

1 group by the Executive Office of the Governor;
2 amending s. 20.14, F.S.; adding a Division of
3 Aquaculture of the Department of Agriculture
4 and Consumer Services; amending s. 206.606,
5 F.S.; adjusting distribution of fuel tax
6 proceeds in conformance to the act to the
7 commission; amending s. 320.08058, F.S.;
8 conforming terminology to the act; amending s.
9 327.02, F.S.; providing definitions and
10 repealing s. 327.02(6), F.S.; to remove
11 reference to the Department of Environmental
12 Protection; amending s. 327.25, F.S.; providing
13 for classification and registration of vessels;
14 adjusting location of antique license vessel
15 decal; amending s. 327.26, F.S.; providing for
16 stickers or emblems for the Save the Manatee
17 Trust Fund; amending s. 327.28, F.S.; providing
18 for the appropriation and distribution of
19 vessel registration funds; amending s. 327.30,
20 F.S.; providing requirements regarding
21 collisions, accidents, and casualties; amending
22 s. 327.35215, F.S.; providing penalties;
23 amending s. 327.395, F.S.; providing for
24 boating safety identification cards; amending
25 s. 327.41, F.S.; providing for uniform watering
26 regulatory markers; amending s. 327.43, F.S.;
27 providing for navigation channel requirements;
28 amending s. 327.46, F.S.; providing for the
29 establishment of restricted areas on the waters
30 of the state; amending s. 327.48, F.S.;
31 providing requirements for regattas, races,

1 marine parades, tournaments, or exhibitions;
2 amending s. 327.70, F.S.; providing for the
3 enforcement of chapters 327 and 328, F.S.;
4 amending s. 327.71, F.S.; providing an
5 exemption; amending s. 327.731, F.S.; providing
6 for mandatory education for violators; amending
7 s. 327.74, F.S.; providing for uniform boating
8 citations; amending s. 327.803, F.S.; providing
9 for a Boating Advisory Council; amending s.
10 327.804, F.S.; providing for statistics on
11 boating accidents and violations; amending s.
12 327.90, F.S.; providing for electronic or
13 telephonic transactions; amending s. 328.01,
14 F.S.; providing for application for certificate
15 of title; amending s. 339.281, F.S.; providing
16 for marine accident reports; amending s.
17 370.025, F.S.; providing marine policy and
18 standards, and rulemaking authority for the
19 Fish and Wildlife Conservation Commission;
20 repealing s. 370.027, F.S.; abolishing
21 rulemaking authority with respect to marine
22 life; amending s. 370.06, F.S.; transferring
23 responsibilities for issuing certain licenses
24 related to marine life to the Fish and Wildlife
25 Conservation Commission and the Department of
26 Agriculture and Consumer Services; amending s.
27 370.0608, F.S.; providing for the deposit of
28 license fees; allocating of federal funds;
29 amending s. 370.063, F.S.; correcting
30 references; deleting obsolete dates; adjusting
31 use of fees; amending s. 370.071, F.S.;

1 transferring responsibilities for the
2 regulation of shellfish processors to the
3 Department of Agriculture and Consumer
4 Services; amending s. 370.12, F.S.; providing
5 rulemaking guidance related to endangered
6 marine mammals; correcting obsolete references;
7 amending s. 370.26, F.S.; transferring certain
8 activities related to aquaculture to the Fish
9 and Wildlife Conservation Commission; amending
10 s. 372.072, F.S.; relating to the Endangered
11 and Threatened Species Act; correcting obsolete
12 references; amending s. 372.0725, F.S.;
13 providing penalties for the killing or wounding
14 of any species designated as endangered,
15 threatened, or of special concern; amending s.
16 372.073, F.S.; transferring responsibility for
17 the Endangered and Threatened Species Reward
18 Program to the Fish and Wildlife Conservation
19 Commission; amending s. 370.093, F.S.;
20 correcting cross references; repealing s.
21 20.325, F.S.; abolishing the Game and Fresh
22 Water Fish Commission; repealing s. 370.026,
23 F.S.; abolishing the Marine Fisheries
24 Commission; instructing Division of Statutory
25 Revision to draft reviser's bill for year 2000
26 Regular Session; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Section 20.331, Florida Statutes, is
31 created to read:

1 20.331 Fish and Wildlife Conservation Commission.--
2 (1) The Legislature, recognizing the Fish and Wildlife
3 Conservation Commission as being specifically authorized by
4 the State Constitution under s. 9, Art. IV, grants rights and
5 privileges to the commission, as contemplated by s. 6, Art. IV
6 of the State Constitution, equal to those of departments
7 established under this chapter, while preserving its
8 constitutional designation and title as a commission.

9 (2) It shall be the mission of the Fish and Wildlife
10 Conservation Commission to manage, protect, conserve,
11 maintain, improve, and extend Florida's marine life,
12 freshwater aquatic life, and wildlife resources. The
13 commission shall ensure that Florida's marine life resources,
14 freshwater aquatic life, wildlife resources, and their
15 habitats are managed and conserved for optimum sustainability.
16 The commission additionally will ensure that the use and
17 development of these resources are in the best interest of all
18 the people of the State of Florida for current and future
19 generations.

20 (a) The Fish and Wildlife Conservation Commission is
21 charged with the responsibility of exercising the regulatory
22 and executive authority of the state over wild animal life,
23 freshwater aquatic life, and marine life as authorized by s.
24 9, Art. IV of the State Constitution. The commission shall
25 have the power and authority to enforce throughout the state
26 all laws relating to game, nongame birds, freshwater aquatic
27 life, fur-bearing animals, marine life, and all commission
28 rules and regulations relating to wild animal life, freshwater
29 aquatic life, and marine life.

30 (b) The Fish and Wildlife Conservation Commission is
31 charged with the responsibility of implementing management,

1 protection, and conservation measures to ensure the health and
2 abundance of the wildlife resources, freshwater aquatic life,
3 and marine life resources of the state. Management,
4 protection, and conservation measures shall be based upon the
5 best information available, including biological,
6 sociological, economic and other data deemed relevant by the
7 commission. Management, protection, and conservation measures
8 shall be fair and equitable to all the people of the state and
9 shall be carried out in such a manner that no individual,
10 corporation, or entity acquires an excessive share of
11 privileges.

12 (3) The head of the Fish and Wildlife Conservation
13 Commission is the commission appointed by the Governor as
14 provided for in s. 9, Art. IV of the State Constitution.

15 (4) The following administrative units are established
16 within the commission:

17 (a) Division of Administrative Services.

18 (b) Division of Law Enforcement, with a Bureau of
19 Marine Enforcement.

20 (c) Division of Freshwater Fisheries.

21 (d) Division of Marine Fisheries, with a Bureau of
22 Marine Fisheries Management and a Bureau of Marine Fisheries
23 Services.

24 (e) Division of Wildlife.

25 (f) Florida Marine Research Institute.

26
27 The bureaus and offices of the Game and Fresh Water Fish
28 Commission existing on February 1, 1999, are established
29 within the Fish and Wildlife Conservation Commission. Except
30 as authorized in this subsection, no additional bureaus or
31

1 offices may be established within the commission without
2 specific authorization by the Legislature.

3 (5)(a) To aid the commission in the implementation of
4 its constitutional and statutory duties, the Legislature
5 authorizes the commission to appoint, fix the salary of, and
6 at its pleasure, remove a person, not a member of the
7 commission, as the executive director. The executive director
8 shall be reimbursed for travel per diem and travel expenses,
9 as provided in s. 112.061, incurred in the discharge of
10 official duties. The executive director shall maintain
11 headquarters and reside in Tallahassee.

12 (b) Each new executive director must be confirmed by
13 the Senate during the legislative session immediately
14 following his or her hiring by the commission.

15 (6) In further exercise of its duties, the Fish and
16 Wildlife Conservation Commission:

17 (a) Shall assign to the Division of Freshwater
18 Fisheries and the Division of Marine Fisheries such powers,
19 duties, responsibilities, and functions as are necessary to
20 ensure compliance with the laws and rules governing the
21 management, protection, conservation, improvement, and
22 expansion of Florida's freshwater aquatic life and marine life
23 resources.

24 (b) Shall assign to the Division of Wildlife such
25 powers, duties, responsibilities, and functions as are
26 necessary to ensure compliance with the laws and rules
27 governing the management, protection, conservation,
28 improvement, and expansion of Florida's wildlife resources.

29 (c) Shall assign to the Division of Law Enforcement
30 such powers, duties, responsibilities, and functions as are
31 necessary to ensure enforcement of the laws and rules

1 governing the management, protection, conservation,
2 improvement, and expansion of Florida's wildlife resources,
3 freshwater aquatic life resources, and marine life resources.
4 In performance of their duties as sworn law enforcement
5 officers for the State of Florida, the division's officers
6 also shall assist in the enforcement of all general
7 environmental laws remaining under the responsibility of the
8 Department of Environmental Protection.

9 (d) Shall assign to the Florida Marine Research
10 Institute such powers, duties, responsibilities, and functions
11 as are necessary to accomplish its mission. It shall be the
12 mission of the Florida Marine Research Institute to:

13 1. Serve as the primary source of research and
14 technical information and expertise on the status of Florida's
15 saltwater resources;

16 2. Monitor the status and health of saltwater habitat,
17 marine life, and wildlife;

18 3. Develop and implement restoration techniques for
19 marine habitat and enhancement of saltwater plant and animal
20 populations;

21 4. Respond and provide critical technical support for
22 marine catastrophes including oil spills, ship groundings,
23 major marine species die-offs, hazardous spills, and natural
24 disaster;

25 5. Identify and monitor marine toxic red tides and
26 their impacts, and provide technical support for state and
27 local public health concerns; and

28 6. Provide state and local governments with estuarine,
29 marine, coastal technical information and research results.

30 (7)(a) Shall implement a system of adequate due
31 process procedures to be accorded to any party, as defined in

1 s. 120.52, whose substantial interests will be affected by any
2 action of the Fish and Wildlife Conservation Commission in the
3 performance of its constitutional duties or responsibilities.

4 (b) The Legislature encourages the commission to
5 incorporate in its process the provisions of s. 120.54(3)(c)
6 when adopting rules in the performance of its constitutional
7 duties or responsibilities.

8 (c) The provisions of chapter 120 shall be accorded to
9 any party whose substantial interests will be affected by any
10 action of the commission in the performance of its statutory
11 duties or responsibilities. For purposes of this subsection,
12 statutory duties or responsibilities include, but are not
13 limited to, the following:

14 1. Research and management responsibilities for marine
15 species listed as endangered, threatened, or of special
16 concern, including, but not limited to, manatees and marine
17 turtles;

18 2. Establishment and enforcement of boating safety
19 regulations;

20 3. Land acquisition and management;

21 4. Enforcement and collection of fees for all
22 recreational and commercial hunting or fishing licenses or
23 permits;

24 5. Aquatic plant removal and management using fish as
25 a biological control agent;

26 6. Enforcement of penalties for violations of
27 commission rules, including, but not limited to, the seizure
28 and forfeiture of vessels and other equipment used to commit
29 those violations;

30 7. Establishment of free fishing days;

31 8. Regulation of off-road vehicles on state lands;

- 1 9. Establishment and coordination of a statewide
2 hunter safety course;
- 3 10. Establishment of programs and activities to
4 develop and distribute public education materials;
- 5 11. Police powers of wildlife and marine officers;
- 6 12. Establishment of citizen support organizations to
7 provide assistance, funding, and promotional support for
8 programs of the commission;
- 9 13. Creation of the Voluntary Authorized Hunter
10 Identification Program; and
- 11 14. Regulation of required clothing of persons hunting
12 deer.
- 13 (d) The commission is directed to provide a report on
14 the development and implementation of its adequate due process
15 provisions to the President of the Senate, the Speaker of the
16 House of Representatives, and the appropriate substantive
17 committees of the House of Representatives and the Senate no
18 later than December 1, 1999.
- 19 (8) Comments submitted by the commission to a
20 permitting agency for applications for permits, licenses, or
21 authorizations impacting the commission's jurisdiction must be
22 based on credible, factual scientific data, and must be
23 received by the permitting agency within the time specified by
24 applicable statutes or rules, or within 30 days, whichever is
25 shorter. Comments provided by the commission are not binding
26 on the permitting agency. Should a permitting agency use the
27 commission's comments as a condition of denial, approval, or
28 modification of a proposed permit, license, or authorization,
29 any party to an administrative proceeding involving such
30 proposed action may require the commission to join as a party
31 in determining the validity of the condition. In any action

1 where the commission is joined as a party, the commission
2 shall only bear the actual cost of defending the validity of
3 the credible, factual scientific data used as a basis for its
4 comments.

5 (9) Shall acquire, in the name of the state, lands and
6 waters suitable for the protection, improvement, and
7 restoration of marine life, wildlife resources, and freshwater
8 aquatic life resources by purchase, lease, gift or otherwise,
9 using state, federal, or other sources of funding. Lands
10 acquired under this section shall be managed for recreation
11 and other multiple-use activities that do not impede the
12 commission's ability to perform its constitutional and
13 statutory responsibilities and duties.

14 (10) May require any employee of the commission to
15 give a bond for the faithful performance of duties. The
16 commission may determine the amount of the bond and must
17 approve the bond. In determining the amount of the bond, the
18 commission may consider the amount of money or property likely
19 to be in custody of the officer or employee at any one time.
20 The premiums for the bond must be paid out of the funds of the
21 commission.

22 Section 2. The Game and Fresh Water Fish Commission is
23 transferred to the Fish and Wildlife Conservation Commission
24 by a type two transfer, as defined in s. 20.06(2), Florida
25 Statutes.

26 Section 3. The Marine Fisheries Commission is
27 transferred to the Fish and Wildlife Conservation Commission
28 by a type two transfer, as defined in s. 20.06(2), Florida
29 Statutes.

30 Section 4. (1) The Bureau of Environmental Law
31 Enforcement, the Bureau of Administrative Support, the Bureau

1 of Operational Support, and the Office of Enforcement Planning
2 and Policy Coordination within the Division of Law Enforcement
3 at the Department of Environmental Protection, together with
4 the positions assigned to these specified bureaus and offices
5 as of February 1, 1999, are transferred to the Fish and
6 Wildlife Conservation Commission by a type two transfer, as
7 defined in s. 20.06(2), Florida Statutes, except for:
8 (a) Any administrative support positions and equipment
9 within the Bureau of Administrative Support and the Bureau of
10 Operational Support assigned to support the Bureau of
11 Emergency Response and the Office of Environmental
12 Investigations within the Division of Law Enforcement at the
13 Department of Environmental Protection as of February 1, 1999;
14 (b) Any sworn positions classified as Investigator I
15 or Investigator II positions within the different program
16 components of the Division of Law Enforcement at the
17 Department of Environmental Protection as of February 1, 1999.
18 It is the intent of the Legislature that these Investigator I
19 and Investigator II positions shall be reassigned to the
20 Office of Environmental Investigations remaining within the
21 Department of Environmental Protection;
22 (c) Any sworn positions assigned to the Office of the
23 Director of the Division of Law Enforcement as of February 1,
24 1999; and
25 (d) All sworn positions assigned to the Florida Park
26 Patrol within the Division of Law Enforcement at the
27 Department of Environmental Protection as of February 1, 1999.
28 (2) It is the intent of the Legislature that the sworn
29 positions assigned to the Uniform Patrol, Inspections, and
30 Boating Safety program components of the Division of Law
31 Enforcement at the Department of Environmental Protection as

1 of February 1, 1999, shall be assigned to the Bureau of Marine
2 Enforcement with the Division of Law Enforcement at the Fish
3 and Wildlife Conservation Commission.

4 (3) It is the intent of the Legislature that the sworn
5 positions assigned to the Aviation program component of the
6 Bureau of Environmental Law Enforcement at the Department of
7 Environmental Protection as of February 1, 1999, shall be
8 assigned to the Division of Law Enforcement at the Fish and
9 Wildlife Conservation Commission.

10 (4) It is the intent of the Legislature that no duties
11 or responsibilities relating to boating safety shall remain in
12 the Department of Environmental Protection.

13 Section 5. (1) The Office of Fisheries Management and
14 Assistance Services, the Bureau of Protected Species
15 Management, and the Florida Marine Research Institute with the
16 Division of Marine Resources at the Department of
17 Environmental Protection, together with the positions assigned
18 to the specified office, bureau, and institute as of February
19 1, 1999, are transferred to the Fish and Wildlife Conservation
20 Commission by a type two transfer, as defined in s. 20.06(2),
21 Florida Statutes.

22 (2) It is the intent of the Legislature that the
23 Office of Fisheries Management and Assistance Services at the
24 Department of Environmental Protection be assigned to the
25 Division of Marine Fisheries at the Fish and Wildlife
26 Conservation Commission.

27 (3) It is the intent of the Legislature that the
28 Florida Marine Research Institute at the Department of
29 Environmental Protection be established as a separate budget
30 entity within the Fish and Wildlife Conservation Commission,
31

1 and assigned to the Office of the Executive Director for
2 administrative purposes.

3 (4) It is the intent of the Legislature that the
4 Bureau of Protected Species Management at the Department of
5 Environmental Protection be assigned as a bureau to the Office
6 of Environmental Services within the commission.

7 Section 6. Within the Department of Environmental
8 Protection, the Office of Environmental Investigations, the
9 Florida Park Patrol, and the Bureau of Emergency Response are
10 assigned to the Office of Environmental Law Enforcement within
11 the office of the secretary.

12 Section 7. The Bureau of Marine Resource Regulation
13 and Development at the Department of Environmental Protection,
14 and the positions assigned to the bureau effective February 1,
15 1999, are transferred to the Division of Aquaculture at
16 Department of Agriculture and Consumer Services by a type one
17 transfer, as defined in s. 20.06(1), Florida Statutes, except
18 for the one position within the Bureau of Marine Resource
19 Regulation and Development directly associated with submerged
20 land leasing, which shall be transferred to the Division of
21 State Lands within the Department of Environmental Protection.
22 Water quality data collected by the Division of Aquaculture
23 with the Department of Agriculture and Consumer Services are
24 to be shared with the Division of Water Resource Management
25 within the Department of Environmental Protection.

26 Section 8. Subsections (2) and (6) of section 20.255,
27 Florida Statutes, 1998 Supplement, are amended, and
28 subsections (7), (8), and (9) are added to said section, to
29 read:

30 20.255 Department of Environmental Protection.--There
31 is created a Department of Environmental Protection.

1 (2)(a) There shall be two deputy secretaries and an
2 executive coordinator for ecosystem management who are to be
3 appointed by and shall serve at the pleasure of the secretary.
4 The secretary may assign either deputy secretary the
5 responsibility to supervise, coordinate, and formulate policy
6 for any division, office, or district. The following special
7 offices are established and headed by managers, each of whom
8 is to be appointed by and serve at the pleasure of the
9 secretary:

- 10 1. Office of General Counsel,
- 11 2. Office of Inspector General,
- 12 3. Office of Communication, the latter including
13 public information, legislative liaison, cabinet liaison and
14 special projects,
- 15 4. Office of Water Policy,
- 16 5. Office of Intergovernmental Programs,
- 17 6. Office of Ecosystem Planning and Coordination,
- 18 7. Office of Environmental Education,
- 19 8. Office of Greenways and Trails, and an ~~Office of~~
20 ~~the Youth Corps.~~
- 21 9. Office of Environmental Law Enforcement.

22 (b) The executive coordinator for ecosystem management
23 shall coordinate policy within the department to assure the
24 implementation of the ecosystem management provisions of
25 chapter 93-213, Laws of Florida. The executive coordinator for
26 ecosystem management shall supervise only the Office of Water
27 Policy, the Office of Intergovernmental Programs, the Office
28 of Ecosystem Planning and Coordination, and the Office of
29 Environmental Education. The executive coordinator for
30 ecosystem management may also be delegated authority by the
31 secretary to act on behalf of the secretary; this authority

1 may include the responsibility to oversee the inland
2 navigation districts.

3 (c) The other special offices not supervised by the
4 executive coordinator for ecosystem management shall report to
5 the secretary; however, with the exception of the Office of
6 Environmental Law Enforcement, the secretary may assign them,
7 for daily coordination purposes, to report through a senior
8 manager other than the secretary.

9 (d) There shall be six administrative districts
10 involved in regulatory matters of waste management, water
11 facilities, wetlands, and air resources, which shall be headed
12 by managers, each of whom is to be appointed by and serve at
13 the pleasure of the secretary. Divisions of the department may
14 have one assistant or two deputy division directors, as
15 required to facilitate effective operation.

16
17 The managers of all divisions and offices specifically named
18 in this section and the directors of the six administrative
19 districts are exempt from part II of chapter 110 and are
20 included in the Senior Management Service in accordance with
21 s. 110.205(2)(i). No other deputy secretaries or senior
22 management positions at or above the division level, except
23 those established in chapter 110, may be created without
24 specific legislative authority.

25 (6) The following divisions of the Department of
26 Environmental Protection are established:

27 (a) Division of Administrative and Technical Services.

28 (b) Division of Air Resource Management.

29 (c) Division of Water Resource Management ~~Facilities~~.

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

31

1 ~~(d)(e)~~ Division of Resource Assessment and Management
2 ~~Marine Resources~~.

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

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

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

9 ~~(i) Division of Environmental Resource Permitting.~~

10
11 In order to ensure statewide and intradepartmental
12 consistency, the department's divisions shall direct the
13 district offices and bureaus on matters of interpretation and
14 applicability of the department's rules and programs.

15 (7) Law enforcement officers of the Department of
16 Environmental Protection who meet the provisions of s. 943.13
17 are constituted law enforcement officers of this state with
18 full power to investigate and arrest for any violation of the
19 laws of this state, and the rules of the department and the
20 Board of Trustees of the Internal Improvement Trust Fund. The
21 general laws applicable to investigations, searches, and
22 arrests by peace officers of this state apply to such law
23 enforcement officers.

24 (8) Records and documents of the Department of
25 Environmental Protection shall be retained by the department
26 as specified in record retention schedules established under
27 the general provisions of chapters 119 and 257. Further, the
28 department is authorized to:

29 (a) Destroy, or otherwise dispose of, those records
30 and documents in conformity with the approved retention
31 schedules.

1 (b) Photograph, microphotograph, or reproduce such
2 records and documents on film, as authorized and directed by
3 the approved retention schedules, whereby each page will be
4 exposed in exact conformity with the original records and
5 documents retained in compliance with the provisions of this
6 section. Photographs or microphotographs in the form of film
7 or print of any records, made in compliance with the
8 provisions of this section, shall have the same force and
9 effect as the originals thereof would have and shall be
10 treated as originals for the purpose of their admissibility in
11 evidence. Duly certified or authenticated reproductions of
12 such photographs or microphotographs shall be admitted in
13 evidence equally with the original photographs or
14 microphotographs. The impression of the seal of the
15 Department of Environmental Protection on a certificate made
16 by the department and signed by the Secretary of Environmental
17 Protection entitles the certificate to be received in all
18 courts and in all proceedings in this state and is prima facie
19 evidence of all factual matters set forth in the certificate.
20 A certificate may relate to one or more records as set forth
21 in the certificate or in a schedule attached to the
22 certificate.

23 (9) The Department of Environmental Protection may
24 require that bond be given by any employee of the department,
25 payable to the Governor of the state and the Governor's
26 successor in office, for the use and benefit of those whom it
27 concerns, in such penal sums and with such good and sufficient
28 surety or sureties as are approved by the department,
29 conditioned upon the faithful performance of the duties of the
30 employee.

31

1 Section 9. Subsection (2) of section 20.14, Florida
2 Statutes, is amended to read:

3 20.14 Department of Agriculture and Consumer
4 Services.--There is created a Department of Agriculture and
5 Consumer Services.

6 (2) The following divisions of the Department of
7 Agriculture and Consumer Services are established:

8 (a) Administration.

9 (b) Agricultural Environmental Services.

10 (c) Animal Industry.

11 (d) Aquaculture.

12 ~~(e)(d)~~ Consumer Services.

13 ~~(f)(e)~~ Dairy Industry.

14 (g)(f) Food Safety.

15 ~~(h)(g)~~ Forestry.

16 (i)(h) Fruit and Vegetables.

17 ~~(j)(i)~~ Marketing and Development.

18 ~~(k)(j)~~ Plant Industry.

19 (l)(k) Standards.

20 Section 10. Except where otherwise specified in law,
21 all revenues derived from the sale of permits and licenses
22 pursuant to ss. 370.06 and 370.0605, Florida Statutes, and all
23 federal funds received by the State of Florida as a match to
24 the aforementioned state revenues, are to be appropriated by
25 the Legislature to the Fish and Wildlife Conservation
26 Commission, to be used for the purposes specified in law.

27 Section 11. Except where otherwise specified in law,
28 all revenues derived from the sale of permits and licenses
29 pursuant to ss. 372.16, 372.561, 372.57, 372.5705, 372.60,
30 372.65, 372.651, 372.66, 372.661, 372.6673, 372.6674,
31 372.7015, 372.87, and 372.921, Florida Statutes, and all

1 federal funds received by the State of Florida as a match to
2 the aforementioned state revenues, are to be appropriated by
3 the Legislature to the Fish and Wildlife Conservation
4 Commission, to be used for the purposes specified in law.

5 Section 12. The total amount of funds expended by the
6 Fish and Wildlife Conservation Commission for all operating
7 budget categories combined may not exceed:

8 (1) In fiscal year 2000-2001, 95 percent, and

9 (2) In fiscal year 2001-2002, 90 percent,

10
11 of the total operating budget appropriated for fiscal year
12 1999-2000 to the Fish and Wildlife Conservation Commission.

13 Section 13. The Executive Office of the Governor shall
14 appoint a working group comprised of three representatives
15 each of the Department of Environmental Protection and the
16 Fish and Wildlife Conservation Commission to develop a
17 recommended plan addressing the transfer of, or where
18 appropriate the shared use of, buildings, regional offices,
19 and other facilities used or owned by the department to
20 conduct activities for which the commission is responsible as
21 of July 1, 1999. The working group also shall include three
22 representatives of the Department of Agriculture and Consumer
23 Services in developing that portion of the plan addressing the
24 transfer or shared use of facilities used currently by the
25 Bureau of Marine Resource Regulation and Development. The
26 recommended plan is due March 1, 2000, to the Governor, the
27 President of the Senate, and the Speaker of the House of
28 Representatives. The Executive Office of the Governor shall
29 consider the working group's recommended plan in determining
30 which buildings, regional offices, and other facilities should

31

1 be transferred to the commission, and which ones where shared
2 use is appropriate.

3 Section 14. The Governor shall appoint a staff member
4 from the Office of Planning and Budgeting to assist in
5 implementing adjustments, as necessary, in the operating
6 budgets of the Fish and Wildlife Conservation Commission and
7 the Department of Environmental Protection during fiscal year
8 1999-2000. Adjustments to the operating budgets of either
9 agency in connection with the implementation of this act shall
10 be made in consultation with the appropriate substantive and
11 fiscal committee staffs of the House of Representatives and
12 the Senate.

13 Section 15. The executive director of the Fish and
14 Wildlife Conservation Commission and the secretary of the
15 Department of Environmental Protection shall develop and adopt
16 an operating agreement and an annual work plan to accomplish
17 responsibilities shared between the agencies.

18 (1) The operating agreement shall be completed by no
19 later than January 31, 2000, and shall detail commission law
20 enforcement responsibilities for emergency response. Until
21 the operating plan has been completed and adopted, the
22 department may call upon the commission for emergency response
23 and the commission is directed to respond to said requests.

24 (2) The work plan shall be submitted by August 1,
25 1999, to the Governor, the Speaker of the House of
26 Representatives, and the President of the Senate and may
27 include recommendations for facilitating department law
28 enforcement and emergency response needs, the research
29 priorities of the Florida Marine Research Institute, and the
30 needs of other appropriate department programs.

31

1 (3) A memorandum of agreement will be developed
2 between the Department of Environmental Protection and the
3 Fish and Wildlife Conservation Commission which will detail
4 the responsibilities of the Florida Marine Research Institute
5 to the department, to include, at a minimum, the following
6 services:

7 (a) Environmental monitoring and assessment.

8 (b) Restoration research and development of
9 restoration technology.

10 (c) Technical support and response for oil spills,
11 ship groundings, major marine species die offs, hazardous
12 spills, and natural disasters.

13 Section 16. Subsection (1) of section 206.606, Florida
14 Statutes, 1998 Supplement, as amended by chapter 98-114, Laws
15 of Florida, is amended to read:

16 206.606 Distribution of certain proceeds.--

17 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
18 206.87(1)(e) shall be deposited in the Fuel Tax Collection
19 Trust Fund. Such moneys, after deducting the service charges
20 imposed by s. 215.20, the refunds granted pursuant to s.
21 206.41, and the administrative costs incurred by the
22 department in collecting, administering, enforcing, and
23 distributing the tax, which administrative costs may not
24 exceed 2 percent of collections, shall be distributed monthly
25 to the State Transportation Trust Fund, except that:

26 (a) ~~\$6.30~~\$7.55 million shall be transferred to the
27 Department of Environmental Protection in each fiscal year
28 ~~and. The transfers must be made in equal monthly amounts~~
29 ~~beginning on July 1 of each fiscal year. \$1.25 million of the~~
30 ~~amount transferred shall be deposited annually in the Marine~~
31 ~~Resources Conservation Trust Fund and must be used by the~~

1 ~~department to fund special projects to provide recreational~~
2 ~~channel marking, public launching facilities, and other~~
3 ~~boating-related activities. The department shall annually~~
4 ~~determine where unmet needs exist for boating-related~~
5 ~~activities, and may fund such activities in counties where,~~
6 ~~due to the number of vessel registrations, insufficient~~
7 ~~financial resources are available to meet total water resource~~
8 ~~needs. The remaining proceeds of the annual transfer shall be~~
9 deposited in the Aquatic Plant Control Trust Fund to ~~and must~~
10 be used for aquatic plant management, including nonchemical
11 control of aquatic weeds, research into nonchemical controls,
12 and enforcement activities. Beginning in fiscal year
13 1993-1994, the department shall allocate at least \$1 million
14 of such funds to the eradication of melaleuca.

15 (b) \$2.5~~\$1.25~~ million shall be transferred to the
16 State Game Trust Fund in the Fish and Wildlife Conservation
17 ~~Game and Fresh Water Fish~~ Commission in each fiscal year and
18 used for recreational boating activities, and fresh water
19 fisheries management and research. The transfers must be made
20 in equal monthly amounts beginning on July 1 of each fiscal
21 year. The commission shall annually determine where unmet
22 needs exist for boating-related activities, and may fund such
23 activities in counties where, due to the number of vessel
24 registrations, sufficient financial resources are unavailable.

25 1. A minimum of \$1.25 million shall be used to fund
26 local projects to provide recreational channel marking, public
27 launching facilities, aquatic plant control, and other local
28 boating related activities. In funding the projects, the
29 commission shall give priority consideration as follows:

30 a. Unmet needs in counties with populations of 100,000
31 or less.

1 b. Unmet needs in coastal counties with a high level
2 of boating related activities from individuals residing in
3 other counties.

4 2. The remaining \$1.25 million may be used for
5 recreational boating activities, and freshwater fisheries
6 management and research.

7 3. The commission is authorized to adopt rules
8 pursuant to ss. 120.54 and 120.536(1) to implement a Florida
9 Boating Improvement Program similar to the program
10 administered by the Department of Environmental Protection and
11 established in Rule 62-D.5031 - 62-D.5036, of the Florida
12 Administrative Code to determine projects eligible for funding
13 under this subsection.

14
15 On February 1 of each year, the commission shall file an
16 annual report with the President of the Senate and the Speaker
17 of the House of Representatives outlining the status of its
18 Florida Boating Improvement Program, including the projects
19 funded, and a list of counties whose needs are unmet due to
20 insufficient financial resources from vessel registration
21 fees., and must be used for recreational boating activities of
22 a type consistent with projects eligible for funding under the
23 Florida Boating Improvement Program administered by the
24 Department of Environmental Protection, and freshwater
25 fisheries management and research.

26 (c) 0.65 percent of moneys collected pursuant to s.
27 206.41(1)(g) shall be transferred to the Agricultural
28 Emergency Eradication Trust Fund.

29 Section 17. Paragraph (b) of subsection (1) of section
30 320.08058, Florida Statutes, 1998 Supplement, as amended by
31

1 section 7 of chapter 98-414, Laws of Florida, is amended to
2 read:

3 320.08058 Specialty license plates.--

4 (1) MANATEE LICENSE PLATES.--

5 (b) The manatee license plate annual use fee must be
6 deposited into the Save the Manatee Trust Fund, created within
7 the Fish and Wildlife Conservation Commission ~~Department of~~
8 ~~Environmental Protection~~. The funds deposited in the Save the
9 Manatee Trust Fund may be used only for manatee-related
10 environmental education; manatee research; facilities, as
11 provided in s. 370.12(4)~~(5)~~(b); and manatee protection and
12 recovery.

13 Section 18. Subsection (19) of section 320.08058,
14 Florida Statutes, 1998 Supplement, is amended to read:

15 320.08058 Specialty license plates.--

16 (19) SEA TURTLE LICENSE PLATES.--

17 (a) The department shall develop a Sea Turtle license
18 plate as provided in this section. The word "Florida" must
19 appear at the top of the plate, the words "Helping Sea Turtles
20 Survive" must appear at the bottom of the plate, and the image
21 of a sea turtle must appear in the center of the plate.

22 (b) The annual use fees shall be deposited in the
23 Marine Resources Conservation Trust Fund in the Fish and
24 Wildlife Conservation Commission ~~Florida Department of~~
25 ~~Environmental Protection~~. The first \$500,000 in annual revenue
26 shall be used by the Florida Marine Turtle Protection Program
27 to conduct sea turtle protection, research, and recovery
28 programs. The remaining annual use proceeds shall be used by
29 the commission ~~Department of Environmental Protection~~ for sea
30 turtle conservation activities, except that up to 30 percent
31 of the remaining annual use fee proceeds shall be annually

1 ~~disbursed~~ ~~dispersed~~ through the marine turtle grants program
2 as provided in s. 370.12(1)(h).

3 Section 19. Present subsection (5) of section 327.02,
4 Florida Statutes, 1998 Supplement, is redesignated as
5 subsection (6), present subsection (6) is repealed, subsection
6 (7) is amended, and new subsection (5) is added to that
7 section to read:

8 327.02 Definitions of terms used in this chapter and
9 in chapter 328.--As used in this chapter and in chapter 328,
10 unless the context clearly requires a different meaning, the
11 term:

12 (5) "Commission" means the Fish and Wildlife
13 Conservation Commission.

14 (7) "Division" means the Division of Law Enforcement
15 of the Fish and Wildlife Conservation Commission ~~Department of~~
16 ~~Environmental Protection.~~

17 Section 20. Paragraphs (b) and (c) of subsection (2)
18 and subsection (17) of section 327.25, Florida Statutes, are
19 amended to read:

20 327.25 Classification; registration; fees and charges;
21 surcharge; disposition of fees; fines; marine turtle
22 stickers.--

23 (2) ANTIQUE VESSEL REGISTRATION FEE.--

24 (b) The registration number for an antique vessel
25 shall be permanently attached to each side of the forward half
26 of the vessel ~~affixed on the forward half of the hull or on~~
27 ~~the port side of the windshield~~ according to ss. 327.11 and
28 327.14.

29 (c) The Department of Highway Safety and Motor
30 Vehicles may issue a decal identifying the vessel as an
31 antique vessel. The decal shall be displayed as provided in

1 ~~ss. 327.11 and 327.14 placed within 3 inches of the~~
2 ~~registration number.~~

3 (17) MARINE TURTLE STICKER.--The Department of Highway
4 Safety and Motor Vehicles ~~Environmental Protection~~ shall offer
5 for sale with vessel registrations a waterproof sticker in the
6 shape of a marine turtle at an additional cost of \$5, the
7 proceeds of which shall be deposited in the Marine Resources
8 Conservation Trust Fund to be used for marine turtle
9 protection, research, and recovery efforts pursuant to the
10 provisions of s. 370.12(1).

11 Section 21. Section 327.26, Florida Statutes, is
12 amended to read:

13 327.26 Stickers or emblems for the Save the Manatee
14 Trust Fund.--The commission ~~department~~ shall prepare stickers
15 or emblems signifying support for the Save the Manatee Trust
16 Fund which shall be given to persons who contribute to the
17 Save the Manatee Trust Fund as provided in s. 327.25. The
18 commission ~~department~~ may accept stickers or emblems donated
19 by any governmental or nongovernmental entity for the purposes
20 of this section.

21 Section 22. Subsection (2) of section 327.28, Florida
22 Statutes, is amended to read:

23 327.28 Marine Resources Conservation Trust Fund;
24 vessel registration funds; appropriation and distribution.--

25 (2) All funds collected pursuant to s. 370.06(2) shall
26 be deposited in the Marine Resources Conservation Trust Fund.
27 Such funds shall be used to pay the cost of implementing the
28 saltwater products license program. Additional proceeds from
29 the licensing revenue shall be distributed among the following
30 program functions:

31

1 ~~(a) No more than 15 percent nor less than the amount~~
2 ~~deposited in the former Marine Fisheries Commission Trust Fund~~
3 ~~pursuant to this subsection in fiscal year 1987-1988 shall go~~
4 ~~to the Marine Fisheries Commission for its operations;~~

5 (a)~~(b)~~ No more than 15 percent shall go to marine law
6 enforcement;

7 (b)~~(c)~~ No more than 25 percent shall go to the Florida
8 Saltwater Products Promotion Trust Fund within the Department
9 of Agriculture and Consumer Services for the purpose of
10 providing marketing and extension services including industry
11 information and education; and

12 (c)~~(d)~~ The remainder, ~~but at least 45 percent,~~ shall
13 go to the Fish and Wildlife Conservation Commission Division
14 ~~of Marine Resources~~, for use in marine research and statistics
15 development, including quota management.

16 Section 23. Subsection (2) of section 327.30, Florida
17 Statutes, is amended to read:

18 327.30 Collisions, accidents, and casualties.--

19 (2) In the case of collision, accident, or other
20 casualty involving a vessel in or upon or entering into or
21 exiting from the water, including capsizing, collision with
22 another vessel or object, sinking, personal injury requiring
23 medical treatment beyond immediate first aid, death,
24 disappearance of any person from on board under circumstances
25 which indicate the possibility of death or injury, or damage
26 to any vessel or other property in an apparent aggregate
27 amount of at least \$500, the operator shall without delay, by
28 the quickest means available give notice of the accident to
29 one of the following agencies: the Division of Law
30 Enforcement of the Fish and Wildlife Conservation Commission;
31 ~~the Game and Fresh Water Fish Commission;~~ the sheriff of the

1 county within which the accident occurred; or the police chief
2 of the municipality within which the accident occurred, if
3 applicable.

4 Section 24. Subsection (5) of section 327.35215,
5 Florida Statutes, 1998 Supplement, is amended to read:

6 327.35215 Penalty for failure to submit to test.--

7 (5) Moneys collected by the clerk of the court
8 pursuant to this section shall be disposed of in the following
9 manner:

10 (a) If the arresting officer was employed or appointed
11 by a state law enforcement agency except the Fish and Wildlife
12 Conservation ~~Game and Fresh Water Fish~~ Commission, the moneys
13 shall be deposited into the Marine Resources Conservation
14 Trust Fund.

15 (b) If the arresting officer was employed or appointed
16 by a county or municipal law enforcement agency, the moneys
17 shall be deposited into the law enforcement trust fund of that
18 agency.

19 (c) If the arresting officer was employed or appointed
20 by the Fish and Wildlife Conservation ~~Game and Fresh Water~~
21 ~~Fish~~ Commission, the money shall be deposited into the State
22 Game Trust Fund.

23 Section 25. Section 327.395, Florida Statutes, is
24 amended to read:

25 327.395 Boating safety identification cards.--

26 (1) Until October 1, 2001, a person born after
27 September 30, 1980, and on or after October 1, 2001, a person
28 21 years of age or younger may not operate a vessel powered by
29 a motor of 10 horsepower or greater unless such person has in
30 his or her possession aboard the vessel photographic
31

1 identification and a boater safety identification card issued
2 by the commission ~~department~~ which shows that he or she has:
3 (a) Completed a commission-approved
4 ~~department-approved~~ boater education course that meets the
5 minimum 8-hour instruction requirement established by the
6 National Association of State Boating Law Administrators;
7 (b) Passed a course equivalency examination approved
8 by the commission ~~department~~; or
9 (c) Passed a temporary certificate examination
10 developed or approved by the commission ~~department~~.
11 (2) Any person may obtain a boater safety
12 identification card by complying with the requirements of this
13 section.
14 (3) The commission ~~department~~ may appoint liveries,
15 marinas, or other persons as its agents to administer the
16 course, course equivalency examination, or temporary
17 certificate examination and issue identification cards under
18 guidelines established by the commission ~~department~~. An agent
19 must charge the \$2 examination fee, which must be forwarded to
20 the commission ~~department~~ with proof of passage of the
21 examination and may charge and keep a \$1 service fee.
22 (4) An identification card issued to a person who has
23 completed a boating education course or a course equivalency
24 examination is valid for life. A card issued to a person who
25 has passed a temporary certification examination is valid for
26 12 months from the date of issuance.
27 (5) A person is exempt from subsection (1) if he or
28 she:
29 (a) Is licensed by the United States Coast Guard to
30 serve as master of a vessel.
31 (b) Operates a vessel only on a private lake or pond.

1 (c) Is accompanied in the vessel by a person who is
2 exempt from this section or who holds an identification card
3 in compliance with this section, is 18 years of age or older,
4 and is attendant to the operation of the vessel and
5 responsible for any violation that occurs during the
6 operation.

7 (d) Is a nonresident who has in his or her possession
8 proof that he or she has completed a boater education course
9 or equivalency examination in another state which meets or
10 exceeds the requirements of subsection (1).

11 (e) Is exempted by rule of the commission ~~department~~.

12 (6) A person who violates this section is guilty of a
13 noncriminal infraction, punishable as provided in s. 327.73.

14 (7) The commission ~~department~~ shall design forms and
15 adopt rules to administer this section. Such rules shall
16 include provision for educational and other public and private
17 entities to offer the course and administer examinations.

18 (8) The commission ~~department~~ shall institute and
19 coordinate a statewide program of boating safety instruction
20 and certification to ensure that boating courses and
21 examinations are available in each county of the state.

22 (9) The commission ~~department~~ is authorized to
23 establish and to collect a \$2 examination fee to cover
24 administrative costs.

25 (10) The commission is authorized to adopt rules
26 pursuant to chapter 120 to implement the provisions of this
27 section.

28 Section 26. Section 327.41, Florida Statutes, is
29 amended to read:

30 327.41 Uniform waterway regulatory markers.--
31

- 1 (1) The Fish and Wildlife Conservation Commission
2 ~~Department of Environmental Protection~~ shall adopt rules and
3 regulations pursuant to chapter 120 establishing a uniform
4 system of regulatory markers for the Florida Intracoastal
5 Waterway, compatible with the system of regulatory markers
6 prescribed by the United States Coast Guard, and shall give
7 due regard to the System of Uniform Waterway Markers approved
8 by the Advisory Panel of State Officials to the Merchant
9 Marine Council, United States Coast Guard.
- 10 (2) Any county or municipality which has been granted
11 a restricted area designation, pursuant to s. 327.46, for a
12 portion of the Florida Intracoastal Waterway within its
13 jurisdiction may apply to the Fish and Wildlife Conservation
14 Commission ~~Department of Environmental Protection~~ for
15 permission to place regulatory markers within the restricted
16 area.
- 17 (3) Application for placing regulatory markers on the
18 Florida Intracoastal Waterway shall be made to the Division of
19 Marine Resources, accompanied by a map locating the
20 approximate placement of the markers, a statement of the
21 specification of the markers, a statement of purpose of the
22 markers, and a statement of the city or county responsible for
23 the placement and upkeep of the markers.
- 24 (4) No person or municipality, county, or other
25 governmental entity shall place any regulatory markers in, on,
26 or over the Florida Intracoastal Waterway without a permit
27 from the Division of Marine Resources.
- 28 (5) Aquaculture leaseholds shall be marked as required
29 by this section, and the commission ~~department~~ may approve
30 alternative marking requirements as a condition of the lease
31 pursuant to s. 253.68. The provisions of this section

1 notwithstanding, no permit shall be required for the placement
2 of markers required by such a lease.

3 (6) The commission is authorized to adopt rules
4 pursuant to chapter 120 to implement the provisions of this
5 section.

6 Section 27. Section 327.43, Florida Statutes, is
7 amended to read:

8 327.43 Silver Glen Run and Silver Glen Springs;
9 navigation channel; anchorage buoys; violations.--

10 (1) The Fish and Wildlife Conservation Commission
11 ~~Department of Environmental Protection~~ is hereby directed to
12 mark a navigation channel within Silver Glen Run and Silver
13 Glen Springs, located on the western shore of Lake George on
14 the St. Johns River.

15 (2) The commission ~~department~~ is further directed to
16 establish permanent anchorage buoys within Silver Glen Run and
17 Silver Glen Springs.

18 (3) Vessel anchorage or mooring shall only be allowed
19 utilizing permanently established anchorage buoys. No vessel
20 shall anchor or otherwise attach, temporarily or permanently,
21 to the bottom within Silver Glen Run or Silver Glen Springs.

22 (4) Any violation of this act shall constitute a
23 violation of the boating laws of this state and shall be
24 punishable by issuance of a uniform boating citation as
25 provided in s. 327.74. Any person who refuses to post a bond
26 or accept and sign a uniform boating citation, as provided in
27 s. 327.73(3), commits a misdemeanor of the second degree,
28 punishable as provided in s. 775.082 or s. 775.083.

29 Section 28. Subsection (1) of section 327.46, Florida
30 Statutes, is amended to read:

31 327.46 Restricted areas.--

1 (1) The commission ~~department~~ shall have the authority
2 for establishing, by rule pursuant to chapter 120, restricted
3 areas on the waters of the state for any purpose deemed
4 necessary for the safety of the public, including, but not
5 limited to, boat speeds and boat traffic where such
6 restrictions are deemed necessary based on boating accidents,
7 visibility, tides, congestion, or other navigational hazards.
8 Each such restricted area shall be developed in consultation
9 and coordination with the governing body of the county or
10 municipality in which the restricted area is located and,
11 where required, with the United States Army Corps of
12 Engineers. Restricted areas shall be established in
13 accordance with procedures under chapter 120.

14 Section 29. Section 327.48, Florida Statutes, is
15 amended to read:

16 327.48 Regattas, races, marine parades, tournaments,
17 or exhibitions.--Any person directing the holding of a
18 regatta, tournament, or marine parade or exhibition shall
19 secure a permit from the Coast Guard when such event is held
20 in navigable waters of the United States. A person directing
21 any such affair in any county shall notify the sheriff of the
22 county or, the Fish and Wildlife Conservation Commission ~~Game~~
23 ~~and Fresh Water Fish Commission, or the department~~ at least 15
24 days prior to any event in order that appropriate arrangements
25 for safety and navigation may be assured. Any person or
26 organization sponsoring a regatta or boat race, marine parade,
27 tournament, or exhibition shall be responsible for providing
28 adequate protection to the participants, spectators, and other
29 users of the water.

30 Section 30. Subsections (1) and (3) of section 327.70,
31 Florida Statutes, are amended to read:

1 327.70 Enforcement of this chapter and chapter 328.--

2 (1) This chapter and chapter 328 shall be enforced by
3 the Division of Law Enforcement of the Fish and Wildlife
4 Conservation ~~department and its officers, the Game and Fresh~~
5 ~~Water Fish~~ Commission and its officers, the sheriffs of the
6 various counties and their deputies, and any other authorized
7 law enforcement officer, all of whom may order the removal of
8 vessels deemed to be an interference or a hazard to public
9 safety, enforce the provisions of this chapter and chapter
10 328, or cause any inspections to be made of all vessels in
11 accordance with this chapter and chapter 328.

12 (3) The Fish and Wildlife Conservation Commission
13 ~~department~~ or any other law enforcement agency may make any
14 investigation necessary to secure information required to
15 carry out and enforce the provisions of this chapter and
16 chapter 328.

17 Section 31. Section 327.71, Florida Statutes, is
18 amended to read:

19 327.71 Exemption.--The commission ~~department~~ may, if
20 it finds that federal law imposes less restrictive
21 requirements than provided herein or if it determines that
22 boating safety will not be adversely affected, issue temporary
23 exemptions from any provision of this chapter or rules
24 established hereunder, on such terms and conditions as it
25 considers appropriate.

26 Section 32. Subsections (1) and (3) of section
27 327.731, Florida Statutes, 1998 Supplement, are amended to
28 read:

29 327.731 Mandatory education for violators.--

30 (1) Every person convicted of a criminal violation of
31 this chapter, every person convicted of a noncriminal

1 infraction under this chapter if the infraction resulted in a
2 reportable boating accident, and every person convicted of two
3 noncriminal infractions as defined in s. 327.73(1)(h) through
4 (k), (m) through (p), (s), and (t), said infractions occurring
5 within a 12-month period, must:

6 (a) Enroll in, attend, and successfully complete, at
7 his or her own expense, a boating safety course that meets
8 minimum standards established by the commission ~~department~~ by
9 rule; however, the commission ~~department~~ may provide by rule
10 pursuant to chapter 120 for waivers of the attendance
11 requirement for violators residing in areas where classroom
12 presentation of the course is not available;

13 (b) File with the commission ~~department~~ within 90 days
14 proof of successful completion of the course;

15 (c) Refrain from operating a vessel until he or she
16 has filed the proof of successful completion of the course
17 with the commission ~~department~~.

18
19 Any person who has successfully completed an approved boating
20 course shall be exempt from these provisions upon showing
21 proof to the commission ~~department~~ as specified in paragraph
22 (b).

23 (3) The commission ~~department~~ shall print on the
24 reverse side of the defendant's copy of the boating citation a
25 notice of the provisions of this section. Upon conviction, the
26 clerk of the court shall notify the defendant that it is
27 unlawful for him or her to operate any vessel until he or she
28 has complied with this section, but failure of the clerk of
29 the court to provide such a notice shall not be a defense to a
30 charge of unlawful operation of a vessel under subsection (2).

31

1 Section 33. Subsections (1), (2), (4), (6), and (10)
2 of section 327.74, Florida Statutes, are amended to read:

3 327.74 Uniform boating citations.--

4 (1) The commission ~~department~~ shall prepare, and
5 supply to every law enforcement agency in this state which
6 enforces the laws of this state regulating the operation of
7 vessels, an appropriate form boating citation containing a
8 notice to appear (which shall be issued in prenumbered books
9 with citations in quintuplicate) and meeting the requirements
10 of this chapter or any laws of this state regulating boating,
11 which form shall be consistent with the state's county court
12 rules and the procedures established by the commission
13 ~~department~~.

14 (2) Courts, enforcement agencies, and the commission
15 ~~department~~ are jointly responsible to account for all uniform
16 boating citations in accordance with the procedures
17 promulgated by the commission ~~department~~.

18 (4) The chief administrative officer of every law
19 enforcement agency shall require the return to him or her of
20 the commission ~~department~~ record copy of every boating
21 citation issued by an officer under his or her supervision to
22 an alleged violator of any boating law or ordinance and all
23 copies of every boating citation which has been spoiled or
24 upon which any entry has been made and not issued to an
25 alleged violator.

26 (6) The chief administrative officer shall transmit,
27 on a form approved by the commission ~~department~~, the
28 commission ~~department~~ record copy of the uniform boating
29 citation to the commission ~~department~~ within 5 days after
30 submission of the original and one copy to the court. A copy
31

1 of such transmittal shall also be provided to the court having
2 jurisdiction for accountability purposes.

3 (10) Upon final disposition of any alleged offense for
4 which a uniform boating citation has been issued, the court
5 shall, within ten days, certify said disposition to the
6 commission ~~department~~.

7 Section 34. Section 327.803, Florida Statutes, is
8 amended to read:

9 327.803 Boating Advisory Council.--

10 (1) The Boating Advisory Council is created within the
11 Fish and Wildlife Conservation Commission ~~Department of~~
12 ~~Environmental Protection~~ and shall be composed of 16 members.
13 The ~~initial~~ members ~~shall be appointed before August 1, 1994,~~
14 ~~and must~~ include:

15 (a) One representative from the Fish and Wildlife
16 Conservation Commission ~~Department of Environmental~~
17 ~~Protection~~, who shall serve as the chair of the council.

18 (b) One representative each from the Department of
19 Environmental Protection ~~Game and Fresh Water Fish Commission~~,
20 the United States Coast Guard Auxiliary, the United States
21 Power Squadron, and the inland navigation districts.

22 (c) One representative of manatee protection
23 interests, one representative of the marine industries, two
24 representatives of water-related environmental groups, one
25 representative of marine manufacturers, one representative of
26 commercial vessel owners or operators, one representative of
27 sport boat racing, and two representatives of the boating
28 public, each of whom shall be nominated by the executive
29 director of the Fish and Wildlife Conservation Commission
30 ~~Secretary of Environmental Protection~~ and appointed by the
31 Governor to serve staggered 2-year terms.

1 (d) One member of the House of Representatives, who
2 shall be appointed by the Speaker of the House of
3 Representatives.

4 (e) One member of the Senate, who shall be appointed
5 by the President of the Senate.

6 (2) The council shall meet at the call of the chair,
7 at the request of a majority of its membership, or at such
8 times as may be prescribed by rule.

9 (3) The purpose of the council is to make
10 recommendations to the Fish and Wildlife Conservation
11 Commission ~~Department of Environmental Protection~~ and the
12 Department of Community Affairs regarding issues affecting the
13 boating community, including, but not limited to, issues
14 related to:

15 (a) Boating safety education.

16 (b) Boating-related facilities, including marinas and
17 boat testing facilities.

18 (c) Boat usage.

19

20 ~~However, it is not the purpose of the council to make~~
21 ~~recommendations to the Marine Fisheries Commission.~~

22 (4) Members of the council shall serve without
23 compensation.

24 Section 35. Section 327.804, Florida Statutes, is
25 amended to read:

26 327.804 Compilation of statistics on boating accidents
27 and violations.--The Fish and Wildlife Conservation Commission
28 ~~Department of Environmental Protection~~ shall compile
29 statistics on boating accidents and boating violations of the
30 age groups of persons affected by chapter 96-187, Laws of
31 Florida.

1 Section 36. Section 327.90, Florida Statutes, is
2 amended to read:

3 327.90 Transactions by electronic or telephonic
4 means.--The commission ~~department~~ is authorized to accept any
5 application provided for under this chapter by electronic or
6 telephonic means.

7 Section 37. Paragraph (c) of subsection (2) of section
8 328.01, Florida Statutes, is amended to read:

9 328.01 Application for certificate of title.--

10 (2)

11 (c) In making application for an initial title, the
12 owner of a homemade vessel shall establish proof of ownership
13 by submitting with the application:

14 1. A notarized statement of the builder or its
15 equivalent, whichever is acceptable to the Department of
16 Highway Safety and Motor Vehicles, if the vessel is less than
17 16 feet in length; or

18 2. A certificate of inspection from the Fish and
19 Wildlife Conservation ~~Division of Law Enforcement of the~~
20 ~~Department of Environmental Protection or the Game and Fresh~~
21 ~~Water Fish~~ Commission and a notarized statement of the builder
22 or its equivalent, whichever is acceptable to the Department
23 of Highway Safety and Motor Vehicles, if the vessel is 16 feet
24 or more in length.

25 Section 38. Subsection (1) of section 339.281, Florida
26 Statutes, is amended to read:

27 339.281 Damage to transportation facility by vessel;
28 marine accident report; investigative authorities;
29 penalties.--

30 (1) Whenever any vessel has caused damage to a
31 transportation facility, the managing owner, agent, or master

1 of such vessel shall immediately, or as soon thereafter as
2 possible, report the same to the nearest Fish and Wildlife
3 Conservation Commission officer ~~Florida Marine Patrol~~, the
4 sheriff of the county wherein such accident occurred, ~~the Game~~
5 ~~and Fresh Water Fish Commission~~, or the Florida Highway
6 Patrol, who shall immediately go to the scene of the accident
7 and, if necessary, board the vessel subsequent to the accident
8 in pursuance of its investigation. The law enforcement agency
9 investigating the accident shall submit a copy of its report
10 to the department.

11 Section 39. Section 370.025, Florida Statutes, 1998
12 Supplement, is amended to read:

13 370.025 Marine fisheries; policy and standards.--

14 (1) The Legislature hereby declares the policy of the
15 state to be management and preservation of its renewable
16 marine fishery resources, based upon the best available
17 information, emphasizing protection and enhancement of the
18 marine and estuarine environment in such a manner as to
19 provide for optimum sustained benefits and use to all the
20 people of this state for present and future generations.

21 (2) The commission is instructed to make
22 recommendations annually to the Governor and the Legislature
23 regarding marine fisheries research priorities and
24 funding. All administrative and enforcement responsibilities
25 which are unaffected by the specific provisions of this act
26 are the responsibility of the commission.

27 (3)(2) All rules relating to saltwater fisheries
28 adopted by the commission ~~department pursuant to this chapter~~
29 ~~or adopted by the Marine Fisheries Commission and approved by~~
30 ~~the Governor and Cabinet as the Board of Trustees of the~~
31

1 ~~Internal Improvement Trust Fund~~ shall be consistent with the
2 following standards:

3 (a) The paramount concern of conservation and
4 management measures shall be the continuing health and
5 abundance of the marine fisheries resources of this state.

6 (b) Conservation and management measures shall be
7 based upon the best information available, including
8 biological, sociological, economic, and other information
9 deemed relevant by the commission.

10 (c) Conservation and management measures shall permit
11 reasonable means and quantities of annual harvest, consistent
12 with maximum practicable sustainable stock abundance on a
13 continuing basis.

14 (d) When possible and practicable, stocks of fish
15 shall be managed as a biological unit.

16 (e) Conservation and management measures shall assure
17 proper quality control of marine resources that enter
18 commerce.

19 (f) State marine fishery management plans shall be
20 developed to implement management of important marine fishery
21 resources.

22 (g) Conservation and management decisions shall be
23 fair and equitable to all the people of this state and carried
24 out in such a manner that no individual, corporation, or
25 entity acquires an excessive share of such privileges.

26 (h) Federal fishery management plans and fishery
27 management plans of other states or interstate commissions
28 should be considered when developing state marine fishery
29 management plans. Inconsistencies should be avoided unless it
30 is determined that it is in the best interest of the fisheries
31 or residents of this state to be inconsistent.

1 (4) Pursuant to s. 9, Art. IV of the State
2 Constitution, the commission has full rulemaking authority
3 over marine life, and listed species as defined in s.
4 372.072(3), except for:
5 (a) Endangered or threatened marine species; and
6 (b) The authority to regulate fishing gear in
7 residential, manmade saltwater canals which is retained by the
8 Legislature and specifically not delegated to the commission.
9 Section 40. Section 370.027, Florida Statutes, 1998
10 Supplement, is repealed.
11 Section 41. Subsections (4) and (5) of section 370.06,
12 Florida Statutes, 1998 Supplement, are amended to read:
13 370.06 Licenses.--
14 (4) SPECIAL ACTIVITY LICENSES.--
15 (a) A special activity license is required for any
16 person to use gear or equipment not authorized in this chapter
17 or rule of the Fish and Wildlife Conservation ~~Marine Fisheries~~
18 Commission for harvesting saltwater species. In accordance
19 with this chapter, s. 16, Art. X of the State Constitution,
20 and rules of the ~~Marine Fisheries~~ commission, the commission
21 ~~department~~ may issue special activity licenses for the use of
22 nonconforming gear or equipment, including, but not limited
23 to, trawls, seines and entangling nets, traps, and hook and
24 line gear, to be used in harvesting saltwater species for
25 scientific and governmental purposes, and, where allowable,
26 for innovative fisheries. The commission ~~department~~ may
27 prescribe by rule application requirements and terms,
28 conditions, and restrictions to be incorporated into each
29 special activity license. This subsection does not apply to
30 gear or equipment used by certified marine aquaculturists as
31

1 provided for in s. 597.004 to harvest marine aquaculture
2 products.

3 (b) The commission ~~department~~ is authorized to issue
4 special activity licenses in accordance with this section and
5 s. 370.31, to permit the importation and ~~possession, and~~
6 ~~aquaculture~~ of wild anadromous sturgeon. The special activity
7 license shall provide for specific management practices to
8 ~~prevent the release and escape of cultured anadromous sturgeon~~
9 ~~and to~~ protect indigenous populations of saltwater species.

10 (c) The Department of Agriculture and Consumer
11 Services is authorized to issue special activity licenses, in
12 accordance with s. 370.071, to permit the harvest or
13 cultivation of oysters, clams, mussels, and crabs when such
14 activities relate to quality control, sanitation, public
15 health regulations, innovative technologies for aquaculture
16 activities, or the protection of shellfish resources provided
17 in this chapter, ~~unless such authority is delegated to the~~
18 ~~Department of Agriculture and Consumer Services, pursuant to a~~
19 ~~memorandum of understanding.~~

20 (d) The conditions and specific management practices
21 established in this section may be incorporated into permits
22 and authorizations issued pursuant to chapter 253, chapter
23 373, chapter 403, or this chapter, when incorporating such
24 provisions is in accordance with the aquaculture permit
25 consolidation procedures. No separate issuance of a special
26 activity license is required when conditions and specific
27 management practices are incorporated into permits or
28 authorizations under this paragraph. Implementation of this
29 section to consolidate permitting actions does not constitute
30 rules within the meaning of s. 120.52.

31

1 (e) The commission ~~department~~ is authorized to issue
2 special activity licenses in accordance with s. ss. 370.071,
3 370.101, and this section; aquaculture permit consolidation
4 procedures in s. 370.26(2)(~~3~~)(a); and rules of the ~~Marine~~
5 ~~Fisheries~~ commission to permit the capture and possession of
6 saltwater species protected by law and used as stock for
7 artificial cultivation and propagation.

8 (f) The commission ~~department~~ is authorized to adopt
9 rules to govern the administration of special activities
10 licenses as provided in this chapter and rules of the ~~Marine~~
11 ~~Fisheries~~ commission. Such rules may prescribe application
12 requirements and terms, conditions, and restrictions for any
13 such special activity license requested pursuant to this
14 section.

15 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.--

16 (a) For purposes of this section, the following
17 definitions shall apply:

18 1. "Person" means an individual.

19 2. "Resident" means any person who has:

20 a. Continuously resided in this state for 6 months
21 immediately preceding the making of his or her application for
22 an Apalachicola Bay oyster harvesting license; or

23 b. Established a domicile in this state and evidenced
24 that domicile as provided in s. 222.17.

25 (b) No person shall harvest oysters from the
26 Apalachicola Bay without a valid Apalachicola Bay oyster
27 harvesting license issued by the Department of Agriculture and
28 Consumer Services. This requirement shall not apply to anyone
29 harvesting noncommercial quantities of oysters in accordance
30 with chapter 46-27, Florida Administrative Code, or to any
31 person less than 18 years old.

1 (c) Any person wishing to obtain an Apalachicola Bay
2 oyster harvesting license shall submit an annual fee for the
3 license during a 45-day period from May 17 to June 30 of each
4 year preceding the license year for which the license is
5 valid. Failure to pay the annual fee within the required time
6 period shall result in a \$500 late fee being imposed before
7 issuance of the license.

8 (d) The Department of Agriculture and Consumer
9 Services shall collect an annual fee of \$100 from residents
10 and \$500 from nonresidents for the issuance of an Apalachicola
11 Bay oyster harvesting license. The license year shall begin on
12 July 1 of each year and end on June 30 of the following year.
13 The license shall be valid only for the licensee. Only bona
14 fide residents of Florida may obtain a resident license
15 pursuant to this subsection.

16 (e) Each person who applies for an Apalachicola Bay
17 oyster harvesting license shall, before receiving the license,
18 attend an educational seminar of not more than 16 hours
19 length, developed and conducted jointly by the Apalachicola
20 National Estuarine Research Reserve, the ~~department's~~ Division
21 of Law Enforcement of the Fish and Wildlife Conservation
22 Commission, and the Department of Agriculture and Consumer
23 Services'~~department's~~ Apalachicola District Shellfish
24 Environmental Assessment Laboratory. The seminar shall
25 address, among other things, oyster biology, conservation of
26 the Apalachicola Bay, sanitary care of oysters, small business
27 management, and water safety. The seminar shall be offered
28 five times per year, and each person attending shall receive a
29 certificate of participation to present when obtaining an
30 Apalachicola Bay oyster harvesting license.

31

1 (f) Each person, while harvesting oysters in
2 Apalachicola Bay, shall have in possession a valid
3 Apalachicola Bay oyster harvesting license, or proof of having
4 applied for a license within the required time period, and
5 shall produce such license or proof of application upon
6 request of any law enforcement officer.

7 (g) Each person who obtains an Apalachicola Bay oyster
8 harvesting license shall prominently display the license
9 number upon any vessel the person owns which is used for the
10 taking of oysters, in numbers which are at least 10 inches
11 high and 1 inch wide, so that the permit number is readily
12 identifiable from the air and water. Only one vessel
13 displaying a given number may be used at any time. A licensee
14 may harvest oysters from the vessel of another licensee.

15 (h) Any person holding an Apalachicola Bay oyster
16 harvesting license shall receive credit for the license fee
17 against the saltwater products license fee.

18 (i) The proceeds from Apalachicola Bay oyster
19 harvesting license fees shall be deposited in the General
20 Inspections ~~Marine Resources Conservation~~ Trust Fund and, less
21 reasonable administrative costs, shall be used or distributed
22 by the Department of Agriculture and Consumer Services for the
23 following purposes in Apalachicola Bay:

- 24 1. Relaying and transplanting live oysters.
- 25 2. Shell planting to construct or rehabilitate oyster
26 bars.
- 27 3. Education programs for licensed oyster harvesters
28 on oyster biology, aquaculture, boating and water safety,
29 sanitation, resource conservation, small business management,
30 marketing, and other relevant subjects.

31

1 4. Research directed toward the enhancement of oyster
2 production in the bay and the water management needs of the
3 bay.

4 (j) Any person who violates any of the provisions of
5 paragraphs (b) and (d)-(g) commits a misdemeanor of the second
6 degree, punishable as provided in ss. 775.082 and 775.083.
7 Nothing in this subsection shall limit the application of
8 existing penalties.

9 (k) Any oyster harvesting license issued pursuant to
10 this subsection must be in compliance with the rules of the
11 Fish and Wildlife Conservation Commission regulating gear or
12 equipment, harvest seasons, size and bag limits, and the
13 taking of saltwater species.

14 Section 42. Section 370.0608, Florida Statutes, 1998
15 Supplement, is amended to read:

16 370.0608 Deposit of license fees; allocation of
17 federal funds.--

18 (1) All license fees collected pursuant to s. 370.0605
19 shall be deposited into the Marine Resources Conservation
20 Trust Fund, to be used as follows:

21 (a) Not more than 5 percent of the total fees
22 collected shall be ~~for the Marine Fisheries Commission to be~~
23 used to carry out the responsibilities of the Fish and
24 Wildlife Conservation Commission and to provide for the award
25 of funds to marine research institutions in this state for the
26 purposes of enabling such institutions to conduct worthy
27 marine research projects.

28 (b) Not less than 2.5 percent of the total fees
29 collected shall be used for aquatic education purposes.

30 (c)1. The remainder of such fees shall be used by the
31 department for the following program functions:

- 1 a. Not more than 5 percent of the total fees
2 collected, for administration of the licensing program and for
3 information and education.
- 4 b. Not more than 30 percent of the total fees
5 collected, for law enforcement.
- 6 c. Not less than 27.5 percent of the total fees
7 collected, for marine research.
- 8 d. Not less than 30 percent of the total fees
9 collected, for fishery enhancement, including, but not limited
10 to, fishery statistics development, artificial reefs, and fish
11 hatcheries.

12 2. The Legislature shall annually appropriate to the
13 commission ~~Department of Environmental Protection~~ from the
14 General Revenue Fund for the activities and programs specified
15 in subparagraph 1. at least the same amount of money as was
16 appropriated to the Department of Environmental Protection
17 from the General Revenue Fund for such activities and programs
18 for fiscal year 1988-1989, and the amounts appropriated to the
19 commission ~~department~~ for such activities and programs from
20 the Marine Resources Conservation Trust Fund shall be in
21 addition to the amount appropriated to the commission
22 ~~department~~ for such activities and programs from the General
23 Revenue Fund. The proceeds from recreational saltwater fishing
24 license fees paid by fishers shall only be appropriated to the
25 commission ~~Department of Environmental Protection~~.

26 (2) ~~The Department of Environmental Protection and the~~
27 ~~Game and Fresh Water Fish Commission shall develop and~~
28 ~~maintain a memorandum of understanding to provide for the~~
29 ~~equitable allocation of federal aid available to Florida~~
30 ~~pursuant to the Sport Fish Restoration Administration Funds.~~
31 Funds available from the Wallop-Breaux Aquatic Resources Trust

1 Fund shall be distributed by the commission between the Bureau
2 of Freshwater Fisheries and the Bureau of Marine Fisheries
3 ~~department and the commission~~ in proportion to the numbers of
4 resident fresh and saltwater anglers as determined by the most
5 current data on license sales. Unless otherwise provided by
6 federal law, ~~the department and the commission~~, at a minimum,
7 shall provide the following:

8 (a) Not less than 5 percent or more than 10 percent of
9 the funds allocated to the commission ~~each agency~~ shall be
10 expended for an aquatic resources education program; and

11 (b) Not less than 10 percent of the funds allocated to
12 the commission ~~each agency~~ shall be expended for acquisition,
13 development, renovation, or improvement of boating facilities.

14 (3) All license fees collected pursuant to s. 370.0605
15 shall be transferred to the Marine Resources Conservation
16 Trust Fund within 7 days following the last business day of
17 the week in which the license fees were received by the
18 commission. One-fifth of the total proceeds derived from the
19 sale of 5-year licenses and replacement 5-year licenses, and
20 all interest derived therefrom, shall be available for
21 appropriation annually.

22 Section 43. Section 370.063, Florida Statutes, is
23 amended to read:

24 370.063 Special recreational crawfish license.--There
25 is created a special recreational crawfish license, to be
26 issued to qualified persons as provided by this section for
27 the recreational harvest of crawfish (spiny lobster) beginning
28 August 5, 1994.

29 (1) The special recreational crawfish license shall be
30 available to any individual crawfish trap number holder who
31 also possesses a saltwater products license during the

1 1993-1994 license year. ~~For the 1994-1995 license year and~~
2 ~~for each license year thereafter,~~A person issued a special
3 recreational crawfish license may not also possess a trap
4 number.

5 (2) ~~Beginning August 5, 1994,~~The special recreational
6 crawfish license is required in order to harvest crawfish from
7 state territorial waters in quantities in excess of the
8 regular recreational bag limit but not in excess of a special
9 bag limit as to be established by the Marine Fisheries
10 Commission for these harvesters before the 1994-1995 license
11 year. Such special bag limit does not apply during the 2-day
12 sport season established by the Fish and Wildlife Conservation
13 Commission.

14 (3) The holder of a special recreational crawfish
15 license must also possess the recreational crawfish stamp
16 required by s. 370.14(11) and the license required by s.
17 370.0605.

18 (4) As a condition precedent to the issuance of a
19 special recreational crawfish license, the applicant must
20 agree to file quarterly reports with the Fish and Wildlife
21 Conservation Commission ~~Division of Marine Resources of the~~
22 ~~Department of Environmental Protection,~~in such form as the
23 commission division requires, detailing the amount of the
24 licenseholder's crawfish (spiny lobster) harvest in the
25 previous quarter, including the harvest of other recreational
26 harvesters aboard the licenseholder's vessel.

27 (5) The Fish and Wildlife Conservation Commission
28 ~~Department of Environmental Protection~~ shall issue special
29 recreational crawfish licenses ~~beginning in 1994 for the~~
30 ~~1994-1995 license year~~. The fee for each such license is \$100
31 per year. Each license issued in any 1994 ~~for the 1994-1995~~

1 license year must be renewed by June 30 of each subsequent
2 year by the initial individual holder thereof. Noncompliance
3 with the reporting requirement in subsection (4) or with the
4 special recreational bag limit established under subsection
5 (6) constitutes grounds for which the commission ~~department~~
6 may refuse to renew the license for a subsequent license year.
7 The number of such licenses outstanding in any one license
8 year may not exceed the number issued for the 1994-1995
9 license year. A license is not transferable by any method.
10 Licenses that are not renewed expire and may be reissued by
11 the commission in the subsequent ~~department beginning in the~~
12 ~~1995-1996~~ license year to new applicants otherwise qualified
13 under this section.

14 (6) To promote conservation of the spiny lobster
15 (crawfish) resource, consistent with equitable distribution
16 and availability of the resource, the ~~Marine Fisheries~~
17 commission shall establish a spiny lobster management plan
18 incorporating the special recreational crawfish license,
19 including, but not limited to, the establishment of a special
20 recreational bag limit for the holders of such license as
21 required by subsection (2). Such special recreational bag
22 limit must not be less than twice the higher of the daily
23 recreational bag limits.

24 (7) The proceeds of the fees collected under this
25 section must be deposited in the Marine Resources Conservation
26 Trust Fund and used as follows:

27 (a) Thirty-five percent for research and the
28 development of reliable recreational catch statistics for the
29 crawfish (spiny lobster) fishery.

30
31

1 (b) ~~Twenty~~ Forty-five percent to be used by the
2 Department of Environmental Protection for administration and
3 enforcement of this section.

4 (c) Forty-five ~~Twenty~~ percent to be used by the ~~Marine~~
5 ~~Fisheries Commission~~ for enforcement ~~the purposes~~ of this
6 section.

7 ~~(8) The Department of Environmental Protection may~~
8 ~~adopt rules to carry out the purpose and intent of the special~~
9 ~~recreational lobster license program.~~

10 Section 44. Section 370.071, Florida Statutes, is
11 amended to read:

12 370.071 Shellfish processors; regulation.--

13 (1) The Department of Agriculture and Consumer
14 Services, hereinafter referred to as department, is authorized
15 to adopt by rule regulations, specifications, and codes
16 relating to sanitary practices for catching, cultivating,
17 handling, processing, packaging, preserving, canning, smoking,
18 and storing of oysters, clams, mussels, and crabs. The
19 department is also authorized to license aquaculture
20 facilities used to culture oysters, clams, mussels, and crabs
21 when such activities relate to quality control, sanitary, and
22 public health practices pursuant to this section and s.
23 370.06(4). The department is also authorized to license or
24 certify facilities used for processing oysters, clams,
25 mussels, and crabs, to suspend or revoke such licenses or
26 certificates upon satisfactory evidence of any violation of
27 rules adopted pursuant to this section, and to seize and
28 destroy any adulterated or misbranded shellfish products as
29 defined by rule.

30 (2) A shellfish processing plant certification license
31 is required to operate any facility in which oysters, clams,

1 mussels, or crabs are processed, including but not limited to:
2 an oyster, clam, or mussel cannery; a shell stock dealership;
3 an oyster, clam, or mussel shucking plant; an oyster, clam, or
4 mussel repacking plant; an oyster, clam, or mussel controlled
5 purification plant; or a crab or soft-shell crab processing or
6 shedding plant.

7 (3) The department may suspend or revoke any shellfish
8 processing plant certification license upon satisfactory
9 evidence that the licensee has violated any regulation,
10 specification, or code adopted under this section and may
11 seize and destroy any shellfish product which is defined by
12 rule to be an adulterated or misbranded shellfish product.

13 Section 45. Section 370.12, Florida Statutes, 1998
14 Supplement, is amended to read:

15 370.12 Marine animals; regulation.--

16 (1) PROTECTION OF MARINE TURTLES.--

17 (a) This subsection may be cited as the "Marine Turtle
18 Protection Act."

19 (b) The Legislature intends, pursuant to the
20 provisions of this subsection, to ensure that the Fish and
21 Wildlife Conservation Commission ~~Department of Environmental~~
22 ~~Protection~~ has the appropriate authority and resources to
23 implement its responsibilities under the recovery plans of the
24 United States Fish and Wildlife Service for the following
25 species of marine turtle:

26 1. Atlantic loggerhead turtle (*Caretta caretta*
27 *caretta*).

28 2. Atlantic green turtle (*Chelonis mydas mydas*).

29 3. Leatherback turtle (*Dermochelys coriacea*).

30 4. Atlantic hawksbill turtle (*Eretmochelys imbricata*
31 *imbricata*).

1 5. Atlantic ridley turtle (*Lepidochelys kemp*i).

2 (c)1. Unless otherwise provided by the federal

3 Endangered Species Act or its implementing regulations, no

4 person may take, possess, disturb, mutilate, destroy, cause to

5 be destroyed, sell, offer for sale, transfer, molest, or

6 harass any marine turtle or its nest or eggs at any time. For

7 purposes of this subsection, "take" means an act which

8 actually kills or injures marine turtles, and includes

9 significant habitat modification or degradation that kills or

10 injures marine turtles by significantly impairing essential

11 behavioral patterns, such as breeding, feeding, or sheltering.

12 2. Unless otherwise provided by the federal Endangered

13 Species Act or its implementing regulations, no person, firm,

14 or corporation may take, kill, disturb, mutilate, molest,

15 harass, or destroy any marine turtle.

16 3. No person, firm, or corporation may possess any

17 marine turtle, their nests, eggs, hatchlings, or parts thereof

18 unless it is in possession of a special permit or loan

19 agreement from the commission ~~department~~ enabling the holder

20 to possess a marine turtle or parts thereof for scientific,

21 educational, or exhibitional purposes, or for conservation

22 activities such as relocating nests, eggs, or animals away

23 from construction sites. Notwithstanding any other provisions

24 of general or special law to the contrary, the commission

25 ~~department~~ may issue such authorization to any properly

26 accredited person for the purpose of marine turtle

27 conservation upon such terms, conditions, and restrictions as

28 it may prescribe by rule adopted pursuant to chapter 120. The

29 commission ~~department~~ shall have the authority to adopt rules

30 pursuant to chapter 120 to permit the possession of marine

31

1 turtles pursuant to this paragraph. For the purposes of this
2 subsection, a "properly accredited person" is defined as:
3 a. Students of colleges or universities whose studies
4 with saltwater animals are under the direction of their
5 teacher or professor;
6 b. Scientific or technical faculty of public or
7 private colleges or universities;
8 c. Scientific or technical employees of private
9 research institutions and consulting firms;
10 d. Scientific or technical employees of city, county,
11 state, or federal research or regulatory agencies;
12 e. Members in good standing or recognized and properly
13 chartered conservation organizations, the Audubon Society, or
14 the Sierra Club;
15 f. Persons affiliated with aquarium facilities or
16 museums, or contracted as an agent therefor, which are open to
17 the public with or without an admission fee; or
18 g. Persons without specific affiliations listed above,
19 but who are recognized by the commission ~~department~~ for their
20 contributions to marine conservation such as scientific or
21 technical publications, or through a history of cooperation
22 with the commission ~~department~~ in conservation programs such
23 as turtle nesting surveys, or through advanced educational
24 programs such as high school marine science centers.
25 (d) Any application for a Department of Environmental
26 Protection permit or other type of approval for an activity
27 that affects marine turtles or their nests or habitat shall be
28 subject to conditions and requirements for marine turtle
29 protection as part of the permitting or approval process.
30 (e) The Department of Environmental Protection may
31 condition the nature, timing, and sequence of construction of

1 permitted activities to provide protection to nesting marine
2 turtles and hatchlings and their habitat pursuant to the
3 provisions of s. 161.053(5). When the department is
4 considering a permit for a beach restoration, beach
5 renourishment, or inlet sand transfer project and the
6 applicant has had an active marine turtle nest relocation
7 program or the applicant has agreed to and has the ability to
8 administer a program, the department must not restrict the
9 timing of the project. Where appropriate, the department, in
10 accordance with the applicable rules of the Fish and Wildlife
11 Conservation Commission, shall require as a condition of the
12 permit that the applicant relocate and monitor all turtle
13 nests that would be affected by the beach restoration, beach
14 renourishment, or sand transfer activities. Such relocation
15 and monitoring activities shall be conducted in a manner that
16 ensures successful hatching. This limitation on the
17 department's authority applies only on the Atlantic coast of
18 Florida.

19 (f) The department shall recommend denial of a permit
20 application if the activity would result in a "take" as
21 defined in this subsection, unless, as provided for in the
22 federal Endangered Species Act and its implementing
23 regulations, such taking is incidental to, and not the purpose
24 of, the carrying out of an otherwise lawful activity.

25 (g) The department shall give special consideration to
26 beach preservation and beach nourishment projects that restore
27 habitat of endangered marine turtle species. Nest relocation
28 shall be considered for all such projects in urbanized areas.
29 When an applicant for a beach restoration, beach
30 renourishment, or inlet sand transfer project has had an
31 active marine turtle nest relocation program or the applicant

1 has agreed to have and has the ability to administer a
2 program, the department in issuing a permit for a project must
3 not restrict the timing of the project. Where appropriate,
4 the department, in accordance with the applicable rules of the
5 Fish and Wildlife Conservation Commission, shall require as a
6 condition of the permit that the applicant relocate and
7 monitor all turtle nests that would be affected by the beach
8 restoration, beach renourishment, or sand transfer activities.
9 Such relocation and monitoring activities shall be conducted
10 in a manner that ensures successful hatching. This limitation
11 on the department's authority applies only on the Atlantic
12 coast of Florida.

13 (h) The Fish and Wildlife Conservation Commission
14 ~~department~~ shall provide grants to coastal local governments,
15 educational institutions, and Florida-based nonprofit
16 organizations to conduct marine turtle research, conservation,
17 and education activities within the state. The commission
18 ~~department~~ shall adopt by rule pursuant to chapter 120
19 procedures for submitting grant applications and criteria for
20 allocating available funds. The criteria must include the
21 scope of the proposed activity, the relevance of the proposed
22 activity to the recovery plans for marine turtles, the demand
23 and public support for the proposed activity, the duration of
24 the proposed activity, the availability of alternative
25 funding, and the estimated cost of the activity. The executive
26 director ~~secretary~~ of the commission ~~department~~ shall appoint
27 a committee of at least five members, including at least two
28 nongovernmental representatives, to consider and choose grant
29 recipients from proposals submitted by eligible entities.
30 Committee members shall not receive any compensation from the
31 commission ~~department~~.

- 1 (2) PROTECTION OF MANATEES OR SEA COWS.--
- 2 (a) This subsection shall be known and may be cited as
- 3 the "Florida Manatee Sanctuary Act."
- 4 (b) The State of Florida is hereby declared to be a
- 5 refuge and sanctuary for the manatee, the "Florida state
- 6 marine mammal."
- 7 (c) Whenever the Fish and Wildlife Conservation
- 8 Commission ~~department~~ is satisfied that the interest of
- 9 science will be subserved, and that the application for a
- 10 permit to possess a manatee or sea cow (*Trichechus manatus*) is
- 11 for a scientific or propagational purpose and should be
- 12 granted, and after concurrence by the United States Department
- 13 of the Interior, the commission ~~Division of Marine Resources~~
- 14 may grant to any person making such application a special
- 15 permit to possess a manatee or sea cow, which permit shall
- 16 specify the exact number which shall be maintained in
- 17 captivity.
- 18 (d) Except as may be authorized by the terms of a
- 19 valid state permit issued pursuant to paragraph (c) or by the
- 20 terms of a valid federal permit, it is unlawful for any person
- 21 at any time, by any means, or in any manner intentionally or
- 22 negligently to annoy, molest, harass, or disturb or attempt to
- 23 molest, harass, or disturb any manatee; injure or harm or
- 24 attempt to injure or harm any manatee; capture or collect or
- 25 attempt to capture or collect any manatee; pursue, hunt,
- 26 wound, or kill or attempt to pursue, hunt, wound, or kill any
- 27 manatee; or possess, literally or constructively, any manatee
- 28 or any part of any manatee.
- 29 (e) Any gun, net, trap, spear, harpoon, boat of any
- 30 kind, aircraft, automobile of any kind, other motorized
- 31 vehicle, chemical, explosive, electrical equipment, scuba or

1 other subaquatic gear, or other instrument, device, or
2 apparatus of any kind or description used in violation of any
3 provision of paragraph (d) may be forfeited upon conviction.
4 The foregoing provisions relating to seizure and forfeiture of
5 vehicles, vessels, equipment, or supplies do not apply when
6 such vehicles, vessels, equipment, or supplies are owned by,
7 or titled in the name of, innocent parties; and such
8 provisions shall not vitiate any valid lien, retain title
9 contract, or chattel mortgage on such vehicles, vessels,
10 equipment, or supplies if such lien, retain title contract, or
11 chattel mortgage is property of public record at the time of
12 the seizure.

13 (f) In order to protect manatees or sea cows from
14 harmful collisions with motorboats or from harassment, the
15 Fish and Wildlife Conservation Commission ~~Department of~~
16 ~~Environmental Protection~~ shall adopt rules under chapter 120
17 regarding the expansion of existing, or construction of new,
18 marine facilities and mooring or docking slips, by the
19 addition or construction of five or more powerboat slips, and
20 regulating the operation and speed of motorboat traffic, only
21 where manatee sightings are frequent and it can be generally
22 assumed, based on available scientific information, that they
23 inhabit these areas on a regular or continuous basis:

24 1. In Lee County: the entire Orange River, including
25 the Tice Florida Power and Light Corporation discharge canal
26 and adjoining waters of the Caloosahatchee River within 1 mile
27 of the confluence of the Orange and Caloosahatchee Rivers.

28 2. In Brevard County: those portions of the Indian
29 River within three-fourths of a mile of the Orlando Utilities
30 Commission Delespine power plant effluent and the Florida
31 Power and Light Frontenac power plant effluents.

- 1 3. In Indian River County: the discharge canals of the
2 Vero Beach Municipal Power Plant and connecting waters within
3 1 1/4 miles thereof.
- 4 4. In St. Lucie County: the discharge of the Henry D.
5 King Municipal Electric Station and connecting waters within 1
6 mile thereof.
- 7 5. In Palm Beach County: the discharges of the Florida
8 Power and Light Riviera Beach power plant and connecting
9 waters within 1 1/2 miles thereof.
- 10 6. In Broward County: the discharge canal of the
11 Florida Power and Light Port Everglades power plant and
12 connecting waters within 1 1/2 miles thereof and the
13 discharge canal of the Florida Power and Light Fort Lauderdale
14 power plant and connecting waters within 2 miles thereof. For
15 purposes of ensuring the physical safety of boaters in a
16 sometimes turbulent area, the area from the easternmost edge
17 of the authorized navigation project of the intracoastal
18 waterway east through the Port Everglades Inlet is excluded
19 from this regulatory zone.
- 20 7. In Citrus County: headwaters of the Crystal River,
21 commonly referred to as King's Bay, and the Homosassa River.
- 22 8. In Volusia County: Blue Springs Run and connecting
23 waters of the St. Johns River within 1 mile of the confluence
24 of Blue Springs and the St. Johns River; and Thompson Creek,
25 Strickland Creek, Dodson Creek, and the Tomoka River.
- 26 9. In Hillsborough County: that portion of the Alafia
27 River from the main shipping channel in Tampa Bay to U.S.
28 Highway 41.
- 29 10. In Sarasota County: the Venice Inlet and
30 connecting waters within 1 mile thereof, including Lyons Bay,
31 Donna Bay, Roberts Bay, and Hatchett Creek, excluding the

1 waters of the intracoastal waterway and the right-of-way
2 bordering the centerline of the intracoastal waterway.

3 11. In Collier County: within the Port of Islands,
4 within section 9, township 52 south, range 28 east, and
5 certain unsurveyed lands, all east-west canals and the
6 north-south canals to the southerly extent of the intersecting
7 east-west canals which lie southerly of the centerline of U.S.
8 Highway 41.

9 12. In Manatee County: that portion of the Manatee
10 River east of the west line of section 17, range 19 east,
11 township 34 south; the Braden River south of the north line
12 and east of the west line of section 29, range 18 east,
13 township 34 south; Terra Ceia Bay and River, east of the west
14 line of sections 26 and 35 of range 17 east, township 33
15 south, and east of the west line of section 2, range 17 east,
16 township 34 south; and Bishop Harbor east of the west line of
17 section 13, range 17 east, township 33 south.

18 13. In Dade County: those portions of Black Creek
19 lying south and east of the water control dam, including all
20 boat basins and connecting canals within 1 mile of the dam.

21 (g) The Fish and Wildlife Conservation Commission
22 ~~Department of Environmental Protection~~ shall adopt rules
23 pursuant to chapter 120 regulating the operation and speed of
24 motorboat traffic only where manatee sightings are frequent
25 and it can be generally assumed that they inhabit these areas
26 on a regular or continuous basis within that portion of the
27 Indian River between the St. Lucie Inlet in Martin County and
28 the Jupiter Inlet in Palm Beach County. In addition, the
29 commission ~~department~~ shall adopt rules pursuant to chapter
30 120 regulating the operation and speed of motorboat traffic
31 only where manatee sightings are frequent and it can be

1 generally assumed that they inhabit these areas on a regular
2 or continuous basis within the Loxahatchee River in Palm Beach
3 and Martin Counties, including the north and southwest forks
4 thereof. A limited lane or corridor providing for reasonable
5 motorboat speeds may be identified and designated within this
6 area.

7 (h) The commission ~~department~~ shall adopt rules
8 pursuant to chapter 120 regulating the operation and speed of
9 motorboat traffic only where manatee sightings are frequent
10 and it can be generally assumed that they inhabit these areas
11 on a regular or continuous basis within the Withlacoochee
12 River and its tributaries in Citrus and Levy Counties. The
13 specific areas to be regulated include the Withlacoochee River
14 and the U.S. 19 bridge westward to a line between U.S. Coast
15 Guard markers number 33 and number 34 at the mouth of the
16 river, including all side channels and coves along that
17 portion of the river; Bennets' Creek from its beginning to its
18 confluence with the Withlacoochee River; Bird's Creek from its
19 beginning to its confluence with the Withlacoochee River; and
20 the two dredged canal systems on the north side of the
21 Withlacoochee River southwest of Yankeetown. A limited lane
22 or corridor providing for reasonable motorboat speeds may be
23 identified and designated within this area.

24 (i) If any new power plant is constructed or other
25 source of warm water discharge is discovered within the state
26 which attracts a concentration of manatees or sea cows, the
27 Fish and Wildlife Conservation Commission ~~Department of~~
28 ~~Environmental Protection~~ is directed to adopt rules pursuant
29 to chapter 120 regulating the operation and speed of motorboat
30 traffic within the area of such discharge. Such rules shall
31 designate a zone which is sufficient in size, and which shall

1 remain in effect for a sufficient period of time, to protect
2 the manatees or sea cows.

3 (j) It is the intent of the Legislature through
4 adoption of this paragraph to allow the Fish and Wildlife
5 Conservation Commission ~~Department of Environmental Protection~~
6 to post and regulate boat speeds only where manatee sightings
7 are frequent and it can be generally assumed that they inhabit
8 these areas on a regular or continuous basis. It is not the
9 intent of the Legislature to permit the commission ~~department~~
10 to post and regulate boat speeds generally in the
11 above-described inlets, bays, rivers, creeks, thereby unduly
12 interfering with the rights of fishers, boaters, and water
13 skiers using the areas for recreational and commercial
14 purposes. Limited lanes or corridors providing for reasonable
15 motorboat speeds may be identified and designated within these
16 areas.

17 (k) The commission ~~department~~ shall adopt rules
18 pursuant to chapter 120 regulating the operation and speed of
19 motorboat traffic all year around within Turkey Creek and its
20 tributaries and within Manatee Cove in Brevard County. The
21 specific areas to be regulated consist of:

22 1. A body of water which starts at Melbourne-Tillman
23 Drainage District structure MS-1, section 35, township 28
24 south, range 37 east, running east to include all natural
25 waters and tributaries of Turkey Creek, section 26, township
26 28 south, range 37 east, to the confluence of Turkey Creek and
27 the Indian River, section 24, township 28 south, range 37
28 east, including all lagoon waters of the Indian River bordered
29 on the west by Palm Bay Point, the north by Castaway Point,
30 the east by the four immediate spoil islands, and the south by
31

1 Cape Malabar, thence northward along the shoreline of the
2 Indian River to Palm Bay Point.

3 2. A triangle-shaped body of water forming a cove
4 (commonly referred to as Manatee Cove) on the east side of the
5 Banana River, with northern boundaries beginning and running
6 parallel to the east-west cement bulkhead located 870 feet
7 south of SR 520 Relief Bridge in Cocoa Beach and with western
8 boundaries running in line with the City of Cocoa Beach
9 channel markers 121 and 127 and all waters east of these
10 boundaries in section 34, township 24 south, range 37 east;
11 the center coordinates of this cove are 28°20'14" north,
12 80°35'17" west.

13 ~~(1) The Legislature recognizes that, while the manatee~~
14 ~~or sea cow is designated a marine mammal by federal law, many~~
15 ~~of the warm water wintering areas are in freshwater springs~~
16 ~~and rivers which are under the primary state law enforcement~~
17 ~~jurisdiction of the Florida Game and Fresh Water Fish~~
18 ~~Commission. The law enforcement provisions of this section~~
19 ~~shall be carried out jointly by the department and the~~
20 ~~commission, with the department serving as the lead agency.~~
21 ~~The specific areas of jurisdictional responsibility are to be~~
22 ~~established between the department and the commission by~~
23 ~~interagency agreement.~~

24 (1)(m) The commission ~~department~~ shall promulgate
25 regulations pursuant to chapter 120 relating to the operation
26 and speed of motor boat traffic in port waters with due regard
27 to the safety requirements of such traffic and the
28 navigational hazards related to the movement of commercial
29 vessels.

30 (m)(n) The commission ~~department~~ may designate by rule
31 adopted pursuant to chapter 120 other portions of state waters

1 where manatees are frequently sighted and it can be assumed
2 that manatees inhabit such waters periodically or
3 continuously. Upon designation of such waters, the commission
4 ~~department~~ shall adopt rules pursuant to chapter 120 to
5 regulate motorboat speed and operation which are necessary to
6 protect manatees from harmful collisions with motorboats and
7 from harassment. The commission ~~department~~ may adopt rules
8 pursuant to chapter 120 to protect manatee habitat, such as
9 seagrass beds, within such waters from destruction by boats or
10 other human activity. Such rules shall not protect noxious
11 aquatic plants subject to control under s. 369.20.

12 (n)~~(o)~~ The commission ~~department~~ may designate, by
13 rule adopted pursuant to chapter 120, limited areas as a safe
14 haven for manatees to rest, feed, reproduce, give birth, or
15 nurse undisturbed by human activity. Access by motor boat to
16 private residences, boat houses, and boat docks through these
17 areas by residents, and their authorized guests, who must
18 cross one of these areas to have water access to their
19 property is permitted when the motorboat is operated at idle
20 speed, no wake.

21 (o)~~(p)~~ Except in the marked navigation channel of the
22 Florida Intracoastal Waterway as defined in s. 327.02 and the
23 area within 100 feet of such channel, a local government may
24 regulate, by ordinance, motorboat speed and operation on
25 waters within its jurisdiction where manatees are frequently
26 sighted and can be generally assumed to inhabit periodically
27 or continuously. However, such an ordinance may not take
28 effect until it has been reviewed and approved by the
29 commission ~~department~~. If the commission ~~department~~ and a
30 local government disagree on the provisions of an ordinance, a
31 local manatee protection committee must be formed to review

1 the technical data of the commission ~~department~~ and the United
2 States Fish and Wildlife Service, and to resolve conflicts
3 regarding the ordinance. The manatee protection committee must
4 be comprised of:

- 5 1. A representative of the commission ~~department~~;
- 6 2. A representative of the county;
- 7 3. A representative of the United States Fish and
8 Wildlife Service;
- 9 4. A representative of a local marine-related
10 business;
- 11 5. A representative of the Save the Manatee Club;
- 12 6. A local fisher;
- 13 7. An affected property owner; and
- 14 8. A representative of the Florida Marine Patrol.

15
16 If local and state regulations are established for the same
17 area, the more restrictive regulation shall prevail.

18 ~~(p)(q)~~ The commission ~~department~~ shall evaluate the
19 need for use of fenders to prevent crushing of manatees
20 between vessels (100' or larger) and bulkheads or wharves in
21 counties where manatees have been crushed by such vessels.
22 For areas in counties where evidence indicates that manatees
23 have been crushed between vessels and bulkheads or wharves,
24 the commission ~~department~~ shall:

- 25 1. Adopt rules pursuant to chapter 120 requiring use
26 of fenders for construction of future bulkheads or wharves;
27 and
- 28 2. Implement a plan and time schedule to require
29 retrofitting of existing bulkheads or wharves consistent with
30 port bulkhead or wharf repair or replacement schedules.

31

1 The fenders shall provide sufficient standoff from the
2 bulkhead or wharf under maximum operational compression to
3 ensure that manatees cannot be crushed between the vessel and
4 the bulkhead or wharf.

5 (q)~~(r)~~ Any violation of a restricted area established
6 by this subsection, or established by rule pursuant to chapter
7 120 or ordinance pursuant to this subsection, shall be
8 considered a violation of the boating laws of this state and
9 shall be charged on a uniform boating citation as provided in
10 s. 327.74, except as otherwise provided in paragraph (s). Any
11 person who refuses to post a bond or accept and sign a uniform
12 boating citation shall, as provided in s. 327.73(3), be guilty
13 of a misdemeanor of the second degree, punishable as provided
14 in s. 775.082 or s. 775.083.

15 (r)~~(s)~~ Except as otherwise provided in this paragraph,
16 any person violating the provisions of this subsection or any
17 rule or ordinance adopted pursuant to this subsection shall be
18 guilty of a misdemeanor, punishable as provided in s.
19 370.021(2)(a) or (b).

20 1. Any person operating a vessel in excess of a posted
21 speed limit shall be guilty of a civil infraction, punishable
22 as provided in s. 327.73, except as provided in subparagraph
23 2.

24 2. This paragraph does not apply to persons violating
25 restrictions governing "No Entry" zones or "Motorboat
26 Prohibited" zones, who, if convicted, shall be guilty of a
27 misdemeanor, punishable as provided in s. 370.021(2)(a) or
28 (b), or, if such violation demonstrates blatant or willful
29 action, may be found guilty of harassment as described in
30 paragraph (d).

31

1 (3) PROTECTION OF MAMMALIAN DOLPHINS (PORPOISES).--It
2 is unlawful to catch, attempt to catch, molest, injure, kill,
3 or annoy, or otherwise interfere with the normal activity and
4 well-being of, mammalian dolphins (porpoises), except as may
5 be authorized as a federal permit.

6 (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

7 (a) Each fiscal year the Save the Manatee Trust Fund
8 shall be available to fund an impartial scientific benchmark
9 census of the manatee population in the state. Weather
10 permitting, the study shall be conducted annually by the Fish
11 and Wildlife Conservation Commission ~~Department of~~
12 ~~Environmental Protection~~ and the results shall be made
13 available to the President of the Senate, the Speaker of the
14 House of Representatives, and the Governor and Cabinet for use
15 in the evaluation and development of manatee protection
16 measures. In addition, the Save the Manatee Trust Fund shall
17 be available for annual funding of activities of public and
18 private organizations and those of the commission ~~department~~
19 intended to provide manatee and marine mammal protection and
20 recovery effort; manufacture and erection of informational and
21 regulatory signs; production, publication, and distribution of
22 educational materials; participation in manatee and marine
23 mammal research programs, including carcass salvage and other
24 programs; programs intended to assist the recovery of the
25 manatee as an endangered species, assist the recovery of the
26 endangered or threatened marine mammals, and prevent the
27 endangerment of other species of marine mammals; and other
28 similar programs intended to protect and enhance the recovery
29 of the manatee and other species of marine mammals. The
30 commission ~~department~~ shall annually solicit advisory
31 recommendations from the Save the Manatee Committee affiliated

1 with the Save the Manatee Club, as identified and recognized
2 in Executive Order 85-19, on the use of funds from the Save
3 the Manatee Trust Fund.

4 (b) Each fiscal year moneys in the Save the Manatee
5 Trust Fund shall also be used, pursuant to s. 327.28(1)(b), to
6 reimburse the cost of activities related to manatee
7 rehabilitation by facilities that rescue, rehabilitate, and
8 release manatees as authorized pursuant to the Fish and
9 Wildlife Service of the United States Department of the
10 Interior. Such facilities must be involved in the actual
11 rescue and full-time acute care veterinarian-based
12 rehabilitation of manatees. The cost of activities includes,
13 but is not limited to, costs associated with expansion,
14 capital outlay, repair, maintenance, and operations related to
15 the rescue, treatment, stabilization, maintenance, release,
16 and monitoring of manatees. Moneys distributed through
17 contractual agreement to each facility for manatee
18 rehabilitation shall be proportionate to the number of
19 manatees under acute care rehabilitation and those released
20 during the previous fiscal year. However, the reimbursement
21 may not exceed the total amount available pursuant to ss.
22 327.25(7) and 327.28(1)(b) for the purposes provided in this
23 paragraph. Prior to receiving reimbursement for the expenses
24 of rescue, rehabilitation, and release, a facility that
25 qualifies under state and federal regulations shall submit a
26 plan to the Fish and Wildlife Conservation Commission
27 ~~Department of Environmental Protection~~ for assisting the
28 commission ~~department~~ and the Department of Highway Safety and
29 Motor Vehicles in marketing the manatee specialty license
30 plates. At a minimum, the plan shall include provisions for
31 graphics, dissemination of brochures, recorded oral and visual

1 presentation, and maintenance of a marketing exhibit. The plan
2 shall be updated annually and the Fish and Wildlife
3 Conservation Commission ~~Department of Environmental Protection~~
4 shall inspect each marketing exhibit at least once each year
5 to ensure the quality of the exhibit and promotional material.
6 Each facility that receives funds for manatee rehabilitation
7 shall annually provide the commission ~~department~~ a written
8 report, within 30 days after the close of the state fiscal
9 year, documenting the efforts and effectiveness of the
10 facility's promotional activities.

11 (c) By December 1 each year, the Fish and Wildlife
12 Conservation Commission ~~Department of Environmental Protection~~
13 shall provide the President of the Senate and the Speaker of
14 the House of Representatives a written report, enumerating the
15 amounts and purposes for which all proceeds in the Save the
16 Manatee Trust Fund for the previous fiscal year are expended,
17 in a manner consistent with those recovery tasks enumerated
18 within the manatee recovery plan as required by the Endangered
19 Species Act.

20 (d) When the federal and state governments remove the
21 manatee from status as an endangered or threatened species,
22 the annual allocation may be reduced.

23 Section 46. Subsections (2), (3), (8), (9), (10), and
24 (11) of section 370.26, Florida Statutes, 1998 Supplement, are
25 amended to read:

26 370.26 Aquaculture definitions; marine aquaculture
27 products, producers, and facilities.--

28 (2) The Department of Environmental Protection shall
29 encourage the development of aquaculture and the production of
30 aquaculture products. The department shall develop a process
31 consistent with this section that would consolidate permits,

1 general permits, ~~special activity licenses~~, and other
2 regulatory requirements to streamline the permitting process
3 and result in effective regulation of aquaculture activities.
4 This process shall provide for a single application and
5 application fee for marine aquaculture activities which are
6 regulated by the department. Procedures to consolidate
7 permitting actions under this section do not constitute rules
8 within the meaning of s. 120.52.

9 (3) The Department of Agriculture and Consumer
10 Services shall act as a clearinghouse for aquaculture
11 applications, and act as a liaison between the Fish and
12 Wildlife Conservation Commission ~~Division of Marine Resources~~,
13 the Division of State Lands, the Department of Environmental
14 Protection district offices, other divisions within the
15 Department of Environmental Protection, and the water
16 management districts. The Department of Agriculture and
17 Consumer Services shall be responsible for regulating marine
18 aquaculture producers, except as specifically provided herein.

19 (8) The department shall:

20 (a) Coordinate with the Aquaculture Review Council,
21 the Aquaculture Interagency Coordinating Council, and the
22 Department of Agriculture and Consumer Services when
23 developing criteria for aquaculture general permits.

24 (b) Permit experimental technologies to collect and
25 evaluate data necessary to reduce or mitigate environmental
26 concerns.

27 (c) Provide technical expertise and promote the
28 transfer of information that would be beneficial to the
29 development of aquaculture.

30
31

1 (9) The Fish and Wildlife Conservation Commission
2 ~~department~~ shall encourage the development of aquaculture in
3 the state through the following:

4 (a) Providing assistance in developing technologies
5 applicable to aquaculture activities, evaluating practicable
6 production alternatives, and providing management agreements
7 to develop innovative culture practices.

8 ~~(b) Permitting experimental technologies to collect~~
9 ~~and evaluate data necessary to reduce or mitigate~~
10 ~~environmental concerns.~~

11 ~~(c) Providing technical expertise and promoting the~~
12 ~~transfer of information that would be beneficial to the~~
13 ~~development of aquaculture.~~

14 (b)(d) Facilitating aquaculture research on life
15 histories, stock enhancement, and alternative species, and
16 providing research results that would assist in the
17 evaluation, development, and commercial production of
18 candidate species for aquaculture, including:

19 1. Providing eggs, larvae, fry, and fingerlings to
20 aquaculturists when excess cultured stocks are available from
21 the commission's ~~department's~~ facilities and the culture
22 activities are consistent with the commission's ~~department's~~
23 stock enhancement projects. Such stocks may be obtained by
24 reimbursing the commission ~~department~~ for the cost of
25 production on a per-unit basis. Revenues resulting from the
26 sale of stocks shall be deposited into the trust fund used to
27 support the production of such stocks.

28 2. Conducting research programs to evaluate candidate
29 species when funding and staff are available.

30 3. Encouraging the private production of marine fish
31 and shellfish stocks for the purpose of providing such stocks

1 for statewide stock enhancement programs. When such stocks
2 become available, the commission ~~department~~ shall reduce or
3 eliminate duplicative production practices that would result
4 in direct competition with private commercial producers.

5 4. Developing a working group, in cooperation with the
6 Department of Agriculture and Consumer Services, the
7 Aquaculture Review Council, and the Aquaculture Interagency
8 Coordinating Council, to plan and facilitate the development
9 of private marine fish and nonfish hatcheries and to encourage
10 private/public partnerships to promote the production of
11 marine aquaculture products.

12 ~~(c)(e) Coordinating with Cooperating with the Game and~~
13 ~~Fresh Water Fish Commission and~~ public and private research
14 institutions within the state to advance the aquaculture
15 production and sale of sturgeon as a food fish.

16 (10) The Fish and Wildlife Conservation Commission
17 ~~department~~ shall coordinate with the Aquaculture Review
18 Council and the Department of Agriculture and Consumer
19 Services to establish and implement grant programs to provide
20 funding for projects and programs that are identified in the
21 state's aquaculture plan, pending legislative appropriations.
22 The commission ~~department~~ and the Department of Agriculture
23 and Consumer Services shall establish and implement a grant
24 program to make grants available to qualified nonprofit,
25 educational, and research entities or local governments to
26 fund infrastructure, planning, practical and applied research,
27 development projects, production economic analysis, and
28 training and stock enhancement projects, and to make grants
29 available to counties, municipalities, and other state and
30 local entities for applied aquaculture projects that are

31

1 directed to economic development, pending legislative
2 appropriations.

3 (11) The Fish and Wildlife Conservation Commission
4 ~~department~~ shall provide assistance to the Department of
5 Agriculture and Consumer Services in the development of an
6 aquaculture plan for the state.

7 Section 47. Section 372.072, Florida Statutes, is
8 amended to read:

9 372.072 Endangered and Threatened Species Act.--

10 (1) SHORT TITLE.--This section may be cited as the
11 "Florida Endangered and Threatened Species Act ~~of 1977.~~"

12 (2) DECLARATION OF POLICY.--The Legislature recognizes
13 that the State of Florida harbors a wide diversity of fish and
14 wildlife and that it is the policy of this state to conserve
15 and wisely manage these resources, with particular attention
16 to those species defined by the Fish and Wildlife Conservation
17 ~~Game and Fresh Water Fish~~ Commission, the Department of
18 Environmental Protection, or the United States Department of
19 Interior, or successor agencies, as being endangered or
20 threatened. As Florida has more endangered and threatened
21 species than any other continental state, it is the intent of
22 the Legislature to provide for research and management to
23 conserve and protect these species as a natural resource.

24 (3) DEFINITIONS.--As used in this section:

25 (a) "Fish and wildlife" means any member of the animal
26 kingdom, including, but not limited to, any mammal, fish,
27 bird, amphibian, reptile, mollusk, crustacean, arthropod, or
28 other invertebrate.

29 (b) "Endangered species" means any species of fish and
30 wildlife naturally occurring in Florida, whose prospects of
31 survival are in jeopardy due to modification or loss of

1 habitat; overutilization for commercial, sporting, scientific,
2 or educational purposes; disease; predation; inadequacy of
3 regulatory mechanisms; or other natural or manmade factors
4 affecting its continued existence.

5 (c) "Threatened species" means any species of fish and
6 wildlife naturally occurring in Florida which may not be in
7 immediate danger of extinction, but which exists in such small
8 populations as to become endangered if it is subjected to
9 increased stress as a result of further modification of its
10 environment.

11 (4) INTERAGENCY COORDINATION.--

12 (a) ~~1. The Game and Fresh Water Fish~~ commission shall
13 be responsible for research and management of freshwater and
14 upland species, and for research and management of marine
15 species.

16 ~~2. The Department of Environmental Protection shall be~~
17 ~~responsible for research and management of marine species.~~

18 (b) Recognizing that citizen awareness is a key
19 element in the success of this plan, the ~~Game and Fresh Water~~
20 ~~Fish~~ commission, ~~the Department of Environmental Protection,~~
21 and the Office of Environmental Education of the Department of
22 Education are encouraged to work together to develop a public
23 education program with emphasis on, but not limited to, both
24 public and private schools.

25 (c) ~~The Department of Environmental Protection, the~~
26 ~~Marine Fisheries Commission, or the Game and Fresh Water Fish~~
27 commission, in consultation with the Department of Agriculture
28 and Consumer Services, ~~the Department of Commerce,~~ the
29 Department of Community Affairs, or the Department of
30 Transportation, may establish reduced speed zones along roads,
31

1 streets, and highways to protect endangered species or
2 threatened species.

3 (5) ANNUAL REPORT.--The director of the ~~Game and Fresh~~
4 ~~Water Fish~~ commission, ~~in consultation with the Secretary of~~
5 ~~Environmental Protection~~, shall, at least 30 days prior to
6 each annual session of the Legislature, transmit to the
7 Governor and Cabinet, the President of the Senate, the Speaker
8 of the House of Representatives, and the chairs of the
9 appropriate Senate and House committees, a revised and updated
10 plan for management and conservation of endangered and
11 threatened species, including criteria for research and
12 management priorities; a description of the educational
13 program; statewide policies pertaining to protection of
14 endangered and threatened species; additional legislation
15 which may be required; and the recommended level of funding
16 for the following year, along with a progress report and
17 budget request.

18 Section 48. Section 372.0725, Florida Statutes, is
19 amended to read:

20 372.0725 Killing or wounding of any species designated
21 as endangered, threatened, or of special concern; criminal
22 penalties.--It is unlawful for a person to intentionally kill
23 or wound any fish or wildlife of a species designated by the
24 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
25 Commission as endangered, threatened, or of special concern,
26 or to intentionally destroy the eggs or nest of any such fish
27 or wildlife, except as provided for in the rules of the ~~Game~~
28 ~~and Fresh Water Fish~~ commission, ~~the Department of~~
29 ~~Environmental Protection~~, or the ~~Marine Fisheries~~ Commission.
30 Any person who violates this provision with regard to an
31 endangered or threatened species is guilty of a felony of the

1 third degree, punishable as provided in s. 775.082, s.
2 775.083, or s. 775.084.

3 Section 49. Section 372.073, Florida Statutes, is
4 amended to read:

5 372.073 Endangered and Threatened Species Reward
6 Program.--

7 (1) There is established within the Fish and Wildlife
8 Conservation Game and Fresh Water Fish Commission the
9 Endangered and Threatened Species Reward Program, to be funded
10 from the Nongame Wildlife Trust Fund. The commission may post
11 rewards to persons responsible for providing information
12 leading to the arrest and conviction of persons illegally
13 killing or wounding or wrongfully possessing any of the
14 endangered and threatened species listed on the official
15 Florida list of such species maintained by the commission or
16 the arrest and conviction of persons who violate s. 372.667 or
17 s. 372.671. Additional funds may be provided by donations from
18 interested individuals and organizations. The reward program
19 is to be administered by the commission. The commission shall
20 establish a schedule of rewards.

21 (2) The commission may expend funds only for the
22 following purposes:

23 (a) The payment of rewards to persons, other than law
24 enforcement officers, commission personnel, and members of
25 their immediate families, for information as specified in
26 subsection (1); or

27 (b) The promotion of public recognition and awareness
28 of the Endangered and Threatened Species Reward Program.

29 Section 50. Paragraph (a) of subsection (2) and
30 subsection (6) of section 370.093, Florida Statutes, 1998
31 Supplement, are amended to read:

1 370.093 Illegal use of nets.--

2 (2)(a) Beginning July 1, 1998, it is also unlawful to
3 take or harvest, or to attempt to take or harvest, any marine
4 life in Florida waters with any net, as defined in subsection
5 (3) and any attachments to such net, that combined are larger
6 than 500 square feet and have not been expressly authorized
7 for such use by rule of the Fish and Wildlife Conservation
8 ~~Marine Fisheries~~ Commission ~~under s. 370.027~~. The use of
9 currently legal shrimp trawls and purse seines outside
10 nearshore and inshore Florida waters shall continue to be
11 legal until the commission implements rules regulating those
12 types of gear.

13 (6) The Fish and Wildlife Conservation ~~Marine~~
14 ~~Fisheries~~ Commission is granted authority to adopt rules
15 pursuant to ~~s. ss. 370.025 and 370.027~~ implementing this
16 section and the prohibitions and restrictions of s. 16, Art. X
17 of the State Constitution.

18 Section 51. Section 20.325, Florida Statutes, is
19 repealed.

20 Section 52. Section 370.026, Florida Statutes, is
21 repealed.

22 Section 53. The Division of Statutory Revision of the
23 Office of Legislative Services is directed to prepare a
24 reviser's bill for introduction at the 2000 Regular Session of
25 the Legislature to change "Game and Fresh Water Fish
26 Commission" to "Fish and Wildlife Conservation Commission" and
27 to make such further changes as are necessary to conform the
28 Florida Statutes to the organizational changes created by this
29 act.

30 Section 54. If any provision of this act or the
31 application thereof to any person or circumstance is held

1 invalid, the invalidity shall not affect other provisions or
2 applications of the act which can be given effect without the
3 invalid provisions or applications, and to this end the
4 provisions of this act are declared severable.

5 Section 55. This act shall take effect July 1, 1999.
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