payment of licensing or  
10 permitting fees. Each Indian exercising such rights shall be  
11 required to have an identification card issued without cost by  
12 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
13 Commission through the chairs of the Miccosukee Tribe and  
14 Seminole Tribe. Each Indian is required to have the  
15 identification card on his or her person at all times when  
16 exercising such rights and shall exhibit it to officers of the  
17 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
18 Commission upon the request of such officers.

19 Section 85. Subsection (1) of section 288.021, Florida  
20 Statutes, is amended to read:

21 288.021 Economic development liaison.--

22 (1) The heads of the Department of Transportation, the  
23 Department of Environmental Protection and an additional  
24 member appointed by the secretary of the department, the  
25 Department of Labor and Employment Security, the Department of  
26 Education, the Department of Community Affairs, the Department  
27 of Management Services, and the Fish and Wildlife Conservation  
28 ~~Game and Fresh Water Fish~~ Commission shall designate a  
29 high-level staff member from within such agency to serve as  
30 the economic development liaison for the agency. This person  
31 shall report to the agency head and have general knowledge



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1 both of the state's permitting and other regulatory functions  
2 and of the state's economic goals, policies, and programs.  
3 This person shall also be the primary point of contact for the  
4 agency with the Office of Tourism, Trade, and Economic  
5 Development on issues and projects important to the economic  
6 development of Florida, including its rural areas, to expedite  
7 project review, to ensure a prompt, effective response to  
8 problems arising with regard to permitting and regulatory  
9 functions, and to work closely with the other economic  
10 development liaisons to resolve interagency conflicts.

11 Section 86. Subsections (8) and (9) of section  
12 288.975, Florida Statutes, 1998 Supplement, are amended to  
13 read:

14 288.975 Military base reuse plans.--

15 (8) At the request of a host local government, the  
16 Office of Tourism, Trade, and Economic Development shall  
17 coordinate a presubmission workshop concerning a military base  
18 reuse plan within the boundaries of the host jurisdiction.  
19 Agencies that shall participate in the workshop shall include  
20 any affected local governments; the Department of  
21 Environmental Protection; the Office of Tourism, Trade, and  
22 Economic Development; the Department of Community Affairs; the  
23 Department of Transportation; the Department of Health; the  
24 Department of Children and Family Services; the Department of  
25 Agriculture and Consumer Services; the Department of State;  
26 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
27 Commission; and any applicable water management districts and  
28 regional planning councils. The purposes of the workshop shall  
29 be to assist the host local government to understand issues of  
30 concern to the above listed entities pertaining to the  
31 military base site and to identify opportunities for better

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1 coordination of planning and review efforts with the  
2 information and analyses generated by the federal  
3 environmental impact statement process and the federal  
4 community base reuse planning process.

5 (9) If a host local government elects to use the  
6 optional provisions of this act, it shall, no later than 12  
7 months after notifying the agencies of its intent pursuant to  
8 subsection (3) either:

9 (a) Send a copy of the proposed military base reuse  
10 plan for review to any affected local governments; the  
11 Department of Environmental Protection; the Office of Tourism,  
12 Trade, and Economic Development; the Department of Community  
13 Affairs; the Department of Transportation; the Department of  
14 Health; the Department of Children and Family Services; the  
15 Department of Agriculture and Consumer Services; the  
16 Department of State; the Fish and Wildlife Conservation  
17 ~~Florida Game and Fresh Water Fish~~ Commission; and any  
18 applicable water management districts and regional planning  
19 councils, or

20 (b) Petition the secretary of the Department of  
21 Community Affairs for an extension of the deadline for  
22 submitting a proposed reuse plan. Such an extension request  
23 must be justified by changes or delays in the closure process  
24 by the federal Department of Defense or for reasons otherwise  
25 deemed to promote the orderly and beneficial planning of the  
26 subject military base reuse. The secretary of the Department  
27 of Community Affairs may grant extensions to the required  
28 submission date of the reuse plan.

29 Section 87. Subsection (1) of section 316.640, Florida  
30 Statutes, is amended to read:

31 316.640 Enforcement.--The enforcement of the traffic

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1 laws of this state is vested as follows:

2 (1) STATE.--

3 (a)1.a. The Division of Florida Highway Patrol of the  
4 Department of Highway Safety and Motor Vehicles, the Division  
5 of Law Enforcement of the Fish and Wildlife Conservation  
6 Commission ~~Game and Fresh Water Fish Commission~~, the Division  
7 of Law Enforcement of the Department of Environmental  
8 Protection, and law enforcement officers of the Department of  
9 Transportation each have authority to enforce all of the  
10 traffic laws of this state on all the streets and highways  
11 thereof and elsewhere throughout the state wherever the public  
12 has a right to travel by motor vehicle.

13 b. University police officers shall have authority to  
14 enforce all of the traffic laws of this state when such  
15 violations occur on or about any property or facilities that  
16 are under the guidance, supervision, regulation, or control of  
17 the State University System, except that traffic laws may be  
18 enforced off-campus when hot pursuit originates on-campus.

19 c. Community college police officers shall have the  
20 authority to enforce all the traffic laws of this state only  
21 when such violations occur on any property or facilities that  
22 are under the guidance, supervision, regulation, or control of  
23 the community college system.

24 d. Police officers employed by an airport authority  
25 shall have the authority to enforce all of the traffic laws of  
26 this state only when such violations occur on any property or  
27 facilities that are owned or operated by an airport authority.

28 e. The Office of Agricultural Law Enforcement of the  
29 Department of Agriculture and Consumer Services shall have the  
30 authority to enforce traffic laws of this state only as  
31 authorized by the provisions of chapter 570. However, nothing

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1 in this section shall expand the authority of the Office of  
2 Agricultural Law Enforcement at its agricultural inspection  
3 stations to issue any traffic tickets except those traffic  
4 tickets for vehicles illegally passing the inspection station.

5 f. School safety officers shall have the authority to  
6 enforce all of the traffic laws of this state when such  
7 violations occur on or about any property or facilities which  
8 are under the guidance, supervision, regulation, or control of  
9 the district school board.

10 2. An agency of the state as described in subparagraph  
11 1. is prohibited from establishing a traffic citation quota. A  
12 violation of this subparagraph is not subject to the penalties  
13 provided in chapter 318.

14 3. Any disciplinary action taken or performance  
15 evaluation conducted by an agency of the state as described in  
16 subparagraph 1. of a law enforcement officer's traffic  
17 enforcement activity must be in accordance with written  
18 work-performance standards. Such standards must be approved by  
19 the agency and any collective bargaining unit representing  
20 such law enforcement officer. A violation of this subparagraph  
21 is not subject to the penalties provided in chapter 318.

22 (b)1. The Department of Transportation has authority  
23 to enforce on all the streets and highways of this state all  
24 laws applicable within its authority.

25 2.a. The Department of Transportation shall develop  
26 training and qualifications standards for toll enforcement  
27 officers whose sole authority is to enforce the payment of  
28 tolls pursuant to s. 316.1001. Nothing in this subparagraph  
29 shall be construed to permit the carrying of firearms or other  
30 weapons, nor shall a toll enforcement officer have arrest  
31 authority.

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1           b. For the purpose of enforcing s. 316.1001,  
2 governmental entities, as defined in s. 334.03, which own or  
3 operate a toll facility may employ independent contractors or  
4 designate employees as toll enforcement officers; however, any  
5 such toll enforcement officer must successfully meet the  
6 training and qualifications standards for toll enforcement  
7 officers established by the Department of Transportation.

8           Section 88. Subsections (5), (18), (19), and (25) of  
9 section 320.08058, Florida Statutes, 1998 Supplement, are  
10 amended to read:

11           320.08058 Specialty license plates.--

12           (5) FLORIDA PANTHER LICENSE PLATES.--

13           (a) The department shall develop a Florida panther  
14 license plate as provided in this section. Florida panther  
15 license plates must bear the design of a Florida panther and  
16 the colors that department approves. In small letters, the  
17 word "Florida" must appear at the bottom of the plate.

18           (b) The department shall distribute the Florida  
19 panther license plate annual use fee in the following manner:

20           1. Eighty-five percent must be deposited in the  
21 Florida Panther Research and Management Trust Fund in the Fish  
22 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
23 to be used for education and programs to protect the  
24 endangered Florida panther.

25           2. Fifteen percent, but no less than \$300,000, must be  
26 deposited in the Florida Communities Trust Fund to be used  
27 pursuant to the Florida Communities Trust Act.

28           (c) A person or corporation that purchases 10,000 or  
29 more panther license plates shall pay an annual use fee of \$5  
30 per plate and an annual processing fee of \$2 per plate, in  
31 addition to the applicable license tax required under s.

1 320.08.

2 (18) LARGEMOUTH BASS LICENSE PLATES.--

3 (a) The department shall develop a Largemouth Bass  
4 license plate as provided in this section to commemorate the  
5 official freshwater fish of this state. The word "Florida"  
6 must appear at the top of the plate, the words "Go Fishing"  
7 must appear at the bottom of the plate, and a representation  
8 of a largemouth bass must appear to the left of the numerals.

9 (b) The annual use fees shall be distributed to the  
10 State Game Trust Fund and used by the Fish and Wildlife  
11 Conservation ~~Game and Fresh Water Fish~~ Commission to fund  
12 current conservation programs that maintain current levels of  
13 protection and management of this state's fish and wildlife  
14 resources, including providing hunting, fishing, and  
15 nonconsumptive wildlife opportunities.

16 (25) CONSERVE WILDLIFE LICENSE PLATES.--

17 (a) The department shall develop a Conserve Wildlife  
18 license plate. Conserve Wildlife license plates shall bear the  
19 colors and design approved by the department. The word  
20 "Florida" shall appear at the top of the plate, and the words  
21 "Conserve Wildlife" shall appear at the bottom of the plate.  
22 The plate design shall include the likeness of a Florida black  
23 bear.

24 (b) The proceeds of the Conserve Wildlife license  
25 plate annual use fee shall be forwarded to the Wildlife  
26 Foundation of Florida, Inc., a citizen support organization  
27 created pursuant to s. 372.0215.

28 1. Notwithstanding s. 320.08062, up to 10 percent of  
29 the proceeds from the annual use fee may be used for marketing  
30 the Conserve Wildlife license plate and administrative costs  
31 directly related to the management and distribution of the

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1 proceeds.

2           2. The remaining proceeds from the annual use fee  
3 shall be used for programs and activities of the Fish and  
4 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
5 Commission that contribute to the health and well-being of  
6 Florida black bears and other wildlife diversity.

7           Section 89. Present subsection (5) of section 327.02,  
8 Florida Statutes, 1998 Supplement, is redesignated as  
9 subsection (6), present subsection (6) is repealed, subsection  
10 (7) is amended, and new subsection (5) is added to that  
11 section to read:

12           327.02 Definitions of terms used in this chapter and  
13 in chapter 328.--As used in this chapter and in chapter 328,  
14 unless the context clearly requires a different meaning, the  
15 term:

16           (5) "Commission" means the Fish and Wildlife  
17 Conservation Commission.

18           (7) "Division" means the Division of Law Enforcement  
19 of the Fish and Wildlife Conservation Commission ~~Department of~~  
20 ~~Environmental Protection.~~

21           Section 90. Paragraph (a) of subsection (2) of section  
22 341.352, Florida Statutes, is amended to read:

23           341.352 Certification hearing.--

24           (2)(a) The parties to the certification proceeding  
25 are:

- 26           1. The franchisee.
- 27           2. The Department of Commerce.
- 28           3. The Department of Environmental Protection.
- 29           4. The Department of Transportation.
- 30           5. The Department of Community Affairs.
- 31           6. The Fish and Wildlife Conservation ~~Game and Fresh~~

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1 ~~Water Fish~~ Commission.

2           7. Each water management district.

3           8. Each local government.

4           9. Each regional planning council.

5           10. Each metropolitan planning organization.

6           Section 91. Subsection (3) of section 369.20, Florida  
7 Statutes, 1998 Supplement, is amended to read:

8           369.20 Florida Aquatic Weed Control Act.--

9           (3) It shall be the duty of the department to guide  
10 and coordinate the activities of all public bodies,  
11 authorities, agencies, and special districts charged with the  
12 control or eradication of aquatic weeds and plants. It may  
13 delegate all or part of such functions to the Fish and  
14 Wildlife Conservation Game and Fresh Water Fish Commission.

15           Section 92. Subsection (9) of section 369.22, Florida  
16 Statutes, 1998 Supplement, is amended to read:

17           369.22 Nonindigenous aquatic plant control.--

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



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1 Constitution.

2 Section 93. Paragraph (b) of subsection (3) of section  
3 369.25, Florida Statutes, is amended to read:

4 369.25 Aquatic plants; definitions; permits; powers of  
5 department; penalties.--

6 (3) The department has the following powers:

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

13 Section 94. Section 370.01, Florida Statutes, 1998  
14 Supplement, is amended to read:

15 370.01 Definitions.--In construing these statutes,  
16 where the context does not clearly indicate otherwise, the  
17 word, phrase, or term:

18 (1) "Authorization" means a number issued by the Fish  
19 and Wildlife Conservation ~~Game and Fresh Water Fish~~  
20 Commission, or its authorized agent, which serves in lieu of a  
21 license or permits and affords the privilege purchased for a  
22 specified period of time.

23 (2) "Beaches" and "shores" shall mean the coastal and  
24 intracoastal shoreline of this state bordering upon the waters  
25 of the Atlantic Ocean, the Gulf of Mexico, the Straits of  
26 Florida, and any part thereof, and any other bodies of water  
27 under the jurisdiction of the State of Florida, between the  
28 mean high-water line and as far seaward as may be necessary to  
29 effectively carry out the purposes of this act.

30 (3) "Closed season" shall be that portion of the year  
31 wherein the laws or rules of Florida forbid the taking of

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1 particular species of game or varieties of fish.

2 (4) "Coastal construction" includes any work or  
3 activity which is likely to have a material physical effect on  
4 existing coastal conditions or natural shore processes.

5 (5) "Commission" shall mean the Fish and Wildlife  
6 Conservation Commission.

7 (6)~~(5)~~ "Common carrier" shall include any person,  
8 firm, or corporation, who undertakes for hire, as a regular  
9 business, to transport persons or commodities from place to  
10 place offering his or her services to all such as may choose  
11 to employ the common carrier and pay his or her charges.

12 (7)~~(6)~~ "Coon oysters" are oysters found growing in  
13 bunches along the shore between high-water mark and low-water  
14 mark.

15 (8)~~(7)~~ "Department" shall mean the Department of  
16 Environmental Protection.

17 (9)~~(8)~~ "Erosion control," "beach preservation," and  
18 "hurricane protection" shall include any activity, work,  
19 program, project, or other thing deemed necessary by the  
20 ~~Division of Marine Resources of the~~ Department of  
21 Environmental Protection to effectively preserve, protect,  
22 restore, rehabilitate, stabilize, and improve the beaches and  
23 shores of this state, as defined above.

24 (10)~~(9)~~ "Exhibit" means to present or display upon  
25 request.

26 (11)~~(10)~~ "Finfish" means any member of the classes  
27 Agnatha, Chondrichthyes, or Osteichthyes.

28 (12)~~(11)~~ "Food fish" shall include mullet, trout,  
29 redfish, sheepshead, pompano, mackerel, bluefish, red snapper,  
30 grouper, black drum, jack crevalle, and all other fish  
31 generally used for human consumption.

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1           ~~(13)~~~~(12)~~ "Guide" shall include any person engaged in  
2 the business of guiding hunters or hunting parties, fishers or  
3 fishing parties, for compensation.

4           ~~(14)~~~~(13)~~ "Marine fish" means any saltwater species of  
5 finfish of the classes Agnatha, Chondrichthyes, and  
6 Osteichthyes, and marine invertebrates in the classes  
7 Gastropoda, Bivalvia, and Crustacea, or the phylum  
8 Echinodermota, but does not include nonliving shells or  
9 Echinoderms.

10           ~~(15)~~~~(14)~~ A "natural oyster or clam reef" or "bed" or  
11 "bar" shall be considered and defined as an area containing  
12 not less than 100 square yards of the bottom where oysters or  
13 clams are found in a stratum.

14           ~~(16)~~~~(15)~~ "Nonresident alien" shall mean those  
15 individuals from other nations who can provide documentation  
16 from the Immigration and Naturalization Service evidencing  
17 permanent residency status in the United States. For the  
18 purposes of this chapter, a "nonresident alien" shall be  
19 considered a "nonresident."

20           ~~(17)~~~~(16)~~ "Open season" shall be that portion of the  
21 year wherein the laws of Florida for the preservation of fish  
22 and game permit the taking of particular species of game or  
23 varieties of fish.

24           ~~(18)~~~~(17)~~ "Reef bunch oysters" are oysters found  
25 growing on the bars or reefs in the open bay and exposed to  
26 the air between high and low tide.

27           ~~19~~~~(18)~~ "Resident" or "resident of Florida" includes  
28 citizens of the United States who have continuously resided in  
29 this state, next preceding the making of their application for  
30 hunting, fishing, or other license, for the following period  
31 of time, to wit: For 1 year in the state and 6 months in the

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1 county when applied to all fish and game laws not related to  
2 freshwater fish and game.

3 (20)~~(19)~~ "Resident alien" shall mean those persons who  
4 have continuously resided in this state for at least 1 year  
5 and 6 months in the county and can provide documentation from  
6 the Immigration and Naturalization Service evidencing  
7 permanent residency status in the United States. For the  
8 purposes of this chapter, a "resident alien" shall be  
9 considered a "resident."

10 (21)~~(20)~~ "Restricted species" means any species of  
11 saltwater products ~~for~~ which the state by law, or the Fish and  
12 Wildlife Conservation ~~Marine Fisheries~~ Commission by rule, has  
13 found it necessary to so designate. The term includes a  
14 species of saltwater products designated by the commission as  
15 restricted within a geographical area or during a particular  
16 time period of each year. Designation as a restricted species  
17 does not confer the authority to sell a species pursuant to s.  
18 370.06 if the law or rule prohibits the sale of the species.

19 (22)~~(21)~~ "Salt water," except where otherwise provided  
20 by law, shall be all of the territorial waters of Florida  
21 excluding all lakes, rivers, canals, and other waterways of  
22 Florida from such point or points where the fresh and salt  
23 waters commingle to such an extent as to become unpalatable  
24 because of the saline content, or from such point or points as  
25 may be fixed for conservation purposes by the ~~Division of~~  
26 ~~Marine Resources of the~~ Department of Environmental Protection  
27 and the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
28 ~~Fish~~ Commission, with the consent and advice of the board of  
29 county commissioners of the county or counties to be affected.

30 (23)~~(22)~~ "Saltwater fish" shall include all classes of  
31 pisces, shellfish, sponges, and crustacea indigenous to salt

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1 water.

2 (24)~~(23)~~ "Saltwater license privileges," except where  
3 otherwise provided by law, means any license, endorsement,  
4 certificate, or permit issued pursuant to this chapter.

5 (25)~~(24)~~ "Saltwater products" means any species of  
6 saltwater fish, marine plant, or echinoderm, except shells,  
7 and salted, cured, canned, or smoked seafood.

8 (26)~~(25)~~ "Shellfish" shall include oysters, clams, and  
9 whelks.

10 (27)~~(26)~~ "Transport" shall include shipping,  
11 transporting, carrying, importing, exporting, receiving or  
12 delivering for shipment, transportation or carriage or export.

13 Section 95. Section 370.021, Florida Statutes, 1998  
14 Supplement, is amended to read:

15 370.021 Administration; rules, publications, records;  
16 penalties; injunctions.--

17 ~~(1) RULES.--The Department of Environmental Protection~~  
18 ~~has authority to adopt rules pursuant to ss. 120.536(1) and~~  
19 ~~120.54 to implement provisions of law conferring powers or~~  
20 ~~duties upon it. The director of each division shall submit to~~  
21 ~~the department suggested rules and regulations for that~~  
22 ~~division. Any person violating or otherwise failing to comply~~  
23 ~~with any of the rules and regulations adopted as aforesaid is~~  
24 ~~guilty of a misdemeanor of the second degree, punishable as~~  
25 ~~provided in s. 775.082 or s. 775.083, unless otherwise~~  
26 ~~provided by law.~~

27 (1)~~(2)~~ PENALTIES.--Unless otherwise provided by law,  
28 any person, firm, or corporation who is convicted for  
29 violating any provision of this chapter, ~~any rule of the~~  
30 ~~department adopted pursuant to this chapter,~~ or any rule of  
31 the Fish and Wildlife Conservation ~~Marine Fisheries~~ Commission

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1 adopted pursuant to this chapter, shall be punished:

2 (a) Upon a first conviction, by imprisonment for a  
3 period of not more than 60 days or by a fine of not less than  
4 \$100 nor more than \$500, or by both such fine and  
5 imprisonment.

6 (b) On a second or subsequent conviction within 12  
7 months, by imprisonment for not more than 6 months or by a  
8 fine of not less than \$250 nor more than \$1,000, or by both  
9 such fine and imprisonment.

10 (2)(3) MAJOR VIOLATIONS.--In addition to the penalties  
11 provided in paragraphs (1)(a) and (b) ~~(2)(a) and (b)~~, the  
12 court shall assess additional penalties against any person,  
13 firm, or corporation convicted of major violations as follows:

14 (a) For a violation involving more than 100 illegal  
15 blue crabs, crawfish, or stone crabs, an additional penalty of  
16 \$10 for each illegal blue crab, crawfish, stone crab, or part  
17 thereof.

18 (b) For a violation involving the taking or harvesting  
19 of shrimp from a nursery or other prohibited area, an  
20 additional penalty of \$10 for each pound of illegal shrimp or  
21 part thereof.

22 (c) For a violation involving the taking or harvesting  
23 of oysters from nonapproved areas or the taking or possession  
24 of unculled oysters, an additional penalty of \$10 for each  
25 bushel of illegal oysters.

26 (d) For a violation involving the taking or harvesting  
27 of clams from nonapproved areas, an additional penalty of \$100  
28 for each 500 count bag of illegal clams.

29 (e) For a violation involving the taking, harvesting,  
30 or possession of any of the following species, which are  
31 endangered, threatened, or of special concern:

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- 1           1. Shortnose sturgeon (*Acipenser brevirostrum*);  
2           2. Atlantic sturgeon (*Acipenser oxyrinchus*);  
3           3. Common snook (*Centropomus undecimalis*);  
4           4. Atlantic loggerhead turtle (*Caretta caretta*  
5 *caretta*);  
6           5. Atlantic green turtle (*Chelonia mydas mydas*);  
7           6. Leatherback turtle (*Dermochelys coriacea*);  
8           7. Atlantic hawksbill turtle (*Eretmochelys imbricata*  
9 *imbricata*);  
10          8. Atlantic ridley turtle (*Lepidochelys kempi*); or  
11          9. West Indian manatee (*Trichechus manatus*  
12 *latirostris*),  
13  
14 an additional penalty of \$100 for each unit of marine life or  
15 part thereof.  
16           (f) For a second or subsequent conviction within 24  
17 months for any violation of the same law or rule involving the  
18 taking or harvesting of more than 100 pounds of any finfish,  
19 an additional penalty of \$5 for each pound of illegal finfish.  
20           (g) For any violation involving the taking,  
21 harvesting, or possession of more than 1,000 pounds of any  
22 illegal finfish, an additional penalty equivalent to the  
23 wholesale value of the illegal finfish.  
24           (h) The proceeds from the penalties assessed pursuant  
25 to this subsection shall be deposited into the Marine  
26 Resources Conservation Trust Fund to be used for marine  
27 fisheries research or into the commission's ~~department's~~  
28 Federal Law Enforcement Trust Fund as provided in s. 372.107  
29 ~~s. 20.2553~~, as applicable.  
30           (i) Permits issued to any person, firm, or corporation  
31 by the commission ~~department~~ to take or harvest saltwater

1 products, or any license issued pursuant to s. 370.06 or s.  
2 370.07 may be suspended or revoked by the commission  
3 ~~department~~, pursuant to the provisions and procedures of s.  
4 120.60, for any major violation prescribed in this subsection:

5 1. Upon a second conviction for a violation which  
6 occurs within 12 months after a prior violation, for up to 60  
7 days.

8 2. Upon a third conviction for a violation which  
9 occurs within 24 months after a prior violation, for up to 180  
10 days.

11 3. Upon a fourth conviction for a violation which  
12 occurs within 36 months after a prior violation, for a period  
13 of 6 months to 3 years.

14 (j) Upon the arrest and conviction for a major  
15 violation involving stone crabs, the licenseholder must show  
16 just cause why his or her license should not be suspended or  
17 revoked. For the purposes of this paragraph, a "major  
18 violation" means a major violation as prescribed for illegal  
19 stone crabs; any single violation involving possession of more  
20 than 25 stone crabs during the closed season or possession of  
21 25 or more whole-bodied or egg-bearing stone crabs; any  
22 violation for trap molestation, trap robbing, or pulling traps  
23 at night; or any combination of violations in any  
24 3-consecutive-year period wherein more than 75 illegal stone  
25 crabs in the aggregate are involved.

26 (k) Upon the arrest and conviction for a major  
27 violation involving crawfish, the licenseholder must show just  
28 cause why his or her license should not be suspended or  
29 revoked. For the purposes of this paragraph, a "major  
30 violation" means a major violation as prescribed for illegal  
31 crawfish; any single violation involving possession of more



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1 than 25 crawfish during the closed season or possession of  
2 more than 25 wrung crawfish tails or more than 25 egg-bearing  
3 or stripped crawfish; any violation for trap molestation, trap  
4 robbing, or pulling traps at night; or any combination of  
5 violations in any 3-consecutive-year period wherein more than  
6 75 illegal crawfish in the aggregate are involved.

7 (l) Upon the arrest and conviction for a major  
8 violation involving blue crabs, the licenseholder shall show  
9 just cause why his or her saltwater products license should  
10 not be suspended or revoked. This paragraph shall not apply  
11 to an individual fishing with no more than five traps. For  
12 the purposes of this paragraph, a "major violation" means a  
13 major violation as prescribed for illegal blue crabs, any  
14 single violation wherein 50 or more illegal blue crabs are  
15 involved; any violation for trap molestation, trap robbing, or  
16 pulling traps at night; or any combination of violations in  
17 any 3-consecutive-year period wherein more than 100 illegal  
18 blue crabs in the aggregate are involved.

19 (m) Upon the conviction for a major violation  
20 involving finfish, the licenseholder must show just cause why  
21 his or her saltwater products license should not be suspended  
22 or revoked. For the purposes of this paragraph, a major  
23 violation is prescribed for the taking and harvesting of  
24 illegal finfish, any single violation involving the possession  
25 of more than 100 pounds of illegal finfish, or any combination  
26 of violations in any 3-consecutive-year period wherein more  
27 than 200 pounds of illegal finfish in the aggregate are  
28 involved.

29 (n) Upon final disposition of any alleged offense for  
30 which a citation for any violation of this chapter or the  
31 rules of the Fish and Wildlife Conservation ~~Marine Fisheries~~

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1 Commission has been issued, the court shall, within 10 days,  
2 certify the disposition to the commission department.

3  
4 Notwithstanding the provisions of s. 948.01, no court may  
5 suspend, defer, or withhold adjudication of guilt or  
6 imposition of sentence for any major violation prescribed in  
7 this subsection.

8 (3)~~(4)~~ PENALTIES FOR USE OF ILLEGAL NETS.--

9 (a) It shall be a major violation pursuant to  
10 subsection (3) and shall be punished as provided below for any  
11 person, firm, or corporation to be simultaneously in  
12 possession of any species of mullet in excess of the  
13 recreational daily bag limit and any gill or other entangling  
14 net as defined in s. 16(c), Art. X of the State Constitution.  
15 Simultaneous possession under this provision shall include  
16 possession of mullet and gill or other entangling nets on  
17 separate vessels or vehicles where such vessels or vehicles  
18 are operated in coordination with one another including  
19 vessels towed behind a main vessel. This subsection does not  
20 prohibit a resident of this state from transporting on land,  
21 from Alabama to this state, a commercial quantity of mullet  
22 together with a gill net if:

23 1. The person possesses a valid commercial fishing  
24 license that is issued by the State of Alabama and that allows  
25 the person to use a gill net to legally harvest mullet in  
26 commercial quantities from Alabama waters.

27 2. The person possesses a trip ticket issued in  
28 Alabama and filled out to match the quantity of mullet being  
29 transported, and the person is able to present such trip  
30 ticket immediately upon entering this state.

31 3. The mullet are to be sold to a wholesale saltwater

1 products dealer located in Escambia County or Santa Rosa  
2 County, which dealer also possesses a valid seafood dealer's  
3 license issued by the State of Alabama. The dealer's name must  
4 be clearly indicated on the trip ticket.

5 4. The mullet being transported are totally removed  
6 from any net also being transported.

7 (b) In addition to being subject to the other  
8 penalties provided in this chapter, any violation of s. 16,  
9 Art. X of the State Constitution, paragraph (b), or any rules  
10 of the Fish and Wildlife Conservation ~~Marine Fisheries~~  
11 Commission which implement the gear prohibitions and  
12 restrictions specified therein shall be considered a major  
13 violation; and any person, firm, or corporation receiving any  
14 judicial disposition other than acquittal or dismissal of such  
15 violation shall be subject to the following additional  
16 penalties:

17 1. For a first major violation within a 7-year period,  
18 a civil penalty of \$2,500 and suspension of all saltwater  
19 products license privileges for 90 calendar days following  
20 final disposition shall be imposed.

21 2. For a second major violation under this paragraph  
22 charged within 7 years of a previous judicial disposition,  
23 which results in a second judicial disposition other than  
24 acquittal or dismissal, a civil penalty of \$5,000 and  
25 suspension of all saltwater products license privileges for 12  
26 months shall be imposed.

27 3. For a third and subsequent major violation under  
28 this paragraph, charged within a 7-year period, resulting in a  
29 third or subsequent judicial disposition other than acquittal  
30 or dismissal, a civil penalty of \$5,000, lifetime revocation  
31 of the saltwater products license, and forfeiture of all gear

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1 and equipment used in the violation shall be imposed.

2

3 A court may suspend, defer, or withhold adjudication of guilt  
4 or imposition of sentence only for any first violation of s.  
5 16, Art. X of the State Constitution, or any rule or statute  
6 implementing its restrictions, determined by a court only  
7 after consideration of competent evidence of mitigating  
8 circumstances to be a nonflagrant or minor violation of those  
9 restrictions upon the use of nets. Any violation of s. 16,  
10 Art. X of the State Constitution, or any rule or statute  
11 implementing its restrictions, occurring within a 7-year  
12 period commencing upon the conclusion of any judicial  
13 proceeding resulting in any outcome other than acquittal shall  
14 be punished as a second, third, or subsequent violation  
15 accordingly.

16 (c) During the period of suspension or revocation of  
17 saltwater license privileges under this subsection, the  
18 licensee may not participate in the taking or harvesting or  
19 attempt the taking or harvesting of saltwater products from  
20 any vessel within the waters of the state, or any other  
21 activity requiring a license, permit, or certificate issued  
22 pursuant to this chapter. Any person who violates this  
23 paragraph is:

24 1. Upon a first or second conviction, to be punished  
25 as provided by paragraph (1)(a) ~~(2)(a)~~ or paragraph (1)(b)  
26 ~~(2)(b)~~.

27 2. Upon a third or subsequent conviction, guilty of a  
28 felony of the third degree, punishable as provided in s.  
29 775.082, s. 775.083, or s. 775.084.

30 (d) Upon reinstatement of saltwater license privileges  
31 suspended pursuant to a violation of this section, a licensee

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1 owning or operating a vessel containing or otherwise  
2 transporting in or on Florida waters any gill net or other  
3 entangling net, or containing or otherwise transporting in  
4 nearshore and inshore Florida waters any net containing more  
5 than 500 square feet of mesh area shall remain restricted for  
6 a period of 12 months following reinstatement, to operation  
7 under the following conditions:

8 1. Vessels subject to this reinstatement period shall  
9 be restricted to the corridors established by commission  
10 ~~department~~ rule.

11 2. A violation of the reinstatement period provisions  
12 shall be punishable pursuant to paragraphs (1)(a) and (b)  
13 ~~(2)(a) and (b)~~.

14 (e) Rescission and revocation proceedings under this  
15 section shall be governed by chapter 120.

16 (4)(5) ~~ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS~~  
17 INVOLVING CERTAIN FINFISH.--It shall be a major violation  
18 pursuant to this section and punishable pursuant to paragraph  
19 (3)(b)(4)(b) ~~for any person to be in possession of any~~  
20 species of trout, snook, or redfish which is three fish in  
21 excess of the recreational or commercial daily bag limit.

22 (5)(6) ~~BUYING SALTWATER PRODUCTS FROM UNLICENSED~~  
23 ~~SELLER.--In addition to being subject to other penalties~~  
24 ~~provided in this chapter, any violation of s. 370.06 or s.~~  
25 ~~370.07, or rules of the commission ~~department~~ implementing s.~~  
26 ~~370.06 or s. 370.07, involving buying saltwater products from~~  
27 ~~an unlicensed person, firm, or corporation, shall be a major~~  
28 ~~violation, and the commission ~~department~~ may assess the~~  
29 ~~following penalties:~~

30 (a) For a first violation, the commission ~~department~~  
31 may assess a civil penalty of up to \$2,500 and may suspend the

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1 wholesale or ~~and/or~~ retail dealer's license privileges for up  
2 to 90 calendar days.

3 (b) For a second violation occurring within 12 months  
4 of a prior violation, the commission ~~department~~ may assess a  
5 civil penalty of up to \$5,000 and may suspend the wholesale or  
6 ~~and/or~~ retail dealer's license privileges for up to 180  
7 calendar days.

8 (c) For a third or subsequent violation occurring  
9 within a 24-month period, the commission ~~department~~ shall  
10 assess a civil penalty of \$5,000 and shall suspend the  
11 wholesale or ~~and/or~~ retail dealer's license privileges for up  
12 to 24 months.

13  
14 Any proceeds from the civil penalties assessed pursuant to  
15 this subsection shall be deposited into the Marine Resources  
16 Conservation Trust Fund and shall be used as follows: 40  
17 percent for administration and processing purposes and 60  
18 percent for law enforcement purposes.

19 ~~(6)(7)~~ RULES; ADMISSIBILITY AS EVIDENCE.--Rules and  
20 regulations shall be admitted as evidence in the courts of the  
21 state when accompanied by an affidavit from the executive  
22 director ~~secretary~~ of the commission ~~department~~ certifying  
23 that the rule or regulation has been lawfully adopted,  
24 promulgated, and published; and such affidavit shall be prima  
25 facie evidence of proper adoption, promulgation, and  
26 publication of the rule or regulation.

27 ~~(7)(8)~~ PUBLICATIONS BY COMMISSION ~~DEPARTMENT~~.--The  
28 Fish and Wildlife Conservation Commission ~~department~~ through  
29 ~~the Division of Administration and Technical Services~~ is given  
30 authority, from time to time in its discretion, to cause the  
31 statutory laws under its jurisdiction, together with any rules

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1 and regulations promulgated by it, to be published in pamphlet  
2 form for free distribution in this state. The commission  
3 ~~department~~ is authorized to make charges for technical and  
4 educational publications and mimeographed material of use for  
5 educational or reference purposes. Such charges shall be made  
6 at the discretion of the commission ~~Division of Administration~~  
7 ~~and Technical Services~~. Such charges may be sufficient to  
8 cover cost of preparation, printing, publishing, and  
9 distribution. All moneys received for publications shall be  
10 deposited into the fund from which the cost of the publication  
11 was paid. The commission ~~department~~ is further authorized to  
12 enter into agreements with persons, firms, corporations,  
13 governmental agencies, and other institutions whereby  
14 publications may be exchanged reciprocally in lieu of payments  
15 for said publications.

16 ~~(8)(9)~~ POWERS OF OFFICERS.--

17 (a) ~~The department may designate such employees of the~~  
18 ~~several divisions, as it may deem necessary in its discretion,~~  
19 ~~as law enforcement officers, who shall meet the provisions of~~  
20 ~~s. 943.13(1)-(10) and have the powers and duties conferred in~~  
21 ~~this subsection, except that such employees shall comply with~~  
22 ~~the provisions of chapter 943. Such Law enforcement officers~~  
23 ~~of the Fish and Wildlife Conservation Commission and the~~  
24 ~~Director of the Division of Law Enforcement, are constituted~~  
25 law enforcement officers of this state with full power to  
26 investigate and arrest for any violation of the laws of this  
27 state and the rules and regulations of the commission  
28 ~~department~~ under their jurisdiction, ~~and for violations of~~  
29 ~~chapter 253 and the rules and regulations promulgated~~  
30 ~~thereunder.~~ The general laws applicable to arrests by peace  
31 officers of this state shall also be applicable to ~~such~~ law

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1 enforcement officers of the commission. Such law enforcement  
2 officers may enter upon any land or waters of the state for  
3 performance of their lawful duties and may take with them any  
4 necessary equipment, and such entry will not constitute a  
5 trespass. It is lawful for any boat, motor vehicle, or  
6 aircraft owned or chartered by the commission ~~department~~ or  
7 its agents or employees to land on and depart from any of the  
8 beaches or waters of the state. Such law enforcement officers  
9 have the authority, without warrant, to board, inspect, and  
10 search any boat, fishing appliance, storage or processing  
11 plant, fishhouse, spongehouse, oysterhouse, or other  
12 warehouse, building, or vehicle engaged in transporting or  
13 storing any fish or fishery products. Such authority to search  
14 and inspect without a search warrant is limited to those cases  
15 in which such law enforcement officers have reason to believe  
16 that fish or any saltwater products are taken or kept for  
17 sale, barter, transportation, or other purposes in violation  
18 of laws or rules promulgated under this law. Any such law  
19 enforcement officer may at any time seize or take possession  
20 of any saltwater products or contraband which have been  
21 unlawfully caught, taken, or processed or which are unlawfully  
22 possessed or transported in violation of any of the laws of  
23 this state or any rule or regulation of the commission  
24 ~~department~~. Such law enforcement officers may arrest any  
25 person in the act of violating any of the provisions of this  
26 law, the rules or regulations of the commission ~~department~~,  
27 ~~the provisions of chapter 253 and the rules and regulations~~  
28 ~~promulgated thereunder~~, or any of the laws of this state. It  
29 is hereby declared unlawful for any person to resist such  
30 arrest or in any manner interfere, either by abetting or  
31 assisting such resistance or otherwise interfering, with any



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1 such law enforcement officer while engaged in the performance  
2 of the duties imposed upon him or her by law or regulation of  
3 the commission department.

4 (b) The Legislature finds that the checking and  
5 inspection of saltwater products aboard vessels is critical to  
6 good fishery management and conservation and that, because  
7 almost all saltwater products are either iced or cooled in  
8 closed areas or containers, the enforcement of seasons, size  
9 limits, and bag limits can only be effective when inspection  
10 of saltwater products so stored is immediate and routine.  
11 Therefore, in addition to the authority granted in paragraph  
12 (a), a law enforcement officer of the commission department  
13 who has probable cause to believe that the vessel has been  
14 used for fishing prior to the inspection shall have full  
15 authority to open and inspect all containers or areas where  
16 saltwater products are normally kept aboard vessels while such  
17 vessels are on the water, such as refrigerated or iced  
18 locations, coolers, fish boxes, and bait wells, but  
19 specifically excluding such containers that are located in  
20 sleeping or living areas of the vessel.

21 ~~(10) DUTIES OF DEPARTMENT OF LEGAL AFFAIRS.--The~~  
22 ~~Department of Legal Affairs shall attend to the legal business~~  
23 ~~of the Department of Environmental Protection and its~~  
24 ~~divisions; but, if at any time any question of law or any~~  
25 ~~litigation arises and the Department of Legal Affairs is~~  
26 ~~otherwise occupied and cannot give the time and attention~~  
27 ~~necessary to such question of law or litigation as the~~  
28 ~~occasion demands, the several state attorneys shall attend to~~  
29 ~~any such question of law or litigation arising within their~~  
30 ~~respective circuits; and, if such state attorney is otherwise~~  
31 ~~occupied and cannot give the time and attention necessary to~~

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1 ~~such question of law or litigation as the case may demand, the~~  
2 ~~Department of Environmental Protection may employ additional~~  
3 ~~counsel for that particular cause, with the advice and consent~~  
4 ~~of the Department of Legal Affairs. Such additional counsel's~~  
5 ~~fees shall be paid from the moneys appropriated to the~~  
6 ~~Department of Environmental Protection.~~

7 (9)~~(11)~~ RETENTION, DESTRUCTION, AND REPRODUCTION OF  
8 RECORDS.--Records and documents of the Fish and Wildlife  
9 Conservation Commission ~~Department of Environmental Protection~~  
10 created in compliance with and in the implementation of this  
11 chapter or former chapter 371 shall be retained by the  
12 commission ~~department~~ as specified in record retention  
13 schedules established under the general provisions of chapters  
14 119 and 257. Such records retained by the Department of  
15 Environmental Protection on July 1, 1999, shall be transferred  
16 to the commission. Further, the commission ~~department~~ is  
17 authorized to:

18 (a) Destroy, or otherwise dispose of, those records  
19 and documents in conformity with the approved retention  
20 schedules.

21 (b) Photograph, microphotograph, or reproduce such  
22 records and documents on film, as authorized and directed by  
23 the approved retention schedules, whereby each page will be  
24 exposed in exact conformity with the original records and  
25 documents retained in compliance with the provisions of this  
26 section. Photographs or microphotographs in the form of film  
27 or print of any records, made in compliance with the  
28 provisions of this section, shall have the same force and  
29 effect as the originals thereof would have and shall be  
30 treated as originals for the purpose of their admissibility in  
31 evidence. Duly certified or authenticated reproductions of

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1 such photographs or microphotographs shall be admitted in  
2 evidence equally with the original photographs or  
3 microphotographs. The impression of the seal of the Fish and  
4 Wildlife Conservation Commission ~~Department of Environmental~~  
5 ~~Protection~~ on a certificate made pursuant to the provisions  
6 hereof and signed by the Executive Director of the Fish and  
7 Wildlife Conservation Commission ~~Secretary of Environmental~~  
8 ~~Protection~~ shall entitle the same to be received in evidence  
9 in all courts and in all proceedings in this state and shall  
10 be prima facie evidence of all factual matters set forth in  
11 the certificate. A certificate may relate to one or more  
12 records, as set forth in the certificate, or in a schedule  
13 continued on an attachment to the certificate.

14 (c) Furnish certified copies of such records for a fee  
15 of \$1 which shall be deposited in the Marine Resources  
16 Conservation Trust Fund.

17 ~~(10)(12)~~ COURTS OF EQUITY MAY ENJOIN.--Courts of  
18 equity in this state have jurisdiction to enforce the  
19 conservation laws of this state by injunction.

20 (13) BOND OF EMPLOYEES.--The department may require,  
21 as it determines, that bond be given by any employee of the  
22 department or divisions thereof, payable to the Governor of  
23 the state and the Governor's successor in office, for the use  
24 and benefit of those whom it may concern, in such penal sums  
25 with good and sufficient surety or sureties approved by the  
26 department conditioned for the faithful performance of the  
27 duties of such employee.

28 (14) REVOCATION OF LICENSES.--Any person licensed  
29 under this chapter who has been convicted of taking  
30 aquaculture species raised at a certified facility shall have  
31 his or her license revoked for 5 years by the Fish and

1 Wildlife Conservation Commission ~~Department of Environmental~~  
2 ~~Protection~~ pursuant to the provisions and procedures of s.  
3 120.60.

4 Section 96. Section 370.028, Florida Statutes, 1998  
5 Supplement, is amended to read:

6 370.028 Enforcement of commission rules; penalties for  
7 violation of rule.--Rules of the Fish and Wildlife  
8 Conservation ~~department and the Marine Fisheries~~ Commission  
9 shall be enforced by any law enforcement officer certified  
10 pursuant to s. 943.13. Any person who violates or otherwise  
11 fails to comply with any rule adopted by the commission shall  
12 be punished pursuant to s. 370.021(1)~~s. 370.021(2)~~.

13 Section 97. Subsections (1), (2), (3), (6), (7), and  
14 (8) of section 370.06, Florida Statutes, 1998 Supplement, are  
15 amended to read:

16 370.06 Licenses.--

17 (1) LICENSE ON PURSE SEINES.--There is levied, in  
18 addition to any other taxes thereon, an annual license tax of  
19 \$25 upon each purse seine used in the waters of this state.  
20 This license fee shall be collected in the manner provided in  
21 this section.

22 (2) SALTWATER PRODUCTS LICENSE.--

23 (a) Every person, firm, or corporation that sells,  
24 offers for sale, barter, or exchanges for merchandise any  
25 saltwater products, or which harvests saltwater products with  
26 certain gear or equipment as specified by law, must have a  
27 valid saltwater products license, except that the holder of an  
28 aquaculture certificate under s. 597.004 is not required to  
29 purchase and possess a saltwater products license in order to  
30 possess, transport, or sell marine aquaculture products. Each  
31 saltwater products license allows the holder to engage in any

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1 of the activities for which the license is required. The  
2 license must be in the possession of the licenseholder or  
3 aboard the vessel and shall be subject to inspection at any  
4 time that harvesting activities for which a license is  
5 required are being conducted. A restricted species endorsement  
6 on the saltwater products license is required to sell to a  
7 licensed wholesale dealer those species which the state, by  
8 law or rule, has designated as "restricted species." This  
9 endorsement may be issued only to a person who is at least 16  
10 years of age, or to a firm certifying that over 25 percent of  
11 its income or \$5,000 of its income, whichever is less, is  
12 attributable to the sale of saltwater products pursuant to a  
13 license issued under this paragraph or a similar license from  
14 another state. This endorsement may also be issued to a  
15 for-profit corporation if it certifies that at least \$5,000 of  
16 its income is attributable to the sale of saltwater products  
17 pursuant to a license issued under this paragraph or a similar  
18 license from another state. However, if at least 50 percent of  
19 the annual income of a person, firm, or for-profit corporation  
20 is derived from charter fishing, the person, firm, or  
21 for-profit corporation must certify that at least \$2,500 of  
22 the income of the person, firm, or corporation is attributable  
23 to the sale of saltwater products pursuant to a license issued  
24 under this paragraph or a similar license from another state,  
25 in order to be issued the endorsement. Such income attribution  
26 must apply to at least 1 year out of the last 3 years. For the  
27 purpose of this section "income" means that income which is  
28 attributable to work, employment, entrepreneurship, pensions,  
29 retirement benefits, and social security benefits. To renew an  
30 existing restricted species endorsement, a marine aquaculture  
31 producer possessing a valid saltwater products license with a

1 restricted species endorsement may apply income from the sale  
2 of marine aquaculture products to licensed wholesale dealers.

3 1. The Fish and Wildlife Conservation Commission  
4 ~~department~~ is authorized to require verification of such  
5 income. Acceptable proof of income earned from the sale of  
6 saltwater products shall be:

7 a. Copies of trip ticket records generated pursuant to  
8 this subsection (marine fisheries information system),  
9 documenting qualifying sale of saltwater products;

10 b. Copies of sales records from locales other than  
11 Florida documenting qualifying sale of saltwater products;

12 c. A copy of the applicable federal income tax return,  
13 including Form 1099 attachments, verifying income earned from  
14 the sale of saltwater products;

15 d. Crew share statements verifying income earned from  
16 the sale of saltwater products; or

17 e. A certified public accountant's notarized statement  
18 attesting to qualifying source and amount of income.

19

20 Any provision of this section or any other section of the  
21 Florida Statutes to the contrary notwithstanding, any person  
22 who owns a retail seafood market or ~~and/or~~ restaurant at a  
23 fixed location for at least 3 years who has had an  
24 occupational license for 3 years prior to January 1, 1990, who  
25 harvests saltwater products to supply his or her retail store  
26 and has had a saltwater products license for 1 of the past 3  
27 years prior to January 1, 1990, may provide proof of his or  
28 her verification of income and sales value at the person's  
29 retail seafood market or ~~and/or~~ restaurant and in his or her  
30 saltwater products enterprise by affidavit and shall thereupon  
31 be issued a restricted species endorsement.

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1           2. Exceptions from income requirements shall be as  
2 follows:

3           a. A permanent restricted species endorsement shall be  
4 available to those persons age 62 and older who have qualified  
5 for such endorsement for at least 3 out of the last 5 years.

6           b. Active military duty time shall be excluded from  
7 consideration of time necessary to qualify and shall not be  
8 counted against the applicant for purposes of qualifying.

9           c. Upon the sale of a used commercial fishing vessel  
10 owned by a person, firm, or corporation possessing or eligible  
11 for a restricted species endorsement, the purchaser of such  
12 vessel shall be exempted from the qualifying income  
13 requirement for the purpose of obtaining a restricted species  
14 endorsement for a period of 1 year after purchase of the  
15 vessel.

16           d. Upon the death or permanent disablement of a person  
17 possessing a restricted species endorsement, an immediate  
18 family member wishing to carry on the fishing operation shall  
19 be exempted from the qualifying income requirement for the  
20 purpose of obtaining a restricted species endorsement for a  
21 period of 1 year after the death or disablement.

22           e. A restricted species endorsement may be issued on  
23 an individual saltwater products license to a person age 62 or  
24 older who documents that at least \$2,500 is attributable to  
25 the sale of saltwater products pursuant to the provisions of  
26 this paragraph.

27           f. A permanent restricted species endorsement may also  
28 be issued on an individual saltwater products license to a  
29 person age 70 or older who has held a saltwater products  
30 license for at least 3 of the last 5 license years.

31           g. Any resident who is certified to be totally and

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1 permanently disabled by a verified written statement, based  
2 upon the criteria for permanent total disability in chapter  
3 440 from a physician licensed in this state, by any branch of  
4 the United States Armed Services, by the Social Security  
5 Administration, or by the United States Department of Veterans  
6 Affairs or its predecessor, or any resident who holds a valid  
7 identification card issued by the Department of Veterans'  
8 Affairs pursuant to s. 295.17, shall be exempted from the  
9 income requirements if he or she also has held a saltwater  
10 products license for at least 3 of the last 5 license years  
11 prior to the date of the disability. A Disability Award Notice  
12 issued by the United States Social Security Administration is  
13 not sufficient certification for a resident to obtain the  
14 income exemption unless the notice certifies that the resident  
15 is totally and permanently disabled.

16  
17 At least one saltwater products license bearing a restricted  
18 species endorsement shall be aboard any vessel harvesting  
19 restricted species in excess of any bag limit or when fishing  
20 under a commercial quota or in commercial quantities, and such  
21 vessel shall have a commercial vessel registration. This  
22 subsection does not apply to any person, firm, or corporation  
23 licensed under s. 370.07(1)(a)1. or (b) for activities  
24 pursuant to such licenses. A saltwater products license may be  
25 issued in the name of an individual or a valid boat  
26 registration number. Such license is not transferable. A decal  
27 shall be issued with each saltwater products license issued to  
28 a valid boat registration number. The saltwater products  
29 license decal shall be the same color as the vessel  
30 registration decal issued each year pursuant to s. 327.11(5)  
31 and shall indicate the period of time such license is valid.



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1 The saltwater products license decal shall be placed beside  
2 the vessel registration decal and, in the case of an  
3 undocumented vessel, shall be placed so that the vessel  
4 registration decal lies between the vessel registration number  
5 and the saltwater products license decal. Any saltwater  
6 products license decal for a previous year shall be removed  
7 from a vessel operating on the waters of the state. A resident  
8 shall pay an annual license fee of \$50 for a saltwater  
9 products license issued in the name of an individual or \$100  
10 for a saltwater products license issued to a valid boat  
11 registration number. A nonresident shall pay an annual license  
12 fee of \$200 for a saltwater products license issued in the  
13 name of an individual or \$400 for a saltwater products license  
14 issued to a valid boat registration number. An alien shall pay  
15 an annual license fee of \$300 for a saltwater products license  
16 issued in the name of an individual or \$600 for a saltwater  
17 products license issued to a valid boat registration number.  
18 Any person who sells saltwater products pursuant to this  
19 license may sell only to a licensed wholesale dealer. A  
20 saltwater products license must be presented to the licensed  
21 wholesale dealer each time saltwater products are sold, and an  
22 imprint made thereof. The wholesale dealer shall keep records  
23 of each transaction in such detail as may be required by rule  
24 of the Fish and Wildlife Conservation Commission ~~Department of~~  
25 ~~Environmental Protection~~ not in conflict with s. 370.07(6),  
26 and shall provide the holder of the saltwater products license  
27 with a copy of the record. It is unlawful for any licensed  
28 wholesale dealer to buy saltwater products from any unlicensed  
29 person under the provisions of this section, except that a  
30 licensed wholesale dealer may buy from another licensed  
31 wholesale dealer. It is unlawful for any licensed wholesale

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1 dealer to buy saltwater products designated as "restricted  
2 species" from any person, firm, or corporation not possessing  
3 a restricted species endorsement on his or her saltwater  
4 products license under the provisions of this section, except  
5 that a licensed wholesale dealer may buy from another licensed  
6 wholesale dealer. The commission ~~Department of Environmental~~  
7 ~~Protection~~ shall be the licensing agency, may contract with  
8 private persons or entities to implement aspects of the  
9 licensing program, and shall establish by rule a marine  
10 fisheries information system in conjunction with the licensing  
11 program to gather fisheries data.

12 (b) Any person who sells, offers for sale, barter, or  
13 exchanges for merchandise saltwater products must have a  
14 method of catch preservation which meets the requirements and  
15 standards of the seafood quality control code promulgated by  
16 the commission ~~Department of Environmental Protection~~.

17 (c) A saltwater products license is required to  
18 harvest commercial quantities of saltwater products. Any  
19 vessel from which commercial quantities of saltwater products  
20 are harvested must have a commercial vessel registration.  
21 Commercial quantities of saltwater products shall be defined  
22 as:

23 1. With respect to those species for which no bag  
24 limit has been established, more than 100 pounds per person  
25 per day, provided that the harvesting of two fish or less per  
26 person per day shall not be considered commercial quantities  
27 regardless of aggregate weight; and

28 2. With respect to those species for which a bag limit  
29 has been established, more than the bag limit allowed by law  
30 or rule.

31 (d)1. In addition to the saltwater products license, a

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1 marine life fishing endorsement is required for the harvest of  
2 marine life species as defined by rule of the Fish and  
3 Wildlife Conservation ~~Marine Fisheries~~ Commission. This  
4 endorsement may be issued only to a person who is at least 16  
5 years of age or older or to a corporation holding a valid  
6 restricted species endorsement.

7           2.a. Effective July 1, 1998, and until July 1, 2002, a  
8 marine life endorsement may not be issued under this  
9 paragraph, except that those endorsements that are active  
10 during the 1997-1998 fiscal year may be renewed.

11           b. In 1998 persons or corporations holding a marine  
12 life endorsement that was active in the 1997-1998 fiscal year  
13 or an immediate family member of that person must request  
14 renewal of the marine life endorsement before December 31,  
15 1998.

16           c. In subsequent years and until July 1, 2002, a  
17 marine life endorsement holder or member of his or her  
18 immediate family must request renewal of the marine life  
19 endorsement before September 30 of each year.

20           d. If a person or corporation holding an active marine  
21 life fishing endorsement or a member of that person's  
22 immediate family does not request renewal of the endorsement  
23 before the applicable dates specified in this paragraph, the  
24 commission ~~department~~ shall deactivate that marine life  
25 fishing endorsement.

26           e. In the event of the death or disability of a person  
27 holding an active marine life fishing endorsement, the  
28 endorsement may be transferred by the person to a member of  
29 his or her immediate family or may be renewed by any person so  
30 designated by the executor of the person's estate.

31           f. Persons or corporations who hold saltwater product

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1 licenses with marine life fishing endorsements issued to their  
2 vessel registration numbers and who subsequently replace their  
3 existing vessels with new vessels may transfer the existing  
4 marine life fishing endorsement to the new boat registration  
5 numbers.

6 g. Persons or corporations who hold saltwater product  
7 licenses with marine life fishing endorsements issued to their  
8 name and who subsequently incorporate or unincorporate may  
9 transfer the existing marine life fishing endorsement to the  
10 new corporation or person.

11 h. By July 1, 2000, the Fish and Wildlife Conservation  
12 ~~Marine Fisheries~~ Commission shall prepare a report regarding  
13 options for the establishment of a limited-entry program for  
14 the marine life fishery and submit the report to the Governor,  
15 the President of the Senate, the Speaker of the House of  
16 Representatives, and the chairs of the Senate and House  
17 committees having jurisdiction over marine resources.

18 3. The fee for a marine life fishery endorsement on a  
19 saltwater products license shall be \$75. These license fees  
20 shall be collected and deposited in the Marine Resources  
21 Conservation Trust Fund and used for the purchase and  
22 installation of vessel mooring buoys at coral reef sites and  
23 for research related to marine fisheries.

24 (3) NET LICENSES.--Except for cast nets and bait  
25 seines which are 100 feet in length or less and which have a  
26 mesh that is 3/8 inch or less, all nets used to take  
27 finfish, including, but not limited to, gill nets, trammel  
28 nets, and beach seines, must be licensed or registered. Each  
29 net used to take finfish for commercial purposes, or by a  
30 nonresident, must be licensed under a saltwater products  
31 license issued pursuant to subsection (2) and must bear the

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1 number of such license. A noncommercial resident net  
2 registration must be issued to each net used to take finfish  
3 for noncommercial purposes and may only be issued to residents  
4 of the state. Each net so registered must bear the name of the  
5 person in whose name the net is registered.

6 (6) LICENSE YEAR.--The license year on all licenses  
7 relating to saltwater products dealers, seafood dealers,  
8 aliens, residents, and nonresidents, unless otherwise  
9 provided, shall begin on July 1 of each year and end on June  
10 30 of the next succeeding year. All licenses shall be so  
11 dated. However, if the commission department determines that  
12 it is in the best interest of the state to issue a license  
13 required under this chapter to an individual on the birthday  
14 of the applicant, the commission department may establish by  
15 rule a procedure to do so. This section does not apply to  
16 licenses and permits when their use is confined to an open  
17 season.

18 (7) LICENSES SUBJECT TO INSPECTION; NONTRANSFERABLE;  
19 EXCEPTION.--Licenses of every kind and nature granted under  
20 the provisions of the fish and game laws of this state are at  
21 all times subject to inspection by the police officers of this  
22 state ~~and, the wildlife~~ officers of the Fish and Wildlife  
23 ~~Conservation Game and Fresh Water Fish Commission, and the~~  
24 ~~officers of the Marine Patrol~~. Such licenses are not  
25 transferable unless otherwise provided by law.

26 (8) COLLECTION OF LICENSES, FEES.--Unless otherwise  
27 provided by law, all license taxes or fees provided for in  
28 this chapter shall be collected by the commission department  
29 or its duly authorized agents or deputies to be deposited by  
30 the Comptroller in the Marine Resources Conservation Trust  
31 Fund. The commission department may by rule establish a

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1 reasonable processing fee for any free license or permit  
2 required under this chapter.

3 Section 98. Section 370.0605, Florida Statutes, 1998  
4 Supplement, is amended to read:

5 370.0605 Saltwater fishing license required; fees.--

6 (1)(a) No person, except as provided in this section,  
7 may take, attempt to take, or possess any marine fish for  
8 noncommercial purposes unless the person has been issued an  
9 authorization, or has obtained a license pursuant to paragraph  
10 (2)(a) and any required permits under ss. 370.1111 and 370.14,  
11 nor may any person operate any vessel wherein a fee is paid  
12 either directly or indirectly for the purpose of taking,  
13 attempting to take, or possessing any marine fish for  
14 noncommercial purposes, unless he or she has been issued an  
15 authorization or has obtained a license for each vessel for  
16 that purpose and has paid the license fee pursuant to  
17 subparagraphs (2)(b)1. and 2. for such vessel. One-year  
18 licenses must be dated when issued and remain valid for 12  
19 months after the date of issuance. Each license must bear on  
20 its face, in indelible ink, the name of the person to whom it  
21 is issued and other information required by the commission  
22 ~~department~~, and, if the license is issued to the owner,  
23 operator, or custodian of a vessel, the vessel registration  
24 number or federal documentation number must be included.  
25 Licenses, permits, and authorizations are not transferable.

26 (b) Any required license, permit, or authorization  
27 must be in the personal possession of the person taking,  
28 attempting to take, or possessing marine fish or in the  
29 possession of the person operating any vessel wherein a fee is  
30 paid, either directly or indirectly, for the purpose of taking  
31 or attempting to take marine fish for noncommercial purposes

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1 and must be exhibited to any authorized law enforcement  
2 officer upon his or her request. A positive form of  
3 identification is required when using an authorization.

4 (c)1. The 5-year licenses provided herein shall be  
5 embossed with the applicant's name, date of birth, and other  
6 pertinent information as deemed necessary by the commission  
7 ~~department~~.

8 2. A resident 5-year license which was purchased by a  
9 resident of this state who subsequently resides in another  
10 state will be honored for activities authorized by the  
11 license.

12 3. A positive form of identification is required when  
13 using a 5-year license.

14 (2) Saltwater fishing license fees are as follows:

15 (a)1. For a resident of the state, \$12 for a 1-year  
16 license.

17 2. For a resident of the state, \$60 for 5 consecutive  
18 years from the date of purchase.

19 3. For a nonresident of the state, \$5 for a 3-day  
20 license, \$15 for a 7-day license, and \$30 for a 1-year  
21 license.

22 4. For purposes of this section, "resident" has the  
23 same meaning as that found in s. 372.001.

24 (b)1. For any person who operates any vessel licensed  
25 to carry more than 10 customers wherein a fee is paid, either  
26 directly or indirectly, for the purpose of taking or  
27 attempting to take marine fish, \$800 per year. The license  
28 must be kept aboard the vessel at all times.

29 2. For any person who operates any vessel licensed to  
30 carry no more than 10 customers, or for any person licensed to  
31 operate any vessel carrying 6 or fewer customers, wherein a

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1 fee is paid, either directly or indirectly, for the purpose of  
2 taking or attempting to take marine fish, \$400 per year;  
3 provided any person licensed to operate any vessel carrying 6  
4 or fewer customers but who operates a vessel carrying 4 or  
5 fewer customers, wherein a fee is paid, either directly or  
6 indirectly, for such purposes, \$200 per year. The license must  
7 be kept aboard the vessel at all times.

8           3. A person who operates a vessel required to be  
9 licensed pursuant to subparagraph 1. or subparagraph 2. may  
10 obtain a license in his or her own name, and such license  
11 shall be transferable and apply to any vessel operated by the  
12 purchaser, provided that the purchaser has paid the  
13 appropriate license fee.

14           4. For any pier fixed to the land for the purpose of  
15 taking or attempting to take marine fish therefrom, \$500 per  
16 year. Owners, operators, or custodians of piers have the  
17 discretion to buy the annual \$500 license. Those who elect to  
18 purchase such license must have the license available for  
19 inspection at all times.

20           5. For a recreational vessel not for hire and for  
21 which no fee is paid either directly or indirectly by guests,  
22 for the purpose of taking or attempting to take marine fish  
23 noncommercially, \$2,000 per year. The license may be purchased  
24 at the option of the vessel owner and must be kept aboard the  
25 vessel at all times. A log of species taken and the date the  
26 species were taken shall be maintained and a copy of the log  
27 filed with the Fish and Wildlife Conservation Commission  
28 ~~Department of Environmental Protection~~ at the time of renewal  
29 of the license.

30           (c) The commission ~~department~~ is authorized to reduce  
31 the fees for licenses under this section for residents of



1 those states with which the commission department has entered  
2 into reciprocal agreements with respect to such fees.

3 (d) License fees paid pursuant to this subsection are  
4 nonrefundable and may not be used as credit toward any other  
5 license fee required by this chapter. No other license fee  
6 paid pursuant to this chapter shall be used as credit towards  
7 the license fees required by this subsection. The owner,  
8 operator, or custodian of a vessel the operator of which has  
9 been licensed pursuant to subsection (1) must maintain and  
10 report such statistical data as required by, and in a manner  
11 set forth in, the rules of the commission department.

12 (3) A saltwater fishing license is not required for:

13 (a) Any person under 16 years of age.

14 (b) Any Florida resident fishing in salt water from  
15 land or from a structure fixed to the land.

16 (c) Any person fishing from a vessel the operator of  
17 which is licensed pursuant to subsection (1).

18 (d) Any person who holds a valid saltwater products  
19 license issued pursuant to s. 370.06(2).

20 (e) Any resident 65 years of age or older.

21 (f) Any resident who is a member of the Armed Forces  
22 of the United States, who is not stationed in this state, when  
23 fishing while home on leave for 30 days or less, upon  
24 submission of orders.

25 (g) Any person who has been accepted by the Department  
26 of Health and Rehabilitative Services for developmental  
27 services or any licensed provider of services to the State of  
28 Florida through contract with the Department of Health and  
29 Rehabilitative Services, where such service involves the need,  
30 normally, for possession of a saltwater fishing license and  
31 such service is provided as part of a court-decided

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1 rehabilitation program involving training in Florida's aquatic  
2 resources.

3 (h) Any person fishing from a pier licensed pursuant  
4 to subparagraph (2)(b)4.

5 (i) Any person fishing from a vessel which is licensed  
6 pursuant to subparagraph (2)(b)5.

7 (j) Any Florida resident who is fishing for mullet in  
8 fresh water and has a valid Florida freshwater fishing  
9 license.

10 (k) Any Florida resident fishing for a saltwater  
11 species in fresh water from land or from a structure fixed to  
12 the land.

13 (4) A saltwater fishing license must be issued,  
14 without license fee, to any resident who is certified to be  
15 totally and permanently disabled by the verified written  
16 statement which is based upon the criteria for permanent total  
17 disability in chapter 440 of a physician licensed in this  
18 state, by any branch of the United States Armed Services, by  
19 the Social Security Administration, or by the United States  
20 Department of Veterans Affairs or its predecessor or who holds  
21 a valid identification card issued by the Department of  
22 Veterans' Affairs pursuant to s. 295.17. A Disability Award  
23 Notice issued by the United States Social Security  
24 Administration is not sufficient certification for obtaining a  
25 permanent fishing license under this section unless the notice  
26 certifies a resident is totally and permanently disabled. Any  
27 license issued after January 1, 1997, expires after 5 years  
28 and must be reissued, upon request, every 5 years thereafter.

29 (5) The Fish and Wildlife Conservation ~~Game and~~  
30 ~~Freshwater Fish~~ Commission may issue temporary fishing  
31 licenses, upon request, to governmental or nonprofit

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1 organizations that sponsor 1-day special events in fishing  
2 management areas for individuals with physical, mental, or  
3 emotional disabilities, or for the economically disadvantaged.  
4 There shall be no fee for such temporary license. The  
5 temporary license shall be valid for 1 day and shall designate  
6 the date and maximum number of individuals.

7 (6)(a) The Fish and Wildlife Conservation ~~Game and~~  
8 ~~Freshwater Fish~~ Commission, all county tax collectors, or any  
9 appointed subagent may sell licenses and permits and collect  
10 fees pursuant to this section.

11 (b) The commission is the issuing department for the  
12 purpose of issuing licenses and permits and collecting fees  
13 pursuant to this section.

14 (c) In addition to the license and permit fee  
15 collected, the sum of \$1.50 shall be charged for each license.  
16 Such charge shall be for the purpose of, and the source from  
17 which is subtracted, all administrative costs of issuance,  
18 including, but not limited to, printing, distribution, and  
19 credit card fees. Tax collectors may retain \$1.50 for each  
20 license sold.

21 (d)1. Each county tax collector shall maintain records  
22 of all such licenses, permits, and stamps that are sold,  
23 voided, stolen, or lost. Licenses and permits must be issued  
24 and reported, and fees must be remitted, in accordance with  
25 the procedures established in chapter 372.

26 2. Not later than August 15 of each year, each county  
27 tax collector shall submit to the Fish and Wildlife  
28 Conservation ~~Game and Freshwater Fish~~ Commission all unissued  
29 stamps for the previous fiscal year along with a written audit  
30 report, on forms prescribed or approved by the Fish and  
31 Wildlife Conservation ~~Game and Freshwater Fish~~ Commission, as

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1 to the numbers of the unissued stamps.

2 (e) A license or permit to replace a lost or destroyed  
3 license or permit may be obtained by submitting an application  
4 for replacement. The fee is \$10 for each application for  
5 replacement of a lifetime license and \$2 for each application  
6 for replacement for any other license or permit. Such fees  
7 shall be for the purpose of, and the source from which is  
8 subtracted, all administrative costs of issuing the license or  
9 permit, including, but not limited to, printing, distribution,  
10 and credit card fees. Tax collectors may retain \$1 for each  
11 application for a replacement license or permit processed.

12 ~~(7)(a) Each county tax collector, as issuing agent for~~  
13 ~~the department, shall submit to the department by January 31,~~  
14 ~~1997, a report of the sale of, and payment for, all licenses~~  
15 ~~and permits sold between June 1, 1996, and December 31, 1996.~~

16 ~~(b) By March 15, 1997, each county tax collector shall~~  
17 ~~provide the department with a written report, on forms~~  
18 ~~provided by the department, of the audit numbers of all~~  
19 ~~unissued licenses and permits for the period of June 1, 1996,~~  
20 ~~to December 31, 1996. Within 30 days after the submission of~~  
21 ~~the annual audit report, each county tax collector shall~~  
22 ~~provide the department with a written audit report of~~  
23 ~~unissued, sold, and voided licenses, permits, and stamps,~~  
24 ~~together with a certified reconciliation statement prepared by~~  
25 ~~a certified public accountant. Concurrent with the submission~~  
26 ~~of the certification, the county tax collector shall remit to~~  
27 ~~the department the monetary value of all licenses, permits,~~  
28 ~~and stamps that are unaccounted for. Each tax collector is~~  
29 ~~also responsible for fees for all licenses, permits, and~~  
30 ~~stamps distributed by him or her to subagents, sold by him or~~  
31 ~~her, or reported by him or her as lost.~~

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1           (7)~~(8)~~ A person may not alter or change in any manner,  
2 or loan or transfer to another, any license issued pursuant to  
3 this section, nor may any person other than the person to whom  
4 it is issued use the license.

5           (8)~~(9)~~ It is unlawful for any person to knowingly and  
6 willfully enter false information on, or allow or cause false  
7 information to be entered on or shown upon, any license issued  
8 pursuant to this section in order to avoid prosecution or to  
9 assist another to avoid prosecution or for any other wrongful  
10 purpose.

11           (9)~~(10)~~ The Fish and Wildlife Conservation ~~department,~~  
12 ~~the Game and Fresh Water Fish~~ Commission, or any other law  
13 enforcement agency may make any investigation necessary to  
14 secure information required to carry out and enforce this  
15 section.

16           (10)~~(11)~~ It is unlawful for any person to make, forge,  
17 counterfeit, or reproduce a saltwater fishing license unless  
18 authorized by the commission ~~department~~. It is unlawful for  
19 any person knowingly to have in his or her possession a  
20 forged, counterfeit, or imitation of such license, unless  
21 possession by such person has been fully authorized by the  
22 commission ~~department~~. Any person who violates this  
23 subsection is guilty of a felony of the third degree,  
24 punishable as provided in s. 775.082, s. 775.083, or s.  
25 775.084.

26           (11)~~(12)~~(a) Any person cited for a violation of the  
27 license requirements of subsection (1) or the stamp  
28 requirements of s. 370.1111(1)(a) or s. 370.14(11)(a) is  
29 guilty of a noncriminal infraction, shall be cited for such an  
30 infraction, and shall be cited to appear before the county  
31 court. The civil penalty for any such infraction is \$50, in

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1 addition to the cost of the amount of the annual license fee  
2 or stamp involved in the infraction, except as otherwise  
3 provided in this section. The civil penalty for any other  
4 noncriminal infraction shall be \$50, except as otherwise  
5 provided in this section.

6 (b) Any person cited for an infraction under this  
7 section may:

8 1. Post a bond, which shall be equal in amount to the  
9 applicable civil penalty; or

10 2. Sign and accept a citation indicating a promise to  
11 appear before the county court.

12

13 The officer may indicate on the citation the time and location  
14 of the scheduled hearing and shall indicate the applicable  
15 civil penalty.

16 (c) Any person who willfully refuses to post a bond or  
17 accept and sign a citation is guilty of a misdemeanor of the  
18 second degree, punishable as provided in s. 775.082 or s.  
19 775.083.

20 (d) Any person charged with a noncriminal infraction  
21 under this section may:

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

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

26

27 If the person cited follows either procedure prescribed in  
28 this paragraph, he or she has admitted the infraction and  
29 waives his or her right to a hearing on the issue of  
30 commission of the infraction. Such admission may not be used  
31 as evidence in any other proceedings.

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1 (e) Any person who elects to appear before the county  
2 court or who is required so to appear waives the limitations  
3 of the civil penalty specified in paragraph (a). The court,  
4 after a hearing, shall make a determination as to whether an  
5 infraction has been committed. If the commission of an  
6 infraction is proved, the court may impose a civil penalty not  
7 to exceed \$500.

8 (f) At a hearing under this subsection, the commission  
9 of a charged infraction must be proved beyond a reasonable  
10 doubt.

11 (g) If a person is found by the hearing official to  
12 have committed an infraction, he or she may appeal that  
13 finding to the circuit court.

14 (h) Effective October 1, 1991, any person who fails to  
15 pay the civil penalty specified in paragraph (a) within 30  
16 days or who fails to appear before the court is guilty of a  
17 misdemeanor of the second degree, punishable as provided in s.  
18 775.082 or s. 775.083.

19 ~~(12)(13)~~ The Fish and Wildlife Conservation department  
20 ~~or the Game and Fresh Water Fish~~ Commission may designate by  
21 rule no more than 2 consecutive or nonconsecutive days in each  
22 year as "Disabled Angler Fishing Days." Notwithstanding any  
23 other provision of this chapter, any disabled person may take  
24 marine fish for noncommercial purposes on a Disabled Angler  
25 Fishing Day without obtaining or possessing a license or  
26 paying a license fee as prescribed in this section. A  
27 disabled person who takes marine fish on a Disabled Angler  
28 Fishing Day without obtaining a license or paying a fee must  
29 comply with all laws and regulations governing holders of a  
30 license and all other conditions and limitations regulating  
31 the taking of marine fish as are imposed by law or rule.

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1           Section 99. Paragraph (a) of subsection (1) and  
2 subsections (3) and (8) of section 370.0615, Florida Statutes,  
3 are amended to read:

4           370.0615 Lifetime licenses.--

5           (1) A resident lifetime saltwater fishing license  
6 authorizes the holder to engage in the following noncommercial  
7 activities:

8           (a) To take or attempt to take or possess marine fish  
9 consistent with state and federal regulations and rules of the  
10 Fish and Wildlife Conservation ~~Department of Environmental~~  
11 ~~Protection or the Marine Fisheries~~ Commission.

12           (3) The Fish and Wildlife Conservation ~~Game and Fresh~~  
13 ~~Water Fish~~ Commission shall be the issuing agent for all  
14 lifetime licenses and all replacement lifetime licenses, and  
15 is authorized to collect the fees therefor.

16           (8) License moneys collected for lifetime licenses and  
17 replacement lifetime licenses, along with a report of funds  
18 collected and other required documentation, shall be remitted  
19 to the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
20 ~~Fish~~ Commission within 10 days after the moneys are collected.

21           Section 100. Section 370.062, Florida Statutes, 1998  
22 Supplement, is amended to read:

23           370.062 Fish and Wildlife Conservation Commission  
24 ~~Department of Environmental Protection~~ license program for  
25 tarpon; fees; penalties.--

26           (1) The Fish and Wildlife Conservation Commission  
27 ~~Department of Environmental Protection~~ shall establish a  
28 license program for the purpose of issuing tags to individuals  
29 desiring to harvest tarpon (*megalops atlantica*) from the  
30 waters of the State of Florida. The tags shall be  
31 nontransferable, except that the ~~Marine Fisheries~~ commission



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1 may allow for a limited number of tags to be purchased by  
2 professional fishing guides for transfer to individuals, and  
3 issued by the commission department in order of receipt of a  
4 properly completed application for a nonrefundable fee of \$50  
5 per tag. The ~~Game and Fresh Water Fish~~ commission and any tax  
6 collector may sell the tags and collect the fees therefor.  
7 Tarpon tags are valid from July 1 through June 30. Before  
8 August 5 of each year, each tax collector shall submit to the  
9 ~~Game and Fresh Water Fish~~ commission all unissued tags for the  
10 previous calendar year along with a written audit report, on  
11 forms prescribed or approved by the ~~Game and Fresh Water Fish~~  
12 commission, as to the numbers of the unissued tags. To defray  
13 the cost of issuing any tag, the issuing tax collector shall  
14 collect and retain as his or her costs, in addition to the tag  
15 fee collected, the amount allowed under s. 372.561(4) for the  
16 issuance of licenses.

17 (2) The number of tags to be issued shall be  
18 determined by rule of the ~~Marine Fisheries~~ commission. The  
19 commission shall in no way allow the issuance of tarpon tags  
20 to adversely affect the tarpon population.

21 (3) Proceeds from the sale of tarpon tags shall be  
22 deposited in the Marine Resources Conservation Trust Fund and  
23 shall be used to gather information directly applicable to  
24 tarpon management.

25 (4) No individual shall take, kill, or possess any  
26 fish of the species megalops atlantica, commonly known as  
27 tarpon, unless such individual has purchased a tarpon tag and  
28 securely attached it through the lower jaw of the fish. Said  
29 individual shall within 5 days after the landing of the fish  
30 submit a form to the commission department which indicates the  
31 length, weight, and physical condition of the tarpon when

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1 caught; the date and location of where the fish was caught;  
2 and any other pertinent information which may be required by  
3 the commission department. The commission department may  
4 refuse to issue new tags to individuals or guides who fail to  
5 provide the required information.

6 (5) Any individual including a taxidermist who  
7 possesses a tarpon which does not have a tag securely attached  
8 as required by this section shall be subject to penalties as  
9 prescribed in s. 370.021. Provided, however, a taxidermist may  
10 remove the tag during the process of mounting a tarpon. The  
11 removed tag shall remain with the fish during any subsequent  
12 storage or shipment.

13 (6) Purchase of a tarpon tag shall not accord the  
14 purchaser any right to harvest or possess tarpon in  
15 contravention of rules adopted by the ~~Marine Fisheries~~  
16 commission. No individual may sell, offer for sale, barter,  
17 exchange for merchandise, transport for sale, either within or  
18 without the state, offer to purchase, or purchase any species  
19 of fish known as tarpon.

20 (7) The commission department shall prescribe and  
21 provide suitable forms and tags necessary to carry out the  
22 provisions of this section.

23 (8) The provisions of this section shall not apply to  
24 anyone who immediately returns a tarpon uninjured to the water  
25 at the place where the fish was caught.

26 (9) All tag fees collected by the ~~Game and Fresh Water~~  
27 ~~Fish~~ commission shall be transferred to the Marine Resources  
28 Conservation Trust Fund within 7 days following the last  
29 business day of the week in which the fees were received by  
30 the ~~Game and Fresh Water Fish~~ commission.

31 Section 101. Subsection (2) of section 370.0805,

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1 Florida Statutes, 1998 Supplement, is amended to read:

2 370.0805 Net ban assistance program.--

3 (2) ELIGIBILITY FOR ECONOMIC ASSISTANCE.--The  
4 Department of Labor and Employment Security shall determine  
5 the eligibility of applicants for economic assistance under  
6 this section.

7 (a) Any person who has been convicted of more than two  
8 violations of any rule of the Fish and Wildlife Conservation  
9 ~~Marine Fisheries~~ Commission or of any provision of this  
10 chapter in any single license year since 1991, or of more than  
11 four such violations from the period of 1991 through 1995,  
12 inclusive, shall not be eligible for economic assistance under  
13 this section.

14 (b) Only a person who was a resident of this state on  
15 November 8, 1994, is eligible to receive, or designate another  
16 resident to receive, economic assistance under this section.

17 Section 102. Subsection (3) and paragraphs (e) and (h)  
18 of subsection (4) of section 370.081, Florida Statutes, 1998  
19 Supplement, are amended to read:

20 370.081 Illegal importation or possession of  
21 nonindigenous marine plants and animals; rules and  
22 regulations.--

23 (3) The Fish and Wildlife Conservation Commission  
24 ~~department~~ is authorized to adopt, pursuant to chapter 120,  
25 rules and regulations to include any additional marine plant  
26 or marine animal which may endanger or infect the marine  
27 resources of the state or pose a human health hazard.

28 (4) A zoological park and aquarium may import sea  
29 snakes of the family Hydrophiidae for exhibition purposes,  
30 only under the following conditions:

31 (e) Each zoological park and aquarium possessing sea

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1 snakes shall post with the commission department a \$1 million  
2 letter of credit. The letter of credit shall be in favor of  
3 the State of Florida, Fish and Wildlife Conservation  
4 Commission Department of Environmental Protection, for use by  
5 the commission department to remove any sea snake accidentally  
6 or intentionally introduced into waters of the state. The  
7 letter of credit shall be written in the form determined by  
8 the commission department. The letter of credit shall provide  
9 that the zoological park and aquarium is responsible for the  
10 sea snakes within that facility and shall be in effect at all  
11 times that the zoological park and aquarium possesses sea  
12 snakes.

13 (h) A zoological park and aquarium possessing sea  
14 snakes shall abide by all statutory and regulatory  
15 requirements of the Fish and Wildlife Conservation Game and  
16 Fresh Water Fish Commission with respect to venomous reptiles.

17 Section 103. Subsections (3), (4), and (5) of section  
18 370.092, Florida Statutes, 1998 Supplement, are amended to  
19 read:

20 370.092 Carriage of proscribed nets across Florida  
21 waters.--

22 (3) Notwithstanding subsections (1) and (2), unless  
23 authorized by rule of the Fish and Wildlife Conservation  
24 Marine Fisheries Commission, it is a major violation under  
25 this section, punishable as provided in subsection (4), for  
26 any person, firm, or corporation to possess any gill or  
27 entangling net, or any seine net larger than 500 square feet  
28 in mesh area, on any airboat or on any other vessel less than  
29 22 feet in length and on any vessel less than 25 feet if  
30 primary power of the vessel is mounted forward of the vessel  
31 center point. Gill or entangling nets shall be as defined in

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1 s. 16, Art. X of the State Constitution, s. 370.093(2)(b), or  
2 in a rule of the Fish and Wildlife Conservation ~~Marine~~  
3 ~~Fisheries~~ Commission implementing s. 16, Art. X of the State  
4 Constitution. Vessel length shall be determined in accordance  
5 with current United States Coast Guard regulations specified  
6 in the Code of Federal Regulations or as titled by the State  
7 of Florida. The Marine Fisheries Commission is directed to  
8 initiate by July 1, 1998, rulemaking to adjust by rule the use  
9 of gear on vessels longer than 22 feet where the primary power  
10 of the vessel is mounted forward of the vessel center point in  
11 order to prevent the illegal use of gill and entangling nets  
12 in state waters and to provide reasonable opportunities for  
13 the use of legal net gear in adjacent federal waters.

14 (4) The Fish and Wildlife Conservation ~~Marine~~  
15 ~~Fisheries~~ Commission shall adopt rules to prohibit the  
16 possession and sale of mullet taken in illegal gill or  
17 entangling nets. Violations of such rules shall be punishable  
18 as provided in subsection (4).

19 (5) The commission ~~department~~ has authority to adopt  
20 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
21 provisions of this section.

22 Section 104. Section 370.1107, Florida Statutes, is  
23 amended to read:

24 370.1107 Definition; possession of certain licensed  
25 traps prohibited; penalties; exceptions; consent.--

26 (1) As used in this section, the term "licensed  
27 saltwater fisheries trap" means any trap required to be  
28 licensed by the Fish and Wildlife Conservation Commission  
29 ~~Department of Environmental Protection~~ and authorized pursuant  
30 to this chapter or by the ~~Florida Marine Fisheries~~ commission  
31 for the taking of saltwater products.

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1           (2) It is unlawful for any person, firm, corporation,  
2 or association to be in actual or constructive possession of a  
3 licensed saltwater fisheries trap registered with the Fish and  
4 Wildlife Conservation Commission ~~Department of Environmental~~  
5 ~~Protection~~ in another person's, firm's, corporation's, or  
6 association's name.

7           (a) Unlawful possession of less than three licensed  
8 saltwater fisheries traps is a misdemeanor of the first  
9 degree, punishable as provided in s. 775.082 or s. 775.083.

10           (b) Unlawful possession of three or more licensed  
11 saltwater fisheries traps is a felony of the third degree,  
12 punishable as provided in s. 775.082 or s. 775.083.

13           (c) Upon the arrest and conviction for violation of  
14 this section, any licenseholder shall show just cause why his  
15 or her license shall not be suspended or permanently revoked.

16           (3) This section shall not apply to the agents or  
17 employees of the registered owner of the licensed saltwater  
18 fisheries trap or to a person, firm, corporation or  
19 association who has the written consent from the owner of the  
20 licensed saltwater fisheries trap, to possess such licensed  
21 saltwater fisheries trap, or to agents or employees of the  
22 Fish and Wildlife Conservation Commission ~~Department of~~  
23 ~~Environmental Protection~~ who are engaged in the removal of  
24 traps during the closed season.

25           (4) The registered owner of the licensed saltwater  
26 fisheries trap shall provide the Fish and Wildlife  
27 Conservation Commission ~~Department of Environmental Protection~~  
28 with the names of any agents, employees, or any other person,  
29 firm, company, or association to whom the registered owner has  
30 given consent to possess said licensed saltwater fisheries  
31 trap.

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1           Section 105. Section 370.1111, Florida Statutes, is  
2 amended to read:

3           370.1111 Snook; regulation.--

4           (1)(a) In addition to licenses required by s.  
5 370.0605, any person who takes and possesses any snook from  
6 any waters of the state must have a snook permit. The permit  
7 remains valid for 12 months after the date of issuance. The  
8 cost of each snook permit is \$2. Each snook permit issued  
9 pursuant to this section is valid only during the times  
10 established by law for the taking of snook. The Fish and  
11 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
12 any tax collector, or any appointed subagent may sell the  
13 permit and collect the fees therefor.

14           (b) The intent of paragraph (a) is to expand research  
15 and management to increase snook populations in the state  
16 without detracting from other programs. Moneys generated from  
17 snook permits shall be used exclusively for programs to  
18 benefit snook populations.

19           (c) All permit fees collected by the Fish and Wildlife  
20 Conservation ~~Game and Fresh Water Fish~~ Commission shall be  
21 transferred to the Marine Resources Conservation Trust Fund  
22 within 7 days following the last business day of the week in  
23 which the fees were received by the Fish and Wildlife  
24 Conservation ~~Game and Fresh Water Fish~~ Commission.

25           (2) The commission department may periodically conduct  
26 competitions to select a designer of the snook stamp. Also,  
27 the commission department may enhance revenues from the sale  
28 of snook stamps by issuing special editions for stamp  
29 collectors and other such special purposes.

30           Section 106. Subsection (1) of section 370.13, Florida  
31 Statutes, 1998 Supplement, is amended to read:

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1           370.13 Stone crab; regulation.--

2           (1)(a) It is unlawful for any person, firm, or  
3 corporation to catch or have in his or her possession,  
4 regardless of where taken, for his or her own use or to sell  
5 or offer for sale, any stone crab, or parts thereof, of any  
6 size between May 15 and October 15 of each year, except for  
7 stone crabs, or parts thereof, placed in inventory prior to  
8 May 15 of each year.

9           (b) "Stone crab" means the species *Menippe mercenaria*  
10 or any other species of the family Xanthidae as the Fish and  
11 Wildlife Conservation ~~Marine Fisheries~~ Commission may define  
12 by rule.

13           Section 107. Section 370.14, Florida Statutes, 1998  
14 Supplement, is amended to read:

15           370.14 Crawfish; regulation.--

16           (1) It is the intent of the Legislature to maintain  
17 the crawfish industry for the economy of the state and to  
18 conserve the stocks supplying this industry. The provisions  
19 of this act regulating the taking of saltwater crawfish are  
20 for the purposes of ensuring and maintaining the highest  
21 possible production of saltwater crawfish.

22           (2)(a) Each trap used for taking or attempting to take  
23 crawfish must have a trap number permanently attached to the  
24 trap and the buoy. This trap number may be issued by the Fish  
25 and Wildlife Conservation Commission ~~Division of Law~~  
26 ~~Enforcement~~ upon the receipt of application by the owner of  
27 the traps and accompanied by the payment of a fee of \$100. The  
28 design of the applications and of the trap number shall be  
29 determined by the commission ~~division~~. However, effective July  
30 1, 1988, and until July 1, 1992, no crawfish trap numbers  
31 issued pursuant to this section except those numbers that were



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1 active during the 1990-1991 fiscal year shall be renewed or  
2 reissued. No new trap numbers shall be issued during this  
3 period. Until July 1, 1992, trap number holders or members of  
4 their immediate family or a person to whom the trap number was  
5 transferred in writing must request renewal of the number  
6 prior to June 30 of each year. If a person holding an active  
7 trap number or a member of the person's immediate family or a  
8 person to whom the trap number was transferred in writing does  
9 not request renewal of the number before the applicable date  
10 as specified above, the commission ~~department~~ may reissue the  
11 number to another applicant in the order of the receipt of the  
12 application for a trap number. Any trap or device used in  
13 taking or attempting to take crawfish, other than a trap with  
14 the trap number attached as prescribed in this paragraph,  
15 shall be seized and destroyed by the commission ~~division~~. The  
16 proceeds of the fees imposed by this paragraph shall be  
17 deposited and used as provided in paragraph (b). The  
18 commission ~~Department of Environmental Protection~~ is  
19 authorized to promulgate rules and regulations to carry out  
20 the intent of this section.

21 (b) Fees collected pursuant to paragraph (a) shall be  
22 deposited as follows:

23 1. Fifty percent of the fees collected shall be  
24 deposited in the Marine Resources Conservation Trust Fund for  
25 use in enforcing the provisions of paragraph (a) through  
26 aerial and other surveillance and trap retrieval.

27 2. Fifty percent of the fees collected shall be  
28 deposited as provided in s. 370.142(5).

29 (3) The crawfish license must be on board the boat,  
30 and both the license and the harvested crawfish shall be  
31 subject to inspection at all times. Only one license shall be

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1 issued for each boat. The crawfish license number must be  
2 prominently displayed above the topmost portion of the boat so  
3 as to be easily and readily identified.

4 (4) It is a felony of the third degree, punishable as  
5 provided in s. 775.082 or s. 775.083, for any person willfully  
6 to molest any crawfish traps, lines, or buoys belonging to  
7 another without permission of the licenseholder.

8 (5) Any crawfish licenseholder, upon selling licensed  
9 crawfish traps, shall furnish the commission ~~division~~ notice  
10 of such sale of all or part of his or her interest within 15  
11 days thereof. Any holder of said license shall also notify  
12 the commission ~~division~~ within 15 days if his or her address  
13 no longer conforms to the address appearing on the license and  
14 shall, as a part of such notification, furnish the commission  
15 ~~division~~ with his or her new address.

16 (6) A person who takes more crawfish per boat or per  
17 person than that number set therefor by rule of the Fish and  
18 Wildlife Conservation ~~Marine Fisheries~~ Commission for  
19 recreational harvesters within any 24-hour period by any  
20 method other than with traps or similar devices must also pay  
21 a fee of \$100 and obtain a trap number to be displayed on his  
22 or her boat.

23 (7)(a) By a special permit granted by the commission  
24 ~~Division of Law Enforcement~~, a Florida-licensed seafood dealer  
25 may lawfully import, process, and package saltwater crawfish  
26 or uncooked tails of the species *Panulirus argus* during the  
27 closed season. However, crawfish landed under special permit  
28 shall not be sold in the state.

29 (b) The licensed seafood dealer importing any such  
30 crawfish under the permit shall, 12 hours prior to the time  
31 the seagoing vessel or airplane delivering such imported

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1   crawfish enters the state, notify the commission ~~Division of~~  
2   ~~Law Enforcement~~ as to the seagoing vessel's name or the  
3   airplane's registration number and its captain, location, and  
4   point of destination.

5           (c) At the time the crawfish cargo is delivered to the  
6   permitholder's place of business, the crawfish cargo shall be  
7   weighed and shall be available for inspection by the  
8   commission ~~Department of Environmental Protection~~. A signed  
9   receipt of such quantity in pounds shall be forwarded to the  
10   commission ~~Division of Law Enforcement's local Florida Marine~~  
11   ~~Patrol office~~ within 48 hours after shipment weigh-in  
12   completion. If requested by the commission ~~department~~, the  
13   weigh-in process will be delayed up to 4 hours to allow for a  
14   commission ~~department~~ representative to be present during the  
15   process.

16           (d) Within 48 hours after shipment weigh-in  
17   completion, the permitholder shall submit to the commission  
18   ~~Division of Law Enforcement~~, on forms provided by the  
19   commission ~~division~~, a sworn report of the quantity in pounds  
20   of the saltwater crawfish received, which report shall include  
21   the location of said crawfish and a sworn statement that said  
22   crawfish were taken at least 50 miles from Florida's  
23   shoreline. The landing of crawfish or crawfish tails from  
24   which the eggs, swimmerettes, or pleopods have been removed;  
25   the falsification of information as to area from which  
26   crawfish were obtained; or the failure to file the report  
27   called for in this section shall be grounds to revoke the  
28   permit.

29           (e) Each permitholder shall keep throughout the period  
30   of the closed season copies of the bill of sale or invoices  
31   covering each transaction involving crawfish imported under

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1 this permit. Such invoices and bills shall be kept available  
2 at all times for inspection by the commission division.

3 (8)(a) A Florida-licensed seafood dealer may obtain a  
4 special permit to import, process, and package uncooked tails  
5 of saltwater crawfish upon the payment of the sum of \$100 to  
6 the commission Division of Law Enforcement.

7 (b) A special permit must be obtained by any airplane  
8 or seagoing vessel other than a common carrier used to  
9 transport saltwater crawfish or crawfish tails for purchase by  
10 licensed seafood dealers for purposes as provided herein upon  
11 the payment of \$50.

12 (c) All special permits issued under this subsection  
13 are nontransferable.

14 (9) No common carrier or employee of said carrier may  
15 carry, knowingly receive for carriage, or permit the carriage  
16 of any crawfish of the species *Panulirus argus*, regardless of  
17 where taken, during the closed season, except of the species  
18 *Panulirus argus* lawfully imported from a foreign country for  
19 reshipment outside of the territorial limits of the state  
20 under United States Customs bond or in accordance with (7)(a)  
21 ~~paragraph (8)(a)~~.

22 (10)(a) In addition to licenses required by s.  
23 370.0605, any person who takes and possesses any crawfish for  
24 recreational purposes from any waters of the state must have a  
25 crawfish permit. The permit remains valid for 12 months after  
26 the date of issuance. The cost of each crawfish permit shall  
27 be \$2. Each crawfish permit issued pursuant to this section  
28 shall be valid only during the times established by law for  
29 the taking of crawfish. The Fish and Wildlife Conservation  
30 ~~Game and Fresh Water Fish~~ Commission, any tax collector, or  
31 any subagent may sell the permit and collect the fees

1 therefor.

2 (b) The intent of paragraph (a) is to expand research  
3 and management to increase crawfish populations in the state  
4 without detracting from other programs. Moneys generated from  
5 crawfish permits shall be used exclusively for programs to  
6 benefit crawfish populations.

7 (c) All permit fees collected by the Fish and Wildlife  
8 Conservation Game and Fresh Water Fish Commission shall be  
9 transferred to the Marine Resources Conservation Trust Fund  
10 within 7 days following the last business day of the week in  
11 which the fees were received by the Fish and Wildlife  
12 Conservation Game and Fresh Water Fish Commission.

13 (11) The commission department may conduct  
14 competitions to periodically select a designer of the crawfish  
15 stamp. Also, the commission department may enhance revenues  
16 from the sale of crawfish stamps by issuing special editions  
17 for stamp collectors and other such special purposes.

18 Section 108. Subsection (2) of section 370.1405,  
19 Florida Statutes, 1998 Supplement, is amended to read:

20 370.1405 Crawfish reports by dealers during closed  
21 season required.--

22 (2) Failure to submit a report as described in  
23 subsection (1) or reporting a greater or lesser amount of  
24 whole crawfish, crawfish tails, or crawfish meat than is  
25 actually in the dealer's possession or name is a major  
26 violation of this chapter, punishable as provided in s.  
27 370.021(1)~~s. 370.021(2)~~, s. 370.07(6)(b), or both. The  
28 commission department shall seize the entire supply of  
29 unreported or falsely reported whole crawfish, crawfish tails,  
30 or crawfish meat, and shall carry the same before the court  
31 for disposal. The dealer shall post a cash bond in the amount

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1 of the fair value of the entire quantity of unreported or  
2 falsely reported crawfish as determined by the judge. After  
3 posting the cash bond, the dealer shall have 24 hours to  
4 transport said products outside the limits of Florida for sale  
5 as provided by s. 370.061. Otherwise, the product shall be  
6 declared a nuisance and disposed of by the commission  
7 ~~department~~ according to law.

8 Section 109. Section 370.142, Florida Statutes, 1998  
9 Supplement, is amended to read:

10 370.142 Spiny lobster trap certificate program.--

11 (1) INTENT.--Due to rapid growth, the spiny lobster  
12 fishery is experiencing increased congestion and conflict on  
13 the water, excessive mortality of undersized lobsters, a  
14 declining yield per trap, and public concern over petroleum  
15 and debris pollution from existing traps. In an effort to  
16 solve these and related problems, the Legislature intends to  
17 develop pursuant to the provisions of this section a spiny  
18 lobster trap certificate program, the principal goal of which  
19 is to stabilize the fishery by reducing the total number of  
20 traps, which should increase the yield per trap and therefore  
21 maintain or increase overall catch levels. The Legislature  
22 seeks to preserve as much flexibility in the program as  
23 possible for the fishery's various constituents and ensure  
24 that any reduction in total trap numbers will be proportioned  
25 equally on a percentage basis among all users of traps in the  
26 fishery.

27 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;  
28 PENALTIES.--The Fish and Wildlife Conservation Commission  
29 ~~Department of Environmental Protection~~ shall establish a trap  
30 certificate program for the spiny lobster fishery of this  
31 state and shall be responsible for its administration and

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1 enforcement as follows:

2 (a) Transferable trap certificates.--Each holder of a  
3 saltwater products license who uses traps for taking or  
4 attempting to take spiny lobsters shall be required to have a  
5 certificate on record for each trap possessed or used  
6 therefor, except as otherwise provided in this section.

7 1. The Department of Environmental Protection shall  
8 initially allot such certificates to each licenseholder with a  
9 current crawfish trap number who uses traps. The number of  
10 such certificates allotted to each such licenseholder shall be  
11 based on the trap/catch coefficient established pursuant to  
12 trip ticket records generated under the provisions of s.  
13 370.06(2)(a) over a 3-year base period ending June 30, 1991.  
14 The trap/catch coefficient shall be calculated by dividing the  
15 sum of the highest reported single license-year landings up to  
16 a maximum of 30,000 pounds for each such licenseholder during  
17 the base period by 700,000. Each such licenseholder shall then  
18 be allotted the number of certificates derived by dividing his  
19 or her highest reported single license-year landings up to a  
20 maximum of 30,000 pounds during the base period by the  
21 trap/catch coefficient. Nevertheless, no licenseholder with a  
22 current crawfish trap number shall be allotted fewer than 10  
23 certificates. However, certificates may only be issued to  
24 individuals; therefore, all licenseholders other than  
25 individual licenseholders shall designate the individual or  
26 individuals to whom their certificates will be allotted and  
27 the number thereof to each, if more than one. After initial  
28 issuance, trap certificates are transferable on a market basis  
29 and may be transferred from one licenseholder to another for a  
30 fair market value agreed upon between the transferor and  
31 transferee. Each such transfer shall, within 72 hours thereof,

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1 be recorded on a notarized form provided for that purpose by  
2 the Fish and Wildlife Conservation Commission ~~department~~ and  
3 hand delivered or sent by certified mail, return receipt  
4 requested, to the commission ~~department~~ for recordkeeping  
5 purposes. In addition, in order to cover the added  
6 administrative costs of the program and to recover an  
7 equitable natural resource rent for the people of the state, a  
8 transfer fee of \$2 per certificate transferred shall be  
9 assessed against the purchasing licenseholder and sent by  
10 money order or cashier's check with the certificate transfer  
11 form. Also, in addition to the transfer fee, a surcharge of \$5  
12 per certificate transferred or 25 percent of the actual market  
13 value, whichever is greater, given to the transferor shall be  
14 assessed the first time a certificate is transferred outside  
15 the original transferor's immediate family. No transfer of a  
16 certificate shall be effective until the commission ~~department~~  
17 receives the notarized transfer form and the transfer fee,  
18 including any surcharge, is paid. The commission ~~department~~  
19 may establish by rule an amount of equitable rent per trap  
20 certificate that shall be recovered as partial compensation to  
21 the state for the enhanced access to its natural resources. In  
22 determining whether to establish such a rent and, if so, the  
23 amount thereof, the commission ~~department~~ shall consider the  
24 amount of revenues annually generated by certificate fees,  
25 transfer fees, surcharges, trap license fees, and sales taxes,  
26 the demonstrated fair market value of transferred  
27 certificates, and the continued economic viability of the  
28 commercial lobster industry. The proceeds of equitable rent  
29 recovered shall be deposited in the Marine Resources  
30 Conservation Trust Fund and used by the commission ~~department~~  
31 for research, management, and protection of the spiny lobster



1 fishery and habitat.

2 2. No person, firm, corporation, or other business  
3 entity may control, directly or indirectly, more than 1.5  
4 percent of the total available certificates in any license  
5 year.

6 3. The commission ~~department~~ shall maintain records of  
7 all certificates and their transfers and shall annually  
8 provide each licenseholder with a statement of certificates  
9 held.

10 4. The number of trap tags issued annually to each  
11 licenseholder shall not exceed the number of certificates held  
12 by the licenseholder at the time of issuance, and such tags  
13 and a statement of certificates held shall be issued  
14 simultaneously.

15 5. Beginning July 1, 2003, and applicable to the  
16 2003-2004 lobster season and thereafter, it is unlawful for  
17 any person to lease lobster trap tags or certificates.

18 (b) Trap tags.--Each trap used to take or attempt to  
19 take spiny lobsters in state waters or adjacent federal waters  
20 shall, in addition to the crawfish trap number required by s.  
21 370.14(2), have affixed thereto an annual trap tag issued by  
22 the commission ~~department~~. Each such tag shall be made of  
23 durable plastic or similar material and shall, beginning with  
24 those tags issued for the 1993-1994 season based on the number  
25 of certificates held, have stamped thereon the owner's license  
26 number. To facilitate enforcement and recordkeeping, such tags  
27 shall be issued each year in a color different from that of  
28 each of the previous 3 years. A fee of 50 cents per tag issued  
29 other than on the basis of a certificate held shall be  
30 assessed through March 31, 1993. Until 1995, an annual fee of  
31 50 cents per certificate shall be assessed, and thereafter,

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1 until 1998, an annual fee of 75 cents per certificate shall be  
2 assessed upon issuance in order to recover administrative  
3 costs of the tags and the certificate program. Beginning in  
4 1998, the annual certificate fee shall be \$1 per certificate.  
5 Replacement tags for lost or damaged tags may be obtained as  
6 provided by rule of the commission department.

7 (c) Prohibitions; penalties.--

8 1. It is unlawful for a person to possess or use a  
9 spiny lobster trap in or on state waters or adjacent federal  
10 waters without having affixed thereto the trap tag required by  
11 this section. It is unlawful for a person to possess or use  
12 any other gear or device designed to attract and enclose or  
13 otherwise aid in the taking of spiny lobster by trapping that  
14 is not a trap as defined in rule 46-24.006(2), Florida  
15 Administrative Code.

16 2. It is unlawful for a person to possess or use spiny  
17 lobster trap tags without having the necessary number of  
18 certificates on record as required by this section.

19 3. In addition to any other penalties provided in s.  
20 370.021, a commercial harvester, as defined by rule  
21 46-24.002(1), Florida Administrative Code, who violates the  
22 provisions of this section, or the provisions relating to  
23 traps of chapter 46-24, Florida Administrative Code, shall be  
24 punished as follows:

25 a. If the first violation is for violation of  
26 subparagraph 1. or subparagraph 2., the commission department  
27 shall assess an additional civil penalty of up to \$1,000 and  
28 the crawfish trap number issued pursuant to s. 370.14(2) or  
29 (7) may be suspended for the remainder of the current license  
30 year. For all other first violations, the commission  
31 ~~department~~ shall assess an additional civil penalty of up to

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1 \$500.

2 b. For a second violation of subparagraph 1. or  
3 subparagraph 2. which occurs within 24 months of any previous  
4 such violation, the commission ~~department~~ shall assess an  
5 additional civil penalty of up to \$2,000 and the crawfish trap  
6 number issued pursuant to s. 370.14(2) or (6)~~(7)~~ may be  
7 suspended for the remainder of the current license year.

8 c. For a third or subsequent violation of subparagraph  
9 1. or subparagraph 2. which occurs within 36 months of any  
10 previous two such violations, the commission ~~department~~ shall  
11 assess an additional civil penalty of up to \$5,000 and may  
12 suspend the crawfish trap number issued pursuant to s.  
13 370.14(2) or (6)~~(7)~~ for a period of up to 24 months or may  
14 revoke the crawfish trap number and, if revoking the crawfish  
15 trap number, may also proceed against the licenseholder's  
16 saltwater products license in accordance with the provisions  
17 of s. 370.021(2)(i)~~s. 370.021(2)(e)~~.

18 d. Any person assessed an additional civil penalty  
19 pursuant to this section shall within 30 calendar days after  
20 notification:

21 (I) Pay the civil penalty to the commission  
22 ~~department~~; or

23 (II) Request an administrative hearing pursuant to the  
24 provisions of s. 120.60.

25 e. The commission ~~department~~ shall suspend the  
26 crawfish trap number issued pursuant to s. 370.14(2) or (6)  
27 ~~(7)~~ for any person failing to comply with the provisions of  
28 sub-subparagraph d.

29 4.a. It is unlawful for any person to make, alter,  
30 forge, counterfeit, or reproduce a spiny lobster trap tag or  
31 certificate.

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1           b. It is unlawful for any person to knowingly have in  
2 his or her possession a forged, counterfeit, or imitation  
3 spiny lobster trap tag or certificate.

4           c. It is unlawful for any person to barter, trade,  
5 sell, supply, agree to supply, aid in supplying, or give away  
6 a spiny lobster trap tag or certificate or to conspire to  
7 barter, trade, sell, supply, aid in supplying, or give away a  
8 spiny lobster trap tag or certificate unless such action is  
9 duly authorized by the commission department as provided in  
10 this chapter or in the rules of the commission department.

11           5.a. Any person who violates the provisions of  
12 subparagraph 4., or any person who engages in the commercial  
13 harvest, trapping, or possession of spiny lobster without a  
14 crawfish trap number as required by s. 370.14(2) or ~~(6)~~(7) or  
15 during any period while such crawfish trap number is under  
16 suspension or revocation, commits a felony of the third  
17 degree, punishable as provided in s. 775.082, s. 775.083, or  
18 s. 775.084.

19           b. In addition to any penalty imposed pursuant to  
20 sub-subparagraph a., the commission department shall levy a  
21 fine of up to twice the amount of the appropriate surcharge to  
22 be paid on the fair market value of the transferred  
23 certificates, as provided in subparagraph (a)1., on any person  
24 who violates the provisions of sub-subparagraph 4.c.

25           6. Any certificates for which the annual certificate  
26 fee is not paid for a period of 3 years shall be considered  
27 abandoned and shall revert to the commission department.  
28 During any period of trap reduction, any certificates  
29 reverting to the commission department shall become  
30 permanently unavailable and be considered in that amount to be  
31 reduced during the next license-year period. Otherwise, any

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1 certificates that revert to the commission ~~department~~ are to  
2 be reallocated in such manner as provided by the commission  
3 ~~department~~.

4           7. The proceeds of all civil penalties collected  
5 pursuant to subparagraph 3. and all fines collected pursuant  
6 to sub-subparagraph 5.b. shall be deposited into the Marine  
7 Resources Conservation Trust Fund.

8           8. All traps shall be removed from the water during  
9 any period of suspension or revocation.

10           (d) No vested rights.--The trap certificate program  
11 shall not create vested rights in licenseholders whatsoever  
12 and may be altered or terminated as necessary to protect the  
13 spiny lobster resource, the participants in the fishery, or  
14 the public interest.

15           (3) TRAP REDUCTION.--The objective of the overall trap  
16 certificate program is to reduce the number of traps used in  
17 the spiny lobster fishery to the lowest number that will  
18 maintain or increase overall catch levels, promote economic  
19 efficiency in the fishery, and conserve natural resources.  
20 Therefore, the Marine Fisheries Commission shall set an  
21 overall trap reduction goal based on maintaining or maximizing  
22 a sustained harvest from the spiny lobster fishery. To reach  
23 that goal, the Marine Fisheries Commission shall, by July 1,  
24 1992, set an annual trap reduction schedule, not to exceed 10  
25 percent per year, applicable to all certificateholders until  
26 the overall trap reduction goal is reached. All  
27 certificateholders shall have their certificate holdings  
28 reduced by the same percentage of certificates each year  
29 according to the trap reduction schedule. Until July 1, 1999,  
30 the Department of Environmental Protection ~~department~~ shall  
31 ~~then~~ issue the number of trap tags authorized by the Marine

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1 Fisheries Commission ~~commission~~, as requested, and a revised  
2 statement of certificates held. Beginning July 1, 1999, the  
3 Fish and Wildlife Conservation Commission shall annually issue  
4 the number of trap tags authorized by the commission's  
5 schedule, as requested, and a revised statement of  
6 certificates held. Certificateholders may maintain or increase  
7 their total number of certificates held by purchasing  
8 available certificates from within the authorized total. The  
9 Fish and Wildlife Conservation Commission shall provide for an  
10 annual evaluation of the trap reduction process and shall  
11 suspend the annual percentage reductions for any period deemed  
12 necessary by the commission in order to assess the impact of  
13 the trap reduction schedule on the fishery. The Fish and  
14 Wildlife Conservation Commission ~~commission~~ may then, by rule,  
15 resume, terminate, or reverse the schedule as it deems  
16 necessary to protect the spiny lobster resource and the  
17 participants in the fishery.

18 (4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS  
19 BOARD.--There is hereby established the Trap Certificate  
20 Technical Advisory and Appeals Board. Such board shall  
21 consider and advise the commission ~~department~~ on disputes and  
22 other problems arising from the implementation of the spiny  
23 lobster trap certificate program. The board may also provide  
24 information to the commission ~~department~~ on the operation of  
25 the trap certificate program.

26 (a)1. The board shall consist of the executive  
27 director ~~secretary~~ of the commission ~~department~~ or designee  
28 and nine other members appointed by the executive director  
29 ~~secretary, after determination of the initial certificate~~  
30 ~~allotments by the department,~~ according to the following  
31 criteria, ~~except as otherwise provided in subparagraph 2.:~~

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1           1.a. All appointed members shall be  
2 certificateholders, but two shall be holders of fewer than 100  
3 certificates, two shall be holders of at least 100 but no more  
4 than 750 certificates, three shall be holders of more than 750  
5 but not more than 2,000 certificates, and two shall be holders  
6 of more than 2,000 certificates.

7           2.b. At least one member each shall come from Broward,  
8 Dade, and Palm Beach Counties; and five members shall come  
9 from the various regions of the Florida Keys.

10           3.c. At least one appointed member shall be a person  
11 of Hispanic origin capable of speaking English and Spanish.

12           ~~2. The secretary of the department may fill any~~  
13 ~~position on the initial board with a member who does not~~  
14 ~~fulfill the requirements of subparagraph 1. if there are not~~  
15 ~~enough qualified individuals available to meet those~~  
16 ~~requirements. However, as soon as enough qualified individuals~~  
17 ~~are available to meet those requirements, the secretary must~~  
18 ~~replace all nonqualified appointees with qualified appointees.~~

19           (b) The term of each appointed member shall be for 4  
20 years, and any vacancy shall be filled for the balance of the  
21 unexpired term with a person of the qualifications necessary  
22 to maintain the requirements of paragraph (a)~~subparagraph~~  
23 ~~(a)1. However, of the initial appointees, three shall serve~~  
24 ~~for terms of 4 years, two shall serve for terms of 3 years,~~  
25 ~~two shall serve for terms of 2 years, and two shall serve for~~  
26 ~~terms of 1 year. There shall be no limitation on successive~~  
27 appointments to the board.

28           (c) The executive director ~~secretary~~ of the commission  
29 ~~department~~ or designee shall serve as a member and shall call  
30 the organizational meeting of the board. The board shall  
31 annually elect a chair and a vice chair. There shall be no

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1 limitation on successive terms that may be served by a chair  
2 or vice chair. The board shall meet at the call of its chair,  
3 at the request of a majority of its membership, at the request  
4 of the commission ~~department~~, or at such times as may be  
5 prescribed by its rules. A majority of the board shall  
6 constitute a quorum, and official action of the board shall  
7 require a majority vote of the total membership of the board  
8 present at the meeting.

9 (d) The procedural rules adopted by the board shall  
10 conform to the requirements of chapter 120.

11 (e) Members of the board shall be reimbursed for per  
12 diem and travel expenses as provided in s. 112.061.

13 (f) Upon reaching a decision on any dispute or problem  
14 brought before it, including any decision involving the  
15 allotment of certificates under paragraph (g), the board shall  
16 submit such decision to the executive director ~~secretary~~ of  
17 the commission ~~department~~ for final approval. The executive  
18 director ~~secretary~~ of the commission ~~department~~ may alter or  
19 disapprove any decision of the board, with notice thereof  
20 given in writing to the board and to each party in the dispute  
21 explaining the reasons for the disapproval. The action of the  
22 executive director ~~secretary~~ of the commission ~~department~~  
23 constitutes final agency action.

24 (g) In addition to those certificates allotted  
25 pursuant to the provisions of subparagraph (2)(a)1., up to  
26 125,000 certificates may be allotted by the board to settle  
27 disputes or other problems arising from implementation of the  
28 trap certificate program during the 1992-1993 and 1993-1994  
29 license years. Any certificates not allotted by March 31,  
30 1994, shall become permanently unavailable and shall be  
31 considered as part of the 1994-1995 reduction schedule. All



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1 appeals for additional certificates or other disputes must be  
2 filed with the board before October 1, 1993.

3 (h) Any trap certificates issued by the Department of  
4 Environmental Protection and, effective July 1, 1999, the  
5 commission as a result of the appeals process must be added to  
6 the existing number of trap certificates for the purposes of  
7 determining the total number of certificates from which the  
8 subsequent season's trap reduction is calculated.

9 (i) On and after July 1, 1994, the board shall no  
10 longer consider and advise the Fish and Wildlife Conservation  
11 Commission ~~department~~ on disputes and other problems arising  
12 from implementation of the trap certificate program nor allot  
13 any certificates with respect thereto.

14 (5) DISPOSITION OF FEES AND SURCHARGES.--Transfer fees  
15 and surcharges, annual trap certificate fees, and recreational  
16 tag fees collected pursuant to paragraphs (2)(a) and (b) shall  
17 be deposited in the Marine Resources Conservation Trust Fund  
18 and used for administration of the trap certificate program,  
19 research and monitoring of the spiny lobster fishery, and  
20 enforcement and public education activities in support of the  
21 purposes of this section and shall also be for the use of the  
22 Fish and Wildlife Conservation ~~Marine Fisheries~~ Commission in  
23 evaluating the impact of the trap reduction schedule on the  
24 spiny lobster fishery; however, at least 15 percent of the  
25 fees and surcharges collected shall be provided to the  
26 commission for such evaluation.

27 (6) RULEMAKING AUTHORITY.--The Fish and Wildlife  
28 Conservation Commission ~~Department of Environmental Protection~~  
29 may adopt rules to implement the provisions of this section.

30 Section 110. Subsection (1), (2), and (6) of section  
31 370.1535, Florida Statutes, are amended to read:

1           370.1535 Regulation of shrimp fishing in Tampa Bay;  
2 licensing requirements.--

3           (1) No person shall operate as a dead shrimp producer  
4 in any waters of Tampa Bay unless such person has procured  
5 from the Fish and Wildlife Conservation Commission ~~Department~~  
6 ~~of Environmental Protection~~ a dead shrimp production permit.

7           (2) The Fish and Wildlife Conservation Commission  
8 ~~Department of Environmental Protection~~ is authorized to issue  
9 a dead shrimp production permit to persons qualified pursuant  
10 to the following criteria:

11           (a) The person has submitted an application designed  
12 by the commission ~~department~~ for such permit.

13           (b) One permit is required for each vessel used for  
14 dead shrimp production in the waters of Tampa Bay. A permit  
15 shall only be issued to an individual who is the principal  
16 owner of the vessel or of the business entity owning the  
17 vessel and utilizing the permit. No more than three permits  
18 shall be issued to any individual.

19           (c) Each application for a permit shall be accompanied  
20 by a fee of \$250 for each resident of the state and \$1,000 for  
21 each nonresident of the state. The proceeds of the fees  
22 collected pursuant to this paragraph shall be deposited into  
23 the Marine Resources Conservation Trust Fund to be used by the  
24 commission ~~department~~ for the purpose of enforcement of marine  
25 resource laws.

26           (d) No person shall be issued a permit or be allowed  
27 to renew a permit if such person is registered for  
28 noncommercial trawling pursuant to s. 370.15(6) or if such  
29 person holds a live bait shrimping license issued pursuant to  
30 s. 370.15(8).

31           (e) Each applicant shall make application prior to

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1 June 30, 1992, and shall hold any other license or  
2 registration required to operate a commercial fishing vessel  
3 in Tampa Bay on the date of application.

4 (6) Each person harvesting shrimp in Tampa Bay  
5 pursuant to the permit required by this section shall comply  
6 with all rules of the Fish and Wildlife Conservation ~~Marine~~  
7 ~~Fisheries~~ Commission regulating such harvest.

8 Section 111. Subsections (4) and (5) of section  
9 370.17, Florida Statutes, are amended to read:

10 370.17 Sponges; regulation.--

11 (4) POWERS OF THE COMMISSION ~~DEPARTMENT~~.--The  
12 commission ~~said department~~ is authorized and empowered to  
13 make, promulgate, and put into effect all rules and  
14 regulations which the commission ~~department~~ may consider and  
15 decide to be necessary to accomplish the purpose of this  
16 chapter for the taking and cultivation of sponges, including  
17 the power and authority to determine and fix, in its  
18 discretion, the seasons and period of time within which public  
19 state grounds may be closed to the taking, possessing, buying,  
20 selling, or transporting of sponges from the sponge  
21 cultivation districts herein provided for and to regulate and  
22 prescribe the means and methods to be employed in the  
23 harvesting thereof; however, notice of all rules, regulations,  
24 and orders, and all revisions and amendments thereto,  
25 prescribing closed seasons or prescribing the means and  
26 methods of harvesting sponges adopted by the commission  
27 ~~department~~ shall be published in a newspaper of general  
28 circulation in the conservation district affected within 10  
29 days from the adoption thereof, in addition to any notice  
30 required by chapter 120.

31 (5) COOPERATION WITH UNITED STATES FISH AND WILDLIFE

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1 SERVICE.--The commission ~~department~~ shall cooperate with the  
2 United States Fish and Wildlife Service, under existing  
3 federal laws, rules and regulations, and is authorized to  
4 accept donations, grants and matching funds from said federal  
5 government under such conditions as are reasonable and proper,  
6 for the purposes of carrying out this chapter, and the  
7 commission ~~said department~~ is further authorized to accept any  
8 and all donations including funds and loan of vessels.

9 Section 112. Subsections (9), (15), (16), and (17) of  
10 section 372.001, Florida Statutes, are amended to read:

11 372.001 Definitions.--In construing these statutes,  
12 when applied to saltwater and freshwater fish, shellfish,  
13 crustacea, sponges, wild birds, and wild animals, where the  
14 context permits, the word, phrase, or term:

15 (9) "Fresh water," except where otherwise provided by  
16 law, includes all lakes, rivers, canals, and other waterways  
17 of Florida, to such point or points where the fresh and salt  
18 waters commingle to such an extent as to become unpalatable  
19 and unfit for human consumption, because of the saline  
20 content, or to such point or points as may be fixed by the  
21 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
22 Commission, by and with the consent of the board of county  
23 commissioners of the county or counties to be affected by such  
24 order. The Steinhatchee River shall be considered fresh water  
25 from its source to mouth.

26 (15) "Fish management area" is a pond, lake, or other  
27 water within a county or within several counties designated to  
28 improve fishing for public use and established and  
29 specifically circumscribed for authorized management by the  
30 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
31 Commission and the board of county commissioners of the county

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1 in which such waters lie under agreement between the  
2 commission and an owner with approval by the board of county  
3 commissioners or under agreement with the board of county  
4 commissioners for use of public waters in the county in which  
5 such waters lie.

6 (16) "Commission" means the Fish and Wildlife  
7 Conservation ~~Game and Fresh Water Fish~~ Commission.

8 (17) "Authorization" means a number issued by the Fish  
9 and Wildlife Conservation ~~Game and Fresh Water Fish~~  
10 Commission, or its authorized agent, which serves in lieu of a  
11 license or permit and affords the privilege purchased for a  
12 specified period of time.

13 Section 113. Section 372.01, Florida Statutes, is  
14 amended to read:

15 372.01 Fish and Wildlife Conservation ~~Game and Fresh~~  
16 ~~Water Fish~~ Commission.--

17 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
18 ~~Water Fish~~ Commission shall consist of seven ~~five~~ members who  
19 shall be appointed by the Governor, subject to confirmation by  
20 the Senate, for staggered terms of 5 years.

21 (2) Members so appointed shall annually select one of  
22 their members as chair. Such chair may be removed at any time  
23 for sufficient cause, by the affirmative vote of the majority  
24 of the members of the commission. In case the said office of  
25 chair becomes vacant by removal or otherwise, the same may be  
26 filled for the unexpired term at any time by the commission  
27 from its members.

28 (3) Commission members shall receive no compensation  
29 for their services as such, but shall be reimbursed for travel  
30 expenses as provided in s. 112.061.

31 Section 114. Subsections (1) and (2) of section

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1 372.0215, Florida Statutes, are amended to read:

2 372.0215 Citizen support organizations; use of state  
3 property; audit.--

4 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
5 ~~Water Fish~~ Commission may authorize the establishment of  
6 citizen support organizations to provide assistance, funding,  
7 and promotional support for the programs of the commission.  
8 For purposes of this section, the term "citizen support  
9 organization" means an organization which:

10 (a) Is a corporation not for profit incorporated  
11 pursuant to the provisions of chapter 617 and approved by the  
12 Department of State;

13 (b) Is organized and operated to conduct programs and  
14 activities; raise funds; request and receive grants, gifts,  
15 and bequests of money; acquire, receive, hold, invest, and  
16 administer in its own name securities, funds, or real or  
17 personal property; and make expenditures for the benefit of  
18 the commission or an individual program unit of the  
19 commission; except that such organization may not receive  
20 funds from the commission or the Florida Marine Research  
21 Institute by grant, gift, or contract unless specifically  
22 authorized by the Legislature.

23 (c) The commission has determined acts in a manner  
24 that is consistent with the goals of the commission and the  
25 best interests of the state.

26 (d) Is approved in writing by the commission to  
27 operate for the benefit of the commission. Such approval must  
28 be stated in a letter of agreement from the executive director  
29 of the commission.

30 (2)(a) The Fish and Wildlife Conservation Commission  
31 ~~Game and Fresh Water Fish Commission~~ may permit a citizen

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1 support organization to use commission property, facilities,  
2 and personnel free of charge. A citizen support organization  
3 may use commission property, facilities, and personnel if such  
4 use is consistent with the approved purpose of that citizen  
5 support organization and if such use does not unreasonably  
6 interfere with the general public's use of commission  
7 property, facilities, and personnel for established purposes.

8 (b) The commission may prescribe conditions upon the  
9 use by a citizen support organization of commission property,  
10 facilities, or personnel.

11 (c) The commission may not permit the use of any  
12 property, facilities, or personnel of the state by a citizen  
13 support organization that does not provide equal membership  
14 and employment opportunities to all persons regardless of  
15 race, color, national origin, religion, sex, or age.

16 Section 115. Subsections (1), (2), and (4) of section  
17 372.0222, Florida Statutes, are amended to read:

18 372.0222 Private publication agreements; advertising;  
19 costs of production.--

20 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
21 ~~Water Fish~~ Commission may enter into agreements to secure the  
22 private publication of public information brochures,  
23 pamphlets, audiotapes, videotapes, and related materials for  
24 distribution without charge to the public and, in furtherance  
25 thereof, is authorized to:

26 (a) Enter into agreements with private vendors for the  
27 publication or production of such public information  
28 materials, whereby the costs of publication or production will  
29 be borne in whole or in part by the vendor or the vendor shall  
30 provide additional compensation in return for the right of the  
31 vendor to select, sell, and place advertising which publicizes

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1 products or services related to and harmonious with the  
2 subject matter of the publication.

3 (b) Retain the right, by agreement, to approve all  
4 elements of any advertising placed in such public information  
5 materials, including the form and content thereof.

6 (2) The Fish and Wildlife Conservation ~~Game and Fresh~~  
7 ~~Water Fish~~ Commission may sell advertising in the Florida  
8 Wildlife Magazine to offset the cost of publication and  
9 distribution of the magazine.

10 (4) The Fish and Wildlife Conservation ~~Game and Fresh~~  
11 ~~Water Fish~~ Commission may enter into agreements with private  
12 vendors for vendor advertisement for the purpose of offsetting  
13 expenses relating to license issuance, and, in furtherance  
14 thereof, is authorized to:

15 (a) Retain the right, by agreement, to approve all  
16 elements of such advertising, including the form or content.

17 (b) Require that any advertising of any kind  
18 contracted pursuant to this section shall include a statement  
19 providing that the advertising does not constitute an  
20 endorsement by the state or commission of the products or  
21 services to be so advertised.

22 Section 116. Section 372.0225, Florida Statutes, 1998  
23 Supplement, is amended to read:

24 372.0225 Freshwater organisms.--

25 (1) The Division of Freshwater Fisheries of the Fish  
26 and Wildlife Conservation ~~Game and Fresh Water Fish~~  
27 Commission, in order to manage the promotion, marketing, and  
28 quality control of all freshwater organisms produced in  
29 Florida and utilized commercially so that such organisms shall  
30 be used to produce the optimum sustained yield consistent with  
31 the protection of the breeding stock, is directed and charged



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1 with the responsibility of:

2 (a) Providing for the regulation of the promotion,  
3 marketing, and quality control of freshwater organisms  
4 produced in Florida and utilized commercially.

5 (b) Regulating the processing of commercial freshwater  
6 organisms on the water or on the shore.

7 (c) Providing documentation standards and statistical  
8 record requirements with respect to commercial freshwater  
9 organism catches.

10 (d) Conducting scientific, economic, and other studies  
11 and research on all freshwater organisms produced in the state  
12 and used commercially.

13 (2) The responsibility with which the Division of  
14 Freshwater Fisheries is charged under subsection (1) shall in  
15 no way supersede or duplicate the responsibilities of the  
16 Department of Agriculture and Consumer Services under chapter  
17 500, the Florida Food Safety Act, and the rules adopted under  
18 that chapter.

19 Section 117. Subsections (1) and (3) of section  
20 372.023, Florida Statutes, are amended to read:

21 372.023 J. W. Corbett and Cecil M. Webb Wildlife  
22 Management Areas.--

23 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
24 ~~Water Fish~~ Commission of this state is neither authorized nor  
25 empowered to do the following as to the J. W. Corbett Wildlife  
26 Management Area in Palm Beach County or the Cecil M. Webb  
27 Wildlife Management Area without the approval of the Board of  
28 Trustees of the Internal Improvement Trust Fund that such  
29 action is in the best interest of orderly and economical  
30 development of said area, viz.:

31 (a) To trade, barter, lease, or exchange lands therein

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1 for lands of greater acreage contiguous to said wildlife  
2 management areas.

3 (b) To grant easements for construction and  
4 maintenance of roads, railroads, canals, ditches, dikes and  
5 utilities, including but not limited to telephone, telegraph,  
6 oil, gas, electric power, water and sewers.

7 (c) To convey or release all rights in and to the  
8 phosphate, minerals, metals and petroleum that is or may be  
9 in, on or under any lands traded, bartered, leased or  
10 exchanged pursuant to paragraph (a).

11 (3) Moneys received from the sale of lands within  
12 either wildlife management area, less reasonable expenses  
13 incident to the sale, shall be used by the Fish and Wildlife  
14 Conservation Game and Fresh Water Fish Commission to acquire  
15 acreage contiguous to the wildlife management area or lands of  
16 equal wildlife value. The sale shall be made directly to the  
17 state, notwithstanding the procedures of ss. 270.08 and 270.09  
18 to the contrary.

19 Section 118. Subsections (2) and (3) of section  
20 372.025, Florida Statutes, are amended to read:

21 372.025 Everglades recreational sites; definitions.--

22 (2) DEFINITIONS.--As used in this section:

23 (a) "Commission" means the Fish and Wildlife  
24 Conservation Game and Fresh Water Fish Commission.

25 (b) "Flood control district" means the Central and  
26 Southern Florida Flood Control District Board.

27 (c) "Indian reservations" means lands as designated by  
28 chapter 285.

29 (d) "Buffer zone" means an area located between  
30 developed and wilderness areas where some restrictions on the  
31 type of future development shall be imposed.

1 (e) "Development of recreational sites" means any  
2 improvements to existing facilities or sites and also such new  
3 selection and improvements as are needed for the various  
4 recreational activities as herein provided.

5 (3) RECREATIONAL SITES.--The Fish and Wildlife  
6 Conservation Game and Fresh Water Fish Commission is directed  
7 to develop, manage, and enforce laws on certain recreational  
8 sites in the water conservation areas of the Everglades from  
9 funds to be appropriated by the Legislature.

10 Section 119. Section 372.03, Florida Statutes, is  
11 amended to read:

12 372.03 Headquarters of commission.--The Fish and  
13 Wildlife Conservation Game and Fresh Water Fish Commission is  
14 located at the state capital, and, when suitable adequate  
15 office space cannot be provided in the State Capitol Building,  
16 or other buildings owned by the state, the commission may rent  
17 or lease suitable office space in Tallahassee. Said commission  
18 may also rent or lease suitable and adequate space in other  
19 cities and towns of the state for branch or division offices  
20 and headquarters and storerooms for equipment and supplies, as  
21 the business of the commission may require or necessitate,  
22 payment for said rented or leased premises to be made from the  
23 State Game Trust Fund.

24 Section 120. Section 372.051, Florida Statutes, is  
25 amended to read:

26 372.051 Seal of commission; certificate as  
27 evidence.--The Fish and Wildlife Conservation Game and Fresh  
28 Water Fish Commission shall adopt and use a common seal, and a  
29 certificate under the seal of the commission, signed by its  
30 chair and attested by its director shall constitute sufficient  
31 evidence of the action of the commission; and copies of the

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1 minutes of the commission, or any part thereof, or of any  
2 record or paper of said commission, or any part thereof, or of  
3 any rule, regulation, or order of the commission, or any part  
4 thereof, or of any code of rules, regulations or orders of the  
5 commission, or any part thereof, certified by the director of  
6 the commission under its seal, shall be admissible in evidence  
7 in all cases and proceedings in all courts, boards, and  
8 commissions of this state without further authentication.

9 Section 121. Section 372.06, Florida Statutes, is  
10 amended to read:

11 372.06 Meetings of the commission.--At least four  
12 meetings of the Fish and Wildlife Conservation ~~Game and Fresh~~  
13 ~~Water Fish~~ Commission shall be held at the state capital no  
14 less frequently than once every 3 months, which meetings shall  
15 be known as the quarterly meetings of the commission; other  
16 meetings may be held at such times and places as may be  
17 decided upon or as provided by rules of the commission, such  
18 meetings to be called by the executive secretary on not less  
19 than 1 week's notice to all members of the commission; or  
20 meetings may be held upon the request in writing of three  
21 members of the commission, at a time and place to be  
22 designated in the request, and notice of such meetings shall  
23 be given at least 1 week in advance thereof to all members of  
24 the commission by the executive secretary. A majority of  
25 ~~Three~~ members shall constitute a quorum at any meeting of the  
26 commission. No action shall be binding when taken up by the  
27 commission, except at a regular or call meeting and duly  
28 recorded in the minutes of said meeting.

29 Section 122. Section 372.07, Florida Statutes, is  
30 amended to read:

31 372.07 Police powers of commission and its agents.--

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1           (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
2 ~~Water Fish~~ Commission, the director and the director's  
3 assistants designated by her or him, and each wildlife officer  
4 are constituted peace officers with the power to make arrests  
5 for violations of the laws of this state when committed in the  
6 presence of the officer or when committed on lands under the  
7 supervision and management of the commission. The general  
8 laws applicable to arrests by peace officers of this state  
9 shall also be applicable to said director, assistants, and  
10 wildlife officers. Such persons may enter upon any land or  
11 waters of the state for performance of their lawful duties and  
12 may take with them any necessary equipment, and such entry  
13 shall not constitute a trespass.

14           (2) Said officers shall have power and authority to  
15 enforce throughout the state all laws relating to game,  
16 nongame birds, freshwater fish, and fur-bearing animals and  
17 all rules and regulations of the Fish and Wildlife  
18 Conservation ~~Game and Fresh Water Fish~~ Commission relating to  
19 wild animal life and freshwater aquatic life, and in  
20 connection with said laws, rules, and regulations, in the  
21 enforcement thereof and in the performance of their duties  
22 thereunder, to:

23           (a) Go upon all premises, posted or otherwise;

24           (b) Execute warrants and search warrants for the  
25 violation of said laws;

26           (c) Serve subpoenas issued for the examination,  
27 investigation, and trial of all offenses against said laws;

28           (d) Carry firearms or other weapons, concealed or  
29 otherwise, in the performance of their duties;

30           (e) Arrest upon probable cause without warrant any  
31 person found in the act of violating any of the provisions of

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1 said laws or, in pursuit immediately following such  
2 violations, to examine any person, boat, conveyance, vehicle,  
3 game bag, game coat, or other receptacle for wild animal life  
4 or freshwater aquatic life, or any camp, tent, cabin, or  
5 roster, in the presence of any person stopping at or belonging  
6 to such camp, tent, cabin, or roster, when said officer has  
7 reason to believe, and has exhibited her or his authority and  
8 stated to the suspected person in charge the officer's reason  
9 for believing, that any of the aforesaid laws have been  
10 violated at such camp;

11 (f) Secure and execute search warrants and in  
12 pursuance thereof to enter any building, enclosure, or car and  
13 to break open, when found necessary, any apartment, chest,  
14 locker, box, trunk, crate, basket, bag, package, or container  
15 and examine the contents thereof;

16 (g) Seize and take possession of all wild animal life  
17 or freshwater aquatic life taken or in possession or under  
18 control of, or shipped or about to be shipped by, any person  
19 at any time in any manner contrary to said laws.

20 (3) It is unlawful for any person to resist an arrest  
21 authorized by this section or in any manner to interfere,  
22 either by abetting, assisting such resistance, or otherwise  
23 interfering with said director, assistants, or wildlife  
24 officers while engaged in the performance of the duties  
25 imposed upon them by law or regulation of the Fish and  
26 Wildlife Conservation Game and Fresh Water Fish Commission.

27 Section 123. Section 372.071, Florida Statutes, is  
28 amended to read:

29 372.071 Powers of arrest by agents of Department of  
30 Environmental Protection or Fish and Wildlife Conservation  
31 ~~Game and Fresh Water Fish~~ Commission.--Any certified law

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1 enforcement officer of the Department of Environmental  
2 Protection or the Fish and Wildlife Conservation ~~Game and~~  
3 ~~Fresh Water Fish~~ Commission, upon receiving information,  
4 relayed to her or him from any law enforcement officer  
5 stationed on the ground, on the water, or in the air, that a  
6 driver, operator, or occupant of any vehicle, boat, or airboat  
7 has violated any section of chapter 327, chapter 328, chapter  
8 370, or this chapter, may arrest the driver, operator, or  
9 occupant for violation of said laws when reasonable and proper  
10 identification of the vehicle, boat, or airboat and reasonable  
11 and probable grounds to believe that the driver, operator, or  
12 occupant has committed or is committing any such offense have  
13 been communicated to the arresting officer by the other  
14 officer stationed on the ground, on the water, or in the air.

15 Section 124. Subsection (1) of section 372.074,  
16 Florida Statutes, is amended to read:

17 372.074 Fish and Wildlife Habitat Program.--

18 (1)(a) There is established within the Fish and  
19 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission the  
20 Fish and Wildlife Habitat Program for the purpose of  
21 acquiring, assisting other agencies or local governments in  
22 acquiring, or managing lands important to the conservation of  
23 fish and wildlife.

24 (b) The Fish and Wildlife Conservation ~~Game and Fresh~~  
25 ~~Water Fish~~ Commission or its designee shall manage such lands  
26 for the primary purpose of maintaining and enhancing their  
27 habitat value for fish and wildlife. Other uses may be allowed  
28 that are not contrary to this purpose.

29 (c) Where acquisition pursuant to this section will  
30 result in state ownership of land, title shall be vested in  
31 the Board of Trustees of the Internal Improvement Trust Fund

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1 as required in chapter 253. Land acquisition pursuant to this  
2 section shall be voluntary, negotiated acquisition and, where  
3 title is to be vested in the Board of Trustees of the Internal  
4 Improvement Trust Fund, is subject to the acquisition  
5 procedures of s. 253.025.

6 (d) Acquisition costs shall include purchase prices  
7 and costs and fees associated with title work, surveys, and  
8 appraisals required to complete an acquisition.

9 Section 125. Subsection (1), paragraph (c) of  
10 subsection (3), and subsection (4) of section 372.105, Florida  
11 Statutes, are amended to read:

12 372.105 Lifetime Fish and Wildlife Trust Fund.--

13 (1) There is established within the Fish and Wildlife  
14 Conservation Game and Fresh Water Fish Commission the Lifetime  
15 Fish and Wildlife Trust Fund to be used for the purpose of  
16 supporting fish and wildlife conservation programs of the  
17 state in accordance with this section.

18 (3) The fund is declared to constitute a special trust  
19 derived from a contractual relationship between the state and  
20 the members of the public whose investments contribute to the  
21 fund. In recognition of such special trust, the following  
22 limitations and restrictions are placed on expenditures from  
23 the funds:

24 (c) No expenditures or disbursements from the interest  
25 income derived from the sale of lifetime licenses shall be  
26 made for any purpose until the respective holders of such  
27 licenses attain the age of 16 years. The Fish and Wildlife  
28 Conservation Game and Fresh Water Fish Commission as  
29 administrator of the fund shall determine actuarially on an  
30 annual basis the amounts of interest income within the fund  
31 which may be disbursed pursuant to this paragraph. The



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1 director shall cause deposits of proceeds from the sale of  
2 lifetime licenses to be identifiable by the ages of the  
3 license recipients.

4 (4) In the event of a future dissolution or  
5 reorganization of the Fish and Wildlife Conservation ~~Game and~~  
6 ~~Fresh Water Fish~~ Commission, any state agency which succeeds  
7 the commission or assumes its constitutional or statutory  
8 responsibilities shall, through its agency head acting ex  
9 officio, assume the trusteeship of the fund and shall be bound  
10 by all the limitations and restrictions placed by this section  
11 on expenditures from the fund. No repeal or modification of  
12 this chapter or s. 9, Art. IV of the State Constitution shall  
13 alter the fundamental purposes to which the fund may be  
14 applied. No dissolution or reorganization of the Fish and  
15 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
16 shall invalidate any lifetime license issued in accordance  
17 with this section.

18 Section 126. Subsection (1) of section 372.106,  
19 Florida Statutes, is amended to read:

20 372.106 Dedicated License Trust Fund.--

21 (1) There is established within the Fish and Wildlife  
22 Conservation ~~Game and Fresh Water Fish~~ Commission the  
23 Dedicated License Trust Fund. The fund shall be credited with  
24 moneys collected pursuant to ss. 370.0605 and 372.57 for  
25 5-year licenses and replacement 5-year licenses.

26 Section 127. Section 372.12, Florida Statutes, is  
27 amended to read:

28 372.12 Acquisition of state game lands.--The Fish and  
29 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
30 with the approval of the Governor, may acquire, in the name of  
31 the state, lands and waters suitable for the protection and

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1 propagation of game, fish, nongame birds or fur-bearing  
2 animals, or for hunting purposes, game farms, by purchase,  
3 lease, gift or otherwise to be known as state game lands. The  
4 said commission may erect such buildings and fences as may be  
5 deemed necessary to properly maintain and protect such lands,  
6 or for propagation of game, nongame birds, freshwater fish or  
7 fur-bearing animals. The title of land acquired by purchase,  
8 lease, gift or otherwise, shall be approved by the Department  
9 of Legal Affairs. The deed to such lands shall be deposited  
10 as are deeds to other state lands. ~~No such lands shall be~~  
11 ~~purchased at a price to exceed \$10 per acre.~~No property  
12 acquired under this section shall be exempt from state, county  
13 or district taxation.

14 Section 128. Subsection (1) of section 372.121,  
15 Florida Statutes, is amended to read:

16 372.121 Control and management of state game lands.--

17 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
18 ~~Water Fish~~ Commission is authorized to make, adopt,  
19 promulgate, amend, repeal, and enforce all reasonable rules  
20 and regulations necessary for the protection, control,  
21 operation, management, or development of lands or waters owned  
22 by, leased by, or otherwise assigned to, the commission for  
23 fish or wildlife management purposes, including but not being  
24 limited to the right of ingress and egress. Before any such  
25 rule or regulation is adopted, other than one relating to wild  
26 animal life or freshwater aquatic life, the commission shall  
27 obtain the consent and agreement, in writing, of the owner, in  
28 the case of privately owned lands or waters, or the owner or  
29 primary custodian, in the case of public lands or waters.

30 Section 129. Subsections (1), (2), and (4) of section  
31 372.16, Florida Statutes, are amended to read:

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1           372.16 Private game preserves and farms; penalty.--

2           (1) Any person owning land in this state may, after  
3 having secured a license therefor from the Fish and Wildlife  
4 Conservation ~~Game and Fresh Water Fish~~ Commission, establish,  
5 maintain, and operate within the boundaries thereof, a private  
6 preserve and farm, not exceeding an area of 640 acres, for the  
7 protection, preservation, propagation, rearing, and production  
8 of game birds and animals for private and commercial purposes,  
9 provided that no two game preserves shall join each other or  
10 be connected.

11           (2) All private game preserves or farms established  
12 under the provisions of this section shall be fenced in such  
13 manner that domestic game thereon may not escape and wild game  
14 on surrounding lands may not enter and shall be subject at any  
15 time to inspection by the Fish and Wildlife Conservation ~~Game~~  
16 ~~and Fresh Water Fish~~ Commission, or its conservation officers.  
17 Such private preserve or farm shall be equipped and operated  
18 in such manner as to provide sufficient food and humane  
19 treatment for the game kept thereon. Game reared or produced  
20 on private game preserves and farms shall be considered  
21 domestic game and private property and may be sold or disposed  
22 of as such and shall be the subject of larceny. Live game may  
23 be purchased, sold, shipped, and transported for propagation  
24 and restocking purposes only at any time. Such game may be  
25 sold for food purposes only during the open season provided by  
26 law for such game. All game killed must be killed on the  
27 premises of such private game preserve or farm and must be  
28 killed by means other than shooting, except during the open  
29 season. All domestic game sold for food purposes must be  
30 marked or tagged in a manner prescribed by the Fish and  
31 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission;

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1 and the owner or operator of such private game preserve or  
2 farm shall report to the said commission, on blanks to be  
3 furnished by it, each sale or shipment of domestic game, such  
4 reports showing the quantity and kind of game shipped or sold  
5 and to whom sold. Such report shall be made not later than 5  
6 days following such sale or shipment. Game reared or produced  
7 as aforesaid may be served as such by hotels, restaurants, or  
8 other public eating places during the open season provided by  
9 law on such particular species of game, under such regulations  
10 as the commission may prescribe.

11 (4) Any person violating the provisions of this  
12 section shall for the first offense be guilty of a misdemeanor  
13 of the second degree, punishable as provided in s. 775.082 or  
14 s. 775.083, and for a second or subsequent offense shall be  
15 guilty of a misdemeanor of the first degree, punishable as  
16 provided in s. 775.082 or s. 775.083. Any person convicted of  
17 violating the provisions of this section shall forfeit, to the  
18 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
19 Commission, any license or permit issued under the provisions  
20 hereof; and no further license or permit shall be issued to  
21 such person for a period of 1 year following such conviction.  
22 Before any private game preserve or farm is established, the  
23 owner or operator shall secure a license from the Fish and  
24 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
25 the fee for which shall be \$5 per year.

26 Section 130. Subsection (1) of section 372.26, Florida  
27 Statutes, is amended to read:

28 372.26 Imported fish.--

29 (1) No person shall import into the state or place in  
30 any of the fresh waters of the state any freshwater fish of  
31 any species without having first obtained a permit from the

1 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
2 Commission. The commission is authorized to issue or deny such  
3 a permit upon the completion of studies of the species made by  
4 it to determine any detrimental effect the species might have  
5 on the ecology of the state.

6 Section 131. Subsections (1) and (2) of section  
7 372.265, Florida Statutes, are amended to read:

8 372.265 Regulation of foreign animals.--

9 (1) It is unlawful to import for sale or use, or to  
10 release within this state, any species of the animal kingdom  
11 not indigenous to Florida without having obtained a permit to  
12 do so from the Fish and Wildlife Conservation ~~Game and Fresh~~  
13 ~~Water Fish~~ Commission.

14 (2) The Fish and Wildlife Conservation ~~Game and Fresh~~  
15 ~~Water Fish~~ Commission is authorized to issue or deny such a  
16 permit upon the completion of studies of the species made by  
17 it to determine any detrimental effect the species might have  
18 on the ecology of the state.

19 Section 132. Section 372.27, Florida Statutes, is  
20 amended to read:

21 372.27 Silver Springs and Rainbow Springs, etc.,  
22 closed to all fishing.--It is unlawful for any person to take  
23 any fish within Marion County, from the waters of Rainbow  
24 Springs and Rainbow River (formerly known as Blue Springs and  
25 Blue Springs River) within a radius of 1 mile from the head of  
26 said spring or from the waters of Silver Springs or Silver  
27 Springs Run from the head of said spring to its junction with  
28 the Oklawaha River; provided, that the Fish and Wildlife  
29 Conservation Commission ~~of Game and Fresh Water Fish~~ may  
30 remove or cause to be removed any gar, mud fish or other  
31 predatory fish when in its judgment their removal is

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1 desirable.

2 Section 133. Section 372.31, Florida Statutes, is  
3 amended to read:

4 372.31 Disposition of illegal fishing devices.--

5 (1) In all cases of arrest and conviction for use of  
6 illegal nets or traps or fishing devices, as provided in this  
7 chapter, such illegal net, trap, or fishing device is declared  
8 to be a nuisance and shall be seized and carried before the  
9 court having jurisdiction of such offense and said court shall  
10 order such illegal trap, net or fishing device forfeited to  
11 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
12 Commission immediately after trial and conviction of the  
13 person in whose possession they were found. When any illegal  
14 net, trap or fishing device is found in the fresh waters of  
15 the state, and the owner of same shall not be known to the  
16 officer finding the same, such officer shall immediately  
17 procure from the county court judge an order forfeiting said  
18 illegal net, trap or fishing device to the Fish and Wildlife  
19 Conservation ~~Game and Fresh Water Fish~~ Commission. The Fish  
20 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
21 may destroy such illegal net, trap or fishing device, if in  
22 its judgment said net, trap or fishing device is not of value  
23 in the work of the department.

24 (2) When any nets, traps, or fishing devices are found  
25 being used illegally as provided in this chapter, the same  
26 shall be seized and forfeited to the Fish and Wildlife  
27 Conservation ~~Game and Fresh Water Fish~~ Commission as provided  
28 in this chapter.

29 Section 134. Subsection (7) of section 372.57, Florida  
30 Statutes, 1998 Supplement, is amended to read:

31 372.57 Licenses and permits; exemptions; fees.--No

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1 person, except as provided herein, shall take game, freshwater  
2 fish, or fur-bearing animals within this state without having  
3 first obtained a license, permit, or authorization and paid  
4 the fees hereinafter set forth, unless such license is issued  
5 without fee as provided in s. 372.561. Such license, permit,  
6 or authorization shall authorize the person to whom it is  
7 issued to take game, freshwater fish, or fur-bearing animals  
8 in accordance with law and commission rules. Such license,  
9 permit, or authorization is not transferable. Each license or  
10 permit must bear on its face in indelible ink the name of the  
11 person to whom it is issued and other information requested by  
12 the commission. Such license, permit, or authorization issued  
13 by the commission or any agent must be in the personal  
14 possession of the person to whom issued while taking game,  
15 freshwater fish, or fur-bearing animals. The failure of such  
16 person to exhibit such license, permit, or authorization to  
17 the commission or its wildlife officers, when such person is  
18 found taking game, freshwater fish, or fur-bearing animals, is  
19 a violation of law. A positive form of identification is  
20 required when using an authorization, a lifetime license, a  
21 5-year license, or when otherwise required by the license or  
22 permit. The lifetime licenses and 5-year licenses provided  
23 herein shall be embossed with the name, date of birth, the  
24 date of issuance, and other pertinent information as deemed  
25 necessary by the commission. A certified copy of the  
26 applicant's birth certificate shall accompany all applications  
27 for a lifetime license for residents 12 years of age and  
28 younger. Each applicant for a license, permit, or  
29 authorization shall provide the applicant's social security  
30 number on the application form. Disclosure of social security  
31 numbers obtained through this requirement shall be limited to

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1 the purpose of administration of the Title IV-D child support  
2 enforcement program and use by the commission, and as  
3 otherwise provided by law.

4 (7) A resident lifetime sportsman's license authorizes  
5 the holder to engage in the following noncommercial  
6 activities:

7 (a) To take or attempt to take or possess freshwater  
8 fish, marine fish, and game, consistent with state and federal  
9 regulations and rules of the commission ~~and the Department of~~  
10 ~~Environmental Protection~~ in effect at the time of taking.

11 (b) All activities authorized by a management area  
12 permit, a muzzle-loading gun permit, a turkey permit, an  
13 archery permit, a Florida waterfowl permit, a snook permit,  
14 and a crawfish permit.

15 Section 135. Subsection (2) of section 372.5714,  
16 Florida Statutes, is amended to read:

17 372.5714 Waterfowl Advisory Council.--

18 (2) The council shall meet at least once a year either  
19 in person or by a telephone conference call, shall elect a  
20 chair annually to preside over its meetings and perform any  
21 other duties directed by the council, and shall maintain  
22 minutes of each meeting. All records of council activities  
23 shall be kept on file with the Fish and Wildlife Conservation  
24 ~~Game and Fresh Water Fish~~ Commission and shall be made  
25 available to any interested person. The Fish and Wildlife  
26 Conservation ~~Game and Fresh Water Fish~~ Commission shall  
27 provide such staff support as is necessary to the council to  
28 carry out its duties. Members of the council shall serve  
29 without compensation, but shall be reimbursed for per diem and  
30 travel expenses as provided in s. 112.061 when carrying out  
31 the official business of the council.



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1           Section 136. Subsection (3) of section 372.5717,  
2 Florida Statutes, is amended to read:

3           372.5717 Hunter safety course; requirements;  
4 penalty.--

5           (3) The Fish and Wildlife Conservation ~~Game and Fresh~~  
6 ~~Water Fish~~ Commission shall institute and coordinate a  
7 statewide hunter safety course which must be offered in every  
8 county and consist of not less than 12 hours nor more than 16  
9 hours of instruction including, but not limited to,  
10 instruction in the competent and safe handling of firearms,  
11 conservation, and hunting ethics.

12           Section 137. Section 372.5718, Florida Statutes, is  
13 amended to read:

14           372.5718 Hunter safety course for juveniles.--The Fish  
15 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
16 shall develop a hunter safety course for juveniles who are at  
17 least 5 years of age but less than 16 years of age. The course  
18 must include, but is not limited to, instruction in the  
19 competent and safe handling of firearms, conservation, and  
20 hunting ethics. The course must be appropriate for the ages of  
21 the students. The course is voluntary and must be offered in  
22 each county in the state at least annually. The course is in  
23 addition to, and not in lieu of, the hunter safety course  
24 prescribed in s. 372.5717.

25           Section 138. Paragraph (e) of subsection (2) of  
26 section 372.574, Florida Statutes, 1998 Supplement, is amended  
27 to read:

28           372.574 Appointment of subagents for the sale of  
29 hunting, fishing, and trapping licenses and permits.--

30           (2) If a tax collector elects not to appoint  
31 subagents, the commission may appoint subagents within that

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1 county. Subagents shall serve at the pleasure of the  
2 commission. The commission may establish, by rule, procedures  
3 for selection of subagents. The following are requirements  
4 for subagents so appointed:

5 (e) A subagent may charge and receive as his or her  
6 compensation 50 cents for each license or permit sold. This  
7 charge is in addition to the sum required by law to be  
8 collected for the sale and issuance of each license or permit.  
9 In addition, no later than July 1, 1997, a subagent fee for  
10 the sale of licenses over the telephone by credit card shall  
11 be established by competitive bid procedures which are  
12 overseen by the Fish and Wildlife Conservation ~~Game and Fresh~~  
13 ~~Water Fish~~ Commission.

14 Section 139. Section 372.651, Florida Statutes, is  
15 amended to read:

16 372.651 Haul seine and trawl permits; freshwater lakes  
17 in excess of 500 square miles; fees.--

18 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
19 ~~Water Fish~~ Commission is authorized to issue permits for each  
20 haul seine or trawl used in freshwater lakes in the state  
21 having an area in excess of 500 square miles.

22 (2) The commission may charge an annual fee for the  
23 issuance of such permits which shall not exceed:

24 (a) For a resident trawl permit, \$50.

25 (b) For a resident haul seine permit, \$100.

26 (c) For a nonresident or alien trawl or haul seine  
27 permit, \$500.

28 Section 140. Subsection (1) of section 372.653,  
29 Florida Statutes, is amended to read:

30 372.653 Required tagging of fish; lakes in excess of  
31 500 square miles; tag fee; game fish taken in lakes of 500

1 square miles or less.--

2 (1)(a) No game fish taken from, or caught in, a lake  
3 in this state the area of which is in excess of 500 square  
4 miles shall be sold for consumption in this state unless it is  
5 tagged in the manner required by the Fish and Wildlife  
6 Conservation Game and Fresh Water Fish Commission. Bass or  
7 pickerel taken by any method other than hook and line shall be  
8 returned immediately to the water. Trawls and haul seines  
9 shall not be operated within 1 mile of rooted aquatic  
10 vegetation.

11 (b) In order that such program of tagging be  
12 self-sufficient, the Fish and Wildlife Conservation Game and  
13 Fresh Water Fish Commission is authorized to assess a fee of  
14 not more than 5 cents per tag, payable at the time of delivery  
15 of the tag.

16 Section 141. Subsections (5) and (6) of section  
17 372.66, Florida Statutes, are amended to read:

18 372.66 License required for fur and hide dealers.--

19 (5) All agents' licenses shall be applied for by, and  
20 issued to, a resident state dealer or nonresident dealer and  
21 shall show name and residence of such agent and shall be in  
22 possession of such agent at all times when engaged in buying  
23 furs or hides. Application for such licenses shall be made to  
24 the Fish and Wildlife Conservation Game and Fresh Water Fish  
25 Commission on blanks furnished by it.

26 (6) All dealers and buyers shall forward to the Fish  
27 and Wildlife Conservation Game and Fresh Water Fish Commission  
28 each 2 weeks during open season a report showing number and  
29 kind of hides bought and name of trapper from whom bought and  
30 the trapper's license number, or if trapper is exempt from  
31 license under any of the provisions of this chapter, such

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1 report shall show the nature of such exemption. No common  
2 carrier shall knowingly ship or transport or receive for  
3 transportation any hides or furs unless such shipments have  
4 marked thereon name of shipper and the number of her or his  
5 fur-animal license or fur dealer's license.

6 Section 142. Subsection (1) of section 372.661,  
7 Florida Statutes, is amended to read:

8 372.661 Private hunting preserve, license;  
9 exception.--

10 (1) Any person who operates a private hunting preserve  
11 commercially or otherwise shall be required to pay a license  
12 fee of \$25 for each such preserve; provided, however, that  
13 during the open season established for wild game of any  
14 species a private individual may take artificially propagated  
15 game of such species up to the bag limit prescribed for the  
16 particular species without being required to pay the license  
17 fee required by this section; provided further that if any  
18 such individual shall charge a fee for taking such game she or  
19 he shall be required to pay the license fee required by this  
20 section and to comply with the rules and regulations of the  
21 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
22 Commission relative to the operation of private hunting  
23 preserves.

24 Section 143. Section 372.662, Florida Statutes, is  
25 amended to read:

26 372.662 Unlawful sale, possession, or transporting of  
27 alligators or alligator skins.--Whenever the sale, possession,  
28 or transporting of alligators or alligator skins is prohibited  
29 by any law of this state, or by the rules, regulations, or  
30 orders of the Fish and Wildlife Conservation ~~Game and Fresh~~  
31 ~~Water Fish~~ Commission adopted pursuant to s. 9, Art. IV of the

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1 State Constitution, the sale, possession, or transporting of  
2 alligators or alligator skins is a misdemeanor of the first  
3 degree, punishable as provided in s. 775.082 or s. 775.083.

4 Section 144. Subsection (1) of section 372.663,  
5 Florida Statutes, is amended to read:

6 372.663 Illegal killing, possessing, or capturing of  
7 alligators or other crocodilia or eggs; confiscation of  
8 equipment.--

9 (1) It is unlawful to intentionally kill, injure,  
10 possess, or capture, or attempt to kill, injure, possess, or  
11 capture, an alligator or other crocodilian, or the eggs of an  
12 alligator or other crocodilian, unless authorized by the rules  
13 of the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
14 ~~Fish~~ Commission. Any person who violates this section is  
15 guilty of a felony of the third degree, punishable as provided  
16 in s. 775.082, s. 775.083, or s. 775.084, in addition to such  
17 other punishment as may be provided by law. Any equipment,  
18 including but not limited to weapons, vehicles, boats, and  
19 lines, used by a person in the commission of a violation of  
20 any law, rule, regulation, or order relating to alligators or  
21 other crocodilia or the eggs of alligators or other crocodilia  
22 shall, upon conviction of such person, be confiscated by the  
23 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
24 Commission and disposed of according to rules and regulations  
25 of the commission. The arresting officer shall promptly make  
26 a return of the seizure, describing in detail the property  
27 seized and the facts and circumstances under which it was  
28 seized, including the names of all persons known to the  
29 officer who have an interest in the property.

30 Section 145. Section 372.664, Florida Statutes, is  
31 amended to read:

1           372.664 Prima facie evidence of intent to violate laws  
2 protecting alligators.--Except as otherwise provided by rule  
3 of the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
4 ~~Fish~~ Commission for the purpose of the limited collection of  
5 alligators in designated areas, the display or use of a light  
6 in a place where alligators might be known to inhabit in a  
7 manner capable of disclosing the presence of alligators,  
8 together with the possession of firearms, spear guns, gigs,  
9 and harpoons customarily used for the taking of alligators,  
10 during the period between 1 hour after sunset and 1 hour  
11 before sunrise shall be prima facie evidence of an intent to  
12 violate the provisions of law regarding the protection of  
13 alligators.

14           Section 146. Subsection (2) of section 372.6645,  
15 Florida Statutes, is amended to read:

16           372.6645 Unlawful to sell alligator products;  
17 penalty.--

18           (2) No person shall sell any alligator product  
19 manufactured from a species which has been declared to be  
20 endangered by the United States Fish and Wildlife Service or  
21 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
22 Commission.

23           Section 147. Subsections (1) and (2) of section  
24 372.667, Florida Statutes, are amended to read:

25           372.667 Feeding or enticement of alligators or  
26 crocodiles unlawful; penalty.--

27           (1) No person shall intentionally feed, or entice with  
28 feed, any wild American alligator (*Alligator mississippiensis*)  
29 or American crocodile (*Crocodylus acutus*). However, the  
30 provisions of this section shall not apply to:

31           (a) Those persons feeding alligators or crocodiles

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1 maintained in protected captivity for educational, scientific,  
2 commercial, or recreational purposes.

3 (b) Fish and Wildlife Conservation ~~Game and Fresh~~  
4 ~~Water Fish~~ Commission personnel, persons licensed or otherwise  
5 authorized by the commission, or county or municipal animal  
6 control personnel when relocating alligators or crocodiles by  
7 baiting or enticement.

8 (2) For the purposes of this section, the term  
9 "maintained in protected captivity" means held in captivity  
10 under a permit issued by the Fish and Wildlife Conservation  
11 ~~Game and Fresh Water Fish~~ Commission pursuant to s. 372.921 or  
12 s. 372.922.

13 Section 148. Subsection (1) of section 372.6672,  
14 Florida Statutes, 1998 Supplement, is amended to read:

15 372.6672 Alligator management and trapping program  
16 implementation; commission authority.--

17 (1) In any alligator management and trapping program  
18 that the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
19 ~~Fish~~ Commission shall establish, the commission shall have the  
20 authority to adopt all rules necessary for full and complete  
21 implementation of such alligator management and trapping  
22 program, and, in order to ensure its lawful, safe, and  
23 efficient operation in accordance therewith, may:

24 (a) Regulate the marketing and sale of alligators,  
25 their hides, eggs, meat, and byproducts, including the  
26 development and maintenance of a state-sanctioned sale.

27 (b) Regulate the handling and processing of  
28 alligators, their eggs, hides, meat, and byproducts, for the  
29 lawful, safe, and sanitary handling and processing of same.

30 (c) Regulate commercial alligator farming facilities  
31 and operations for the captive propagation and rearing of

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1 alligators and their eggs.

2 (d) Provide hide-grading services by two or more  
3 individuals pursuant to state-sanctioned sales if rules are  
4 first promulgated by the commission governing:

5 1. All grading-related services to be provided  
6 pursuant to this section;

7 2. Criteria for qualifications of persons to serve as  
8 hide-graders for grading services to be provided pursuant to  
9 this section; and

10 3. The certification process by which hide-graders  
11 providing services pursuant to this section will be certified.

12 (e) Provide sales-related services by contract  
13 pursuant to state-sanctioned sales if rules governing such  
14 services are first promulgated by the commission.

15 Section 149. Subsections (1) and (3) of section  
16 372.672, Florida Statutes, 1998 Supplement, are amended to  
17 read:

18 372.672 Florida Panther Research and Management Trust  
19 Fund.--

20 (1) There is established within the Fish and Wildlife  
21 Conservation ~~Game and Fresh Water Fish~~ Commission the Florida  
22 Panther Research and Management Trust Fund to be used  
23 exclusively for the purposes of this section.

24 (3) The Fish and Wildlife Conservation ~~Game and Fresh~~  
25 ~~Water Fish~~ Commission is authorized to receive donations for  
26 deposit into the Florida Panther Research and Management Trust  
27 Fund.

28 Section 150. Section 372.673, Florida Statutes, is  
29 amended to read:

30 372.673 Florida Panther Technical Advisory Council.--

31 (1) The Florida Panther Technical Advisory Council is



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1 established within the Fish and Wildlife Conservation ~~Game and~~  
2 ~~Fresh Water Fish~~ Commission. The council shall be appointed  
3 by the Governor and shall consist of seven members with  
4 technical knowledge and expertise in the research and  
5 management of large mammals.

6 (a) Two members shall represent state or federal  
7 agencies responsible for management of endangered species; two  
8 members, who must have specific experience in the research and  
9 management of large felines or large mammals, shall be  
10 appointed from universities, colleges, or associated  
11 institutions; and three members, with similar expertise, shall  
12 be appointed from the public at large.

13 (b) As soon as practicable after July 1, 1983, one  
14 member representing a state or federal agency and one member  
15 appointed from a university, college, or associated  
16 institution shall be appointed for terms ending August 1,  
17 1985, and the remaining members shall be appointed for terms  
18 ending August 1, 1987. Thereafter, all appointments shall be  
19 for 4-year terms. If a vacancy occurs, a member shall be  
20 appointed for the remainder of the unexpired term. A member  
21 whose term has expired shall continue sitting on the council  
22 with full rights until a replacement has been appointed.

23 (c) Council members shall be reimbursed pursuant to s.  
24 112.061 but shall receive no additional compensation or  
25 honorarium.

26 (2) The purposes of the council are:

27 (a) To serve in an advisory capacity to the Fish and  
28 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
29 Commission on technical matters of relevance to the Florida  
30 panther recovery program, and to recommend specific actions  
31 that should be taken to accomplish the purposes of this act.

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1 (b) To review and comment on research and management  
2 programs and practices to identify potential harm to the  
3 Florida panther population.

4 (c) To provide a forum for technical review and  
5 discussion of the status and development of the Florida  
6 panther recovery program.

7 Section 151. Subsections (1), (2), and (7) of section  
8 372.674, Florida Statutes, 1998 Supplement, are amended to  
9 read:

10 372.674 Environmental education.--

11 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
12 ~~Water Fish~~ Commission may establish programs and activities to  
13 develop and distribute environmental education materials that  
14 will assist the public in understanding and appreciating  
15 Florida's environment and problems and issues facing our  
16 state's unique and fragile ecological systems. Such programs  
17 shall assist school teachers, state administrators, and others  
18 in the essential mission to preserve the capability to sustain  
19 the functions of our lands, water, wildlife habitats, and  
20 other natural resources in the most healthful, enjoyable, and  
21 productive manner.

22 (2) There is created within the Fish and Wildlife  
23 Conservation ~~Game and Fresh Water Fish~~ Commission the Advisory  
24 Council on Environmental Education. The council is to have up  
25 to 10 members appointed by the commission and is to be chaired  
26 by the commission's executive director or his or her designee.  
27 At a minimum, the council must include a representative of the  
28 Department of Education and a representative of the Department  
29 of Environmental Protection.

30 (7) The Fish and Wildlife Conservation ~~Game and Fresh~~  
31 ~~Water Fish~~ Commission shall review the recommended list of

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1 projects to be funded from the Florida Panther Research and  
2 Management Trust Fund and the Save the Manatee Trust Fund by  
3 August of each year and make a final determination of projects  
4 to receive grants from available appropriations by the  
5 Legislature. The commission shall act upon the recommended  
6 list within 45 days after receipt of the list.

7 Section 152. Section 372.70, Florida Statutes, is  
8 amended to read:

9 372.70 Prosecutions.--The prosecuting officers of the  
10 several courts of criminal jurisdiction of this state shall  
11 investigate and prosecute all violations of the laws relating  
12 to game, freshwater fish, nongame birds and fur-bearing  
13 animals which may be brought to their attention by the Fish  
14 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
15 or its conservation officers, or which may otherwise come to  
16 their knowledge.

17 Section 153. Subsection (1) of section 372.701,  
18 Florida Statutes, is amended to read:

19 372.701 Arrest by officers of the Fish and Wildlife  
20 Conservation ~~Game and Fresh Water Fish~~ Commission;  
21 recognizance; cash bond; citation.--

22 (1) In all cases of arrest by officers of the Fish and  
23 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission and  
24 the Department of Environmental Protection, the person  
25 arrested shall be delivered forthwith by said officer to the  
26 sheriff of the county, or shall obtain from such person  
27 arrested a recognizance or, if deemed necessary, a cash bond  
28 or other sufficient security conditioned for her or his  
29 appearance before the proper tribunal of such county to answer  
30 the charge for which the person has been arrested.

31 Section 154. Section 372.7015, Florida Statutes, is

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1 amended to read:

2           372.7015 Illegal killing, taking, possessing, or  
3 selling wildlife or game; fines; disposition of fines.--In  
4 addition to any other penalty provided by law, any person who  
5 violates the criminal provisions of this chapter and rules  
6 adopted pursuant to this chapter by illegally killing, taking,  
7 possessing, or selling game or fur-bearing animals as defined  
8 in s. 372.001(3) or (4) in or out of season while violating  
9 chapter 810 shall pay a fine of \$250 for each such violation,  
10 plus court costs and any restitution ordered by the court. All  
11 fines collected under this section shall be deposited into the  
12 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
13 Commission's State Game Trust Fund.

14           Section 155. Subsection (1) of section 372.7016,  
15 Florida Statutes, is amended to read:

16           372.7016 Voluntary Authorized Hunter Identification  
17 Program.--

18           (1) There is created the "Voluntary Authorized Hunter  
19 Identification Program" to assist landowners and law  
20 enforcement officials in better controlling trespass and  
21 illegal or unauthorized hunting. Landowners wishing to  
22 participate in the program shall:

23           (a) Annually notify the sheriff's office in the county  
24 in which the land is situated and the respective area  
25 supervisor of the Fish and Wildlife Conservation ~~Game and~~  
26 ~~Fresh Water Fish~~ Commission by letter of their desire to  
27 participate in the program, and provide a description of their  
28 property which they wish to have in the program by township,  
29 range, section, partial section, or other geographical  
30 description.

31           (b) Provide a means of identifying authorized hunters

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1 as provided in subsection (2).

2 Section 156. Section 372.72, Florida Statutes, is  
3 amended to read:

4 372.72 Disposition of fines, penalties, and  
5 forfeitures.--

6 (2) All moneys collected from fines, penalties, or  
7 forfeitures of bail of persons convicted of violations of  
8 rules, regulations, or orders of the Fish and Wildlife  
9 Conservation Game and Fresh Water Fish Commission concerning  
10 endangered or threatened species or of violation of s.  
11 372.662, s. 372.663, s. 372.667, or s. 372.671 shall be  
12 deposited in the Nongame Wildlife Trust Fund.

13 Section 157. Section 372.73, Florida Statutes, is  
14 amended to read:

15 372.73 Confiscation and disposition of illegally taken  
16 game.--All game and freshwater fish seized under the authority  
17 of this chapter shall, upon conviction of the offender or  
18 sooner if the court so orders, be forfeited and given to some  
19 hospital or charitable institution and receipt therefor sent  
20 to the Fish and Wildlife Conservation Game and Fresh Water  
21 Fish Commission. All furs or hides or fur-bearing animals  
22 seized under the authority of this chapter shall, upon  
23 conviction of the offender, be forfeited and sent to the  
24 commission, which shall sell the same and deposit the proceeds  
25 of such sale to the credit of the State Game Trust Fund or  
26 into the commission's Federal Law Enforcement Trust Fund as  
27 provided in s. 372.107, as applicable. If any such hides or  
28 furs are seized and the offender is unknown, the court shall  
29 order such hides or furs sent to the Fish and Wildlife  
30 Conservation Game and Fresh Water Fish Commission, which shall  
31 sell such hides and furs and deposit the proceeds of such sale

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1 to the credit of the State Game Trust Fund or into the  
2 commission's Federal Law Enforcement Trust Fund as provided in  
3 s. 372.107, as applicable.

4 Section 158. Section 372.74, Florida Statutes, is  
5 amended to read:

6 372.74 Cooperative agreements with U. S. Forest  
7 Service; penalty.--The Fish and Wildlife Conservation ~~Game and~~  
8 ~~Fresh Water Fish~~ Commission is authorized and empowered:

9 (1) To enter into cooperative agreements with the  
10 United States Forest Service for the development of game,  
11 bird, fish, reptile or fur-bearing animal management and  
12 demonstration projects on and in the Osceola National Forest  
13 in Columbia and Baker Counties, and in the Ocala National  
14 Forest in Marion, Lake, and Putnam Counties and in the  
15 Apalachicola National Forest in Liberty County. Provided,  
16 however, that no such cooperative agreements shall become  
17 effective in any county concerned until confirmed by the board  
18 of county commissioners of such county expressed through  
19 appropriate resolution.

20 (2) In cooperation with the United States Forest  
21 Service, to make, adopt, promulgate, amend and repeal rules  
22 and regulations, consistent with law, for the further or  
23 better control of hunting, fishing, and control of wildlife in  
24 the above National Forests or parts thereof; to shorten  
25 seasons and reduce bag limits, or shorten or close seasons on  
26 any species of game, bird, fish, reptile, or fur-bearing  
27 animal within the limits prescribed by the Florida law, in the  
28 above enumerated National Forests or parts thereof, when it  
29 shall find after investigation that such action is necessary  
30 to assure the maintenance of an adequate supply of wildlife.

31 (3) To fix a charge not to exceed \$5, for persons 18

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1 years of age and over, and not to exceed \$2 for persons under  
2 the age of 18 years, over and above the license fee for  
3 hunting now required by law. This additional fee is to apply  
4 only on areas covered by above cooperative agreements. The  
5 proceeds from this additional license fee shall be used in the  
6 development, propagation of wildlife and protection of the  
7 areas covered by the cooperative agreements as the commission  
8 and the United States Forest Service may deem proper. Nothing  
9 in this section shall be construed as authorizing the  
10 commission to change any penalty prescribed by law or to  
11 change the amount of general license fees or the general  
12 authority conferred by licenses prescribed by law.

13 (4) In addition to the requirements of chapter 120,  
14 notice of the making, adoption, and promulgation of the above  
15 rules and regulations shall be given by posting said notices,  
16 or copies of the rules and regulations, in the offices of the  
17 county judges and in the post offices within the area to be  
18 affected and within 10 miles thereof. In addition to the  
19 posting of said notices, as aforesaid, copies of said notices  
20 or of said rules and regulations shall also be published in  
21 newspapers published at the county seats of Baker, Columbia,  
22 Marion, Lake, Putnam, and Liberty Counties, or so many thereof  
23 as have newspapers, once not more than 35 nor less than 28  
24 days and once not more than 21 nor less than 14 days prior to  
25 the opening of the state hunting season in said areas. Any  
26 person violating any rules or regulations promulgated by the  
27 commission to cover these areas under cooperative agreements  
28 between the Fish and Wildlife Conservation Commission ~~State~~  
29 ~~Commission of Game and Fresh Water Fish~~ and the United States  
30 Forest Service, none of which shall be in conflict with the  
31 laws of Florida, shall be guilty of a misdemeanor of the

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

3 Section 159. Section 372.76, Florida Statutes, is  
4 amended to read:

5 372.76 Search and seizure authorized and limited.--The  
6 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
7 Commission and its conservation officers shall have authority  
8 when they have reasonable and probable cause to believe that  
9 the provisions of this chapter have been violated, to board  
10 any vessel, boat, or vehicle or to enter any fishhouse or  
11 warehouse or other building, exclusive of residence, in which  
12 game, hides, fur-bearing animals, fish, or fish nets are kept  
13 and to search for and seize any such game, hides, fur-bearing  
14 animals, fish, or fish nets had or held therein in violation  
15 of law. Provided, however, that no search without warrant  
16 shall be made under any of the provisions of this chapter,  
17 unless the officer making such search has such information  
18 from a reliable source as would lead a prudent and cautious  
19 person to believe that some provision of this chapter is being  
20 violated.

21 Section 160. Subsection (1) of section 372.761,  
22 Florida Statutes, is amended to read:

23 372.761 Issuance of warrant for search of private  
24 dwelling.--

25 (1) A search warrant may be issued on application by a  
26 commissioned officer of the Fish and Wildlife Conservation  
27 ~~Game and Fresh Water Fish~~ Commission to search any private  
28 dwelling occupied as such when it is being used for the  
29 unlawful sale or purchase of wildlife or freshwater fish being  
30 unlawfully kept therein. The term "private dwelling" shall be  
31 construed to include the room or rooms used and occupied, not



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1 transiently but solely as a residence, in an apartment house,  
2 hotel, boardinghouse, or lodginghouse. No warrant for the  
3 search of any private dwelling shall be issued except upon  
4 probable cause supported by sworn affidavit of some creditable  
5 witness that she or he has reason to believe that the said  
6 conditions exist, which affidavit shall set forth the facts on  
7 which such reason for belief is based.

8 Section 161. Subsections (1) and (2) of section  
9 372.77, Florida Statutes, are amended to read:

10 372.77 Assent to provisions of Act of Congress of  
11 September 2, 1937.--

12 (1) The state hereby assents to the provisions of the  
13 Act of Congress entitled "An Act to provide that the United  
14 States shall aid the States in Wildlife Restoration Projects,  
15 and for other purposes," approved September 2, 1937 (Pub. L.  
16 No. 415, 75th Congress), and the Fish and Wildlife  
17 Conservation Game and Fresh Water Fish Commission is hereby  
18 authorized, empowered, and directed to perform such acts as  
19 may be necessary to the conduct and establishment of  
20 cooperative wildlife restoration projects, as defined in said  
21 Act of Congress, in compliance with said act and rules and  
22 regulations promulgated by the Secretary of Agriculture  
23 thereunder.

24 (2) From and after the passage of this section it  
25 shall be unlawful to divert any funds accruing to the state  
26 from license fees paid by hunters for any purpose other than  
27 the administration of the Fish and Wildlife Conservation Game  
28 and Fresh Water Fish Commission of the state.

29 Section 162. Section 372.7701, Florida Statutes, is  
30 amended to read:

31 372.7701 Assent to federal acts.--

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1           (1) The state hereby assents to the provisions of the  
2 Federal Aid in Fish Restoration Act of August 9, 1950, as  
3 amended. The Fish and Wildlife Conservation ~~Department of~~  
4 ~~Environmental Protection and the Game and Fresh Water Fish~~  
5 Commission shall ~~work cooperatively and~~ perform such  
6 activities as are necessary to conduct wildlife and sportfish  
7 restoration projects, as defined in such Act of Congress and  
8 in compliance with the act and rules adopted thereunder by the  
9 United States Department of the Interior. Furthermore, the  
10 commission ~~Department of Environmental Protection~~ shall  
11 develop and implement programs to manage, protect, restore and  
12 conserve marine mammals and the marine fishery, and ~~the Game~~  
13 ~~and Fresh Water Fish Commission~~ shall develop and implement  
14 similar programs for wild animal life and freshwater aquatic  
15 life.

16           (2) Revenues from fees paid by hunters and sport  
17 fishers may not be diverted to purposes other than the  
18 administration of fish and wildlife programs by the Fish and  
19 Wildlife Conservation ~~Department of Environmental Protection~~  
20 ~~and the Game and Fresh Water Fish Commission~~. Administration  
21 of the state fish and wildlife programs includes only those  
22 functions of fish and wildlife management as are the  
23 responsibility of and under the authority of the Fish and  
24 Wildlife Conservation ~~Department of Environmental Protection~~  
25 ~~and the Game and Fresh Water Fish Commission~~.

26           (3) This section shall be construed in harmony with s.  
27 372.77.

28           Section 163. Subsection (2) of section 372.771,  
29 Florida Statutes, is amended to read:

30           372.771 Federal conservation of fish and wildlife;  
31 limited jurisdiction.--

1           (2) The United States may exercise concurrent  
2 jurisdiction over lands so acquired and carry out the intent  
3 and purpose of the authority except that the existing laws of  
4 Florida relating to the Department of Environmental Protection  
5 or the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
6 ~~Fish~~ Commission shall prevail relating to any area under their  
7 supervision.

8           Section 164. Subsection (1) of section 372.85, Florida  
9 Statutes, is amended to read:

10           372.85 Contaminating fresh waters.--

11           (1) It shall be unlawful for any person or persons,  
12 firm or corporation to cause any dyestuff, coal tar, oil,  
13 sawdust, poison or deleterious substances to be thrown, run or  
14 drained into any of the fresh running waters of this state in  
15 quantities sufficient to injure, stupefy, or kill fish which  
16 may inhabit the same at or below the point where any such  
17 substances are discharged, or caused to flow or be thrown into  
18 such waters; provided, that it shall not be a violation of  
19 this section for any person, firm or corporation engaged in  
20 any mining industry to cause any water handled or used in any  
21 branch of such industry to be discharged on the surface of  
22 land where such industry or branch thereof is being carried on  
23 under such precautionary measures as shall be approved by the  
24 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
25 Commission.

26           Section 165. Section 372.86, Florida Statutes, is  
27 amended to read:

28           372.86 Possessing, exhibiting poisonous or venomous  
29 reptile; license required.--No person, firm, or corporation  
30 shall keep, possess or exhibit any poisonous or venomous  
31 reptile without first having obtained a special permit or

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1 license therefor from the Fish and Wildlife Conservation  
2 ~~Florida Game and Fresh Water Fish~~ Commission as herein  
3 provided.

4 Section 166. Section 372.87, Florida Statutes, is  
5 amended to read:

6 372.87 License fee; renewal, revocation.--The Fish and  
7 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
8 Commission is hereby authorized and empowered to issue a  
9 license or permit for the keeping, possessing or exhibiting of  
10 poisonous or venomous reptiles, upon payment of an annual fee  
11 of \$5 and upon assurance that all of the provisions of ss.  
12 372.86-372.91 and such other reasonable rules and regulations  
13 as said commission may prescribe will be fully complied with  
14 in all respects. Such permit may be revoked by the Fish and  
15 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
16 Commission upon violation of any of the provisions of ss.  
17 372.86-372.91 or upon violation of any of the rules and  
18 regulations prescribed by said commission relating to the  
19 keeping, possessing and exhibiting of any poisonous and  
20 venomous reptiles. Such permits or licenses shall be for an  
21 annual period to be prescribed by the said commission and  
22 shall be renewable from year to year upon the payment of said  
23 \$5 fee and shall be subject to the same conditions,  
24 limitations and restrictions as herein set forth.

25 Section 167. Section 372.88, Florida Statutes, is  
26 amended to read:

27 372.88 Bond required, amount.--No person, party, firm,  
28 or corporation shall exhibit to the public either with or  
29 without charge, or admission fee any poisonous or venomous  
30 reptile without having first posted a good and sufficient bond  
31 in writing in the penal sum of \$1,000 payable to the Governor

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1 of the state, and the Governor's successors in office,  
2 conditioned that such exhibitor will indemnify and save  
3 harmless all persons from injury or damage from such poisonous  
4 or venomous reptiles so exhibited and shall fully comply with  
5 all laws of the state and all rules and regulations of the  
6 Fish and Wildlife Conservation ~~Florida Game and Fresh Water~~  
7 ~~Fish~~ Commission governing the keeping, possessing, or  
8 exhibiting of poisonous or venomous reptiles; provided,  
9 however, that the aggregate liability of the surety for all  
10 such injuries or damages shall, in no event, exceed the penal  
11 sum of said bond. The surety for said bond must be a surety  
12 company authorized to do business under the laws of the state  
13 or in lieu of such a surety, cash in the sum of \$1,000 may be  
14 posted with the said commission to ensure compliance with the  
15 conditions of said bond.

16 Section 168. Section 372.89, Florida Statutes, is  
17 amended to read:

18 372.89 Safe housing required.--All persons, firms, or  
19 corporations licensed under this law to keep, possess or  
20 exhibit poisonous or venomous reptiles shall provide safe,  
21 secure and proper housing for said reptiles in cases, cages,  
22 pits or enclosures. It shall be unlawful for any person, firm  
23 or corporation, whether licensed hereunder or not, to keep,  
24 possess or exhibit any poisonous or venomous reptiles in any  
25 manner not approved as safe, secure and proper by the Fish and  
26 Wildlife Conservation ~~Florida Game and Fresh Water~~ ~~Fish~~  
27 Commission.

28 Section 169. Section 372.901, Florida Statutes, is  
29 amended to read:

30 372.901 Inspection.--Poisonous or venomous reptiles,  
31 held in captivity, shall be subject to inspection by an

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1 inspecting officer from the Fish and Wildlife Conservation  
2 ~~Florida Game and Fresh Water Fish~~ Commission. The inspecting  
3 officer shall determine whether the said reptiles are  
4 securely, properly and safely penned. In the event that the  
5 reptiles are not safely penned, the inspecting officer shall  
6 report the situation in writing to the person or firm owning  
7 the said reptiles. Failure of the owner or exhibitor to  
8 correct the situation within 30 days after such written notice  
9 shall be grounds for revocation of the license or permit of  
10 said owner or exhibitor.

11 Section 170. Section 372.911, Florida Statutes, is  
12 amended to read:

13 372.911 Rewards.--The Fish and Wildlife Conservation  
14 ~~Game and Fresh Water Fish~~ Commission is authorized to offer  
15 rewards in amounts of up to \$500 to any person furnishing  
16 information leading to the arrest and conviction of any person  
17 who has inflicted or attempted to inflict bodily injury upon  
18 any wildlife officer engaged in the enforcement of the  
19 provisions of this chapter or the rules and regulations of the  
20 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
21 Commission.

22 Section 171. Subsection (3) of section 372.912,  
23 Florida Statutes, is amended to read:

24 372.912 Organized poisonous reptile hunts.--

25 (3) All organized poisonous reptile hunts in the state  
26 shall be registered with the Fish and Wildlife Conservation  
27 ~~Game and Fresh Water Fish~~ Commission and be subject to  
28 reasonable rules and regulations promulgated by said  
29 commission.

30 Section 172. Section 372.92, Florida Statutes, is  
31 amended to read:

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1           372.92 Rules and regulations.--The Fish and Wildlife  
2 Conservation Florida Game and Fresh Water Fish Commission may  
3 prescribe such other rules and regulations as it may deem  
4 necessary to prevent the escape of poisonous and venomous  
5 reptiles, either in connection of construction of such cages  
6 or otherwise to carry out the intent of ss. 372.86-372.91.

7           Section 173. Subsections (1), (2), (3), and (4) of  
8 section 372.921, Florida Statutes, 1998 Supplement, are  
9 amended to read:

10           372.921 Exhibition of wildlife.--

11           (1) In order to provide humane treatment and sanitary  
12 surroundings for wild animals kept in captivity, no person,  
13 firm, corporation, or association shall have, or be in  
14 possession of, in captivity for the purpose of public display  
15 with or without charge or for public sale any wildlife,  
16 specifically birds, mammals, and reptiles, whether indigenous  
17 to Florida or not, without having first secured a permit from  
18 the Fish and Wildlife Conservation Game and Fresh Water Fish  
19 Commission authorizing such person, firm, or corporation to  
20 have in its possession in captivity the species and number of  
21 wildlife specified within such permit; however, this section  
22 does not apply to any wildlife not protected by law and the  
23 regulations of the Fish and Wildlife Conservation Game and  
24 Fresh Water Fish Commission.

25           (2) The fees to be paid for the issuance of permits  
26 required by subsection (1) shall be as follows:

27           (a) For not more than 10 individual specimens in the  
28 aggregate of all species, the sum of \$5 per annum.

29           (b) For over 10 individual specimens in the aggregate  
30 of all species, the sum of \$25 per annum.

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1 The fees prescribed by this section shall be submitted to the  
2 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
3 Commission with the application for permit required by  
4 subsection (1) and shall be deposited in the State Game Fund.

5 (3) An applicant for a permit shall be required to  
6 include in her or his application a statement showing the  
7 place, number, and species of wildlife to be held in captivity  
8 by the applicant and shall be required upon request by the  
9 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
10 Commission to show when, where, and in what manner she or he  
11 came into possession of any wildlife acquired subsequent to  
12 the effective date of this act. The source of acquisition of  
13 such wildlife shall not be divulged by the commission except  
14 in connection with a violation of this section or a regulation  
15 of the commission in which information as to source of  
16 wildlife is required as evidence in the prosecution of such  
17 violation.

18 (4) Permits issued pursuant to this section and places  
19 where wildlife is kept or held in captivity shall be subject  
20 to inspection by officers of the Fish and Wildlife  
21 Conservation ~~Game and Fresh Water Fish~~ Commission at all  
22 times. The commission shall have the power to release or  
23 confiscate any specimens of any wildlife, specifically birds,  
24 mammals, or reptiles, whether indigenous to the state or not,  
25 when it is found that conditions under which they are being  
26 confined are unsanitary, or unsafe to the public in any  
27 manner, or that the species of wildlife are being maltreated,  
28 mistreated, or neglected or kept in any manner contrary to the  
29 provisions of chapter 828, any such permit to the contrary  
30 notwithstanding. Before any such wildlife is confiscated or  
31 released under the authority of this section, the owner



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1 thereof shall have been advised in writing of the existence of  
2 such unsatisfactory conditions; the owner shall have been  
3 given 30 days in which to correct such conditions; the owner  
4 shall have failed to correct such conditions; the owner shall  
5 have had an opportunity for a proceeding pursuant to chapter  
6 120; and the commission shall have ordered such confiscation  
7 or release after careful consideration of all evidence in the  
8 particular case in question. The final order of the  
9 commission shall constitute final agency action.

10 Section 174. Subsection (1) of section 372.922,  
11 Florida Statutes, 1998 Supplement, is amended to read:

12 372.922 Personal possession of wildlife.--

13 (1) It is unlawful for any person or persons to  
14 possess any wildlife as defined in this act, whether  
15 indigenous to Florida or not, until she or he has obtained a  
16 permit as provided by this section from the Fish and Wildlife  
17 Conservation ~~Game and Fresh Water Fish~~ Commission.

18 Section 175. Section 372.97, Florida Statutes, is  
19 amended to read:

20 372.97 Jim Woodruff Dam; reciprocity agreements.--The  
21 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
22 Commission of the state is hereby authorized to enter into an  
23 agreement of the reciprocity with the game and fish  
24 commissioners or the appropriate officials or departments of  
25 the State of Georgia and the State of Alabama relative to the  
26 taking of game and freshwater fish from the waters of the lake  
27 created by the Jim Woodruff Dam by permitting reciprocal  
28 license privileges.

29 Section 176. Section 372.971, Florida Statutes, is  
30 amended to read:

31 372.971 St. Mary's River; reciprocity agreements.--The

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1 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
2 Commission of the state is hereby authorized to enter into an  
3 agreement of reciprocity with the game and fish commissioner  
4 or the appropriate officials or departments of the State of  
5 Georgia relative to the taking of game and freshwater fish  
6 from the waters of the St. Mary's River by permitting  
7 reciprocal agreement license privileges.

8 Section 177. Section 372.98, Florida Statutes, is  
9 amended to read:

10 372.98 Possession of nutria; license; inspection;  
11 penalty for violation.--

12 (1) No person shall release, permit to be released, or  
13 be responsible for the release of, within the state, any  
14 animal of the species myocastor coypu and known commonly in  
15 Florida and referred to herein as nutria.

16 (2) No person shall have in her or his possession for  
17 sale or otherwise any nutria until such person has obtained a  
18 license as provided herein. The fee for such license shall be  
19 \$25 per year. Application for such license shall be made with  
20 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
21 Commission on forms providing therefor.

22 (3) All persons licensed under this law to keep,  
23 possess or exhibit nutria shall provide safe, secure and  
24 proper housing for said nutria which will adequately safeguard  
25 against the escape of any nutria. Requirements for the  
26 construction of such pens or housing shall be as prescribed by  
27 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
28 Commission.

29 (4) All premises upon which nutria are kept shall be  
30 subject to inspection by authorized representatives of the  
31 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~

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1 Commission. Such officers shall determine whether the said  
2 nutria are securely, properly and safely housed. In the event  
3 the said nutria are not securely, properly and safely housed,  
4 the inspecting officer shall so advise in writing the person  
5 owning said nutria. Failure of the owner to provide within 30  
6 days after such written notice secure, proper, and safe  
7 housing as prescribed by the Fish and Wildlife Conservation  
8 ~~Game and Fresh Water Fish~~ Commission shall be grounds for  
9 revocation of the license herein provided and confiscation and  
10 disposal of the said nutria as a public nuisance.

11 (5) Any person violating any provision of this section  
12 or any rule and regulation of the Fish and Wildlife  
13 Conservation ~~Game and Fresh Water Fish~~ Commission pursuant  
14 hereto shall be guilty of a misdemeanor of the second degree,  
15 punishable as provided in s. 775.082 or s. 775.083.

16 Section 178. Section 372.981, Florida Statutes, is  
17 amended to read:

18 372.981 Regulation of importation of caiman.--The Fish  
19 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
20 shall promulgate regulations to control the importation of  
21 caiman.

22 Section 179. Subsections (1), (3), and (4) of section  
23 372.99, Florida Statutes, are amended to read:

24 372.99 Illegal taking and possession of deer and wild  
25 turkey; evidence; penalty.--

26 (1) Whoever takes or kills any deer or wild turkey, or  
27 possesses a freshly killed deer or wild turkey, during the  
28 closed season prescribed by law or by the rules and  
29 regulations of the Fish and Wildlife Conservation ~~Game and~~  
30 ~~Fresh Water Fish~~ Commission, or whoever takes or attempts to  
31 take any deer or wild turkey by the use of gun and light in or

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1 out of closed season, is guilty of a misdemeanor of the first  
2 degree, punishable as provided in s. 775.082 or s. 775.083,  
3 and shall forfeit any license or permit issued to her or him  
4 under the provisions of this chapter. No license shall be  
5 issued to such person for a period of 3 years following any  
6 such violation on the first offense. Any person guilty of a  
7 second or subsequent violation shall be permanently ineligible  
8 for issuance of a license or permit thereafter.

9 (3) Whoever takes or kills any doe deer; fawn or baby  
10 deer; or deer, whether male or female, which does not have one  
11 or more antlers at least 5 inches in length, except as  
12 provided by law or the rules of the Fish and Wildlife  
13 Conservation Game and Fresh Water Fish Commission, during the  
14 open season prescribed by the rules of the commission, is  
15 guilty of a misdemeanor of the first degree, punishable as  
16 provided in s. 775.082 or s. 775.083, and may be required to  
17 forfeit any license or permit issued to such person for a  
18 period of 3 years following any such violation on the first  
19 offense. Any person guilty of a second or subsequent  
20 violation shall be permanently ineligible for issuance of a  
21 license or permit thereafter.

22 (4) Any person who cultivates agricultural crops may  
23 apply to the Fish and Wildlife Conservation Game and Fresh  
24 Water Fish Commission for a permit to take or kill deer on  
25 land which that person is currently cultivating. When said  
26 person can show, to the satisfaction of the Fish and Wildlife  
27 Conservation Game and Fresh Water Fish Commission, that such  
28 taking or killing of deer is justified because of damage to  
29 the person's crops caused by deer, the Fish and Wildlife  
30 Conservation Game and Fresh Water Fish Commission may issue a  
31 limited permit to the applicant to take or kill deer without

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1 being in violation of subsection (1) or subsection (3).

2 Section 180. Subsections (1) and (3) of section  
3 372.9901, Florida Statutes, 1998 Supplement, are amended to  
4 read:

5 372.9901 Seizure of illegal devices; disposition;  
6 appraisal; forfeiture.--

7 (1) Any vehicle, vessel, animal, gun, light, or other  
8 hunting device used in the commission of an offense prohibited  
9 by s. 372.99, shall be seized by the arresting officer, who  
10 shall promptly make return of the seizure and deliver the  
11 property to the Director of the Fish and Wildlife Conservation  
12 ~~Game and Fresh Water Fish~~ Commission. The return shall  
13 describe the property seized and recite in detail the facts  
14 and circumstances under which it was seized, together with the  
15 reason that the property was subject to seizure. The return  
16 shall also contain the names of all persons known to the  
17 officer to be interested in the property.

18 (3) Upon conviction of the violator, the property, if  
19 owned by the person convicted, shall be forfeited to the state  
20 under the procedure set forth in ss. 372.312 through 372.318,  
21 where not inconsistent with this section. All amounts received  
22 from the sale or other disposition of the property shall be  
23 paid into the State Game Trust Fund or into the commission's  
24 Federal Law Enforcement Trust Fund as provided in s. 372.107,  
25 as applicable. If the property is not sold or converted, it  
26 shall be delivered to the director of the Fish and Wildlife  
27 Conservation ~~Game and Fresh Water Fish~~ Commission.

28 Section 181. Subsection (1) of section 372.9903,  
29 Florida Statutes, is amended to read:

30 372.9903 Illegal possession or transportation of  
31 freshwater game fish in commercial quantities; penalty.--

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1           (1) Whoever possesses, moves, or transports any black  
2 bass, bream, speckled perch, or other freshwater game fish in  
3 commercial quantities in violation of law or the rules of the  
4 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
5 Commission shall be guilty of a misdemeanor of the first  
6 degree, punishable as provided in s. 775.082 or s. 775.083.

7           Section 182. Subsections (1) and (3) of section  
8 372.9904, Florida Statutes, 1998 Supplement, are amended to  
9 read:

10           372.9904 Seizure of illegal devices; disposition;  
11 appraisal; forfeiture.--

12           (1) Any vehicle, vessel, or other transportation  
13 device used in the commission of the offense prohibited by s.  
14 372.9903, except a vehicle, vessel, or other transportation  
15 device duly registered as a common carrier and operated in  
16 lawful transaction of business as such carrier, shall be  
17 seized by the arresting officer, who shall promptly make  
18 return of the seizure and deliver the property to the director  
19 of the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
20 ~~Fish~~ Commission. The return shall describe the property  
21 seized and recite in detail the facts and circumstances under  
22 which it was seized, together with the reason that the  
23 property was subject to seizure. The return shall also  
24 contain the names of all persons known to the officer to be  
25 interested in the property.

26           (3) Upon conviction of the violator, the property, if  
27 owned by the person convicted, shall be forfeited to the state  
28 under the procedure set forth in ss. 372.312-372.318, when not  
29 inconsistent with this section. All amounts received from the  
30 sale or other disposition of the property shall be paid into  
31 the State Game Trust Fund or into the commission's Federal Law

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1 Enforcement Trust Fund as provided in s. 372.107, as  
2 applicable. If the property is not sold or converted, it  
3 shall be delivered to the director of the Fish and Wildlife  
4 Conservation Game and Fresh Water Fish Commission.

5 Section 183. Section 372.9906, Florida Statutes, is  
6 amended to read:

7 372.9906 Wildlife Law Enforcement Program; creation;  
8 purposes.--There is established within the Fish and Wildlife  
9 Conservation Game and Fresh Water Fish Commission the Wildlife  
10 Law Enforcement Program. The commission may establish and  
11 operate law enforcement programs that relate to the  
12 conservation, enhancement, and regulation of wildlife and  
13 freshwater aquatic resources of the state and to conduct  
14 programs to educate the public about the enforcement of laws  
15 and regulations relating to the wildlife and freshwater  
16 aquatic resources of the state. Moneys that accrue to the  
17 program by law and moneys donated to the program must be  
18 deposited into the State Game Trust Fund.

19 Section 184. Subsection (2) of section 372.991,  
20 Florida Statutes, is amended to read:

21 372.991 Nongame Wildlife Trust Fund.--

22 (2)(a) There is established within the Fish and  
23 Wildlife Conservation Game and Fresh Water Fish Commission the  
24 Nongame Wildlife Trust Fund. The fund shall be credited with  
25 moneys collected pursuant to ss. 319.32(3) and 320.02(8).  
26 Additional funds may be provided from legislative  
27 appropriations and by donations from interested individuals  
28 and organizations. The commission shall designate an  
29 identifiable unit to administer the trust fund.

30 (b) Proceeds from the trust fund shall be used for the  
31 following purposes:

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1           1. Documentation of population trends of nongame  
2 wildlife and assessment of wildlife habitat, in coordination  
3 with the database of Florida natural areas inventory.

4           2. Establishment of effective conservation,  
5 management, and regulatory programs for nongame wildlife of  
6 the state.

7           3. Public education programs.

8           Section 185. Subsection (1) of section 372.992,  
9 Florida Statutes, is amended to read:

10          372.992 Nongame Wildlife Advisory Council.--

11          (1) There is created the Nongame Wildlife Advisory  
12 Council, which shall consist of the following 11 members  
13 appointed by the Governor: one representative each from the  
14 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
15 Commission, the Department of Environmental Protection, and  
16 the United States Fish and Wildlife Services; the director of  
17 the Florida Museum of Natural History or her or his designee;  
18 one representative from a professional wildlife organization;  
19 one representative from a private wildlife institution; one  
20 representative from a Florida university or college who has  
21 expertise in nongame biology; one representative of business  
22 interests from a private consulting firm who has expertise in  
23 nongame biology; one representative of a statewide  
24 organization of landowner interests; and two members from  
25 conservation organizations. All appointments shall be for  
26 4-year terms. Members shall be eligible for reappointment.

27          Section 186. Subsection (2) of section 372.995,  
28 Florida Statutes, is amended to read:

29          372.995 Release of balloons.--

30          (2) It is unlawful for any person, firm, or  
31 corporation to intentionally release, organize the release, or



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1 intentionally cause to be released within a 24-hour period 10  
2 or more balloons inflated with a gas that is lighter than air  
3 except for:

4 (a) Balloons released by a person on behalf of a  
5 governmental agency or pursuant to a governmental contract for  
6 scientific or meteorological purposes;

7 (b) Hot air balloons that are recovered after  
8 launching;

9 (c) Balloons released indoors; or

10 (d) Balloons that are either biodegradable or  
11 photodegradable, as determined by rule of the Fish and  
12 Wildlife Conservation ~~Marine Fisheries~~ Commission, and which  
13 are closed by a hand-tied knot in the stem of the balloon  
14 without string, ribbon, or other attachments. In the event  
15 that any balloons are released pursuant to the exemption  
16 established in this paragraph, the party responsible for the  
17 release shall make available to any law enforcement officer  
18 evidence of the biodegradability or photodegradability of said  
19 balloons in the form of a certificate executed by the  
20 manufacturer. Failure to provide said evidence shall be prima  
21 facie evidence of a violation of this act.

22 Section 187. Subsections (1), (2), and (5) of section  
23 373.453, Florida Statutes, are amended to read:

24 373.453 Surface water improvement and management plans  
25 and programs.--

26 (1)(a) Each water management district, in cooperation  
27 with the department, the Department of Agriculture and  
28 Consumer Services, the Department of Community Affairs, the  
29 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
30 Commission, and local governments shall prepare and maintain a  
31 list which shall prioritize water bodies of regional or

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1 statewide significance within each water management district.  
2 The list shall be reviewed and updated every 3 years. The list  
3 shall be based on criteria adopted by rule of the department  
4 and shall assign priorities to the water bodies based on their  
5 need for protection and restoration.

6 (b) Criteria developed by the department shall  
7 include, but need not be limited to, consideration of  
8 violations of water quality standards occurring in the water  
9 body, the amounts of nutrients entering the water body and the  
10 water body's trophic state, the existence of or need for a  
11 continuous aquatic weed control program in the water body, the  
12 biological condition of the water body, reduced fish and  
13 wildlife values, and threats to agricultural and urban water  
14 supplies and public recreational opportunities.

15 (c) In developing their respective priority lists,  
16 water management districts shall give consideration to the  
17 following priority areas:

18 1. The South Florida Water Management District shall  
19 give priority to the restoration needs of Lake Okeechobee,  
20 Biscayne Bay, and the Indian River Lagoon system and their  
21 tributaries.

22 2. The Southwest Florida Water Management District  
23 shall give priority to the restoration needs of Tampa Bay and  
24 its tributaries.

25 3. The St. Johns River Water Management District shall  
26 give priority to the restoration needs of Lake Apopka, the  
27 Lower St. Johns River, and the Indian River Lagoon system and  
28 their tributaries.

29 (2) Once the priority lists are approved by the  
30 department, the water management districts, in cooperation  
31 with the department, the Fish and Wildlife Conservation Game

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1 ~~and Fresh Water Fish~~ Commission, the Department of Community  
2 Affairs, the Department of Agriculture and Consumer Services,  
3 and local governments, shall develop surface water improvement  
4 and management plans for the water bodies based on the  
5 priority lists. The department shall establish a uniform  
6 format for such plans and a schedule for reviewing and  
7 updating the plans. These plans shall include, but not be  
8 limited to:

9 (a) A description of the water body system, its  
10 historical and current uses, its hydrology, and a history of  
11 the conditions which have led to the need for restoration or  
12 protection;

13 (b) An identification of all governmental units that  
14 have jurisdiction over the water body and its drainage basin  
15 within the approved surface water improvement and management  
16 plan area, including local, regional, state, and federal  
17 units;

18 (c) A description of land uses within the drainage  
19 basin within the approved surface water improvement and  
20 management plan area and those of important tributaries, point  
21 and nonpoint sources of pollution, and permitted discharge  
22 activities;

23 (d) A list of the owners of point and nonpoint sources  
24 of water pollution that are discharged into each water body  
25 and tributary thereto and that adversely affect the public  
26 interest, including separate lists of those sources that are:

- 27 1. Operating without a permit;
- 28 2. Operating with a temporary operating permit; and
- 29 3. Presently violating effluent limits or water  
30 quality standards.

31

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1 The plan shall also include recommendations and schedules for  
2 bringing all sources into compliance with state standards when  
3 not contrary to the public interest. This paragraph does not  
4 authorize any existing or future violation of any applicable  
5 statute, regulation, or permit requirement, and does not  
6 diminish the authority of the department or the water  
7 management district;

8 (e) A description of strategies and potential  
9 strategies for restoring or protecting the water body to Class  
10 III or better;

11 (f) A listing of studies that are being or have been  
12 prepared for the water body;

13 (g) A description of the research and feasibility  
14 studies which will be performed to determine the particular  
15 strategy or strategies to restore or protect the water body;

16 (h) A description of the measures needed to manage and  
17 maintain the water body once it has been restored and to  
18 prevent future degradation;

19 (i) A schedule for restoration and protection of the  
20 water body; and

21 (j) An estimate of the funding needed to carry out the  
22 restoration or protection strategies.

23 (5) The governing board of each water management  
24 district is encouraged to appoint advisory committees as  
25 necessary to assist in formulating and evaluating strategies  
26 for water body protection and restoration activities and to  
27 increase public awareness and intergovernmental cooperation.  
28 Such committees should include representatives of the Fish and  
29 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
30 the Department of Agriculture and Consumer Services,  
31 appropriate local governments, federal agencies, existing

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1 advisory councils for the subject water body, and  
2 representatives of the public who use the water body.

3 Section 188. Subsections (1) and (3) of section  
4 373.455, Florida Statutes, are amended to read:

5 373.455 Review of surface water improvement and  
6 management plans.--

7 (1) At least 60 days prior to consideration by the  
8 governing board pursuant to s. 373.456(1) of its surface water  
9 improvement and management plan, a water management district  
10 shall transmit its proposed plan to the department, the  
11 Department of Agriculture and Consumer Services, the Fish and  
12 Wildlife Conservation Game and Fresh Water Fish Commission,  
13 the Department of Community Affairs, and local governments.

14 (3) The Fish and Wildlife Conservation Game and Fresh  
15 Water Fish Commission shall review each proposed surface water  
16 improvement and management plan to determine the effects of  
17 the plan on wild animal life and fresh water aquatic life and  
18 their habitats. If the commission determines that the plan  
19 has adverse effects on these resources and that such adverse  
20 effects exceed the beneficial effects on these resources, the  
21 commission shall recommend modifications of or additions to  
22 the plan to the district governing board at the time it  
23 considers the plan pursuant to s. 373.456(1), or any  
24 modifications or additions which would result in additional  
25 beneficial effects on wild animal life or fresh water aquatic  
26 life or their habitats.

27 Section 189. Subsection (2) of section 373.4595,  
28 Florida Statutes, is amended to read:

29 373.4595 Lake Okeechobee improvement and management.--

30 (2) DIVERSIONS; LAKE OKEECHOBEE TECHNICAL ADVISORY  
31 COUNCIL.--

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1           (a) The Legislature finds that efforts to reduce  
2 nutrient levels in Lake Okeechobee have resulted in diversions  
3 of nutrient-laden waters to other environmentally sensitive  
4 areas, which diversions have resulted in adverse environmental  
5 effects. The Legislature also finds that both the agriculture  
6 industry and the environmental community are committed to  
7 protecting Lake Okeechobee and these environmentally sensitive  
8 areas from further harm and that this crisis must be addressed  
9 immediately. Therefore:

10           1. The South Florida Water Management District shall  
11 not divert waters to the Indian River estuary, the  
12 Caloosahatchee River or its estuary, or the Everglades  
13 National Park, in such a way that the state water quality  
14 standards are violated, that the nutrients in such diverted  
15 waters adversely affect indigenous vegetation communities or  
16 wildlife, or that fresh waters diverted to the Caloosahatchee  
17 or Indian River estuaries adversely affect the estuarine  
18 vegetation or wildlife, unless the receiving waters will  
19 biologically benefit by the diversion. However, diversion is  
20 permitted when an emergency is declared by the water  
21 management district, if the Secretary of Environmental  
22 Protection concurs.

23           2. The South Florida Water Management district may  
24 divert waters to other areas, including Lake Hicpochee, unless  
25 otherwise provided by law. However, the district shall monitor  
26 the effects of such diversions to determine the extent of  
27 adverse or positive environmental effects on indigenous  
28 vegetation and wildlife. The results of the monitoring shall  
29 be reported to the Lake Okeechobee Technical Advisory Council.  
30 If the monitoring of such diversions reveals continuing  
31 adverse environmental effects, the district shall make

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1 recommendations to the Legislature by July 1, 1988, on how to  
2 cease the diversions.

3 (b)1. There is hereby created a Lake Okeechobee  
4 Technical Advisory Council. Council members shall be experts  
5 in the fields of botany, wildlife biology, aquatic biology,  
6 water quality chemistry, or hydrology and shall consist of:

7 a. Three members appointed by the Governor;

8 b. Three members appointed by the Speaker of the House  
9 of Representatives;

10 c. Three members appointed by the President of the  
11 Senate;

12 d. One member from the Institute of Food and  
13 Agricultural Sciences, University of Florida, appointed by the  
14 President of the University of Florida; and

15 e. One member from the College of Natural Sciences,  
16 University of South Florida, appointed by the President of the  
17 University of South Florida.

18  
19 Members shall be appointed not later than July 15, 1987.

20 2. The purpose of the council shall be to investigate  
21 the adverse effects of past diversions of water and potential  
22 effects of future diversions on indigenous wildlife and  
23 vegetation and to report to the Legislature, no later than  
24 March 1, 1988, with findings and recommendations proposing  
25 permanent solutions to eliminate such adverse effects.

26 3. The South Florida Water Management District shall  
27 provide staff and assistance to the council. The Department of  
28 Environmental Protection, the Fish and Wildlife Conservation  
29 ~~Game and Fresh Water Fish~~ Commission, and the district shall  
30 cooperate with the council.

31 4. The council shall meet not less than once every 2

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1 months at the call of the chair, or at the call of four other  
2 members of the council. The council shall elect from its  
3 members a chair and vice chair and such other officers as the  
4 council deems necessary. The council may establish other  
5 procedures for the conduct of its business.

6 5. The members of the council are not entitled to  
7 compensation but are eligible for per diem and travel expenses  
8 pursuant to s. 112.061.

9 Section 190. Paragraph (b) of subsection (1) of  
10 section 373.465, Florida Statutes, 1998 Supplement, is amended  
11 to read:

12 373.465 Lake Panasoffkee Restoration Council.--There  
13 is created within the Southwest Florida Water Management  
14 District the Lake Panasoffkee Restoration Council.

15 (1)

16 (b) The council advisory group to the council shall  
17 consist of: one representative each from the Southwest Florida  
18 Water Management District, the Florida Department of  
19 Environmental Protection, the Florida Department of  
20 Transportation, the Fish and Wildlife Conservation ~~Florida~~  
21 ~~Game and Fresh Water Fish~~ Commission, the Withlacoochee River  
22 Basin Board, and the United States Army Corps of Engineers, to  
23 be appointed by their respective agencies, all of whom must  
24 have training in biology or another scientific discipline.

25 Section 191. Subsections (1) and (2) of section  
26 373.466, Florida Statutes, 1998 Supplement, are amended to  
27 read:

28 373.466 Lake Panasoffkee restoration program.--

29 (1) The Southwest Florida Water Management District,  
30 in conjunction with the Department of Environmental  
31 Protection, the Fish and Wildlife Conservation ~~Florida Game~~



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1 ~~and Fresh Water Fish~~ Commission, the Sumter County Commission,  
2 and the Lake Panasoffkee Restoration Council, shall review  
3 existing restoration proposals to determine which ones are the  
4 most environmentally sound and economically feasible methods  
5 of improving the fisheries and natural systems of Lake  
6 Panasoffkee.

7 (2) The Southwest Florida Water Management District,  
8 in consultation and by agreement with the Department of  
9 Environmental Protection, the Fish and Wildlife Conservation  
10 ~~Game and Fresh Water Fish~~ Commission, and pertinent local  
11 governments, shall develop tasks to be undertaken by those  
12 entities necessary to initiate the Lake Panasoffkee  
13 restoration program recommended by the Lake Panasoffkee  
14 Restoration Council. These agencies shall:

15 (a) Evaluate different methodologies for removing the  
16 extensive tussocks and build-up of organic matter along the  
17 shoreline and of the aquatic vegetation in the lake; and

18 (b) Conduct any additional studies as recommended by  
19 the Lake Panasoffkee Restoration Council.

20 Section 192. Subsection (1) of section 373.591,  
21 Florida Statutes, 1998 Supplement, is amended to read:

22 373.591 Management review teams.--

23 (1) To determine whether conservation, preservation,  
24 and recreation lands titled in the name of the water  
25 management districts are being managed for the purposes for  
26 which they were acquired and in accordance with land  
27 management objectives, the water management districts shall  
28 establish land management review teams to conduct periodic  
29 management reviews. The land management review teams shall be  
30 composed of the following members:

31 (a) One individual from the county or local community

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1 in which the parcel is located.

2 (b) One employee of the water management district.

3 (c) A private land manager mutually agreeable to the  
4 governmental agency representatives.

5 (d) A member of the local soil and water conservation  
6 district board of supervisors.

7 (e) One individual from the Fish and Wildlife  
8 Conservation Game and Fresh Water Fish Commission.

9 (f) One individual from the Department of  
10 Environmental Protection.

11 (g) One individual representing a conservation  
12 organization.

13 (h) One individual from the Department of Agriculture  
14 and Consumer Services' Division of Forestry.

15 Section 193. Subsection (1) of section 375.021,  
16 Florida Statutes, is amended to read:

17 375.021 Comprehensive multipurpose outdoor recreation  
18 plan.--

19 (1) The department is given the responsibility,  
20 authority, and power to develop and execute a comprehensive  
21 multipurpose outdoor recreation plan for this state with the  
22 cooperation of the Department of Agriculture and Consumer  
23 Services, the Department of Transportation, the Fish and  
24 Wildlife Conservation Game and Fresh Water Fish Commission,  
25 the Department of Commerce, and the water management  
26 districts.

27 Section 194. Section 375.311, Florida Statutes, is  
28 amended to read:

29 375.311 Legislative intent.--To protect and manage  
30 Florida's wildlife environment on lands conveyed for  
31 recreational purposes by private owners and public custodians,

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1 the Legislature hereby intends that the Fish and Wildlife  
2 Conservation Game and Fresh Water Fish Commission shall  
3 regulate motor vehicle access and traffic control on Florida's  
4 public lands.

5 Section 195. Subsection (3) of section 375.312,  
6 Florida Statutes, is amended to read:

7 375.312 Definitions.--As used in this act, unless the  
8 context requires otherwise:

9 (3) "Commission" means the Fish and Wildlife  
10 Conservation Florida Game and Fresh Water Fish Commission.

11 Section 196. Subsections (6) and (8) of section  
12 376.121, Florida Statutes, are amended to read:

13 376.121 Liability for damage to natural  
14 resources.--The Legislature finds that extensive damage to the  
15 state's natural resources is the likely result of a pollutant  
16 discharge and that it is essential that the state adequately  
17 assess and recover the cost of such damage from responsible  
18 parties. It is the state's goal to recover the costs of  
19 restoration from the responsible parties and to restore  
20 damaged natural resources to their pre-discharge condition. In  
21 many instances, however, restoration is not technically  
22 feasible. In such instances, the state has the responsibility  
23 to its citizens to recover the cost of all damage to natural  
24 resources. To ensure that the public does not bear a  
25 substantial loss as a result of the destruction of natural  
26 resources, the procedures set out in this section shall be  
27 used to assess the cost of damage to such resources. Natural  
28 resources include coastal waters, wetlands, estuaries, tidal  
29 flats, beaches, lands adjoining the seacoasts of the state,  
30 and all living things except human beings. The Legislature  
31 recognizes the difficulty historically encountered in

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1 calculating the value of damaged natural resources. The value  
2 of certain qualities of the state's natural resources is not  
3 readily quantifiable, yet the resources and their qualities  
4 have an intrinsic value to the residents of the state, and any  
5 damage to natural resources and their qualities should not be  
6 dismissed as nonrecoverable merely because of the difficulty  
7 in quantifying their value. In order to avoid unnecessary  
8 speculation and expenditure of limited resources to determine  
9 these values, the Legislature hereby establishes a schedule  
10 for compensation for damage to the state's natural resources  
11 and the quality of said resources.

12 (6) It is understood that a pollutant will, by its  
13 very nature, result in damage to the flora and fauna of the  
14 waters of the state and the adjoining land. Therefore,  
15 compensation for such resources, which is difficult to  
16 calculate, is included in the compensation schedule. Not  
17 included, however, in this base figure is compensation for the  
18 death of endangered or threatened species directly  
19 attributable to the pollutant discharged. Compensation for the  
20 death of any animal designated by rule as endangered by the  
21 Fish and Wildlife Conservation Florida Game and Fresh Water  
22 ~~Fish~~ Commission is \$10,000. Compensation for the death of any  
23 animal designated by rule as threatened by the Fish and  
24 Wildlife Conservation Florida Game and Fresh Water Fish  
25 Commission is \$5,000. These amounts are not intended to  
26 reflect the actual value of said endangered or threatened  
27 species, but are included for the purposes of this section.

28 (8) When assessing the amount of damages to natural  
29 resources, the department shall be assisted, if requested by  
30 the department, by representatives of other state agencies and  
31 local governments that would enhance the department's damage

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1 assessment. The Fish and Wildlife Conservation ~~Game and Fresh~~  
2 ~~Water Fish~~ Commission shall assist the department in the  
3 assessment of damages to wildlife impacted by a pollutant  
4 discharge and shall assist the department in recovering the  
5 costs of such damages.

6 Section 197. Subsection (1) of section 378.011,  
7 Florida Statutes, is amended to read:

8 378.011 Land Use Advisory Committee.--

9 (1) There is hereby created a Land Use Advisory  
10 Committee which shall be composed of the following:

11 (a) One member from the Bureau of Geology of the  
12 ~~Division of Resource Management of the~~ Department of  
13 Environmental Protection, who shall serve as chair, to be  
14 appointed by the executive director of said department;

15 (b) One member from the Executive Office of the  
16 Governor, to be appointed by the Governor;

17 (c) One member from the Tampa Bay Regional Planning  
18 Council, one member from the Central Florida Regional Planning  
19 Council, and one member from the North Central Florida  
20 Regional Planning Council, to be appointed by the respective  
21 directors of said regional planning councils;

22 (d) One member to represent the Board of County  
23 Commissioners of Polk County, one member to represent the  
24 Board of County Commissioners of Hillsborough County, and one  
25 member to represent the Board of County Commissioners of  
26 Hamilton County, to be appointed by the chairs of said boards;

27 (e) One member from the Fish and Wildlife Conservation  
28 ~~Game and Fresh Water Fish~~ Commission, to be appointed by the  
29 Executive Director of said commission; and

30 (f) Two members of the public, to be appointed by the  
31 Governor.

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1           Section 198. Subsection (5) of section 378.036,  
2 Florida Statutes, is amended to read:

3           378.036 Land acquisitions financed by Nonmandatory  
4 Land Reclamation Trust Fund moneys.--

5           (5) By July 1, 1986, the department, in cooperation  
6 with the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
7 ~~Fish~~ Commission, shall develop a list identifying those  
8 nonmandatory lands which have been or may be naturally  
9 reclaimed and which the state may seek to acquire through  
10 purchase or donation for hunting, fishing, or other outdoor  
11 recreational purposes or for wildlife habitat restoration.  
12 The list shall separately indicate which of the nonmandatory  
13 lands are eligible lands.

14           Section 199. Subsection (2) of section 378.409,  
15 Florida Statutes, is amended to read:

16           378.409 Civil liability.--

17           (2) In assessing damages for animal, plant, or aquatic  
18 life, the value shall be determined in accordance with the  
19 tables of values established by the Fish and Wildlife  
20 Conservation ~~Game and Fresh Water Fish~~ Commission and the  
21 department.

22           Section 200. Subsections (3) and (6) of section  
23 380.061, Florida Statutes, 1998 Supplement, are amended to  
24 read:

25           380.061 The Florida Quality Developments program.--

26           (3)(a) To be eligible for designation under this  
27 program, the developer shall comply with each of the following  
28 requirements which is applicable to the site of a qualified  
29 development:

30           1. Have donated or entered into a binding commitment  
31 to donate the fee or a lesser interest sufficient to protect,

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1 in perpetuity, the natural attributes of the types of land  
2 listed below. In lieu of the above requirement, the developer  
3 may enter into a binding commitment which runs with the land  
4 to set aside such areas on the property, in perpetuity, as  
5 open space to be retained in a natural condition or as  
6 otherwise permitted under this subparagraph. Under the  
7 requirements of this subparagraph, the developer may reserve  
8 the right to use such areas for the purpose of passive  
9 recreation that is consistent with the purposes for which the  
10 land was preserved.

11 a. Those wetlands and water bodies throughout the  
12 state as would be delineated if the provisions of s.  
13 373.4145(1)(b) were applied. The developer may use such areas  
14 for the purpose of site access, provided other routes of  
15 access are unavailable or impracticable; may use such areas  
16 for the purpose of stormwater or domestic sewage management  
17 and other necessary utilities to the extent that such uses are  
18 permitted pursuant to chapter 403; or may redesign or alter  
19 wetlands and water bodies within the jurisdiction of the  
20 Department of Environmental Protection which have been  
21 artificially created, if the redesign or alteration is done so  
22 as to produce a more naturally functioning system.

23 b. Active beach or primary and, where appropriate,  
24 secondary dunes, to maintain the integrity of the dune system  
25 and adequate public accessways to the beach. However, the  
26 developer may retain the right to construct and maintain  
27 elevated walkways over the dunes to provide access to the  
28 beach.

29 c. Known archaeological sites determined to be of  
30 significance by the Division of Historical Resources of the  
31 Department of State.

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1           d. Areas known to be important to animal species  
2 designated as endangered or threatened animal species by the  
3 United States Fish and Wildlife Service or by the Fish and  
4 Wildlife Conservation Florida Game and Fresh Water Fish  
5 Commission, for reproduction, feeding, or nesting; for  
6 traveling between such areas used for reproduction, feeding,  
7 or nesting; or for escape from predation.

8           e. Areas known to contain plant species designated as  
9 endangered plant species by the Department of Agriculture and  
10 Consumer Services.

11           2. Produce, or dispose of, no substances designated as  
12 hazardous or toxic substances by the United States  
13 Environmental Protection Agency or by the Department of  
14 Environmental Protection or the Department of Agriculture and  
15 Consumer Services. This subparagraph is not intended to apply  
16 to the production of these substances in nonsignificant  
17 amounts as would occur through household use or incidental use  
18 by businesses.

19           3. Participate in a downtown reuse or redevelopment  
20 program to improve and rehabilitate a declining downtown area.

21           4. Incorporate no dredge and fill activities in, and  
22 no stormwater discharge into, waters designated as Class II,  
23 aquatic preserves, or Outstanding Florida Waters, except as  
24 activities in those waters are permitted pursuant to s.  
25 403.813(2) and the developer demonstrates that those  
26 activities meet the standards under Class II waters,  
27 Outstanding Florida Waters, or aquatic preserves, as  
28 applicable.

29           5. Include open space, recreation areas, Xeriscape as  
30 defined in s. 373.185, and energy conservation and minimize  
31 impermeable surfaces as appropriate to the location and type



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1 of project.

2           6. Provide for construction and maintenance of all  
3 onsite infrastructure necessary to support the project and  
4 enter into a binding commitment with local government to  
5 provide an appropriate fair-share contribution toward the  
6 offsite impacts which the development will impose on publicly  
7 funded facilities and services, except offsite transportation,  
8 and condition or phase the commencement of development to  
9 ensure that public facilities and services, except offsite  
10 transportation, will be available concurrent with the impacts  
11 of the development. For the purposes of offsite transportation  
12 impacts, the developer shall comply, at a minimum, with the  
13 standards of the state land planning agency's  
14 development-of-regional-impact transportation rule, the  
15 approved strategic regional policy plan, any applicable  
16 regional planning council transportation rule, and the  
17 approved local government comprehensive plan and land  
18 development regulations adopted pursuant to part II of chapter  
19 163.

20           7. Design and construct the development in a manner  
21 that is consistent with the adopted state plan, the applicable  
22 strategic regional policy plan, and the applicable adopted  
23 local government comprehensive plan.

24           (b) In addition to the foregoing requirements, the  
25 developer shall plan and design his or her development in a  
26 manner which includes the needs of the people in this state as  
27 identified in the state comprehensive plan and the quality of  
28 life of the people who will live and work in or near the  
29 development. The developer is encouraged to plan and design  
30 his or her development in an innovative manner. These planning  
31 and design features may include, but are not limited to, such

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1 things as affordable housing, care for the elderly, urban  
2 renewal or redevelopment, mass transit, the protection and  
3 preservation of wetlands outside the jurisdiction of the  
4 Department of Environmental Protection or of uplands as  
5 wildlife habitat, provision for the recycling of solid waste,  
6 provision for onsite child care, enhancement of emergency  
7 management capabilities, the preservation of areas known to be  
8 primary habitat for significant populations of species of  
9 special concern designated by the Fish and Wildlife  
10 Conservation Florida Game and Fresh Water Fish Commission, or  
11 community economic development. These additional amenities  
12 will be considered in determining whether the development  
13 qualifies for designation under this program.

14 (6)(a) In the event that the development is not  
15 designated under subsection (5), the developer may appeal that  
16 determination to the Quality Developments Review Board. The  
17 board shall consist of the secretary of the state land  
18 planning agency, the Secretary of Environmental Protection and  
19 a member designated by the secretary, the Secretary of  
20 Transportation, the executive director of the Fish and  
21 Wildlife Conservation Florida Game and Fresh Water Fish  
22 Commission, the executive director of the appropriate water  
23 management district created pursuant to chapter 373, and the  
24 chief executive officer of the appropriate local government.  
25 When there is a significant historical or archaeological site  
26 within the boundaries of a development which is appealed to  
27 the board, the director of the Division of Historical  
28 Resources of the Department of State shall also sit on the  
29 board. The staff of the state land planning agency shall serve  
30 as staff to the board.

31 (b) The board shall meet once each quarter of the

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1 year. However, a meeting may be waived if no appeals are  
2 pending.

3 (c) On appeal, the sole issue shall be whether the  
4 development meets the statutory criteria for designation under  
5 this program. An affirmative vote of at least five members of  
6 the board, including the affirmative vote of the chief  
7 executive officer of the appropriate local government, shall  
8 be necessary to designate the development by the board.

9 (d) The state land planning agency shall adopt  
10 procedural rules for consideration of appeals under this  
11 subsection.

12 Section 201. Section 388.45, Florida Statutes, is  
13 amended to read:

14 388.45 Threat to public health; emergency  
15 declarations.--The State Health Officer has the authority to  
16 declare that a threat to public health exists when the  
17 Department of Health discovers in the human or surrogate  
18 population the occurrence of an infectious disease that can be  
19 transmitted from arthropods to humans. The State Health  
20 Officer must immediately notify the Commissioner of  
21 Agriculture of the declaration of this threat to public  
22 health. The Commissioner of Agriculture is authorized to issue  
23 an emergency declaration based on the State Health Officer's  
24 declaration of a threat to the public health or based on other  
25 threats to animal health. Each declaration must contain the  
26 geographical boundaries and the duration of the declaration.  
27 The State Health Officer shall order such human medical  
28 preventive treatment and the Commissioner of Agriculture shall  
29 order such ameliorative arthropod control measures as are  
30 necessary to prevent the spread of disease, notwithstanding  
31 contrary provisions of this chapter or the rules adopted under

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1 this chapter. Within 24 hours after a declaration of a threat  
2 to the public health, the State Health Officer must also  
3 notify the agency heads of the Department of Environmental  
4 Protection and the Fish and Wildlife Conservation ~~Game and~~  
5 ~~Fresh Water Fish~~ Commission of the declaration. Within 24  
6 hours after an emergency declaration based on the public  
7 health declaration or based on other threats to animal health,  
8 the Commissioner of Agriculture must notify the agency heads  
9 of the Department of Environmental Protection and the Fish and  
10 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission of  
11 the declaration. Within 24 hours after an emergency  
12 declaration based on other threats to animal health, the  
13 Commissioner of Agriculture must also notify the agency head  
14 of the Department of Health of the declaration.

15 Section 202. Subsection (2) of section 388.46, Florida  
16 Statutes, is amended to read:

17 388.46 Florida Coordinating Council on Mosquito  
18 Control; establishment; membership; organization;  
19 responsibilities.--

20 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.--

21 (a) Membership.--The Florida Coordinating Council on  
22 Mosquito Control shall be comprised of the following  
23 representatives or their authorized designees:

24 1. The Secretary of Environmental Protection and the  
25 Secretary of Health;

26 2. The executive director of the Fish and Wildlife  
27 Conservation ~~Game and Fresh Water Fish~~ Commission;

28 3. The state epidemiologist;

29 4. The Commissioner of Agriculture; and

30 5. Representatives from:

31 a. The University of Florida, Institute of Food and

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1 Agricultural Sciences, Florida Medical Entomological Research  
2 Laboratory;  
3       b. Florida Agricultural and Mechanical University;  
4       c. The United States Environmental Protection Agency;  
5       d. The United States Department of Agriculture,  
6 Insects Affecting Man Laboratory;  
7       e. The United States Fish and Wildlife Service;  
8       f. Two mosquito control directors to be nominated by  
9 the Florida Mosquito Control Association, two representatives  
10 of Florida environmental groups, and two private citizens who  
11 are property owners whose lands are regularly subject to  
12 mosquito control operations, to be appointed to 4-year terms  
13 by the Commissioner of Agriculture; and  
14       g. The Board of Trustees of the Internal Improvement  
15 Trust Fund.  
16       (b) Organization.--The council shall be chaired by the  
17 Commissioner of Agriculture or the commissioner's authorized  
18 designee. A majority of the membership of the council shall  
19 constitute a quorum for the conduct of business. The chair  
20 shall be responsible for recording and distributing to the  
21 members a summary of the proceedings of all council meetings.  
22 The council shall meet at least three times each year, or as  
23 needed. The council may designate subcommittees from time to  
24 time to assist in carrying out its responsibilities, provided  
25 that the Subcommittee on Managed Marshes shall be the first  
26 subcommittee appointed by the council. The subcommittee shall  
27 continue to provide technical assistance and guidance on  
28 mosquito impoundment management plans and develop and review  
29 research proposals for mosquito source reduction techniques.  
30       (c) Responsibilities.--The council shall:  
31       1. Develop and implement guidelines to assist the

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1 department in resolving disputes arising over the control of  
2 arthropods on publicly owned lands.

3           2. Identify and recommend to Florida Agricultural and  
4 Mechanical University research priorities for arthropod  
5 control practices and technologies.

6           3. Develop and recommend to the department a request  
7 for proposal process for arthropod control research.

8           4. Identify potential funding sources for research or  
9 implementation projects and evaluate and prioritize proposals  
10 upon request by the funding source.

11           5. Prepare and present reports, as needed, on  
12 arthropod control activities in the state to the Pesticide  
13 Review Council, the Florida Coastal Management Program  
14 Interagency Management Committee, and other governmental  
15 organizations, as appropriate.

16           Section 203. Subsection (5) of section 403.0752,  
17 Florida Statutes, is amended to read:

18           403.0752 Ecosystem management agreements.--

19           (5) The Secretary of Community Affairs, the Secretary  
20 of Transportation, the Commissioner of Agriculture, the  
21 Executive Director of the Fish and Wildlife Conservation Game  
22 ~~and Fresh Water Fish~~ Commission, and the executive directors  
23 of the water management districts are authorized to  
24 participate in the development of ecosystem management  
25 agreements with regulated entities and other governmental  
26 agencies as necessary to effectuate the provisions of this  
27 section. Local governments are encouraged to participate in  
28 ecosystem management agreements.

29           Section 204. Subsection (4) of section 403.0885,  
30 Florida Statutes, 1998 Supplement, is amended to read:

31           403.0885 Establishment of federally approved state

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1 National Pollutant Discharge Elimination System (NPDES)  
2 Program.--

3 (4) The department shall respond, in writing, to any  
4 written comments on a pending application for a state NPDES  
5 permit which the department receives from the executive  
6 director, or his or her designee, of the Fish and Wildlife  
7 Conservation ~~Game and Fresh Water Fish~~ Commission on matters  
8 within the commenting agency's jurisdiction. The department's  
9 response shall not constitute agency action for purposes of  
10 ss. 120.569 and 120.57 or other provisions of chapter 120.

11 Section 205. Subsection (2) of section 403.413,  
12 Florida Statutes, is amended to read:

13 403.413 Florida Litter Law.--

14 (2) DEFINITIONS.--As used in this section:

15 (a) "Litter" means any garbage; rubbish; trash;  
16 refuse; can; bottle; box; container; paper; tobacco product;  
17 tire; appliance; mechanical equipment or part; building or  
18 construction material; tool; machinery; wood; motor vehicle or  
19 motor vehicle part; vessel; aircraft; farm machinery or  
20 equipment; sludge from a waste treatment facility, water  
21 supply treatment plant, or air pollution control facility; or  
22 substance in any form resulting from domestic, industrial,  
23 commercial, mining, agricultural, or governmental operations.

24 (b) "Person" means any individual, firm, sole  
25 proprietorship, partnership, corporation, or unincorporated  
26 association.

27 (c) "Law enforcement officer" means any officer of the  
28 Florida Highway Patrol, a county sheriff's department, a  
29 municipal law enforcement department, a law enforcement  
30 department of any other political subdivision, the department,  
31 or the Fish and Wildlife Conservation ~~Game and Fresh Water~~

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1 ~~Fish~~ Commission. In addition, and solely for the purposes of  
2 this section, "law enforcement officer" means any employee of  
3 a county or municipal park or recreation department designated  
4 by the department head as a litter enforcement officer.

5 (d) "Aircraft" means a motor vehicle or other vehicle  
6 that is used or designed to fly but does not include a  
7 parachute or any other device used primarily as safety  
8 equipment.

9 (e) "Commercial purpose" means for the purpose of  
10 economic gain.

11 (f) "Commercial vehicle" means a vehicle that is owned  
12 or used by a business, corporation, association, partnership,  
13 or sole proprietorship or any other entity conducting business  
14 for a commercial purpose.

15 (g) "Dump" means to dump, throw, discard, place,  
16 deposit, or dispose of.

17 (h) "Motor vehicle" means an automobile, motorcycle,  
18 truck, trailer, semitrailer, truck tractor, or semitrailer  
19 combination or any other vehicle that is powered by a motor.

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

22 Section 206. Subsection (2) of section 403.507,  
23 Florida Statutes, is amended to read:

24 403.507 Preliminary statements of issues, reports, and  
25 studies.--

26 (2)(a) The following agencies shall prepare reports as  
27 provided below and shall submit them to the department and the  
28 applicant within 150 days after distribution of the complete  
29 application:

30 1. The Department of Community Affairs shall prepare a  
31 report containing recommendations which address the impact



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1 upon the public of the proposed electrical power plant, based  
2 on the degree to which the electrical power plant is  
3 consistent with the applicable portions of the state  
4 comprehensive plan and other such matters within its  
5 jurisdiction. The Department of Community Affairs may also  
6 comment on the consistency of the proposed electrical power  
7 plant with applicable strategic regional policy plans or local  
8 comprehensive plans and land development regulations.

9           2. The Public Service Commission shall prepare a  
10 report as to the present and future need for the electrical  
11 generating capacity to be supplied by the proposed electrical  
12 power plant. The report shall include the commission's  
13 determination pursuant to s. 403.519 and may include the  
14 commission's comments with respect to any other matters within  
15 its jurisdiction.

16           3. The water management district shall prepare a  
17 report as to matters within its jurisdiction.

18           4. Each local government in whose jurisdiction the  
19 proposed electrical power plant is to be located shall prepare  
20 a report as to the consistency of the proposed electrical  
21 power plant with all applicable local ordinances, regulations,  
22 standards, or criteria that apply to the proposed electrical  
23 power plant, including adopted local comprehensive plans, land  
24 development regulations, and any applicable local  
25 environmental regulations adopted pursuant to s. 403.182 or by  
26 other means.

27           5. The Fish and Wildlife Conservation ~~Game and Fresh~~  
28 ~~Water Fish~~ Commission shall prepare a report as to matters  
29 within its jurisdiction.

30           6. The regional planning council shall prepare a  
31 report containing recommendations that address the impact upon

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1 the public of the proposed electrical power plant, based on  
2 the degree to which the electrical power plant is consistent  
3 with the applicable provisions of the strategic regional  
4 policy plan adopted pursuant to chapter 186 and other matters  
5 within its jurisdiction.

6 7. Any other agency, if requested by the department,  
7 shall also perform studies or prepare reports as to matters  
8 within that agency's jurisdiction which may potentially be  
9 affected by the proposed electrical power plant.

10 (b) As needed to verify or supplement the studies made  
11 by the applicant in support of the application, it shall be  
12 the duty of the department to conduct, or contract for,  
13 studies of the proposed electrical power plant and site,  
14 including, but not limited to, the following, which shall be  
15 completed no later than 210 days after the complete  
16 application is filed with the department:

- 17 1. Cooling system requirements.
- 18 2. Construction and operational safeguards.
- 19 3. Proximity to transportation systems.
- 20 4. Soil and foundation conditions.
- 21 5. Impact on suitable present and projected water  
22 supplies for this and other competing uses.
- 23 6. Impact on surrounding land uses.
- 24 7. Accessibility to transmission corridors.
- 25 8. Environmental impacts.
- 26 9. Requirements applicable under any federally  
27 delegated or approved permit program.

28 (c) Each report described in paragraphs (a) and (b)  
29 shall contain all information on variances, exemptions,  
30 exceptions, or other relief which may be required by s.  
31 403.511(2) and any proposed conditions of certification on

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1 matters within the jurisdiction of such agency. For each  
2 condition proposed by an agency in its report, the agency  
3 shall list the specific statute, rule, or ordinance which  
4 authorizes the proposed condition.

5 (d) The agencies shall initiate the activities  
6 required by this section no later than 30 days after the  
7 complete application is distributed. The agencies shall keep  
8 the applicant and the department informed as to the progress  
9 of the studies and any issues raised thereby.

10 Section 207. Paragraph (a) of subsection (4) of  
11 section 403.508, Florida Statutes, is amended to read:

12 403.508 Land use and certification proceedings,  
13 parties, participants.--

14 (4)(a) Parties to the proceeding shall include:

- 15 1. The applicant.
- 16 2. The Public Service Commission.
- 17 3. The Department of Community Affairs.
- 18 4. The Fish and Wildlife Conservation Commission ~~Game~~  
19 ~~and Fresh Water Fish Commission.~~
- 20 5. The water management district.
- 21 6. The department.
- 22 7. The regional planning council.
- 23 8. The local government.

24 Section 208. Paragraph (b) of subsection (1) of  
25 section 403.518, Florida Statutes, is amended to read:

26 403.518 Fees; disposition.--

27 (1) The department shall charge the applicant the  
28 following fees, as appropriate, which shall be paid into the  
29 Florida Permit Fee Trust Fund:

30 (b) An application fee, which shall not exceed  
31 \$200,000. The fee shall be fixed by rule on a sliding scale

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1 related to the size, type, ultimate site capacity, increase in  
2 generating capacity proposed by the application, or the number  
3 and size of local governments in whose jurisdiction the  
4 electrical power plant is located.

5           1. Sixty percent of the fee shall go to the department  
6 to cover any costs associated with reviewing and acting upon  
7 the application, to cover any field services associated with  
8 monitoring construction and operation of the facility, and to  
9 cover the costs of the public notices published by the  
10 department.

11           2. Twenty percent of the fee or \$25,000, whichever is  
12 greater, shall be transferred to the Administrative Trust Fund  
13 of the Division of Administrative Hearings of the Department  
14 of Management Services.

15           3. Upon written request with proper itemized  
16 accounting within 90 days after final agency action by the  
17 board or withdrawal of the application, the department shall  
18 reimburse the Department of Community Affairs, the Fish and  
19 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
20 and any water management district created pursuant to chapter  
21 373, regional planning council, and local government in the  
22 jurisdiction of which the proposed electrical power plant is  
23 to be located, and any other agency from which the department  
24 requests special studies pursuant to s. 403.507(2)(a)7. Such  
25 reimbursement shall be authorized for the preparation of any  
26 studies required of the agencies by this act, and for agency  
27 travel and per diem to attend any hearing held pursuant to  
28 this act, and for local governments to participate in the  
29 proceedings. In the event the amount available for allocation  
30 is insufficient to provide for complete reimbursement to the  
31 agencies, reimbursement shall be on a prorated basis.

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1           4. If any sums are remaining, the department shall  
2 retain them for its use in the same manner as is otherwise  
3 authorized by this act; provided, however, that if the  
4 certification application is withdrawn, the remaining sums  
5 shall be refunded to the applicant within 90 days after  
6 withdrawal.

7           Section 209. Paragraph (a) of subsection (2) of  
8 section 403.526, Florida Statutes, is amended to read:

9           403.526 Preliminary statements of issues, reports, and  
10 studies.--

11           (2)(a) The affected agencies shall prepare reports as  
12 provided below and shall submit them to the department and the  
13 applicant within 90 days after distribution of the complete  
14 application:

15           1. The department shall prepare a report as to the  
16 impact of each proposed transmission line or corridor as it  
17 relates to matters within its jurisdiction.

18           2. Each water management district in the jurisdiction  
19 of which a proposed transmission line or corridor is to be  
20 located shall prepare a report as to the impact on water  
21 resources and other matters within its jurisdiction.

22           3. The Department of Community Affairs shall prepare a  
23 report containing recommendations which address the impact  
24 upon the public of the proposed transmission line or corridor,  
25 based on the degree to which the proposed transmission line or  
26 corridor is consistent with the applicable portions of the  
27 state comprehensive plan and other matters within its  
28 jurisdiction. The Department of Community Affairs may also  
29 comment on the consistency of the proposed transmission line  
30 or corridor with applicable strategic regional policy plans or  
31 local comprehensive plans and land development regulations.

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1           4. The Fish and Wildlife Conservation ~~Game and Fresh~~  
2 ~~Water Fish~~ Commission shall prepare a report as to the impact  
3 of each proposed transmission line or corridor on fish and  
4 wildlife resources and other matters within its jurisdiction.

5           5. Each local government shall prepare a report as to  
6 the impact of each proposed transmission line or corridor on  
7 matters within its jurisdiction, including the consistency of  
8 the proposed transmission line or corridor with all applicable  
9 local ordinances, regulations, standards, or criteria that  
10 apply to the proposed transmission line or corridor, including  
11 local comprehensive plans, zoning regulations, land  
12 development regulations, and any applicable local  
13 environmental regulations adopted pursuant to s. 403.182 or by  
14 other means. No change by the responsible local government or  
15 local agency in local comprehensive plans, zoning ordinances,  
16 or other regulations made after the date required for the  
17 filing of the local government's report required by this  
18 section shall be applicable to the certification of the  
19 proposed transmission line or corridor unless the  
20 certification is denied or the application is withdrawn.

21           6. Each regional planning council shall present a  
22 report containing recommendations that address the impact upon  
23 the public of the proposed transmission line or corridor based  
24 on the degree to which the transmission line or corridor is  
25 consistent with the applicable provisions of the strategic  
26 regional policy plan adopted pursuant to chapter 186 and other  
27 impacts of each proposed transmission line or corridor on  
28 matters within its jurisdiction.

29           Section 210. Paragraph (a) of subsection (4) of  
30 section 403.527, Florida Statutes, is amended to read:

31           403.527 Notice, proceedings, parties, participants.--

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- 1           (4)(a) Parties to the proceeding shall be:  
2           1. The applicant.  
3           2. The department.  
4           3. The commission.  
5           4. The Department of Community Affairs.  
6           5. The Fish and Wildlife Conservation ~~Game and Fresh~~  
7 ~~Water Fish~~ Commission.  
8           6. Each water management district in the jurisdiction  
9 of which the proposed transmission line or corridor is to be  
10 located.  
11          7. The local government.  
12          8. The regional planning council.

13           Section 211. Paragraph (c) of subsection (1) of  
14 section 403.5365, Florida Statutes, is amended to read:  
15           403.5365 Fees; disposition.--The department shall  
16 charge the applicant the following fees, as appropriate, which  
17 shall be paid into the Florida Permit Fee Trust Fund:

18           (1) An application fee of \$100,000, plus \$750 per mile  
19 for each mile of corridor in which the transmission line  
20 right-of-way is proposed to be located within an existing  
21 electrical transmission line right-of-way or within any  
22 existing right-of-way for any road, highway, railroad, or  
23 other aboveground linear facility, or \$1,000 per mile for each  
24 mile of transmission line corridor proposed to be located  
25 outside such existing right-of-way.

26           (c) Upon written request with proper itemized  
27 accounting within 90 days after final agency action by the  
28 board or withdrawal of the application, the department shall  
29 reimburse the expenses and costs of the Department of  
30 Community Affairs, the Fish and Wildlife Conservation ~~Game and~~  
31 ~~Fresh Water Fish~~ Commission, the water management district,

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1 regional planning council, and local government in the  
2 jurisdiction of which the transmission line is to be located.  
3 Such reimbursement shall be authorized for the preparation of  
4 any studies required of the agencies by this act, and for  
5 agency travel and per diem to attend any hearing held pursuant  
6 to this act, and for the local government to participate in  
7 the proceedings. In the event the amount available for  
8 allocation is insufficient to provide for complete  
9 reimbursement to the agencies, reimbursement shall be on a  
10 prorated basis.

11 Section 212. Subsection (3) of section 403.7841,  
12 Florida Statutes, is amended to read:

13 403.7841 Application for certification.--

14 (3) Within 7 days after filing the application with  
15 the department, the applicant shall provide two copies of the  
16 application as filed to each of the following: the Department  
17 of Community Affairs, the water management district which has  
18 jurisdiction over the area wherein the proposed project is to  
19 be located, the Department of Transportation, the Fish and  
20 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
21 the Department of Health and Rehabilitative Services, the  
22 Department of Agriculture and Consumer Services, and the local  
23 governmental entities which have jurisdiction.

24 Section 213. Subsection (1) of section 403.786,  
25 Florida Statutes, is amended to read:

26 403.786 Report and studies.--

27 (1) The Department of Community Affairs, the water  
28 management district which has jurisdiction over the area  
29 wherein the proposed project is to be located, the Department  
30 of Transportation, the Fish and Wildlife Conservation ~~Game and~~  
31 ~~Fresh Water Fish~~ Commission, the Department of Health and



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1 Rehabilitative Services, the Department of Agriculture and  
2 Consumer Services, and each local government which has  
3 jurisdiction shall each submit a report of matters within  
4 their jurisdiction to the department within 90 days after  
5 their receipt of the application. Any other agency may submit  
6 comments relating to matters within its jurisdiction to the  
7 department within 90 days after the filing of the application  
8 with the Division of Administrative Hearings.

9 Section 214. Paragraph (a) of subsection (4) of  
10 section 403.787, Florida Statutes, is amended to read:

11 403.787 Notice, proceedings, parties, participants.--

12 (4)(a) Parties to the proceeding shall be:

13 1. The applicant.

14 2. The department.

15 3. The Department of Community Affairs.

16 4. The Fish and Wildlife Conservation ~~Game and Fresh~~  
17 ~~Water-Fish~~ Commission.

18 5. Each water management district in the jurisdiction  
19 of which the proposed project is to be located.

20 6. Any affected local government.

21 Section 215. Subsection (6) of section 403.9325,  
22 Florida Statutes, is amended to read:

23 403.9325 Definitions.--For the purposes of ss.

24 403.9321-403.9333, the term:

25 (6) "Public lands set aside for conservation or  
26 preservation" means:

27 (a) Conservation and recreation lands under chapter  
28 259;

29 (b) State and national parks;

30 (c) State and national reserves and preserves, except  
31 as provided in s. 403.9326(3);

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- 1 (d) State and national wilderness areas;
- 2 (e) National wildlife refuges (only those lands under
- 3 Federal Government ownership);
- 4 (f) Lands acquired through the Water Management Lands
- 5 Trust Fund, Save Our Rivers Program;
- 6 (g) Lands acquired under the Save Our Coast program;
- 7 (h) Lands acquired under the environmentally
- 8 endangered lands bond program;
- 9 (i) Public lands designated as conservation or
- 10 preservation under a local government comprehensive plan;
- 11 (j) Lands purchased by a water management district,
- 12 the Fish and Wildlife Conservation Florida Game and Fresh
- 13 Water Fish Commission, or any other state agency for
- 14 conservation or preservation purposes;
- 15 (k) Public lands encumbered by a conservation easement
- 16 that does not provide for the trimming of mangroves; and
- 17 (l) Public lands designated as critical wildlife areas
- 18 by the Fish and Wildlife Conservation Florida Game and Fresh
- 19 Water Fish Commission.

20 Section 216. Paragraph (a) of subsection (2) of

21 section 403.941, Florida Statutes, is amended to read:

22 403.941 Preliminary statements of issues, reports, and

23 studies.--

24 (2)(a) The affected agencies shall prepare reports as

25 provided in this paragraph and shall submit them to the

26 department and the applicant within 60 days after the

27 application is determined sufficient:

28 1. The department shall prepare a report as to the

29 impact of each proposed natural gas transmission pipeline or

30 corridor as it relates to matters within its jurisdiction.

31 2. Each water management district in the jurisdiction

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1 of which a proposed natural gas transmission pipeline or  
2 corridor is to be located shall prepare a report as to the  
3 impact on water resources and other matters within its  
4 jurisdiction.

5 3. The Department of Community Affairs shall prepare a  
6 report containing recommendations which address the impact  
7 upon the public of the proposed natural gas transmission  
8 pipeline or corridor, based on the degree to which the  
9 proposed natural gas transmission pipeline or corridor is  
10 consistent with the applicable portions of the state  
11 comprehensive plan and other matters within its jurisdiction.  
12 The Department of Community Affairs may also comment on the  
13 consistency of the proposed natural gas transmission pipeline  
14 or corridor with applicable strategic regional policy plans or  
15 local comprehensive plans and land development regulations.

16 4. The Fish and Wildlife Conservation ~~Game and Fresh~~  
17 ~~Water-Fish~~ Commission shall prepare a report as to the impact  
18 of each proposed natural gas transmission pipeline or corridor  
19 on fish and wildlife resources and other matters within its  
20 jurisdiction.

21 5. Each local government in which the natural gas  
22 transmission pipeline or natural gas transmission pipeline  
23 corridor will be located shall prepare a report as to the  
24 impact of each proposed natural gas transmission pipeline or  
25 corridor on matters within its jurisdiction, including the  
26 consistency of the proposed natural gas transmission pipeline  
27 or corridor with all applicable local ordinances, regulations,  
28 standards, or criteria that apply to the proposed natural gas  
29 transmission pipeline or corridor, including local  
30 comprehensive plans, zoning regulations, land development  
31 regulations, and any applicable local environmental

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1 regulations adopted pursuant to s. 403.182 or by other means.  
2 No change by the responsible local government or local agency  
3 in local comprehensive plans, zoning ordinances, or other  
4 regulations made after the date required for the filing of the  
5 local government's report required by this section shall be  
6 applicable to the certification of the proposed natural gas  
7 transmission pipeline or corridor unless the certification is  
8 denied or the application is withdrawn.

9           6. Each regional planning council in which the natural  
10 gas transmission pipeline or natural gas transmission pipeline  
11 corridor will be located shall present a report containing  
12 recommendations that address the impact upon the public of the  
13 proposed natural gas transmission pipeline or corridor, based  
14 on the degree to which the natural gas transmission pipeline  
15 or corridor is consistent with the applicable provisions of  
16 the strategic regional policy plan adopted pursuant to chapter  
17 186 and other impacts of each proposed natural gas  
18 transmission pipeline or corridor on matters within its  
19 jurisdiction.

20           7. The Department of Transportation shall prepare a  
21 report on the effect of the natural gas transmission pipeline  
22 or natural gas transmission pipeline corridor on matters  
23 within its jurisdiction, including roadway crossings by the  
24 pipeline. The report shall contain at a minimum:

25           a. A report by the applicant to the department stating  
26 that all requirements of the department's utilities  
27 accommodation guide have been or will be met in regard to the  
28 proposed pipeline or pipeline corridor; and

29           b. A statement by the department as to the adequacy of  
30 the report to the department by the applicant.

31           8. The Department of State, Division of Historical

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1 Resources, shall prepare a report on the impact of the natural  
2 gas transmission pipeline or natural gas transmission pipeline  
3 corridor on matters within its jurisdiction.

4 9. The commission shall prepare a report addressing  
5 matters within its jurisdiction. The commission's report shall  
6 include its determination of need issued pursuant to s.  
7 403.9422.

8 Section 217. Paragraph (a) of subsection (4) of  
9 section 403.9411, Florida Statutes, is amended to read:

10 403.9411 Notice; proceedings; parties and  
11 participants.--

12 (4)(a) Parties to the proceeding shall be:

- 13 1. The applicant.
- 14 2. The department.
- 15 3. The commission.
- 16 4. The Department of Community Affairs.
- 17 5. The Fish and Wildlife Conservation ~~Game and Fresh~~  
18 ~~Water Fish~~ Commission.

19 6. Each water management district in the jurisdiction  
20 of which the proposed natural gas transmission pipeline or  
21 corridor is to be located.

- 22 7. The local government.
- 23 8. The regional planning council.
- 24 9. The Department of Transportation.
- 25 10. The Department of State, Division of Historical  
26 Resources.

27 Section 218. Subsection (2) of section 403.961,  
28 Florida Statutes, is amended to read:

29 403.961 Statements of issues and reports; written  
30 analyses.--

31 (2) Each of the following agencies shall prepare a

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1 report as to matters within its jurisdiction expected to be  
2 affected by the proposed project, which report shall be  
3 submitted to the applicant, the Department of Commerce, the  
4 Department of Environmental Protection, the affected local  
5 governments, and all other affected agencies, no later than 65  
6 days after the date the application is determined to be  
7 sufficient:

- 8 (a) The Department of Transportation.
- 9 (b) The Department of Community Affairs.
- 10 (c) The Fish and Wildlife Conservation ~~Game and Fresh~~  
11 ~~Water Fish~~ Commission.
- 12 (d) Each water management district having jurisdiction  
13 over any proposed site or installation.
- 14 (e) Each regional planning council having jurisdiction  
15 over any proposed site or installation.
- 16 (f) Any other agency, if requested by the Department  
17 of Commerce, shall also prepare reports as to matters within  
18 that agency's jurisdiction expected to be affected by the  
19 proposed project.

20 Section 219. Paragraph (b) of subsection (1) of  
21 section 403.962, Florida Statutes, is amended to read:

22 403.962 Certification hearing; cancellation;  
23 parties.--

24 (1) The assigned administrative law judge shall  
25 conduct a certification hearing in the county of the proposed  
26 site no later than 150 days after the application for project  
27 certification is deemed to be sufficient or an applicant has  
28 requested that its application be processed on the basis of  
29 information already submitted. All proceedings are governed  
30 by chapter 120 except as modified by this act. The hearing  
31 shall only be conducted in the event that a hearing is

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1 requested by the applicant, an affected agency, a person  
2 having a substantial interest which is affected by the  
3 proposed certification, a qualified organization, or an  
4 affected person who files a petition pursuant to s.  
5 403.9615(4). In determining whether a hearing shall be  
6 conducted, the following procedures shall apply:

7 (b) The following agencies shall be entitled to  
8 request the conduct of a certification hearing under this  
9 section:

- 10 1. The Department of Environmental Protection.
- 11 2. The Fish and Wildlife Conservation ~~Game and Fresh~~  
12 ~~Water Fish~~ Commission.
- 13 3. The Department of Community Affairs.
- 14 4. The Department of Transportation.
- 15 5. Any water management district having jurisdiction  
16 over a site or installation associated with the proposed  
17 project.
- 18 6. Any local government having jurisdiction over a  
19 site or installation associated with the proposed project.

20 Section 220. Paragraph (c) of subsection (2) of  
21 section 403.972, Florida Statutes, is amended to read:

22 403.972 Fees; disposition.--The Department of Commerce  
23 shall charge the following fees, as appropriate, which shall  
24 be paid into the Department of Commerce Economic Development  
25 Trust Fund:

26 (2) An application fee, which shall not exceed  
27 \$150,000. The fee shall be fixed by rule on a sliding scale  
28 related to the proposed project size and the number and size  
29 of local governments in whose jurisdiction the project is  
30 located.

31 (c) Upon written request with proper itemized

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1 accounting within 90 days after final agency action or  
2 withdrawal of the application, the Department of Commerce  
3 shall reimburse the Department of Environmental Protection,  
4 the Department of Community Affairs, the Fish and Wildlife  
5 Conservation Game and Fresh Water Fish Commission, and any  
6 water management district created pursuant to chapter 373,  
7 regional planning council, and affected local governments in  
8 the jurisdiction of which the proposed project is to be  
9 located, and any other agency from which the Department of  
10 Commerce requests special reports pursuant to s. 403.961(2)(f)  
11 or with which the Department of Commerce contracts for field  
12 services associated with the monitoring, construction, and  
13 operation of the facility. Such reimbursement shall be  
14 authorized for the preparation of any reports or studies or  
15 the conduct of any compliance monitoring required of the  
16 agencies by this act, and for agency travel and per diem to  
17 attend any hearing held pursuant to this act, and for local  
18 governments to participate in the proceedings. In the event  
19 the amount available for allocation is insufficient to provide  
20 for complete reimbursement to the agencies, reimbursement  
21 shall be on a prorated basis.

22 Section 221. Subsection (4) of section 403.973,  
23 Florida Statutes, is amended to read:

24 403.973 Expedited permitting; comprehensive plan  
25 amendments.--

26 (4) The regional teams shall be established through  
27 the execution of memoranda of agreement between the office and  
28 the respective heads of the Departments of Environmental  
29 Protection, Community Affairs, Transportation, Agriculture and  
30 Consumer Services, the Fish and Wildlife Conservation Game and  
31 Fresh Water Fish Commission, appropriate regional planning



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1 councils, appropriate water management districts, and  
2 voluntarily participating municipalities and counties. The  
3 memoranda of agreement should also accommodate participation  
4 in this expedited process by other local governments and  
5 federal agencies as circumstances warrant.

6 Section 222. Paragraph (b) of subsection (1) of  
7 section 487.0615, Florida Statutes, is amended to read:

8 487.0615 Pesticide Review Council.--

9 (1)

10 (b) The council shall consist of 11 scientific members  
11 as follows: a scientific representative from the Department of  
12 Agriculture and Consumer Services, a scientific representative  
13 from the Department of Environmental Protection, a scientific  
14 representative from the Department of Health and  
15 Rehabilitative Services, and a scientific representative from  
16 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
17 Commission, each to be appointed by the respective agency; the  
18 dean of research of the Institute of Food and Agricultural  
19 Sciences of the University of Florida; and six members to be  
20 appointed by the Governor. The six members to be appointed by  
21 the Governor must be a pesticide industry representative, a  
22 representative of an environmental group, a hydrologist, a  
23 toxicologist, a scientific representative from one of the five  
24 water management districts rotated among the five districts,  
25 and a grower representative from a list of three persons  
26 nominated by the statewide grower associations. Each member  
27 shall be appointed for a term of 4 years and shall serve until  
28 a successor is appointed. A vacancy shall be filled for the  
29 remainder of the unexpired term.

30 Section 223. Subsection (4) of section 581.186,  
31 Florida Statutes, is amended to read:

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1           581.186 Endangered Plant Advisory Council;  
2 organization; meetings; powers and duties.--

3           (4) COOPERATION.--The Division of Plant Industry, the  
4 Department of Environmental Protection, the Department of  
5 Transportation, and the Fish and Wildlife Conservation ~~Game~~  
6 ~~and Fresh Water Fish~~ Commission shall cooperate with the  
7 council whenever necessary to aid it in carrying out its  
8 duties under this section.

9           Section 224. Subsection (3) of section 585.21, Florida  
10 Statutes, is amended to read:

11           585.21 Sale of biological products.--

12           (3) Any biological product for animals which is used  
13 or proposed to be used in a field test in this state must be  
14 approved for such use by the department. Before issuing  
15 approval, the department shall consult with the Fish and  
16 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission if  
17 wildlife are involved and the Department of Health and  
18 Rehabilitative Services if the disease may affect humans.

19           Section 225. Paragraph (c) of subsection (1) of  
20 section 597.003, Florida Statutes, is amended to read:

21           597.003 Powers and duties of Department of Agriculture  
22 and Consumer Services.--

23           (1) The department is hereby designated as the lead  
24 agency in encouraging the development of aquaculture in the  
25 state and shall have and exercise the following functions,  
26 powers, and duties with regard to aquaculture:

27           (c) Develop memorandums of agreement, as needed, with  
28 the Department of Environmental Protection, the Fish and  
29 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
30 Commission, the Florida Sea Grant Program, and other groups as  
31 provided in the state aquaculture plan.

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1           Section 226. Subsection (1) of section 597.006,  
2 Florida Statutes, is amended to read:

3           597.006 Aquaculture Interagency Coordinating  
4 Council.--

5           (1) CREATION.--The Legislature finds and declares that  
6 there is a need for interagency coordination with regard to  
7 aquaculture by the following agencies: the Department of  
8 Agriculture and Consumer Services, the Department of Commerce,  
9 the Department of Community Affairs, the Department of  
10 Environmental Protection, the Department of Labor and  
11 Employment Security, the Fish and Wildlife Conservation ~~Marine~~  
12 ~~Fisheries Commission, the Game and Fresh Water Fish~~  
13 Commission, the statewide consortium of universities under the  
14 Florida Institute of Oceanography, Florida Agricultural and  
15 Mechanical University, the Institute of Food and Agricultural  
16 Sciences at the University of Florida, the Florida Sea Grant  
17 Program, and each water management district. It is therefore  
18 the intent of the Legislature to hereby create an Aquaculture  
19 Interagency Coordinating Council to act as an advisory body as  
20 defined in s. 20.03(9).

21           Section 227. Paragraph (a) of subsection (1) of  
22 section 784.07, Florida Statutes, 1998 Supplement, is amended  
23 to read:

24           784.07 Assault or battery of law enforcement officers,  
25 firefighters, emergency medical care providers, public transit  
26 employees or agents, or other specified officers;  
27 reclassification of offenses; minimum sentences.--

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

29           (a) "Law enforcement officer" includes a law  
30 enforcement officer, a correctional officer, a correctional  
31 probation officer, a part-time law enforcement officer, a

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1 part-time correctional officer, an auxiliary law enforcement  
2 officer, and an auxiliary correctional officer, as those terms  
3 are respectively defined in s. 943.10, and any county  
4 probation officer; employee or agent of the Department of  
5 Corrections who supervises or provides services to inmates;  
6 officer of the Parole Commission; and law enforcement  
7 personnel of the Fish and Wildlife Conservation ~~Game and Fresh~~  
8 ~~Water Fish~~ Commission, the Department of Environmental  
9 Protection, or the Department of Law Enforcement.

10 Section 228. Subsection (2) of section 790.06, Florida  
11 Statutes, 1998 Supplement, is amended to read:

12 790.06 License to carry concealed weapon or firearm.--

13 (2) The Department of State shall issue a license if  
14 the applicant:

15 (a) Is a resident of the United States or is a  
16 consular security official of a foreign government that  
17 maintains diplomatic relations and treaties of commerce,  
18 friendship, and navigation with the United States and is  
19 certified as such by the foreign government and by the  
20 appropriate embassy in this country;

21 (b) Is 21 years of age or older;

22 (c) Does not suffer from a physical infirmity which  
23 prevents the safe handling of a weapon or firearm;

24 (d) Is not ineligible to possess a firearm pursuant to  
25 s. 790.23 by virtue of having been convicted of a felony;

26 (e) Has not been committed for the abuse of a  
27 controlled substance or been found guilty of a crime under the  
28 provisions of chapter 893 or similar laws of any other state  
29 relating to controlled substances within a 3-year period  
30 immediately preceding the date on which the application is  
31 submitted;

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1           (f) Does not chronically and habitually use alcoholic  
2 beverages or other substances to the extent that his or her  
3 normal faculties are impaired. It shall be presumed that an  
4 applicant chronically and habitually uses alcoholic beverages  
5 or other substances to the extent that his or her normal  
6 faculties are impaired if the applicant has been committed  
7 under chapter 397 or under the provisions of former chapter  
8 396 or has been convicted under s. 790.151 or has been deemed  
9 a habitual offender under s. 856.011(3), or has had two or  
10 more convictions under s. 316.193 or similar laws of any other  
11 state, within the 3-year period immediately preceding the date  
12 on which the application is submitted;

13           (g) Desires a legal means to carry a concealed weapon  
14 or firearm for lawful self-defense;

15           (h) Demonstrates competence with a firearm by any one  
16 of the following:

17           1. Completion of any hunter education or hunter safety  
18 course approved by the Fish and Wildlife Conservation ~~Game and~~  
19 ~~Fresh Water Fish~~ Commission or a similar agency of another  
20 state;

21           2. Completion of any National Rifle Association  
22 firearms safety or training course;

23           3. Completion of any firearms safety or training  
24 course or class available to the general public offered by a  
25 law enforcement, junior college, college, or private or public  
26 institution or organization or firearms training school,  
27 utilizing instructors certified by the National Rifle  
28 Association, Criminal Justice Standards and Training  
29 Commission, or the Department of State;

30           4. Completion of any law enforcement firearms safety  
31 or training course or class offered for security guards,

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1 investigators, special deputies, or any division or  
2 subdivision of law enforcement or security enforcement;

3           5. Presents evidence of equivalent experience with a  
4 firearm through participation in organized shooting  
5 competition or military service;

6           6. Is licensed or has been licensed to carry a firearm  
7 in this state or a county or municipality of this state,  
8 unless such license has been revoked for cause; or

9           7. Completion of any firearms training or safety  
10 course or class conducted by a state-certified or National  
11 Rifle Association certified firearms instructor;

12

13 A photocopy of a certificate of completion of any of the  
14 courses or classes; or an affidavit from the instructor,  
15 school, club, organization, or group that conducted or taught  
16 said course or class attesting to the completion of the course  
17 or class by the applicant; or a copy of any document which  
18 shows completion of the course or class or evidences  
19 participation in firearms competition shall constitute  
20 evidence of qualification under this paragraph; any person who  
21 conducts a course pursuant to subparagraph 2., subparagraph  
22 3., or subparagraph 7., or who, as an instructor, attests to  
23 the completion of such courses, must maintain records  
24 certifying that he or she observed the student safely handle  
25 and discharge the firearm;

26           (i) Has not been adjudicated an incapacitated person  
27 under s. 744.331, or similar laws of any other state, unless 5  
28 years have elapsed since the applicant's restoration to  
29 capacity by court order;

30           (j) Has not been committed to a mental institution  
31 under chapter 394, or similar laws of any other state, unless

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1 the applicant produces a certificate from a licensed  
2 psychiatrist that he or she has not suffered from disability  
3 for at least 5 years prior to the date of submission of the  
4 application;

5 (k) Has not had adjudication of guilt withheld or  
6 imposition of sentence suspended on any felony or misdemeanor  
7 crime of domestic violence unless 3 years have elapsed since  
8 probation or any other conditions set by the court have been  
9 fulfilled, or the record has been sealed or expunged; and

10 (l) Has not been issued an injunction that is  
11 currently in force and effect and that restrains the applicant  
12 from committing acts of domestic violence or acts of repeat  
13 violence.

14 Section 229. Subsection (1) of section 790.15, Florida  
15 Statutes, is amended to read:

16 790.15 Discharging firearm in public.--

17 (1) Except as provided in subsection (2) or subsection  
18 (3), any person who knowingly discharges a firearm in any  
19 public place or on the right-of-way of any paved public road,  
20 highway, or street or whosoever knowingly discharges any  
21 firearm over the right-of-way of any paved public road,  
22 highway, or street or over any occupied premises is guilty of  
23 a misdemeanor of the first degree, punishable as provided in  
24 s. 775.082 or s. 775.083. This section does not apply to a  
25 person lawfully defending life or property or performing  
26 official duties requiring the discharge of a firearm or to a  
27 person discharging a firearm on public roads or properties  
28 expressly approved for hunting by the Fish and Wildlife  
29 Conservation ~~Game and Fresh Water Fish~~ Commission or Division  
30 of Forestry.

31 Section 230. Paragraph (b) of subsection (6) of

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1 section 828.122, Florida Statutes, is amended to read:

2 828.122 Fighting or baiting animals; offenses;  
3 penalties.--

4 (6) The provisions of subsection (3) and paragraph  
5 (4)(b) shall not apply to:

6 (b) Any person using animals to pursue or take  
7 wildlife or to participate in any hunting regulated or subject  
8 to being regulated by the rules and regulations of the Fish  
9 and Wildlife Conservation ~~Game and Fresh Water Fish~~  
10 Commission.

11 Section 231. Subsection (1) of section 832.06, Florida  
12 Statutes, is amended to read:

13 832.06 Prosecution for worthless checks given tax  
14 collector for licenses or taxes; refunds.--

15 (1) Whenever any person, firm, or corporation violates  
16 the provisions of s. 832.05 by drawing, making, uttering,  
17 issuing, or delivering to any county tax collector any check,  
18 draft, or other written order on any bank or depository for  
19 the payment of money or its equivalent for any tag, title,  
20 lien, tax (except ad valorem taxes), penalty, or fee relative  
21 to a boat, airplane, or motor vehicle; any occupational  
22 license, beverage license, or sales or use tax; or any hunting  
23 or fishing license, the county tax collector, after the  
24 exercise of due diligence to locate the person, firm, or  
25 corporation which drew, made, uttered, issued, or delivered  
26 the check, draft, or other written order for the payment of  
27 money, or to collect the same by the exercise of due diligence  
28 and prudence, shall swear out a complaint in the proper court  
29 against the person, firm, or corporation for the issuance of  
30 the worthless check or draft. If the state attorney cannot  
31 sign the information due to lack of proof, as determined by



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1 the state attorney in good faith, for a prima facie case in  
2 court, he or she shall issue a certificate so stating to the  
3 tax collector. If payment of the dishonored check, draft, or  
4 other written order, together with court costs expended, is  
5 not received in full by the county tax collector within 30  
6 days after service of the warrant, 30 days after conviction,  
7 or 60 days after the collector swears out the complaint or  
8 receives the certificate of the state attorney, whichever is  
9 first, the county tax collector shall make a written report to  
10 this effect to the Department of Highway Safety and Motor  
11 Vehicles relative to airplanes and motor vehicles, to the Fish  
12 and Wildlife Conservation Commission ~~Department of~~  
13 ~~Environmental Protection~~ relative to boats, to the Department  
14 of Revenue relative to occupational licenses and the sales and  
15 use tax, to the Division of Alcoholic Beverages and Tobacco of  
16 the Department of Business and Professional Regulation  
17 relative to beverage licenses, or to the Fish and Wildlife  
18 Conservation ~~Game and Fresh Water Fish~~ Commission relative to  
19 hunting and fishing licenses, containing a statement of the  
20 amount remaining unpaid on the worthless check or draft. If  
21 the information is not signed, the certificate of the state  
22 attorney is issued, and the written report of the amount  
23 remaining unpaid is made, the county tax collector may request  
24 the sum be forthwith refunded by the appropriate governmental  
25 entity, agency, or department. If a warrant has been issued  
26 and served, he or she shall certify to that effect, together  
27 with the court costs and amount remaining unpaid on the check.  
28 The county tax collector may request that the sum of money  
29 certified by him or her be forthwith refunded by the  
30 Department of Highway Safety and Motor Vehicles, ~~the~~  
31 ~~Department of Environmental Protection,~~ the Department of

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1 Revenue, the Division of Alcoholic Beverages and Tobacco of  
2 the Department of Business and Professional Regulation, or the  
3 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
4 Commission to the county tax collector. Within 30 days after  
5 receipt of the request, the Department of Highway Safety and  
6 Motor Vehicles, ~~the Department of Environmental Protection,~~  
7 the Department of Revenue, the Division of Alcoholic Beverages  
8 and Tobacco of the Department of Business and Professional  
9 Regulation, or the Fish and Wildlife Conservation ~~Game and~~  
10 ~~Fresh Water Fish~~ Commission, upon being satisfied as to the  
11 correctness of the certificate of the tax collector, or the  
12 report, shall refund to the county tax collector the sums of  
13 money so certified or reported. If any officer of any court  
14 issuing the warrant is unable to serve it within 60 days after  
15 the issuance and delivery of it to the officer for service,  
16 the officer shall make a written return to the county tax  
17 collector to this effect. Thereafter, the county tax collector  
18 may certify that the warrant has been issued and that service  
19 has not been had upon the defendant and further certify the  
20 amount of the worthless check or draft and the amount of court  
21 costs expended by the county tax collector, and the county tax  
22 collector may file the certificate with the Department of  
23 Highway Safety and Motor Vehicles relative to motor vehicles  
24 and airplanes, with the Fish and Wildlife Conservation  
25 Commission ~~Department of Environmental Protection~~ relative to  
26 boats, with the Department of Revenue relative to occupational  
27 licenses and the sales and use tax, with the Division of  
28 Alcoholic Beverages and Tobacco of the Department of Business  
29 and Professional Regulation relative to beverage licenses, or  
30 with the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
31 ~~Fish~~ Commission relative to hunting and fishing licenses,

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1 together with a request that the sums of money so certified be  
2 forthwith refunded by the Department of Highway Safety and  
3 Motor Vehicles, ~~the Department of Environmental Protection,~~  
4 the Department of Revenue, the Division of Alcoholic Beverages  
5 and Tobacco of the Department of Business and Professional  
6 Regulation, or the Fish and Wildlife Conservation Game and  
7 ~~Fresh Water Fish~~ Commission to the county tax collector, and  
8 within 30 days after receipt of the request, the Department of  
9 Highway Safety and Motor Vehicles, ~~the Department of~~  
10 ~~Environmental Protection,~~ the Department of Revenue, the  
11 Division of Alcoholic Beverages and Tobacco of the Department  
12 of Business and Professional Regulation, or the Fish and  
13 Wildlife Conservation Game and Fresh Water Fish Commission,  
14 upon being satisfied as to the correctness of the certificate,  
15 shall refund the sums of money so certified to the county tax  
16 collector.

17 Section 232. Section 843.08, Florida Statutes, is  
18 amended to read:

19 843.08 Falsely personating officer, etc.--A person who  
20 falsely assumes or pretends to be a sheriff, officer of the  
21 Florida Highway Patrol, officer of the Fish and Wildlife  
22 Conservation Game and Fresh Water Fish Commission, officer of  
23 the Department of Environmental Protection, officer of the  
24 Department of Transportation, officer of the Department of  
25 Corrections, correctional probation officer, deputy sheriff,  
26 state attorney or assistant state attorney, statewide  
27 prosecutor or assistant statewide prosecutor, state attorney  
28 investigator, coroner, police officer, lottery special agent  
29 or lottery investigator, beverage enforcement agent, or  
30 watchman, or any member of the Parole Commission and any  
31 administrative aide or supervisor employed by the commission,

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1 or any personnel or representative of the Department of Law  
2 Enforcement, and takes upon himself or herself to act as such,  
3 or to require any other person to aid or assist him or her in  
4 a matter pertaining to the duty of any such officer, commits a  
5 felony of the third degree, punishable as provided in s.  
6 775.082, s. 775.083, or s. 775.084; however, a person who  
7 falsely personates any such officer during the course of the  
8 commission of a felony commits a felony of the second degree,  
9 punishable as provided in s. 775.082, s. 775.083, or s.  
10 775.084; except that if the commission of the felony results  
11 in the death or personal injury of another human being, the  
12 person commits a felony of the first degree, punishable as  
13 provided in s. 775.082, s. 775.083, or s. 775.084.

14 Section 233. Section 870.04, Florida Statutes, is  
15 amended to read:

16 870.04 Specified officers to disperse riotous  
17 assembly.--If any number of persons, whether armed or not, are  
18 unlawfully, riotously or tumultuously assembled in any county,  
19 city or municipality, the sheriff or the sheriff's deputies,  
20 or the mayor, or any commissioner, council member, alderman or  
21 police officer of the said city or municipality, or any  
22 officer or member of the Florida Highway Patrol, or any  
23 officer or agent of the Fish and Wildlife Conservation Game  
24 ~~and Fresh Water Fish~~ Commission, Department of Environmental  
25 Protection, or beverage enforcement agent, any personnel or  
26 representatives of the Department of Law Enforcement or its  
27 successor, or any other peace officer, shall go among the  
28 persons so assembled, or as near to them as may be with  
29 safety, and shall in the name of the state command all the  
30 persons so assembled immediately and peaceably to disperse;  
31 and if such persons do not thereupon immediately and peaceably

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1 disperse, said officers shall command the assistance of all  
2 such persons in seizing, arresting and securing such persons  
3 in custody; and if any person present being so commanded to  
4 aid and assist in seizing and securing such rioter or persons  
5 so unlawfully assembled, or in suppressing such riot or  
6 unlawful assembly, refuses or neglects to obey such command,  
7 or, when required by such officers to depart from the place,  
8 refuses and neglects to do so, the person shall be deemed one  
9 of the rioters or persons unlawfully assembled, and may be  
10 prosecuted and punished accordingly.

11 Section 234. Section 943.1728, Florida Statutes, is  
12 amended to read:

13 943.1728 Basic skills training relating to the  
14 protection of archaeological sites.--The commission shall  
15 establish standards for instruction of law enforcement  
16 officers in the subject of skills relating to the protection  
17 of archaeological sites and artifacts. In developing such  
18 standards and skills, the commission shall consult with  
19 representatives of the following agencies: the Division of  
20 Historical Resources of the Department of State, the Fish and  
21 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
22 and the Department of Environmental Protection. The commission  
23 shall develop the standards for training in any of the  
24 following: basic recruit courses, advanced and specialized  
25 courses, or other appropriate training courses as determined  
26 by the commission.

27 Section 235. Subsection (2) of section 252.937,  
28 Florida Statutes, 1998 Supplement, is amended to read:

29 252.937 Department powers and duties.--

30 (2) To ensure that this program is self-supporting,  
31 the department shall provide administrative support, including

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1 staff, facilities, materials, and services to implement this  
2 part for specified stationary sources subject to s. 252.939  
3 and shall provide necessary funding to local emergency  
4 planning committees and county emergency management agencies  
5 for work performed to implement this part. Each state agency  
6 with regulatory, inspection, or technical assistance programs  
7 for specified stationary sources subject to this part shall  
8 enter into a memorandum of understanding with the department  
9 which specifically outlines how each agency's staff,  
10 facilities, materials, and services will be utilized to  
11 support implementation. At a minimum, these agencies and  
12 programs include: the Department of Environmental  
13 Protection's Division of Air Resources Management and Division  
14 of Water Resource Management Facilities, and the Department of  
15 Labor and Employment Security's Division of Safety. It is the  
16 Legislature's intent to implement this part as efficiently and  
17 economically as possible, using existing expertise and  
18 resources, if available and appropriate.

19 Section 236. Subsections (2), (3), and (4) of section  
20 309.01, Florida Statutes, are amended to read:

21 309.01 Deposit of material in tidewater regulated.--

22 (2) This section shall not prohibit Escambia County  
23 from placing in Pensacola Bay, on the Escambia County side,  
24 beside the old Pensacola Bay Bridge, certain materials, as  
25 recommended by the ~~Division of Marine Resources of the~~  
26 Department of Environmental Protection, in coordination with  
27 the Fish and Wildlife Conservation Commission, to increase the  
28 number of fish available for persons fishing from the old  
29 Pensacola Bay Bridge.

30 (3) This section shall not prohibit Manatee County  
31 from placing in the Manatee County portions of Sarasota Bay

1 and Tampa Bay and in the Manatee River, certain materials, as  
2 recommended by the ~~Division of Marine Resources of the~~  
3 Department of Environmental Protection, in coordination with  
4 the Fish and Wildlife Conservation Commission, to increase the  
5 number of fish available for persons fishing in the above  
6 areas.

7 (4) This section shall not prohibit Pinellas County  
8 from placing in Tampa Bay certain materials as recommended by  
9 the ~~Division of Marine Resources of the~~ Department of  
10 Environmental Protection, in coordination with the Fish and  
11 Wildlife Conservation Commission, to increase the number of  
12 fish available for persons fishing in the bay.

13 Section 237. Section 370.023, Florida Statutes, is  
14 amended to read:

15 370.023 Administration of commission ~~department~~ grant  
16 programs.--

17 (1) The Fish and Wildlife Conservation Commission  
18 ~~Department of Environmental Protection~~ is authorized to  
19 establish grant programs that ~~which~~ are consistent with  
20 statutory authority and legislative appropriations. The  
21 commission ~~department~~ is further authorized to receive funds  
22 from any legal source for purposes of matching state dollars  
23 or for passing through the agency as grants to other entities  
24 whether or not matching funds or in-kind matches are required.

25 (2) For any grant program established by the  
26 commission ~~department~~, the commission ~~department~~ shall adopt  
27 rules, pursuant to the requirements of chapter 120, for each  
28 grant program which shall include, but are not limited to: the  
29 method or methods of payment; the supporting documents  
30 required before payment will be made; when matching funds or  
31 in-kind matches are allowed; what moneys, services, or other

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1 sources and amounts of matching funds or in-kind matches will  
2 be eligible for use for matching the grant by the commission  
3 ~~department~~; who is eligible to participate in the program; and  
4 other provisions that ~~which~~ the commission ~~department~~ finds  
5 necessary to achieve program objectives and an accounting for  
6 state funds in accordance with law and generally accepted  
7 accounting principles.

8 (3) The commission ~~department~~ is authorized to  
9 preaudit or postaudit account books and other documentation of  
10 a grant recipient to assure that grant funds have been ~~were~~  
11 used in accordance with the terms of the grant and state rules  
12 and statutes. When such audit reveals that moneys have ~~were~~  
13 not been spent in accordance with grant requirements, the  
14 commission ~~department~~ may withhold moneys or recover moneys  
15 previously paid. A grant recipient will be allowed a maximum  
16 of 60 days to submit any additional pertinent documentation to  
17 offset the amount identified as being due the commission  
18 ~~department~~.

19 Section 238. Subsections (2), (3), and (4) of section  
20 370.03, Florida Statutes, are amended to read:

21 370.03 Water bottoms.--

22 (2) CONTROL.--~~The Division of Marine Resources of the~~  
23 Department of Environmental Protection has exclusive power and  
24 control over all water bottoms, not held under some grant or  
25 alienation heretofore made, including such as may revert to  
26 the state by cancellation or otherwise, and may lease the same  
27 to any person irrespective of residence or citizenship, upon  
28 such terms, conditions and restrictions as said division may  
29 elect to impose, without limitation as to area to any one  
30 person, for the purpose of granting exclusive right to plant  
31 oysters or clams thereon and for the purpose of fishing,



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1 taking, catching, bedding and raising oysters, clams and other  
2 shellfish. No such lessee shall re-lease, sublease, sell or  
3 transfer any such water bottom or property; provided, that  
4 nothing herein contained shall be construed as giving said  
5 department ~~division~~ authority to lease sponge beds.

6 (3) FEES FOR BOTTOM LEASES, ETC.--The department  
7 ~~division~~ shall charge and receive a fee of \$2 for each lease  
8 granted, and in all other cases, not specifically provided by  
9 this chapter, the same fees as are allowed clerks of the  
10 circuit court for like services. All fees shall be paid by  
11 the party served.

12 (4) CONFIRMATION OF FORMER GRANTS; PROVISIO.--All  
13 grants prior to June 1, 1913, made in pursuance of heretofore  
14 existing laws, where the person receiving such grant, the  
15 person's heirs or assigns, have bona fide complied with the  
16 requirements of said law, are hereby confirmed; provided, that  
17 if any material or natural oyster or clam reefs or beds on  
18 such granted premises are 100 square yards in area and  
19 contained natural oysters and clams (coon oysters not  
20 included) in sufficient quantity to have been resorted to by  
21 the general public for the purpose of gathering oysters or  
22 clams to sell for a livelihood, at the time they were planted  
23 by such grantee, his or her heirs or assigns, such reefs or  
24 beds are declared to be the property of the state; and when  
25 such beds or reefs exist within the territory heretofore  
26 granted as above set forth, or that may hereafter be leased,  
27 such grantee or lessee shall mark the boundaries of such  
28 oyster and clam reefs or beds as may be designated by the  
29 department ~~division~~ as natural oyster or clam reefs or beds,  
30 clearly defining the boundaries of the same, and shall post  
31 notice or other device, as shall be required by the department

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1 ~~division~~, giving notice to the public that such oyster or clam  
2 beds or reefs are the property of the state, which said notice  
3 shall be maintained from September 1 to June 1 of each and  
4 every year, on each oyster bed or reef and on each clam bed  
5 for such period of each year as the board may direct, at the  
6 expense of the grantee or lessee. The department division  
7 shall investigate all grants heretofore made, and where, in  
8 its opinion, the lessee or grantee has not bona fide complied  
9 with the law under which he or she received his or her grant  
10 or lease, and ~~it shall report the same to the department which~~  
11 is authorized and required to institute legal proceedings to  
12 vacate the same, in order to use such lands for the benefit of  
13 the public, subject to the same dispositions as other bottoms.

14 Section 239. Section 370.0607, Florida Statutes, is  
15 amended to read:

16 370.0607 Marine information system.--The Fish and  
17 Wildlife Conservation Commission ~~Department of Environmental~~  
18 ~~Protection~~ shall establish by rule a marine information system  
19 in conjunction with the licensing program to gather marine  
20 fisheries data.

21 Section 240. Section 370.0609, Florida Statutes, is  
22 amended to read:

23 370.0609 Expenditure of funds.--Any moneys available  
24 pursuant to s. 370.0608(1)(c)1.c. shall be expended by the  
25 Fish and Wildlife Conservation Commission ~~Department of~~  
26 ~~Environmental Protection~~ within Florida through grants and  
27 contracts for research with research institutions including  
28 but not limited to: Florida Sea Grant; Florida Marine  
29 Resources Council; Harbour Branch Oceanographic Institute;  
30 Technological Research and Development Authority; Florida  
31 Marine Research Institute of the Fish and Wildlife

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1 Conservation Commission ~~Department of Environmental~~  
2 ~~Protection~~; Indian River Region Research Institute; Mote  
3 Marine Laboratory; Marine Resources Development Foundation;  
4 Florida Institute of Oceanography; and Rosentiel School of  
5 Marine and Atmospheric Science.

6 Section 241. Section 370.061, Florida Statutes, 1998  
7 Supplement, is amended to read:

8 370.061 Confiscation of property and products.--

9 (1) CONFISCATION; PROCEDURE.--In all cases of arrest  
10 and conviction for the illegal taking, or attempted taking,  
11 sale, possession, or transportation of saltwater fish or other  
12 saltwater products, such saltwater products and seines, nets,  
13 boats, motors, other fishing devices or equipment, and  
14 vehicles or other means of transportation used in connection  
15 with such illegal taking or attempted taking are hereby  
16 declared to be nuisances and may be seized and carried before  
17 the court having jurisdiction of such offense, and said court  
18 may order such nuisances forfeited to the Fish and Wildlife  
19 Conservation Commission ~~Division of Marine Resources of the~~  
20 ~~department~~ immediately after trial and conviction of the  
21 person or persons in whose possession they were found, except  
22 that, if a motor vehicle is seized under the provisions of  
23 this act and is subject to any existing liens recorded under  
24 the provisions of s. 319.27, all further proceedings shall be  
25 governed by the expressed intent of the Legislature not to  
26 divest any innocent person, firm, or corporation holding such  
27 a recorded lien of any of its reversionary rights in such  
28 motor vehicle or of any of its rights as prescribed in s.  
29 319.27, and that, upon any default by the violator purchaser,  
30 the said lienholder may foreclose its lien and take possession  
31 of the motor vehicle involved. When any illegal or illegally

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1 used seine, net, trap, or other fishing device or equipment or  
2 illegally taken, possessed, or transported saltwater products  
3 are found and taken into custody, and the owner thereof shall  
4 not be known to the officer finding the same, such officer  
5 shall immediately procure from the county court judge of the  
6 county wherein they were found an order forfeiting said  
7 saltwater products, seines, nets, traps, boats, motors, or  
8 other fishing devices to the commission division. All things  
9 forfeited under the provisions of this law may be destroyed,  
10 used by the commission division, disposed of by gift to  
11 charitable or state institutions, or sold and the proceeds  
12 derived from said sale deposited in the Marine Resources  
13 Conservation Trust Fund to be used for law enforcement  
14 purposes or into the commission's department's Federal Law  
15 Enforcement Trust Fund as provided in s. 372.107 ~~s. 20.2553~~,  
16 as applicable. However, forfeited boats, motors, and legal  
17 fishing devices only, may be purchased from the commission  
18 ~~division~~ for \$1 by the person or persons holding title thereto  
19 at the time of the illegal act causing the forfeiture, if such  
20 person shall prove that he or she in no way participated in,  
21 gave consent to, or had knowledge of such act.

22 (2) CONFISCATION AND SALE OF PERISHABLE PRODUCTS;  
23 PROCEDURE.--When an arrest is made pursuant to the provisions  
24 of this chapter and illegal, perishable products or perishable  
25 products illegally taken or landed are apprehended, the  
26 defendant may post bond or cash deposit in an amount  
27 determined by the judge to be the fair value of such products,  
28 and said defendant shall have 24 hours to transport said  
29 products outside the limits of Florida for sale or other  
30 disposition. Should no bond or cash deposit be given within  
31 the time fixed by the judge, the judge shall order the sale of

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1 such products at the highest price obtainable, and, when  
2 feasible, at least three bids shall be requested. In either  
3 event, the amounts received by the judge shall be remitted to  
4 the commission ~~division~~ to be deposited into a special escrow  
5 account in the State Treasury and held in trust pending the  
6 outcome of the trial of the accused. If a bond is posted by  
7 the defendant, it shall also be remitted to the commission  
8 ~~division~~ to be held in escrow pending the outcome of the trial  
9 of the accused. In the event of acquittal, the bond or cash  
10 deposit shall be returned to the defendant, or the proceeds of  
11 the sale shall be paid over to the defendant. In the event of  
12 conviction, the proceeds of the sale, or proceeds of the bond  
13 or cash deposit, shall be deposited by said commission  
14 ~~division~~ into the Marine Resources Conservation Trust Fund to  
15 be used for law enforcement purposes or into the commission's  
16 ~~department's~~ Federal Law Enforcement Trust Fund as provided in  
17 s. 372.107 ~~s. 20.2553~~, as applicable. Such deposit into the  
18 Marine Resources Conservation Trust Fund or the commission's  
19 ~~department's~~ Federal Law Enforcement Trust Fund shall  
20 constitute confiscation.

21 (3) MUNICIPAL OR COUNTY ENFORCEMENT; SUPPLEMENTAL  
22 FUNDING.--

23 (a) Any municipal or county law enforcement agency  
24 that which enforces, or assists the commission ~~department~~ in  
25 enforcing, the provisions of this chapter resulting ~~which~~  
26 ~~results~~ in a forfeiture of property as provided in this  
27 section, shall be entitled to receive all or a share of any  
28 such property based upon their participation in such  
29 enforcement.

30 (b) Any property delivered to any municipal or county  
31 law enforcement agency as provided in paragraph (a) may be

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1 retained or sold by the law enforcement agency and the  
2 property or any proceeds shall, if the agency operates a  
3 marine enforcement unit, be utilized to enforce the provisions  
4 of this chapter and chapters 327 and 328. In the event the law  
5 enforcement agency does not operate a marine enforcement unit,  
6 any such property or proceeds shall be disposed of pursuant to  
7 the Florida Contraband Forfeiture Act.

8 (c) Any funds received by a municipal or county law  
9 enforcement agency pursuant to this subsection shall be  
10 supplemental funds and may not be used as replacement funds by  
11 the municipality or county.

12 Section 242. Subsection (7) of section 370.08, Florida  
13 Statutes, 1998 Supplement, is amended to read:

14 370.08 Fishers and equipment; regulation.--

15 (7) ILLEGAL USE OF POISONS, DRUGS, OR CHEMICALS.--

16 (a) It is unlawful for any person to place poisons,  
17 drugs, or other chemicals in the marine waters of this state  
18 unless that person has first obtained a special activity  
19 license for such use pursuant to s. 370.06 from the Fish and  
20 Wildlife Conservation Commission ~~Division of Marine Resources~~  
21 ~~of the Department of Environmental Protection.~~

22 (b) Upon application on forms furnished by the  
23 commission ~~division~~, the commission ~~division~~ may issue a  
24 license to use poisons, drugs, or other chemicals in the  
25 marine waters of this state for the purpose of capturing live  
26 marine species. The application and license shall specify the  
27 area in which collecting will be done, the drugs, chemicals,  
28 or poisons to be used, and the maximum amounts and  
29 concentrations at each sampling.

30 Section 243. Subsection (3) of section 370.0821,  
31 Florida Statutes, 1998 Supplement, is amended to read:

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1           370.0821 St. Johns County; use of nets.--  
2           (3) No person, firm, or corporation shall use, or  
3 cause to be used, any manner of seine net, other than a  
4 recreational net as hereafter defined, in the salt waters of  
5 St. Johns County, or within 1 mile seaward of the Atlantic  
6 Ocean beaches and coast thereof, without a permit issued by  
7 the Fish and Wildlife Conservation Commission ~~Division of~~  
8 ~~Marine Resources of the Department of Environmental~~  
9 ~~Protection~~. Applications for such permits shall be made on  
10 forms to be supplied by the commission ~~division~~, which shall  
11 require the applicant to furnish such information as may be  
12 deemed pertinent to the best interests of saltwater  
13 conservation. The fee for such permits shall be \$250 per year.  
14 Each permit shall entitle the holder thereof to use no more  
15 than one seine net at any one time, subject to the provisions  
16 of subsections (1), (2), and (3). The commission ~~division~~ may  
17 refuse to grant any permit when it is apparent that the best  
18 interests of saltwater conservation will be served by such  
19 denial. All permits granted shall be in the holder's  
20 possession whenever the holder is engaged in using a seine  
21 net. Each permit is subject to immediate revocation upon  
22 conviction of a violation of any provision of this section or  
23 when it is apparent that the best interests of saltwater  
24 conservation will be served by such revocation.

25           Section 244. Section 370.103, Florida Statutes, is  
26 amended to read:

27           370.103 Agreements with Federal Government for the  
28 preservation of saltwater fisheries; authority of commission  
29 ~~department~~.--The Fish and Wildlife Conservation Commission  
30 ~~Department of Environmental Protection~~ is authorized and  
31 empowered to enter into cooperative agreements with the

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1 Federal Government or agencies thereof for the purpose of  
2 preserving saltwater fisheries within and without state waters  
3 and for the purpose of protecting against overfishing, waste,  
4 depletion, or any abuse whatsoever. Such authority includes  
5 the authority to enter into cooperative agreements whereby  
6 officers of the Fish and Wildlife Conservation Commission are  
7 ~~the Division of Law Enforcement of the department is~~ empowered  
8 to enforce federal statutes and rules pertaining to fisheries  
9 management. When differences between state and federal laws  
10 occur, state laws shall take precedence.

11 Section 245. Section 370.135, Florida Statutes, 1998  
12 Supplement, is amended to read:

13 370.135 Blue crab; regulation.--

14 (1) No person, firm, or corporation shall transport on  
15 the water, fish with or cause to be fished with, set, or place  
16 any trap designed for taking blue crabs unless such person,  
17 firm, or corporation is the holder of a valid saltwater  
18 products license issued pursuant to s. 370.06 and the trap has  
19 a current state number permanently attached to the buoy. The  
20 trap number shall be affixed in legible figures at least 1  
21 inch high on each buoy used. The saltwater products license  
22 must be on board the boat, and both the license and the crabs  
23 shall be subject to inspection at all times. Only one trap  
24 number may be issued for each boat by the commission  
25 ~~department~~ upon receipt of an application on forms prescribed  
26 by it. This subsection shall not apply to an individual  
27 fishing with no more than five traps. It is a felony of the  
28 third degree, punishable as provided in s. 775.082, s.  
29 775.083, or s. 775.084, for any person willfully to molest any  
30 traps, lines, or buoys, as defined herein, belonging to  
31 another without permission of the licenseholder.



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1           (2) No person shall harvest blue crabs with more than  
2 five traps, harvest blue crabs in commercial quantities, or  
3 sell blue crabs unless such person holds a valid saltwater  
4 products license with a restricted species endorsement and a  
5 blue crab endorsement (trap number) issued pursuant to this  
6 subsection.

7           (a) Effective June 1, 1998, and until July 1, 2002, no  
8 blue crab endorsement (trap number), except those endorsements  
9 that are active during the 1997-1998 fiscal year, shall be  
10 renewed or replaced.

11           (b) In 1998, persons holding an endorsement that was  
12 active in the 1997-1998 fiscal year, or an immediate family  
13 member of that person, must request approval of the  
14 endorsement prior to December 31, 1998.

15           (c) In subsequent years and until July 1, 2002, a trap  
16 number holder, or members of his or her immediate family, must  
17 request renewal of the endorsement prior to September 30 of  
18 each year.

19           (d) If a person holding an active blue crab  
20 endorsement, or a member of that person's immediate family,  
21 does not request renewal of the endorsement before the  
22 applicable dates as specified in this subsection, the  
23 commission ~~department~~ shall deactivate that endorsement.

24           (e) In the event of the death or disability of a  
25 person holding an active blue crab endorsement, the  
26 endorsement may be transferred by the person to a member of  
27 his or her immediate family or may be renewed by any person so  
28 designated by the executor of the person's estate.

29           (f) Persons who hold saltwater products licenses with  
30 blue crab endorsements issued to their boat registration  
31 numbers and who subsequently replace their existing vessels

1 with new vessels shall be permitted to transfer the existing  
2 licenses to the new boat registration numbers.

3 Section 246. Section 370.143, Florida Statutes, is  
4 amended to read:

5 370.143 Retrieval of lobster and stone crab traps  
6 during closed season; commission department authority; fees.--

7 (1) The Fish and Wildlife Conservation Commission  
8 ~~Department of Environmental Protection~~ is authorized to  
9 implement a trap retrieval program for retrieval of lobster  
10 and stone crab traps remaining in the water during the closed  
11 season for each species. The commission department is  
12 authorized to contract with outside agents for the program  
13 operation.

14 (2) A retrieval fee of \$10 per trap retrieved shall be  
15 assessed trap owners. Traps recovered under this program  
16 shall become the property of the commission department or its  
17 contract agent and shall be either destroyed or resold to the  
18 original owner. Revenue from retrieval fees shall be  
19 deposited in the Marine Resources Conservation Trust Fund and  
20 used for operation of the trap retrieval program.

21 (3) Payment of the assessed retrieval fee shall be  
22 required prior to renewal of the trap owner's trap number as a  
23 condition of number renewal. Retrieval fees assessed under  
24 this program shall stand in lieu of other penalties imposed  
25 for such trap violations.

26 (4) In the event of a major natural disaster, such as  
27 hurricane or major storm causing massive trap losses, the  
28 commission department shall waive the trap retrieval fee.

29 Section 247. Subsections (1), (3), (4), and (6) of  
30 section 370.15, Florida Statutes, 1998 Supplement, are amended  
31 to read:

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1           370.15 Shrimp; regulation.--

2           (1) GENERAL AUTHORITY; CONSERVATION.--The commission  
3 ~~department~~ has authority to adopt rules pursuant to ss.  
4 120.536(1) and 120.54 to implement the provisions of this  
5 section. The commission ~~department~~ shall encourage the  
6 production of the maximum sustained yield consistent with the  
7 preservation and protection of breeding stock, taking into  
8 consideration the recommendations of the various marine  
9 laboratories, as well as those of interested and experienced  
10 groups of private citizens. Rules shall control the method,  
11 manner, and equipment used in the taking of shrimp or prawn,  
12 as well as limiting and defining the areas where taken.

13           (3) SHRIMP TRAPS.--

14           (a) It is unlawful for any person, firm, or  
15 corporation to take or attempt to take shrimp by the use of  
16 any trap which:

17           1. Exceeds the following dimensions: 36 inches long  
18 (from rear of the heart to the leading edge of the trap), by  
19 24 inches wide (between the leading edges of the trap, or  
20 heart opening), by 12 inches high; or

21           2. Has external or unattached wings, weirs, or other  
22 devices intended to funnel shrimp to the trap heart.

23           (b) This subsection shall not be construed to restrict  
24 the allowable shape or configuration of any shrimp trap so  
25 long as the trap, together with all of its parts, conforms to  
26 the specifications of paragraph (a).

27           (c) Any shrimp trap which conforms to the  
28 specifications of paragraph (a) shall not be considered a  
29 pound net.

30           (d) The user of any trap shall affix his or her name  
31 and address securely to each trap. Any such trap not having

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1 proper identification is subject to confiscation by the  
2 commission department. No person, firm, or corporation shall  
3 have more than four traps in use at any time. The commission  
4 ~~department~~ shall have the authority to inspect such traps when  
5 being used in or on the waters of the state.

6 (e) The presence of unattended shrimp traps on or  
7 attached to beaches, causeways, seawalls, bridges, or any  
8 other structures open for use by the public is hereby declared  
9 to be a nuisance. Any such trap which is not attended by the  
10 person whose name is affixed to the trap is subject to  
11 confiscation by the commission department.

12 (4) SHRIMP TRAWLING.--All persons, firms, and  
13 corporations desiring to trawl for shrimp within areas in  
14 which trawling is permitted shall have a noncommercial trawl  
15 or net registration or purchase a saltwater products license  
16 issued to a valid boat registration or in the name of an  
17 individual pursuant to s. 370.06. The saltwater products  
18 license shall remain on board at all times and is subject to  
19 immediate revocation upon conviction for violation of this  
20 section or when it becomes apparent that the best interests of  
21 saltwater conservation will be served by such action. A  
22 noncommercial trawl or net registration must be issued to each  
23 net used to take shrimp for noncommercial purposes. Such net  
24 or trawl shall have a corkline measurement of 16 feet or less.  
25 Possession of shrimp under a noncommercial registration is  
26 limited to 25 pounds while on the water. Due to the varied  
27 habitats and types of bottoms and hydrographic conditions  
28 embraced by the open fishing area, the commission division  
29 shall have the authority to specify and regulate the types of  
30 gear that may be used in the different sections of the open  
31 areas.

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1           (6) LIVE BAIT SHRIMPING; LICENSES.--Live bait shrimp  
2 may be caught at any time but only under license issued by the  
3 commission department. Licensees must fish with gear and  
4 under those conditions specified by the commission department.  
5 Application for such licenses shall be on forms supplied by  
6 the commission department. A live bait shrimping license  
7 shall be revocable when the holder does not comply with the  
8 laws and regulations applicable to saltwater conservation.  
9 All vessels fishing for live bait shrimp must be equipped with  
10 live bait shrimp tanks, and no more than 5 pounds of dead  
11 shrimp will be allowed on board such vessel per day.

12           Section 248. Subsection (2) of section 370.151,  
13 Florida Statutes, 1998 Supplement, is amended to read:

14           370.151 Tortugas shrimp beds; penalties.--

15           (2)(a) The Fish and Wildlife Conservation Commission  
16 ~~Division of Law Enforcement~~ is authorized to take title in the  
17 name of the state to any vessel or vessels suitable for use in  
18 carrying out the inspection and patrol of the Tortugas Bed  
19 which may be offered as a gift to the state by any person,  
20 firm, corporation, or association in the shrimp industry for  
21 the purpose of carrying out the provisions of this section.  
22 In the event such title is taken to such vessel or vessels,  
23 the commission division is authorized to operate and keep said  
24 vessel or vessels in proper repair.

25           (b) The commission division is further authorized to  
26 accept the temporary loan of any vessel or vessels, suitable  
27 for use in carrying out the provisions of this section, for  
28 periods not exceeding 1 year. However, the state shall not  
29 assume any liability to the owner or owners of said vessels  
30 for any damage done by said vessels to other vessels, persons,  
31 or property. In the operation of said loaned vessels, upkeep

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1 and repair shall consist only of minor repairs and routine  
2 maintenance. The owner or owners shall carry full marine  
3 insurance coverage on said loaned vessel or vessels for the  
4 duration of the period during which said vessels are operated  
5 by the state.

6 Section 249. Section 370.153, Florida Statutes, 1998  
7 Supplement, is amended to read:

8 370.153 Regulation of shrimp fishing; Clay, Duval,  
9 Nassau, Putnam, Flagler, and St. Johns Counties.--

10 (1) DEFINITIONS.--When used in this section, unless  
11 the context clearly requires otherwise:

12 (a) "Inland waters" means all creeks, rivers, bayous,  
13 bays, inlets, and canals.

14 (b) "Sample" means one or more shrimp taken from an  
15 accurately defined part of the area defined.

16 (c) "Series" means 10 or more samples taken within a  
17 period of not more than 1 week, each sample being taken at a  
18 different station within the pattern.

19 (d) "Pattern" means 10 or more stations.

20 (e) "Station" means a single location on the water of  
21 the areas defined.

22 (f) "Licensed live bait shrimp producer" means any  
23 individual licensed by the Fish and Wildlife Conservation  
24 Commission ~~Department of Environmental Protection~~ to employ  
25 the use of any trawl for the taking of live bait shrimp within  
26 the inland waters of Nassau, Duval, St. Johns, Putnam,  
27 Flagler, or Clay Counties.

28 (g) "Licensed dead shrimp producer" means any  
29 individual licensed by the Fish and Wildlife Conservation  
30 Commission ~~Department of Environmental Protection~~ to employ  
31 the use of any trawl for the taking of shrimp within the

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1 inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or  
2 Clay Counties.

3 (2) SHRIMPING PROHIBITED.--It is unlawful to employ  
4 the use of any trawl or other net, except a common cast net,  
5 designed for or capable of taking shrimp, within the inland  
6 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay  
7 Counties, except as hereinafter provided.

8 (3) LIVE BAIT SHRIMP PRODUCTION.--

9 (a) A live bait shrimp production license shall be  
10 issued by the Fish and Wildlife Conservation Commission  
11 ~~Department of Environmental Protection~~ upon the receipt of an  
12 application by a person intending to use a boat, not to exceed  
13 35 feet in length in Duval, St. Johns, Putnam, Flagler, and  
14 Clay Counties and not to exceed 45 feet in length in Nassau  
15 County, for live shrimp production within the inland waters of  
16 Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties  
17 and the payment of a fee of \$250. The annual fee of \$250 shall  
18 be collected by the commission ~~department~~ for the issuance of  
19 the license during a 60-day period beginning June 1 of each  
20 year. The design of the application and permit shall be  
21 determined by the commission ~~department~~. The proceeds of the  
22 fee imposed by this paragraph shall be used by the Fish and  
23 Wildlife Conservation Commission ~~Department of Environmental~~  
24 ~~Protection~~ for the purposes of enforcement of marine resource  
25 laws.

26 (b) The Executive Director of the Fish and Wildlife  
27 Conservation Commission ~~Secretary of Environmental Protection~~,  
28 or his or her designated representative, may by order close  
29 certain areas to live bait shrimp production when sampling  
30 procedures justify the closing based upon sound conservation  
31 practices. The revocation of any order to close has the effect

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1 of opening the area.

2 (c) Every live bait shrimp producer shall produce  
3 evidence satisfactory to the commission ~~department~~ that he or  
4 she has the necessary equipment to maintain the shrimp alive  
5 while aboard the shrimp fishing vessel. All vessels fishing  
6 for live bait shrimp must be equipped with live bait shrimp  
7 tanks of a type and capacity satisfactory to the commission  
8 ~~department~~, and no more than 5 pounds of dead shrimp will be  
9 allowed on board such vessel per day.

10 (d)1. Each licensed live bait shrimp producer who  
11 stores his or her catch for sale or sells his or her catch  
12 shall either:

13 a. Maintain onshore facilities which have been  
14 annually checked and approved by the local commission ~~Marine~~  
15 ~~Patrol~~ office to assure the facilities' ability to maintain  
16 the catch alive when the live bait shrimp producer produces  
17 for his or her own facility; or

18 b. Sell his or her catch only to persons who have  
19 onshore facilities that ~~which~~ have been annually checked and  
20 approved by the local commission ~~Marine Patrol~~ office to  
21 assure the facilities' ability to maintain the catch alive,  
22 when the producer sells his or her catch to an onshore  
23 facility. The producer shall provide the commission ~~Department~~  
24 ~~of Environmental Protection~~ with the wholesale number of the  
25 facility to which the shrimp have been sold and shall submit  
26 this number on a form designed and approved by the commission  
27 ~~department~~.

28 2. All persons who maintain onshore facilities as  
29 described in this paragraph, whether the facilities are  
30 maintained by the licensed live bait shrimp producer or by  
31 another party who purchases shrimp from live bait shrimp



1 producers, shall keep records of their transactions in  
2 conformance with the provisions of s. 370.07(6).

3 (e) All commercial trawling in Clay, Duval, and St.  
4 Johns Counties shall be restricted to the inland waters of the  
5 St. Johns River proper in the area north of the Acosta Bridge  
6 in Jacksonville and at least 100 yards from the nearest  
7 shoreline.

8 (f) A live shrimp producer must also be a licensed  
9 wholesale dealer. Such person shall not sell live bait shrimp  
10 unless he or she produces a live bait shrimp production  
11 license at the time of sale.

12 (g) The commission ~~department~~ shall rename the Live  
13 Bait Shrimp Production License as the Commercial Live Shrimp  
14 Production License.

15 (4) DEAD SHRIMP PRODUCTION.--Any person may operate as  
16 a commercial dead shrimp producer provided that:

17 (a) A dead shrimp production permit is procured from  
18 the Fish and Wildlife Conservation Commission ~~Department of~~  
19 ~~Environmental Protection~~ upon the receipt by the commission  
20 ~~department~~ of a properly filled out and approved application  
21 by a person intending to use a boat, not to exceed 35 feet in  
22 length in Duval, St. Johns, Putnam, and Clay Counties, and not  
23 to exceed 45 feet in length in Nassau County, for dead shrimp  
24 production within the inland waters of Nassau County and the  
25 inland waters of the St. Johns River of Duval, Putnam, St.  
26 Johns, Flagler, or Clay Counties, which permit shall cost \$250  
27 and shall be required for each vessel used for dead shrimp  
28 production. The design of the application and permit shall be  
29 determined by the Fish and Wildlife Conservation Commission  
30 ~~Department of Environmental Protection~~. The proceeds of the  
31 fees imposed by this paragraph shall be deposited into the

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1 account of the Marine Resources Conservation Trust Fund to be  
2 used by the commission ~~department~~ for the purpose of  
3 enforcement of marine resource laws.

4 (b) All commercial trawling in the St. Johns River  
5 proper shall be restricted to the area north of the Acosta  
6 Bridge in Jacksonville and at least 100 yards from the nearest  
7 shoreline.

8 (c) All commercial shrimping activities shall be  
9 allowed during daylight hours from Tuesday through Friday each  
10 week.

11 (d) No person holding a dead shrimp production permit  
12 issued pursuant to this subsection shall simultaneously hold a  
13 permit for noncommercial trawling under the provisions of  
14 subsection (5). The number of permits issued by the  
15 commission ~~department~~ for commercial trawling or dead shrimp  
16 production in any one year shall be the number issued in the  
17 base year, 1976. All permits shall be inheritable or  
18 transferable to an immediate family member and annually  
19 renewable by the holder thereof. Such inheritance or transfer  
20 shall be valid upon being registered with the commission  
21 ~~department~~. All permits not renewed shall expire and shall not  
22 be renewed under any circumstances.

23 (e) It is illegal for any person to sell dead shrimp  
24 caught in the inland waters of Nassau, Duval, Clay, Putnam,  
25 and St. Johns Counties, unless the seller is in possession of  
26 a dead shrimp production license issued pursuant to this  
27 subsection.

28 (f) It is illegal for any person to purchase shrimp  
29 for consumption or bait from any seller (with respect to  
30 shrimp caught in the inland waters of Nassau, Duval, Clay,  
31 Putnam, and St. Johns Counties (St. Johns River)) who does not

1 produce his or her dead shrimp production license prior to the  
2 sale of the shrimp.

3 (g) In addition to any other penalties provided for in  
4 this section, any person who violates the provisions of this  
5 subsection shall have his or her license revoked by the  
6 commission ~~department~~.

7 (h) The commission ~~department~~ shall rename the Dead  
8 Shrimp Production License as the Commercial Food Shrimp  
9 Production License.

10 (5) NONCOMMERCIAL TRAWLING.--Any person may harvest  
11 shrimp in the St. Johns River for his or her own use as food  
12 and may trawl for such shrimp under the following conditions:

13 (a) Each person who desires to trawl for shrimp for  
14 use as food shall obtain a noncommercial trawling permit from  
15 the local ~~Marine Patrol~~ office of the Fish and Wildlife  
16 Conservation Commission ~~Department of Environmental Protection~~  
17 upon filling out an application on a form prescribed by the  
18 commission ~~department~~ and upon paying a fee for the permit,  
19 which shall cost \$50.

20 (b) All trawling shall be restricted to the confines  
21 of the St. Johns River proper in the area north of the Acosta  
22 Bridge in Jacksonville and at least 100 yards from the nearest  
23 shoreline.

24 (c) No shrimp caught by a person licensed under the  
25 provisions of this subsection may be sold or offered for sale.

26 (6) SAMPLING PROCEDURE.--

27 (a) The Executive Director of the Fish and Wildlife  
28 Conservation Commission ~~Secretary of Environmental Protection~~  
29 shall have samples taken at established stations within  
30 patterns at frequent intervals.

31 (b) No area may be closed to live bait shrimp

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1 production unless a series of samples has been taken and it  
2 has been determined that the shrimp are undersized or that  
3 continued shrimping in this area would have an adverse effect  
4 on conservation. Standards for size may be established by  
5 rule of the commission ~~department~~.

6 (c) No area may be opened to dead shrimp production  
7 unless a series of samples has been taken and it has been  
8 determined that the shrimp are of legal size. Legal-sized  
9 shrimp shall be defined as not more than 47 shrimp with heads  
10 on, or 70 shrimp with heads off, per pound.

11 (7) LICENSE POSSESSION.--The operator of a boat  
12 employing the use of any trawl for shrimp production must be  
13 in possession of a current shrimp production license issued to  
14 him or her pursuant to the provisions of this section.

15 (8) USE OF TRAWL; LIMITATION.--

16 (a) The use of a trawl by either a live bait shrimp  
17 producer or dead shrimp producer shall be limited to the  
18 daylight hours, and the taking of dead shrimp shall not take  
19 place on Saturdays, Sundays, or legal state holidays.

20 (b) The use of a trawl by either a live bait shrimp  
21 producer or dead shrimp producer within 100 yards of any  
22 shoreline is prohibited. The Fish and Wildlife Conservation  
23 Commission ~~Department of Environmental Protection~~, by rule or  
24 order, may define the area or areas where this subsection  
25 shall apply.

26 (c)1. It is unlawful to employ the use of any trawl  
27 designed for, or capable of, taking shrimp within 1/4 mile  
28 of any natural or manmade inlet in Duval County or St. Johns  
29 County.

30 2. It is unlawful for anyone to trawl in the Trout  
31 River west of the bridge on U.S. 17 in Duval County.

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1           ~~(9) ST. JOHNS RIVER; RULEMAKING PROHIBITED.--The~~  
2 ~~Department of Environmental Protection may not adopt any rule~~  
3 ~~which regulates shrimping in the St. Johns River.~~

4           (9)~~(10)~~ CREDITS.--Fees paid pursuant to paragraphs  
5 (3)(a) and (4)(a) of this section shall be credited against  
6 the saltwater products license fee.

7           Section 250. Subsection (2) of section 370.1603,  
8 Florida Statutes, is amended to read:

9           370.1603 Oysters produced in and outside state;  
10 labeling; tracing; rules.--

11           (1) No wholesale or retail dealer, as defined in s.  
12 370.07(1), shall sell any oysters produced outside this state  
13 unless they are labeled as such, or unless it is otherwise  
14 reasonably made known to the purchaser that the oysters were  
15 not produced in this state.

16           (2) The Department of Agriculture and Consumer  
17 Services ~~Department of Environmental Protection~~ shall  
18 promulgate rules whereby oysters produced in Florida waters  
19 can be traced to the location from which they were harvested.  
20 A wholesale or retail dealer may not sell any oysters produced  
21 in this state unless they are labeled so that they may be  
22 traced to the point of harvesting.

23           Section 251. Subsections (2) and (3) of section  
24 370.172, Florida Statutes, are amended to read:

25           370.172 Spearfishing; definition; limitations;  
26 penalty.--

27           (2)(a) Spearfishing is prohibited within the  
28 boundaries of the John Pennekamp Coral Reef State Park, the  
29 waters of Collier County, and the area in Monroe County known  
30 as Upper Keys, which includes all salt waters under the  
31 jurisdiction of the Fish and Wildlife Conservation Commission

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1 ~~Department of Environmental Protection~~ beginning at the county  
2 line between Dade and Monroe Counties and running south,  
3 including all of the keys down to and including Long Key.

4 (b) For the purposes of this subsection, the  
5 possession in the water of a spear, gig, or lance by a person  
6 swimming at or below the surface of the water in a prohibited  
7 area is prima facie evidence of a violation of the provisions  
8 of this subsection regarding spearfishing.

9 (3) The Fish and Wildlife Conservation Commission  
10 ~~Department of Environmental Protection~~ shall have the power to  
11 establish restricted areas when it is determined that safety  
12 hazards exist or when needs are determined by biological  
13 findings. Restricted areas shall be established only after an  
14 investigation has been conducted and upon application by the  
15 governing body of the county or municipality in which the  
16 restricted areas are to be located and one publication in a  
17 local newspaper of general circulation in said county or  
18 municipality in addition to any other notice required by law.  
19 Prior to promulgation of regulations, the local governing body  
20 of the area affected shall agree to post and maintain notices  
21 in the area affected.

22 Section 252. Section 370.18, Florida Statutes, is  
23 amended to read:

24 370.18 Compacts and agreements; generally.--The Fish  
25 and Wildlife Conservation Commission ~~Department of~~  
26 ~~Environmental Protection~~ may enter into agreements of  
27 reciprocity with the fish commissioners or other departments  
28 or other proper officials of other states, whereby the  
29 citizens of the state may be permitted to take or catch shrimp  
30 or prawn from the waters under the jurisdiction of such other  
31 states, upon similar agreements to allow such nonresidents or

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1 aliens to fish for or catch seafood products within the  
2 jurisdiction of the state regardless of residence.

3 Section 253. Subsection (2) of section 370.19, Florida  
4 Statutes, is amended to read:

5 370.19 Atlantic States Marine Fisheries Compact;  
6 implementing legislation.--

7 (2) COMMISSIONERS; APPOINTMENT AND REMOVAL.--In  
8 pursuance of Article III of said compact there shall be three  
9 members (hereinafter called commissioners) of the Atlantic  
10 State Marine Fisheries Commission (hereinafter called  
11 commission) from this state. The first commissioner from this  
12 state shall be the Executive Director of the Fish and Wildlife  
13 Conservation Commission Secretary of Environmental Protection,  
14 ex officio, and the term of any such ex officio commissioner  
15 shall terminate at the time he or she ceases to hold said  
16 office of Executive Director of the Fish and Wildlife  
17 Conservation Commission Secretary of Environmental Protection,  
18 and his or her successor as commissioner shall be his or her  
19 successor as executive director ~~secretary~~. The second  
20 commissioner from this state shall be a legislator and member  
21 of the house committee on commerce and reciprocal trade (of  
22 the State of Florida, ex officio, designated by said house  
23 committee on commerce and reciprocal trade), and the term of  
24 any such ex officio commissioner shall terminate at the time  
25 he or she ceases to hold said legislative office as  
26 commissioner on interstate cooperation, and his or her  
27 successor as commissioner shall be named in like manner. The  
28 Governor (subject to confirmation by the Senate), shall  
29 appoint a citizen as a third commissioner who shall have a  
30 knowledge of, and interest in, the marine fisheries problem.  
31 The term of said commissioner shall be 3 years and the

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1 commissioner shall hold office until a successor shall be  
2 appointed and qualified. Vacancies occurring in the office of  
3 such commissioner from any reason or cause shall be filled by  
4 appointment by the Governor (subject to confirmation by the  
5 Senate), for the unexpired term. The Executive Director of the  
6 Fish and Wildlife Conservation Commission ~~Secretary of~~  
7 ~~Environmental Protection~~ as ex officio commissioner may  
8 delegate, from time to time, to any deputy or other  
9 subordinate in his or her department or office, the power to  
10 be present and participate, including voting, as his or her  
11 representative or substitute at any meeting of or hearing by  
12 or other proceeding of the commission. The terms of each of  
13 the initial three members shall begin at the date of the  
14 appointment of the appointive commissioner, provided the said  
15 compact shall then have gone into effect in accordance with  
16 Article II of the compact; otherwise, they shall begin upon  
17 the date upon which said compact shall become effective in  
18 accordance with said Article II. Any commissioner may be  
19 removed from office by the Governor upon charges and after a  
20 hearing.

21 Section 254. Subsection (2) of section 370.20, Florida  
22 Statutes, is amended to read:

23 370.20 Gulf States Marine Fisheries Compact;  
24 implementing legislation.--

25 (2) MEMBERS OF COMMISSION; TERM OF OFFICE.--In  
26 pursuance of article III of said compact, there shall be three  
27 members (hereinafter called commissioners) of the Gulf States  
28 Marine Fisheries Commission (hereafter called commission) from  
29 the State of Florida. The first commissioner from the State of  
30 Florida shall be the Executive Director of the Fish and  
31 Wildlife Conservation Commission ~~Secretary of Environmental~~



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1 ~~Protection~~, ex officio, and the term of any such ex officio  
2 commissioner shall terminate at the time he or she ceases to  
3 hold said office of Executive Director of the Fish and  
4 Wildlife Conservation Commission ~~Secretary of Environmental~~  
5 ~~Protection~~, and his or her successor as commissioner shall be  
6 his or her successor as executive director ~~secretary~~. The  
7 second commissioner from the State of Florida shall be a  
8 legislator and a member of the house committee on commerce and  
9 reciprocal trade (of the State of Florida ex officio,  
10 designated by said house committee on commerce and reciprocal  
11 trade), and the term of any such ex officio commissioner shall  
12 terminate at the time he or she ceases to hold said  
13 legislative office as commissioner on interstate cooperation,  
14 and his or her successor as commissioner shall be named in  
15 like manner. The Governor (subject to confirmation by the  
16 Senate) shall appoint a citizen as a third commissioner who  
17 shall have a knowledge of and interest in the marine fisheries  
18 problem. The term of said commissioner shall be 3 years and  
19 the commissioner shall hold office until a successor shall be  
20 appointed and qualified. Vacancies occurring in the office of  
21 such commissioner from any reason or cause shall be filled by  
22 appointment by the Governor (subject to confirmation by the  
23 Senate) for the unexpired term. The Executive Director of the  
24 Fish and Wildlife Conservation Commission ~~Secretary of~~  
25 ~~Environmental Protection~~, as ex officio commissioner, may  
26 delegate, from time to time, to any deputy or other  
27 subordinate in his or her department or office, the power to  
28 be present and participate, including voting, as his or her  
29 representative or substitute at any meeting of or hearing by  
30 or other proceeding of the commission. The terms of each of  
31 the initial three members shall begin at the date of the

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1 appointment of the appointive commissioner, provided the said  
2 compact shall then have gone into effect in accordance with  
3 article II of the compact; otherwise they shall begin upon the  
4 date upon which said compact shall become effective in  
5 accordance with said article II.

6 Any commissioner may be removed from office by the  
7 Governor upon charges and after a hearing.

8 Section 255. Subsections (3), (5), and (7) of section  
9 370.21, Florida Statutes, are amended to read:

10 370.21 Florida Territorial Waters Act; alien-owned  
11 commercial fishing vessels; prohibited acts; enforcement.--

12 (3) No license shall be issued by the Fish and  
13 Wildlife Conservation Commission ~~Division of Marine Resources~~  
14 ~~of the Department of Environmental Protection~~ under s. 370.06,  
15 to any vessel owned in whole or in part by any alien power,  
16 which subscribes to the doctrine of international communism,  
17 or any subject or national thereof, who subscribes to the  
18 doctrine of international communism, or any individual who  
19 subscribes to the doctrine of international communism, or who  
20 shall have signed a treaty of trade, friendship and alliance  
21 or a nonaggression pact with any communist power. The  
22 commission ~~division~~ shall grant or withhold said licenses  
23 where other alien vessels are involved on the basis of  
24 reciprocity and retorsion, unless the nation concerned shall  
25 be designated as a friendly ally or neutral by a formal  
26 suggestion transmitted to the Governor of Florida by the  
27 Secretary of State of the United States. Upon the receipt of  
28 such suggestion licenses shall be granted under s. 370.06,  
29 without regard to reciprocity and retorsion, to vessels of  
30 such nations.

31 (5) It is the duty of all harbor masters of the state

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1 to prevent the use of any port facility in a manner which they  
2 reasonably suspect may assist in the violation of this act.  
3 Harbormasters shall endeavor by all reasonable means, which  
4 may include the inspection of nautical logs, to ascertain from  
5 masters of newly arrived vessels of all types other than  
6 warships of the United States, the presence of alien  
7 commercial fishing vessels within the territorial waters of  
8 the state, and shall transmit such information promptly to the  
9 Fish and Wildlife Conservation Commission ~~Department of~~  
10 ~~Environmental Protection~~ and such law enforcement agencies of  
11 the state as the situation may indicate. Harbormasters shall  
12 request assistance from the United States Coast Guard in  
13 appropriate cases to prevent unauthorized departure from any  
14 port facility.

15 (7) All law enforcement agencies of the state,  
16 including but not limited to sheriffs and officers of the Fish  
17 and Wildlife Conservation Commission ~~agents of the Department~~  
18 ~~of Environmental Protection~~ are empowered and directed to  
19 arrest the masters and crews of vessels who are reasonably  
20 believed to be in violation of this law, and to seize and  
21 detain such vessels, their equipment and catch. Such arresting  
22 officers shall take the offending crews or property before the  
23 court having jurisdiction of such offenses. All such agencies  
24 are directed to request assistance from the United States  
25 Coast Guard in the enforcement of this act when having  
26 knowledge of vessels operating in violation or probable  
27 violation of this act within their jurisdictions when such  
28 agencies are without means to effectuate arrest and restraint  
29 of vessels and their crews.

30 Section 256. Subsection (1) of section 372.107,  
31 Florida Statutes, 1998 Supplement, is amended to read:

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1           372.107 Federal Law Enforcement Trust Fund.--

2           (1) The Federal Law Enforcement Trust Fund is created  
3 within the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
4 ~~Fish~~ Commission. The commission may deposit into the trust  
5 fund receipts and revenues received as a result of federal  
6 criminal, administrative, or civil forfeiture proceedings and  
7 receipts and revenues received from federal asset-sharing  
8 programs. The trust fund is exempt from the service charges  
9 imposed by s. 215.20.

10           Section 257. Section 376.15, Florida Statutes, is  
11 amended to read:

12           376.15 Derelict vessels; removal from public waters.--

13           (1) It is unlawful for any person, firm, or  
14 corporation to store or leave any vessel in a wrecked, junked,  
15 or substantially dismantled condition or abandoned upon any  
16 public waters or at any port in this state without the consent  
17 of the agency having jurisdiction thereof or docked at any  
18 private property without the consent of the owner of the  
19 private property.

20           (2)(a) The Fish and Wildlife Conservation Commission  
21 ~~department~~ is hereby designated as the agency of the state  
22 authorized and empowered to remove any derelict vessel as  
23 described in subsection (1) from public waters.

24           (b) The commission ~~department~~ may establish a program  
25 to provide grants to coastal local governments for the removal  
26 of derelict vessels from the public waters of the state. The  
27 program shall be funded from the Florida Coastal Protection  
28 Trust Fund. Notwithstanding the provisions in s. 216.181(10),  
29 funds available for grants may only be authorized by  
30 appropriations acts of the Legislature.

31           (c) The commission ~~department~~ shall adopt by rule

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1 procedures for submitting a grant application and criteria for  
2 allocating available funds. Such criteria shall include, but  
3 not be limited to, the following:

4 1. The number of derelict vessels within the  
5 jurisdiction of the applicant.

6 2. The threat posed by such vessels to public health  
7 or safety, the environment, navigation, or the aesthetic  
8 condition of the general vicinity.

9 3. The degree of commitment of the local government to  
10 maintain waters free of abandoned and derelict vessels and to  
11 seek legal action against those who abandon vessels in the  
12 waters of the state.

13 (d) This section shall constitute the authority of the  
14 commission ~~department~~ for such removal, but is not intended to  
15 be in contravention of any applicable federal act.

16 (e) The Department of Legal Affairs shall represent  
17 the Fish and Wildlife Conservation Commission ~~Department of~~  
18 ~~Environmental Protection~~ in such actions.

19 Section 258. Subsection (2) of section 823.11, Florida  
20 Statutes, is amended to read:

21 823.11 Abandoned and derelict vessels; removal;  
22 penalty.--

23 (2) The Fish and Wildlife Conservation Commission  
24 ~~Department of Environmental Protection, Division of Marine~~  
25 ~~Resources,~~ is hereby designated as the agency of the state  
26 authorized and empowered to remove or cause to be removed any  
27 abandoned or derelict vessel from public waters in any  
28 instance when the same obstructs or threatens to obstruct  
29 navigation or in any way constitutes a danger to the  
30 environment. All costs incurred by the commission ~~department~~  
31 in the removal of any abandoned or derelict vessel as set out

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1 above shall be recoverable against the owner thereof. Pursuant  
 2 to an agreement with the governing body of a county or  
 3 municipality, and upon a finding by the commission ~~division~~  
 4 that the county or municipality is competent to undertake said  
 5 responsibilities, the commission ~~division~~ may delegate to the  
 6 county or municipality its authority to remove or cause to be  
 7 removed an abandoned or derelict vessel from public waters  
 8 within the county or municipality.

9  
10

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 On page 5, line 3 after the semicolon

14  
15

insert:

16 amending s. 370.0603, F.S.; establishing the  
 17 Marine Resources Conservation Trust Fund in the  
 18 Fish and Wildlife Conservation Commission;  
 19 amending s. 370.16; transferring certain  
 20 activities related to oysters and shellfish to  
 21 the Fish and Wildlife Conservation Commission;  
 22 amending s. 932.7055, F.S.; providing for funds  
 23 to be deposited into the Forfeited Property  
 24 Trust Fund; amending ss. 20.055, 23.21, 120.52,  
 25 120.81, 163.3244, 186.003, 186.005, 229.8058,  
 26 240.155, 252.365, 253.05, 253.45, 253.75,  
 27 253.7829, 255.502, 258.157, 258.397, 258.501,  
 28 259.035, 259.036, 282.1095, 282.404, 285.09,  
 29 285.10, 288.021, 288.975, 316.640, 320.08058,  
 30 341.352, 369.20, 369.22, 369.25, 370.01,  
 31 370.021, 370.028, 370.06, 370.0605, 370.0615,

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1 370.062, 370.0805, 370.081, 370.092, 370.1107,  
2 370.1111, 370.13, 370.14, 370.1405, 370.142,  
3 370.1535, 370.17, 370.31, 372.001, 372.01,  
4 372.0215, 372.0222, 372.0225, 372.023, 372.025,  
5 372.03, 372.051, 372.06, 372.07, 372.071,  
6 372.074, 372.105, 372.106, 372.12, 372.121,  
7 372.16, 372.26, 372.265, 372.27, 372.31,  
8 372.57, 372.5714, 372.5717, 372.5718, 372.574,  
9 372.651, 372.653, 372.66, 372.661, 372.662,  
10 372.663, 372.664, 372.6645, 372.667, 372.6672,  
11 372.672, 372.673, 372.674, 372.70, 372.701,  
12 372.7015, 372.7016, 372.72, 372.73, 372.74,  
13 372.76, 372.761, 372.77, 372.7701, 372.771,  
14 372.85, 372.86, 372.87, 372.88, 372.89,  
15 372.901, 372.911, 372.912, 372.92, 372.921,  
16 372.922, 372.97, 372.971, 372.98, 372.981,  
17 372.99, 372.9901, 372.9903, 372.9904, 372.9906,  
18 372.991, 372.992, 372.995, 373.453, 373.455,  
19 373.4595, 373.465, 373.466, 373.591, 375.021,  
20 375.311, 375.312, 376.121, 378.011, 378.036,  
21 378.409, 380.061, 388.45, 388.46, 403.0752,  
22 403.0885, 403.413, 403.507, 403.508, 403.518,  
23 403.526, 403.527, 403.5365, 403.7841, 403.786,  
24 403.787, 403.9325, 403.941, 403.9411, 403.961,  
25 403.962, 403.972, 403.973, 487.0615, 581.186,  
26 585.21, 597.003, 597.006, 784.07, 790.06,  
27 790.15, 828.122, 832.06, 843.08, 870.04,  
28 943.1728, 252.937, 309.01, 370.023, 370.03,  
29 370.0607, 370.0609, 370.061, 370.07, 370.071,  
30 370.08, 370.0821, 370.10, 370.103, 370.135,  
31 370.143, 370.15, 370.151, 370.153, 370.1603,

Amendment No. \_\_\_\_ (for drafter's use only)

1           370.172, 370.18, 370.19, 370.20, 370.21,  
2           372.107, 376.15, 823.11, F.S.; conforming  
3           provisions to the State Constitution and this  
4           act;

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