

1                   A bill to be entitled  
2           An act relating to the Fish and Wildlife  
3           Conservation Commission; creating s. 20.331,  
4           F.S.; creating the Fish and Wildlife  
5           Conservation Commission; establishing  
6           administrative units within the new commission;  
7           establishing sources of funding; transferring  
8           the Game and Fresh Water Fish Commission, the  
9           Marine Fisheries Commission, and various  
10          bureaus of the Department of Environmental  
11          Protection to the Fish and Wildlife  
12          Conservation Commission; providing for  
13          administrative transfer of certain offices;  
14          providing legislative intent; providing for an  
15          operating agreement and an annual work plan  
16          regarding responsibilities shared by the  
17          department and the commission; providing for  
18          submission of the work plan to the Governor and  
19          the Legislature; providing for a memorandum of  
20          agreement between the commission and the  
21          department regarding responsibilities of the  
22          Florida Marine Research Institute to the  
23          department; amending s. 20.255, F.S.; revising  
24          language with respect to the administrative  
25          makeup of the Department of Environmental  
26          Protection to conform to the act; providing for  
27          the appropriation of certain revenues and  
28          federal funds to the commission; providing for  
29          limitation on expenditures by the commission;  
30          providing for the appointment of a working  
31          group by the Executive Office of the Governor;

1 amending s. 20.14, F.S.; adding a Division of  
2 Aquaculture of the Department of Agriculture  
3 and Consumer Services; amending s. 206.606,  
4 F.S.; adjusting distribution of fuel tax  
5 proceeds in conformance to the act to the  
6 commission; amending s. 320.08058, F.S.;  
7 conforming terminology to the act; amending s.  
8 327.02, F.S.; providing definitions and  
9 repealing s. 327.02(6), F.S.; to remove  
10 reference to the Department of Environmental  
11 Protection; amending s. 327.25, F.S.; providing  
12 for classification and registration of vessels;  
13 adjusting location of antique license vessel  
14 decal; amending s. 327.26, F.S.; providing for  
15 stickers or emblems for the Save the Manatee  
16 Trust Fund; amending s. 327.28, F.S.; providing  
17 for the appropriation and distribution of  
18 vessel registration funds; amending s. 327.30,  
19 F.S.; providing requirements regarding  
20 collisions, accidents, and casualties; amending  
21 s. 327.35215, F.S.; providing penalties;  
22 amending s. 327.395, F.S.; providing for  
23 boating safety identification cards; amending  
24 s. 327.41, F.S.; providing for uniform watering  
25 regulatory markers; amending s. 327.43, F.S.;  
26 providing for navigation channel requirements;  
27 amending s. 327.46, F.S.; providing for the  
28 establishment of restricted areas on the waters  
29 of the state; repealing s. 258.398, F.S.;  
30 amending s. 327.48, F.S.; providing  
31 requirements for regattas, races, marine

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

1 s. 370.071, F.S.; transferring responsibilities  
 2 for the regulation of shellfish processors to  
 3 the 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; amending s.  
 21 376.11, F.S., authorizing additional users of  
 22 the Coastal Protection Trust Fund; providing  
 23 for the transfer of employee benefits for  
 24 employees of designated state agencies;  
 25 authorizing the Department of Environmental  
 26 Protection to restructure and reorganize;  
 27 providing for a report to the Legislature on  
 28 the restructure and reorganization; repealing  
 29 s. 20.325, F.S.; abolishing the Game and Fresh  
 30 Water Fish Commission; repealing s. 370.026,  
 31 F.S.; abolishing the Marine Fisheries

1 Commission; instructing Division of Statutory  
2 Revision to draft reviser's bill for year 2000  
3 Regular Session; providing an effective date.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

7 Section 1. Section 20.331, Florida Statutes, is  
8 created to read:

9 20.331 Fish and Wildlife Conservation Commission.--

10 (1) The Legislature, recognizing the Fish and Wildlife  
11 Conservation Commission as being specifically authorized by  
12 the State Constitution under s. 9, Art. IV, grants rights and  
13 privileges to the commission, as contemplated by s. 6, Art. IV  
14 of the State Constitution, equal to those of departments  
15 established under this chapter, while preserving its  
16 constitutional designation and title as a commission.

17 (2) The head of the Fish and Wildlife Conservation  
18 Commission is the commission appointed by the Governor as  
19 provided for in s. 9, Art. IV of the State Constitution.

20 (3) The following administrative units are established  
21 within the commission:

22 (a) Division of Administrative Services.

23 (b) Division of Law Enforcement.

24 (c) Division of Freshwater Fisheries.

25 (d) Division of Marine Fisheries.

26 (e) Division of Wildlife.

27 (f) Florida Marine Research Institute.  
28

29 The bureaus and offices of the Game and Fresh Water Fish  
30 Commission existing on February 1, 1999, are established  
31 within the Fish and Wildlife Conservation Commission.

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

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

13           (5) In further exercise of its duties, the Fish and  
14 Wildlife Conservation Commission:

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

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

27           (c) Shall assign to the Division of Law Enforcement  
28 such powers, duties, responsibilities, and functions as are  
29 necessary to ensure enforcement of the laws and rules  
30 governing the management, protection, conservation,  
31 improvement, and expansion of Florida's wildlife resources,

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

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

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

14 2. Monitor the status and health of saltwater habitat,  
15 marine life, and wildlife;

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

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

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

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

28 (6)(a) Shall implement a system of adequate due  
29 process procedures to be accorded to any party, as defined in  
30 s. 120.52, whose substantial interests will be affected by any  
31

1 action of the Fish and Wildlife Conservation Commission in the  
2 performance of its constitutional duties or responsibilities.

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

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

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

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

19 3. Land acquisition and management;

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

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

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

29 7. Establishment of free fishing days;

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

31



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           (7) 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 any permitting agency. Comments by the commission shall be  
27 considered for consistency with the Florida Coastal Management  
28 Program and sections 373.428, and 380.23. Should a permitting  
29 agency use the commission's comments as a condition of denial,  
30 approval, or modification of a proposed permit, license, or  
31 authorization, any party to an administrative proceeding

1 involving such proposed action may require the commission to  
2 join as a party in determining the validity of the condition.  
3 In any action where the commission is joined as a party, the  
4 commission shall only bear the actual cost of defending the  
5 validity of the credible, factual scientific data used as a  
6 basis for its comments.

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

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

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

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

1           Section 4. (1) The Bureau of Environmental Law  
2 Enforcement, the Bureau of Administrative Support, the Bureau  
3 of Operational Support, and the Office of Enforcement Planning  
4 and Policy Coordination within the Division of Law Enforcement  
5 at the Department of Environmental Protection, together with  
6 the positions assigned to these specified bureaus and offices  
7 as of February 1, 1999, are transferred to the Fish and  
8 Wildlife Conservation Commission by a type two transfer, as  
9 defined in s. 20.06(2), Florida Statutes, except for:

10           (a) Any administrative and technical positions and  
11 equipment within the Bureau of Administrative Support and the  
12 Bureau of Operational Support providing support services to  
13 the Bureau of Emergency Response, the Florida Park Patrol, and  
14 the Office of Environmental Investigations within the Division  
15 of Law Enforcement at the Department of Environmental  
16 Protection as of February 1, 1999;

17           (b) Any sworn positions classified as Investigator I  
18 or Investigator II positions within the different program  
19 components of the Division of Law Enforcement at the  
20 Department of Environmental Protection as of February 1, 1999.

21           (c) Any sworn positions assigned to the Office of the  
22 Director of the Division of Law Enforcement as of February 1,  
23 1999; and

24           (d) All sworn positions assigned to the Florida Park  
25 Patrol within the Division of Law Enforcement at the  
26 Department of Environmental Protection as of February 1, 1999.

27           (2) The sworn positions assigned to the Uniform  
28 Patrol, Inspections, Aviation and Boating Safety program  
29 components of the Division of Law Enforcement at the  
30 Department of Environmental Protection as of February 1, 1999,  
31

1 are assigned to the Division of Law Enforcement at the Fish  
2 and Wildlife Conservation Commission.

3 (3) No duties or responsibilities relating to boating  
4 safety shall remain in the Department of Environmental  
5 Protection.

6 Section 5. (1) The Division of Marine Resources at  
7 the Department of Environmental Protection, together with the  
8 positions assigned to the division as of February 1, 1999, are  
9 transferred to the Fish and Wildlife Conservation Commission  
10 by a type two transfer, as defined in s. 20.06(2), Florida  
11 Statutes, except for:

12 (a) The Bureau of Coastal and Aquatic Managed Areas  
13 which is assigned to the Division of State Lands at the  
14 Department of Environmental Protection; and

15 (b) Positions assigned to the Office of the Division  
16 Director as of February 1, 1999, and not performing angler  
17 outreach and education duties.

18 (2) The Office of Fisheries Management and Assistance  
19 Services, and positions assigned to angler outreach and  
20 education duties within the Division of Marine Resources at  
21 the Department of Environmental Protection are assigned to the  
22 Division of Marine Fisheries at the commission.

23 (3) The Florida Marine Research Institute at the  
24 Department of Environmental Protection is established as a  
25 separate budget entity within the commission, and is assigned  
26 to the Office of the Executive Director for administrative  
27 purposes.

28 (4) The Bureau of Protected Species Management at the  
29 Department of Environmental Protection is assigned as a bureau  
30 to the Office of Environmental Services within the commission.

31

1           Section 6. Within the Department of Environmental  
2 Protection, the Office of Environmental Investigations, the  
3 Florida Park Patrol, and the Bureau of Emergency Response are  
4 assigned to the Division of Law Enforcement.

5           Section 7. The Bureau of Marine Resource Regulation  
6 and Development at the Department of Environmental Protection,  
7 and the positions assigned to the bureau effective February 1,  
8 1999, are transferred to the Division of Aquaculture within  
9 the Department of Agriculture and Consumer Services by a type  
10 one transfer, as defined in s. 20.06(1), Florida  
11 Statutes. Water quality data collected by the Division of  
12 Aquaculture with the Department of Agriculture and Consumer  
13 Services are to be shared with the Division of Water Resource  
14 Management within the Department of Environmental Protection.

15           Section 8. Subsections (2) and (6) of section 20.255,  
16 Florida Statutes, 1998 Supplement, are amended, and  
17 subsections (7), (8), and (9) are added to said section, to  
18 read:

19           20.255 Department of Environmental Protection.--There  
20 is created a Department of Environmental Protection.

21           (2)(a) There shall be two deputy secretaries and an  
22 executive coordinator for ecosystem management who are to be  
23 appointed by and shall serve at the pleasure of the secretary.  
24 The secretary may assign either deputy secretary the  
25 responsibility to supervise, coordinate, and formulate policy  
26 for any division, office, or district. The following special  
27 offices are established and headed by managers, each of whom  
28 is to be appointed by and serve at the pleasure of the  
29 secretary:

- 30           1. Office of General Counsel,
- 31           2. Office of Inspector General,

1           3. Office of Communication, the latter including  
2 public information, legislative liaison, cabinet liaison and  
3 special projects,

4           4. Office of Water Policy,

5           5. Office of Intergovernmental Programs,

6           6. Office of Ecosystem Planning and Coordination,

7           7. Office of Environmental Education, and an

8           8. Office of Greenways and Trails, ~~and an Office of~~  
9 ~~the Youth Corps.~~

10           (b) The executive coordinator for ecosystem management  
11 shall coordinate policy within the department to assure the  
12 implementation of the ecosystem management provisions of  
13 chapter 93-213, Laws of Florida. The executive coordinator for  
14 ecosystem management shall supervise only the Office of Water  
15 Policy, the Office of Intergovernmental Programs, the Office  
16 of Ecosystem Planning and Coordination, and the Office of  
17 Environmental Education. The executive coordinator for  
18 ecosystem management may also be delegated authority by the  
19 secretary to act on behalf of the secretary; this authority  
20 may include the responsibility to oversee the inland  
21 navigation districts.

22           (c) The other special offices not supervised by the  
23 executive coordinator for ecosystem management shall report to  
24 the secretary; however, the secretary may assign them, for  
25 daily coordination purposes, to report through a senior  
26 manager other than the secretary.

27           (d) There shall be six administrative districts  
28 involved in regulatory matters of waste management, water  
29 facilities, wetlands, and air resources, which shall be headed  
30 by managers, each of whom is to be appointed by and serve at  
31 the pleasure of the secretary. Divisions of the department may

1 have one assistant or two deputy division directors, as  
2 required to facilitate effective operation.

3  
4 The managers of all divisions and offices specifically named  
5 in this section and the directors of the six administrative  
6 districts are exempt from part II of chapter 110 and are  
7 included in the Senior Management Service in accordance with  
8 s. 110.205(2)(i). No other deputy secretaries or senior  
9 management positions at or above the division level, except  
10 those established in chapter 110, may be created without  
11 specific legislative authority.

12 (6) The following divisions of the Department of  
13 Environmental Protection are established:

14 (a) Division of Administrative and Technical Services.

15 (b) Division of Air Resource Management.

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

17 (d) Division of Law Enforcement.

18 (e) Division of Resource Assessment and Management  
19 ~~Marine Resources~~.

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

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

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

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

27  
28 In order to ensure statewide and intradepartmental  
29 consistency, the department's divisions shall direct the  
30 district offices and bureaus on matters of interpretation and  
31 applicability of the department's rules and programs.

1           (7) Law enforcement officers of the Department of  
2 Environmental Protection who meet the provisions of s. 943.13  
3 are constituted law enforcement officers of this state with  
4 full power to investigate and arrest for any violation of the  
5 laws of this state, and the rules of the department and the  
6 Board of Trustees of the Internal Improvement Trust Fund. The  
7 general laws applicable to investigations, searches, and  
8 arrests by peace officers of this state apply to such law  
9 enforcement officers.

10           (8) Records and documents of the Department of  
11 Environmental Protection shall be retained by the department  
12 as specified in record retention schedules established under  
13 the general provisions of chapters 119 and 257. Further, the  
14 department is authorized to:

15           (a) Destroy, or otherwise dispose of, those records  
16 and documents in conformity with the approved retention  
17 schedules.

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



1 Department of Environmental Protection on a certificate made  
2 by the department and signed by the Secretary of Environmental  
3 Protection entitles the certificate to be received in all  
4 courts and in all proceedings in this state and is prima facie  
5 evidence of all factual matters set forth in the certificate.  
6 A certificate may relate to one or more records as set forth  
7 in the certificate or in a schedule attached to the  
8 certificate.

9 (9) The Department of Environmental Protection may  
10 require that bond be given by any employee of the department,  
11 payable to the Governor of the state and the Governor's  
12 successor in office, for the use and benefit of those whom it  
13 concerns, in such penal sums and with such good and sufficient  
14 surety or sureties as are approved by the department,  
15 conditioned upon the faithful performance of the duties of the  
16 employee.

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

19 20.14 Department of Agriculture and Consumer  
20 Services.--There is created a Department of Agriculture and  
21 Consumer Services.

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

24 (a) Administration.

25 (b) Agricultural Environmental Services.

26 (c) Animal Industry.

27 (d) Aquaculture.

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

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

30 (g)~~(f)~~ Food Safety.

31 (h)~~(g)~~ Forestry.

1        ~~(i)(h)~~ Fruit and Vegetables.

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

3        ~~(k)(j)~~ Plant Industry.

4        ~~(l)(k)~~ Standards.

5            Section 10. Except where otherwise specified in law,  
6 all revenues derived from the sale of permits and licenses  
7 pursuant to chapter 370, Florida Statutes, and all federal  
8 funds received by the State of Florida as a match to the  
9 aforementioned state revenues, are to be appropriated by the  
10 Legislature to the Fish and Wildlife Conservation Commission,  
11 to be used for the purposes specified in law, except for the  
12 following:

13            (1) Revenues derived from the sale of the resident or  
14 nonresident clam licenses authorized by Chapter 94-419, Laws  
15 of Florida, which shall be appropriated to the General  
16 Inspection Trust Fund of the Department of Agriculture and  
17 Consumer Services,

18            (2) Revenues derived from the imposition of the  
19 Apalachicola Bay Oyster Harvesting License authorized in  
20 section 370.06(5), Florida Statutes, 1998 Supplement, which  
21 shall be appropriated to the General Inspection Trust Fund of  
22 the Department of Agriculture and Consumer Services,

23            (3) Revenues derived from the imposition of the  
24 Apalachicola Bay Oyster Surcharge authorized in section  
25 370.07(3), Florida Statutes, 1998 Supplement, which shall be  
26 appropriated to the General Inspection Trust Fund of the  
27 Department of Agriculture and Consumer Services, and

28            (4) That portion of vessel registration fees used for  
29 quality control purposes pursuant to the provisions of section  
30 327.28, (1)(d) Florida Statutes, which shall be appropriated  
31

1 to the General Inspection Trust Fund of the Department of  
2 Agriculture and Consumer Services.

3 Section 11. Except where otherwise specified in law,  
4 all revenues derived from the sale of permits and licenses  
5 pursuant to chapter 372, Florida Statutes, and all federal  
6 funds received by the State of Florida as a match to the  
7 aforementioned state revenues, are to be appropriated by the  
8 Legislature to the Fish and Wildlife Conservation Commission,  
9 to be used for the purposes specified in law.

10 Section 12. The total amount of funds expended by the  
11 Fish and Wildlife Conservation Commission for all recurring  
12 budget categories combined may not exceed:

- 13 (1) In fiscal year 2000-2001, 95 percent, and  
14 (2) In fiscal year 2001-2002, 90 percent,

15  
16 of the total recurring budget appropriated for fiscal year  
17 1999-2000 to the Fish and Wildlife Conservation Commission.

18 Section 13. (1) The Secretary of the Department of  
19 Environmental Protection and the Executive Director of the  
20 Fish and Wildlife Conservation Commission shall each appoint  
21 three staff members to a transition advisory working group to  
22 review and determine the following:

23 (a) The appropriate number of positions and the  
24 related sources of funding to be transferred from the Office  
25 of the General Counsel and the Division of Administrative and  
26 Technical Services at the Department of Environmental  
27 Protection to the Fish and Wildlife Conservation Conservation  
28 Commission.

29 1. No more than 60 positions may be transferred to  
30 provide legal services, administrative services, and  
31 operational support services, including communications

1 equipment involving the National Crime Information System  
2 (NCIS) and the Florida Crime Information System (FCIS) which  
3 were previously provided to the programs transferred by  
4 sections four and five of this act.

5 (b) The development of a recommended plan addressing  
6 the transfer of, or where appropriate, the shared use of  
7 building, regional offices, and other facilities used or owned  
8 by the Department of Environmental Protection or the Game and  
9 Fresh Water Fish Commission to conduct activities for which  
10 the commission is responsible as of July 1, 1999.

11 1. To assist in the development of the portion of the  
12 recommended plan addressing the transfer or shared use of  
13 facilities used currently by the Bureau of Marine Resource  
14 Regulation and Development at the Department of Environmental  
15 Protection, the Secretary of the Department of Agriculture and  
16 Consumer Services is authorized to appoint three staff members  
17 to transition advisory working group.

18 (2) For fiscal year 1999-2000, the Governor shall  
19 appoint one senior staff person from the Office of Planning  
20 and Budgeting to:

21 (a) Convene and chair the meetings of the transition  
22 advisory group, and

23 (b)1. To assist the transition advisory working group  
24 with any operating budget adjustments as necessary, including  
25 any adjustments in administrative and technical staff  
26 remaining with the Department of Environmental Protection,  
27 including in the Division of Law Enforcement, to implement the  
28 requirements of this act. Adjustments made to the operating  
29 budgets of the Department of Environmental Protection or the  
30 commission in the implementation of this act must be made in  
31 consultation with the appropriate substantive and fiscal

1 committee staffs of the House of Representatives and the  
2 Florida Senate.

3 (2) The revisions to the FY 1999-00 approved operating  
4 budget which are necessary to reflect the organizational  
5 changes directed by this legislation shall be implemented  
6 pursuant to section 216.292(11), Florida Statutes, and are  
7 subject to the notification and review process outlined in  
8 section 216.177, Florida Statutes. Subsequent adjustments  
9 between agencies that are determined necessary by the  
10 Department of Environmental Protection or Fish and Wildlife  
11 Conservation Commission, and approved by the Executive Office  
12 of the Governor, may also be authorized and are subject to the  
13 notification and review process outlined in section 216.177,  
14 Florida Statutes. The appropriate substantive committees of  
15 the House and Senate shall also be notified of the proposed  
16 revisions authorized by this section to ensure consistency  
17 with legislative policy and intent.

18 Section 14. The executive director of the Fish and  
19 Wildlife Conservation Commission and the secretary of the  
20 Department of Environmental Protection shall develop and adopt  
21 an operating agreement and an annual work plan to accomplish  
22 responsibilities shared between the agencies.

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

29 (2) The work plan shall be submitted by August 1,  
30 1999, to the Governor, the Speaker of the House of  
31 Representatives, and the President of the Senate and may

1 include recommendations for facilitating department law  
2 enforcement and emergency response needs, the research  
3 priorities of the Florida Marine Research Institute, and the  
4 needs of other appropriate department programs.

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

11 (a) Environmental monitoring and assessment.

12 (b) Restoration research and development of  
13 restoration technology.

14 (c) Technical support and response for oil spills,  
15 ship groundings, major marine species die offs, hazardous  
16 spills, and natural disasters.

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

20 206.606 Distribution of certain proceeds.--

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

30 (a) ~~\$6.30~~<sup>\$7.55</sup> million shall be transferred to the  
31 Department of Environmental Protection in each fiscal year

1 ~~and. The transfers must be made in equal monthly amounts~~  
2 ~~beginning on July 1 of each fiscal year. \$1.25 million of the~~  
3 ~~amount transferred shall be deposited annually in the Marine~~  
4 ~~Resources Conservation Trust Fund and must be used by the~~  
5 ~~department to fund special projects to provide recreational~~  
6 ~~channel marking, public launching facilities, and other~~  
7 ~~boating-related activities. The department shall annually~~  
8 ~~determine where unmet needs exist for boating-related~~  
9 ~~activities, and may fund such activities in counties where,~~  
10 ~~due to the number of vessel registrations, insufficient~~  
11 ~~financial resources are available to meet total water resource~~  
12 ~~needs. The remaining proceeds of the annual transfer shall be~~  
13 ~~deposited in the Aquatic Plant Control Trust Fund to and must~~  
14 ~~be used for aquatic plant management, including nonchemical~~  
15 ~~control of aquatic weeds, research into nonchemical controls,~~  
16 ~~and enforcement activities. Beginning in fiscal year~~  
17 ~~1993-1994, the department shall allocate at least \$1 million~~  
18 ~~of such funds to the eradication of melaleuca.~~

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

29 1. A minimum of \$1.25 million shall be used to fund  
30 local projects to provide recreational channel marking, public  
31 launching facilities, aquatic plant control, and other local

1 boating related activities. In funding the projects, the  
2 commission shall give priority consideration as follows:

3 a. Unmet needs in counties with populations of 100,000  
4 or less.

5 b. Unmet needs in coastal counties with a high level  
6 of boating related activities from individuals residing in  
7 other counties.

8 2. The remaining \$1.25 million may be used for  
9 recreational boating activities, and freshwater fisheries  
10 management and research.

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

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



1 (c) 0.65 percent of moneys collected pursuant to s.  
2 206.41(1)(g) shall be transferred to the Agricultural  
3 Emergency Eradication Trust Fund.

4 Section 16. Paragraph (b) of subsection (1) of section  
5 320.08058, Florida Statutes, 1998 Supplement, as amended by  
6 section 7 of chapter 98-414, Laws of Florida, is amended to  
7 read:

8 320.08058 Specialty license plates.--

9 (1) MANATEE LICENSE PLATES.--

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

18 Section 17. Subsection (19) of section 320.08058,  
19 Florida Statutes, 1998 Supplement, is amended to read:

20 320.08058 Specialty license plates.--

21 (19) SEA TURTLE LICENSE PLATES.--

22 (a) The department shall develop a Sea Turtle license  
23 plate as provided in this section. The word "Florida" must  
24 appear at the top of the plate, the words "Helping Sea Turtles  
25 Survive" must appear at the bottom of the plate, and the image  
26 of a sea turtle must appear in the center of the plate.

27 (b) The annual use fees shall be deposited in the  
28 Marine Resources Conservation Trust Fund in the Fish and  
29 Wildlife Conservation Commission ~~Florida Department of~~  
30 ~~Environmental Protection~~. The first \$500,000 in annual revenue  
31 shall be used by the Florida Marine Turtle Protection Program

1 to conduct sea turtle protection, research, and recovery  
2 programs. The remaining annual use proceeds shall be used by  
3 the commission ~~Department of Environmental Protection~~ for sea  
4 turtle conservation activities, except that up to 30 percent  
5 of the remaining annual use fee proceeds shall be annually  
6 disbursed ~~dispersed~~ through the marine turtle grants program  
7 as provided in s. 370.12(1)(h).

8 Section 18. Present subsection (5) of section 327.02,  
9 Florida Statutes, 1998 Supplement, is redesignated as  
10 subsection (6), present subsection (6) is repealed, subsection  
11 (7) is amended, and new subsection (5) is added to that  
12 section to read:

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

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

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

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

25 327.25 Classification; registration; fees and charges;  
26 surcharge; disposition of fees; fines; marine turtle  
27 stickers.--

28 (2) ANTIQUE VESSEL REGISTRATION FEE.--

29 (b) The registration number for an antique vessel  
30 shall be permanently attached to each side of the forward half  
31 of the vessel ~~affixed on the forward half of the hull or on~~

1 ~~the port side of the windshield~~ according to ss. 327.11 and  
2 327.14.

3 (c) The Department of Highway Safety and Motor  
4 Vehicles may issue a decal identifying the vessel as an  
5 antique vessel. The decal shall be displayed as provided in  
6 ss. 327.11 and 327.14 ~~placed within 3 inches of the~~  
7 ~~registration number.~~

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

16 Section 20. Section 327.26, Florida Statutes, is  
17 amended to read:

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

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

28 327.28 Marine Resources Conservation Trust Fund;  
29 vessel registration funds; appropriation and distribution.--

30 (2) All funds collected pursuant to s. 370.06(2) shall  
31 be deposited in the Marine Resources Conservation Trust Fund.

1 Such funds shall be used to pay the cost of implementing the  
2 saltwater products license program. Additional proceeds from  
3 the licensing revenue shall be distributed among the following  
4 program functions:

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

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

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

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

20 Section 22. Subsection (2) of section 327.30, Florida  
21 Statutes, is amended to read:

22 327.30 Collisions, accidents, and casualties.--

23 (2) In the case of collision, accident, or other  
24 casualty involving a vessel in or upon or entering into or  
25 exiting from the water, including capsizing, collision with  
26 another vessel or object, sinking, personal injury requiring  
27 medical treatment beyond immediate first aid, death,  
28 disappearance of any person from on board under circumstances  
29 which indicate the possibility of death or injury, or damage  
30 to any vessel or other property in an apparent aggregate  
31 amount of at least \$500, the operator shall without delay, by

1 the quickest means available give notice of the accident to  
2 one of the following agencies: the Division of Law  
3 Enforcement of the Fish and Wildlife Conservation Commission;  
4 ~~the Game and Fresh Water Fish Commission;~~ the sheriff of the  
5 county within which the accident occurred; or the police chief  
6 of the municipality within which the accident occurred, if  
7 applicable.

8 Section 23. Subsection (5) of section 327.35215,  
9 Florida Statutes, 1998 Supplement, is amended to read:

10 327.35215 Penalty for failure to submit to test.--

11 (5) Moneys collected by the clerk of the court  
12 pursuant to this section shall be disposed of in the following  
13 manner:

14 (a) If the arresting officer was employed or appointed  
15 by a state law enforcement agency except as a wildlife  
16 enforcement officer or a freshwater fisheries enforcement  
17 officer of the Fish and Wildlife Conservation ~~Game and Fresh~~  
18 ~~Water Fish~~ Commission, the moneys shall be deposited into the  
19 Marine Resources Conservation Trust Fund.

20 (b) If the arresting officer was employed or appointed  
21 by a county or municipal law enforcement agency, the moneys  
22 shall be deposited into the law enforcement trust fund of that  
23 agency.

24 (c) If the arresting officer was employed or appointed  
25 by the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
26 ~~Fish~~ Commission as a wildlife enforcement officer or a  
27 freshwater fisheries enforcement officer, the money shall be  
28 deposited into the State Game Trust Fund.

29 Section 24. Section 327.395, Florida Statutes, is  
30 amended to read:

31 327.395 Boating safety identification cards.--

1           (1) Until October 1, 2001, a person born after  
2 September 30, 1980, and on or after October 1, 2001, a person  
3 21 years of age or younger may not operate a vessel powered by  
4 a motor of 10 horsepower or greater unless such person has in  
5 his or her possession aboard the vessel photographic  
6 identification and a boater safety identification card issued  
7 by the commission ~~department~~ which shows that he or she has:

8           (a) Completed a commission-approved  
9 ~~department-approved~~ boater education course that meets the  
10 minimum 8-hour instruction requirement established by the  
11 National Association of State Boating Law Administrators;

12           (b) Passed a course equivalency examination approved  
13 by the commission ~~department~~; or

14           (c) Passed a temporary certificate examination  
15 developed or approved by the commission ~~department~~.

16           (2) Any person may obtain a boater safety  
17 identification card by complying with the requirements of this  
18 section.

19           (3) The commission ~~department~~ may appoint liveries,  
20 marinas, or other persons as its agents to administer the  
21 course, course equivalency examination, or temporary  
22 certificate examination and issue identification cards under  
23 guidelines established by the commission ~~department~~. An agent  
24 must charge the \$2 examination fee, which must be forwarded to  
25 the commission ~~department~~ with proof of passage of the  
26 examination and may charge and keep a \$1 service fee.

27           (4) An identification card issued to a person who has  
28 completed a boating education course or a course equivalency  
29 examination is valid for life. A card issued to a person who  
30 has passed a temporary certification examination is valid for  
31 12 months from the date of issuance.

- 1           (5) A person is exempt from subsection (1) if he or  
2 she:
- 3           (a) Is licensed by the United States Coast Guard to  
4 serve as master of a vessel.
- 5           (b) Operates a vessel only on a private lake or pond.
- 6           (c) Is accompanied in the vessel by a person who is  
7 exempt from this section or who holds an identification card  
8 in compliance with this section, is 18 years of age or older,  
9 and is attendant to the operation of the vessel and  
10 responsible for any violation that occurs during the  
11 operation.
- 12           (d) Is a nonresident who has in his or her possession  
13 proof that he or she has completed a boater education course  
14 or equivalency examination in another state which meets or  
15 exceeds the requirements of subsection (1).
- 16           (e) Is exempted by rule of the commission ~~department~~.
- 17           (6) A person who violates this section is guilty of a  
18 noncriminal infraction, punishable as provided in s. 327.73.
- 19           (7) The commission ~~department~~ shall design forms and  
20 adopt rules to administer this section. Such rules shall  
21 include provision for educational and other public and private  
22 entities to offer the course and administer examinations.
- 23           (8) The commission ~~department~~ shall institute and  
24 coordinate a statewide program of boating safety instruction  
25 and certification to ensure that boating courses and  
26 examinations are available in each county of the state.
- 27           (9) The commission ~~department~~ is authorized to  
28 establish and to collect a \$2 examination fee to cover  
29 administrative costs.
- 30
- 31

1           (10) The commission is authorized to adopt rules  
2 pursuant to chapter 120 to implement the provisions of this  
3 section.

4           Section 25. Section 327.41, Florida Statutes, is  
5 amended to read:

6           327.41 Uniform waterway regulatory markers.--

7           (1) The Fish and Wildlife Conservation Commission  
8 ~~Department of Environmental Protection~~ shall adopt rules and  
9 regulations pursuant to chapter 120 establishing a uniform  
10 system of regulatory markers for the Florida Intracoastal  
11 Waterway, compatible with the system of regulatory markers  
12 prescribed by the United States Coast Guard, and shall give  
13 due regard to the System of Uniform Waterway Markers approved  
14 by the Advisory Panel of State Officials to the Merchant  
15 Marine Council, United States Coast Guard.

16           (2) Any county or municipality which has been granted  
17 a restricted area designation, pursuant to s. 327.46, for a  
18 portion of the Florida Intracoastal Waterway within its  
19 jurisdiction may apply to the Fish and Wildlife Conservation  
20 Commission ~~Department of Environmental Protection~~ for  
21 permission to place regulatory markers within the restricted  
22 area.

23           (3) Application for placing regulatory markers on the  
24 Florida Intracoastal Waterway shall be made to the Division of  
25 Marine Resources, accompanied by a map locating the  
26 approximate placement of the markers, a statement of the  
27 specification of the markers, a statement of purpose of the  
28 markers, and a statement of the city or county responsible for  
29 the placement and upkeep of the markers.

30           (4) No person or municipality, county, or other  
31 governmental entity shall place any regulatory markers in, on,



1 or over the Florida Intracoastal Waterway without a permit  
2 from the Division of Marine Resources.

3 (5) Aquaculture leaseholds shall be marked as required  
4 by this section, and the commission ~~department~~ may approve  
5 alternative marking requirements as a condition of the lease  
6 pursuant to s. 253.68. The provisions of this section  
7 notwithstanding, no permit shall be required for the placement  
8 of markers required by such a lease.

9 (6) The commission is authorized to adopt rules  
10 pursuant to chapter 120 to implement the provisions of this  
11 section.

12 Section 26. Section 327.43, Florida Statutes, is  
13 amended to read:

14 327.43 Silver Glen Run and Silver Glen Springs;  
15 navigation channel; anchorage buoys; violations.--

16 (1) The Fish and Wildlife Conservation Commission  
17 ~~Department of Environmental Protection~~ is hereby directed to  
18 mark a navigation channel within Silver Glen Run and Silver  
19 Glen Springs, located on the western shore of Lake George on  
20 the St. Johns River.

21 (2) The commission ~~department~~ is further directed to  
22 establish permanent anchorage buoys within Silver Glen Run and  
23 Silver Glen Springs.

24 (3) Vessel anchorage or mooring shall only be allowed  
25 utilizing permanently established anchorage buoys. No vessel  
26 shall anchor or otherwise attach, temporarily or permanently,  
27 to the bottom within Silver Glen Run or Silver Glen Springs.

28 (4) Any violation of this act shall constitute a  
29 violation of the boating laws of this state and shall be  
30 punishable by issuance of a uniform boating citation as  
31 provided in s. 327.74. Any person who refuses to post a bond

1 or accept and sign a uniform boating citation, as provided in  
2 s. 327.73(3), commits a misdemeanor of the second degree,  
3 punishable as provided in s. 775.082 or s. 775.083.

4 Section 27. Subsection (1) of section 327.46, Florida  
5 Statutes, is amended to read:

6 327.46 Restricted areas.--

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

20 Section 28. Section 258.398, Florida Statutes, is  
21 repealed.

22 Section 29. Section 327.48, Florida Statutes, is  
23 amended to read:

24 327.48 Regattas, races, marine parades, tournaments,  
25 or exhibitions.--Any person directing the holding of a  
26 regatta, tournament, or marine parade or exhibition shall  
27 secure a permit from the Coast Guard when such event is held  
28 in navigable waters of the United States. A person directing  
29 any such affair in any county shall notify the sheriff of the  
30 county or, the Fish and Wildlife Conservation Commission ~~Game~~  
31 ~~and Fresh Water Fish Commission, or the department~~ at least 15

1 days prior to any event in order that appropriate arrangements  
2 for safety and navigation may be assured. Any person or  
3 organization sponsoring a regatta or boat race, marine parade,  
4 tournament, or exhibition shall be responsible for providing  
5 adequate protection to the participants, spectators, and other  
6 users of the water.

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

9 327.70 Enforcement of this chapter and chapter 328.--

10 (1) This chapter and chapter 328 shall be enforced by  
11 the Division of Law Enforcement of the Fish and Wildlife  
12 Conservation ~~department and its officers, the Game and Fresh~~  
13 ~~Water Fish~~ Commission and its officers, the sheriffs of the  
14 various counties and their deputies, and any other authorized  
15 law enforcement officer, all of whom may order the removal of  
16 vessels deemed to be an interference or a hazard to public  
17 safety, enforce the provisions of this chapter and chapter  
18 328, or cause any inspections to be made of all vessels in  
19 accordance with this chapter and chapter 328.

20 (3) The Fish and Wildlife Conservation Commission  
21 ~~department~~ or any other law enforcement agency may make any  
22 investigation necessary to secure information required to  
23 carry out and enforce the provisions of this chapter and  
24 chapter 328.

25 Section 31. Section 327.71, Florida Statutes, is  
26 amended to read:

27 327.71 Exemption.--The commission ~~department~~ may, if  
28 it finds that federal law imposes less restrictive  
29 requirements than provided herein or if it determines that  
30 boating safety will not be adversely affected, issue temporary  
31 exemptions from any provision of this chapter or rules

1 established hereunder, on such terms and conditions as it  
2 considers appropriate.

3 Section 32. Subsections (1) and (3) of section  
4 327.731, Florida Statutes, 1998 Supplement, are amended to  
5 read:

6 327.731 Mandatory education for violators.--

7 (1) Every person convicted of a criminal violation of  
8 this chapter, every person convicted of a noncriminal  
9 infraction under this chapter if the infraction resulted in a  
10 reportable boating accident, and every person convicted of two  
11 noncriminal infractions as defined in s. 327.73(1)(h) through  
12 (k), (m) through (p), (s), and (t), said infractions occurring  
13 within a 12-month period, must:

14 (a) Enroll in, attend, and successfully complete, at  
15 his or her own expense, a boating safety course that meets  
16 minimum standards established by the commission ~~department~~ by  
17 rule; however, the commission ~~department~~ may provide by rule  
18 pursuant to chapter 120 for waivers of the attendance  
19 requirement for violators residing in areas where classroom  
20 presentation of the course is not available;

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

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

26  
27 Any person who has successfully completed an approved boating  
28 course shall be exempt from these provisions upon showing  
29 proof to the commission ~~department~~ as specified in paragraph  
30 (b).

31

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

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

11           327.74 Uniform boating citations.--

12           (1) The commission ~~department~~ shall prepare, and  
13 supply to every law enforcement agency in this state which  
14 enforces the laws of this state regulating the operation of  
15 vessels, an appropriate form boating citation containing a  
16 notice to appear (which shall be issued in prenumbered books  
17 with citations in quintuplicate) and meeting the requirements  
18 of this chapter or any laws of this state regulating boating,  
19 which form shall be consistent with the state's county court  
20 rules and the procedures established by the commission  
21 ~~department~~.

22           (2) Courts, enforcement agencies, and the commission  
23 ~~department~~ are jointly responsible to account for all uniform  
24 boating citations in accordance with the procedures  
25 promulgated by the commission ~~department~~.

26           (4) The chief administrative officer of every law  
27 enforcement agency shall require the return to him or her of  
28 the commission ~~department~~ record copy of every boating  
29 citation issued by an officer under his or her supervision to  
30 an alleged violator of any boating law or ordinance and all  
31 copies of every boating citation which has been spoiled or

1 upon which any entry has been made and not issued to an  
2 alleged violator.

3 (6) The chief administrative officer shall transmit,  
4 on a form approved by the commission ~~department~~, the  
5 commission ~~department~~ record copy of the uniform boating  
6 citation to the commission ~~department~~ within 5 days after  
7 submission of the original and one copy to the court. A copy  
8 of such transmittal shall also be provided to the court having  
9 jurisdiction for accountability purposes.

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

14 Section 34. Section 327.803, Florida Statutes, is  
15 amended to read:

16 327.803 Boating Advisory Council.--

17 (1) The Boating Advisory Council is created within the  
18 Fish and Wildlife Conservation Commission ~~Department of~~  
19 ~~Environmental Protection~~ and shall be composed of 16 members.  
20 The ~~initial~~ members shall be appointed before August 1, 1994,  
21 and must include:

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

25 (b) One representative each from the Department of  
26 Environmental Protection ~~Game and Fresh Water Fish Commission~~,  
27 the United States Coast Guard Auxiliary, the United States  
28 Power Squadron, and the inland navigation districts.

29 (c) One representative of manatee protection  
30 interests, one representative of the marine industries, two  
31 representatives of water-related environmental groups, one

1 representative of marine manufacturers, one representative of  
2 commercial vessel owners or operators, one representative of  
3 sport boat racing, and two representatives of the boating  
4 public, each of whom shall be nominated by the executive  
5 director of the Fish and Wildlife Conservation Commission  
6 ~~Secretary of Environmental Protection~~ and appointed by the  
7 Governor to serve staggered 2-year terms.

8 (d) One member of the House of Representatives, who  
9 shall be appointed by the Speaker of the House of  
10 Representatives.

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

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

16 (3) The purpose of the council is to make  
17 recommendations to the Fish and Wildlife Conservation  
18 Commission ~~Department of Environmental Protection~~ and the  
19 Department of Community Affairs regarding issues affecting the  
20 boating community, including, but not limited to, issues  
21 related to:

22 (a) Boating safety education.

23 (b) Boating-related facilities, including marinas and  
24 boat testing facilities.

25 (c) Boat usage.

26  
27 ~~However, it is not the purpose of the council to make~~  
28 ~~recommendations to the Marine Fisheries Commission.~~

29 (4) Members of the council shall serve without  
30 compensation.

31

1           Section 35. Section 327.804, Florida Statutes, is  
2 amended to read:

3           327.804 Compilation of statistics on boating accidents  
4 and violations.--The Fish and Wildlife Conservation Commission  
5 ~~Department of Environmental Protection~~ shall compile  
6 statistics on boating accidents and boating violations of the  
7 age groups of persons affected by chapter 96-187, Laws of  
8 Florida.

9           Section 36. Section 327.90, Florida Statutes, is  
10 amended to read:

11           327.90 Transactions by electronic or telephonic  
12 means.--The commission ~~department~~ is authorized to accept any  
13 application provided for under this chapter by electronic or  
14 telephonic means.

15           Section 37. Paragraph (c) of subsection (2) of section  
16 328.01, Florida Statutes, is amended to read:

17           328.01 Application for certificate of title.--

18           (2)

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

22           1. A notarized statement of the builder or its  
23 equivalent, whichever is acceptable to the Department of  
24 Highway Safety and Motor Vehicles, if the vessel is less than  
25 16 feet in length; or

26           2. A certificate of inspection from the Fish and  
27 Wildlife Conservation ~~Division of Law Enforcement of the~~  
28 ~~Department of Environmental Protection or the Game and Fresh~~  
29 ~~Water Fish~~ Commission and a notarized statement of the builder  
30 or its equivalent, whichever is acceptable to the Department  
31



1 of Highway Safety and Motor Vehicles, if the vessel is 16 feet  
2 or more in length.

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

5 339.281 Damage to transportation facility by vessel;  
6 marine accident report; investigative authorities;  
7 penalties.--

8 (1) Whenever any vessel has caused damage to a  
9 transportation facility, the managing owner, agent, or master  
10 of such vessel shall immediately, or as soon thereafter as  
11 possible, report the same to the nearest Fish and Wildlife  
12 Conservation Commission officer ~~Florida Marine Patrol~~, the  
13 sheriff of the county wherein such accident occurred, ~~the Game~~  
14 ~~and Fresh Water Fish Commission~~, or the Florida Highway  
15 Patrol, who shall immediately go to the scene of the accident  
16 and, if necessary, board the vessel subsequent to the accident  
17 in pursuance of its investigation. The law enforcement agency  
18 investigating the accident shall submit a copy of its report  
19 to the department.

20 Section 39. Section 370.025, Florida Statutes, 1998  
21 Supplement, is amended to read:

22 370.025 Marine fisheries; policy and standards.--

23 (1) The Legislature hereby declares the policy of the  
24 state to be management and preservation of its renewable  
25 marine fishery resources, based upon the best available  
26 information, emphasizing protection and enhancement of the  
27 marine and estuarine environment in such a manner as to  
28 provide for optimum sustained benefits and use to all the  
29 people of this state for present and future generations.

30 (2) The commission is instructed to make  
31 recommendations annually to the Governor and the Legislature

1 regarding marine fisheries research priorities and  
2 funding. All administrative and enforcement responsibilities  
3 which are unaffected by the specific provisions of this act  
4 are the responsibility of the commission.

5 ~~(3)(2)~~ All rules relating to saltwater fisheries  
6 adopted by the commission ~~department pursuant to this chapter~~  
7 ~~or adopted by the Marine Fisheries Commission and approved by~~  
8 ~~the Governor and Cabinet as the Board of Trustees of the~~  
9 ~~Internal Improvement Trust Fund~~ shall be consistent with the  
10 following standards:

11 (a) The paramount concern of conservation and  
12 management measures shall be the continuing health and  
13 abundance of the marine fisheries resources of this state.

14 (b) Conservation and management measures shall be  
15 based upon the best information available, including  
16 biological, sociological, economic, and other information  
17 deemed relevant by the commission.

18 (c) Conservation and management measures shall permit  
19 reasonable means and quantities of annual harvest, consistent  
20 with maximum practicable sustainable stock abundance on a  
21 continuing basis.

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

24 (e) Conservation and management measures shall assure  
25 proper quality control of marine resources that enter  
26 commerce.

27 (f) State marine fishery management plans shall be  
28 developed to implement management of important marine fishery  
29 resources.

30 (g) Conservation and management decisions shall be  
31 fair and equitable to all the people of this state and carried

1 out in such a manner that no individual, corporation, or  
2 entity acquires an excessive share of such privileges.

3 (h) Federal fishery management plans and fishery  
4 management plans of other states or interstate commissions  
5 should be considered when developing state marine fishery  
6 management plans. Inconsistencies should be avoided unless it  
7 is determined that it is in the best interest of the fisheries  
8 or residents of this state to be inconsistent.

9 (4) Pursuant to s. 9, Art. IV of the State  
10 Constitution, the commission has full constitutional  
11 rulemaking authority over marine life, and listed species as  
12 defined in s. 372.072(3), except for:

13 (a) Endangered or threatened marine species for which  
14 rulemaking shall be done pursuant to chapter 120; and

15 (b) The authority to regulate fishing gear in  
16 residential, manmade saltwater canals which is retained by the  
17 Legislature and specifically not delegated to the commission.

18 (c) Marine aquaculture products produced by an  
19 individual certified under s. 597.004. This exception does not  
20 apply to snook, prohibited and restricted marine species  
21 identified by rule of the commission, and rulemaking authority  
22 granted pursuant to s. 370.027(4).

23 Section 40. Subsections (1), (2), and (3) of section  
24 370.027, Florida Statutes, 1998 Supplement, are repealed.

25 Section 41. Subsections (4) and (5) of section 370.06,  
26 Florida Statutes, 1998 Supplement, are amended to read:

27 370.06 Licenses.--

28 (4) SPECIAL ACTIVITY LICENSES.--

29 (a) A special activity license is required for any  
30 person to use gear or equipment not authorized in this chapter  
31 or rule of the Fish and Wildlife Conservation ~~Marine Fisheries~~

1 Commission for harvesting saltwater species. In accordance  
2 with this chapter, s. 16, Art. X of the State Constitution,  
3 and rules of the ~~Marine Fisheries~~ commission, the commission  
4 ~~department~~ may issue special activity licenses for the use of  
5 nonconforming gear or equipment, including, but not limited  
6 to, trawls, seines and entangling nets, traps, and hook and  
7 line gear, to be used in harvesting saltwater species for  
8 scientific and governmental purposes, and, where allowable,  
9 for innovative fisheries. The commission ~~department~~ may  
10 prescribe by rule application requirements and terms,  
11 conditions, and restrictions to be incorporated into each  
12 special activity license. This subsection does not apply to  
13 gear or equipment used by certified marine aquaculturists as  
14 provided for in s. 597.004 to harvest marine aquaculture  
15 products.

16 (b) The commission ~~department~~ is authorized to issue  
17 special activity licenses in accordance with this section and  
18 s. 370.31, to permit the importation and possession, and  
19 ~~aquaculture~~ of wild anadromous sturgeon. The special activity  
20 license shall provide for specific management practices to  
21 ~~prevent the release and escape of cultured anadromous sturgeon~~  
22 ~~and to~~ protect indigenous populations of saltwater species.

23 (c) The Department of Agriculture and Consumer  
24 Services is authorized to issue special activity licenses, in  
25 accordance with s. 370.071, to permit the harvest or  
26 cultivation of oysters, clams, mussels, and crabs when such  
27 activities relate to quality control, sanitation, public  
28 health regulations, innovative technologies for aquaculture  
29 activities, or the protection of shellfish resources provided  
30 in this chapter, ~~unless such authority is delegated to the~~  
31

1 ~~Department of Agriculture and Consumer Services, pursuant to a~~  
2 ~~memorandum of understanding.~~

3 (d) The conditions and specific management practices  
4 established in this section may be incorporated into permits  
5 and authorizations issued pursuant to chapter 253, chapter  
6 373, chapter 403, or this chapter, when incorporating such  
7 provisions is in accordance with the aquaculture permit  
8 consolidation procedures. No separate issuance of a special  
9 activity license is required when conditions and specific  
10 management practices are incorporated into permits or  
11 authorizations under this paragraph. Implementation of this  
12 section to consolidate permitting actions does not constitute  
13 rules within the meaning of s. 120.52.

14 (e) The commission ~~department~~ is authorized to issue  
15 special activity licenses in accordance with s. ss. 370.071,  
16 370.101, and this section; aquaculture permit consolidation  
17 procedures in s. 370.26(2)(~~3~~)(~~a~~); and rules of the ~~Marine~~  
18 ~~Fisheries~~ commission to permit the capture and possession of  
19 saltwater species protected by law and used as stock for  
20 artificial cultivation and propagation.

21 (f) The commission ~~department~~ is authorized to adopt  
22 rules to govern the administration of special activities  
23 licenses as provided in this chapter and rules of the ~~Marine~~  
24 ~~Fisheries~~ commission. Such rules may prescribe application  
25 requirements and terms, conditions, and restrictions for any  
26 such special activity license requested pursuant to this  
27 section.

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

29 (a) For purposes of this section, the following  
30 definitions shall apply:

31 1. "Person" means an individual.

- 1           2. "Resident" means any person who has:
- 2           a. Continuously resided in this state for 6 months
- 3 immediately preceding the making of his or her application for
- 4 an Apalachicola Bay oyster harvesting license; or
- 5           b. Established a domicile in this state and evidenced
- 6 that domicile as provided in s. 222.17.
- 7           (b) No person shall harvest oysters from the
- 8 Apalachicola Bay without a valid Apalachicola Bay oyster
- 9 harvesting license issued by the Department of Agriculture and
- 10 Consumer Services. This requirement shall not apply to anyone
- 11 harvesting noncommercial quantities of oysters in accordance
- 12 with chapter 46-27, Florida Administrative Code, or to any
- 13 person less than 18 years old.
- 14           (c) Any person wishing to obtain an Apalachicola Bay
- 15 oyster harvesting license shall submit an annual fee for the
- 16 license during a 45-day period from May 17 to June 30 of each
- 17 year preceding the license year for which the license is
- 18 valid. Failure to pay the annual fee within the required time
- 19 period shall result in a \$500 late fee being imposed before
- 20 issuance of the license.
- 21           (d) The Department of Agriculture and Consumer
- 22 Services shall collect an annual fee of \$100 from residents
- 23 and \$500 from nonresidents for the issuance of an Apalachicola
- 24 Bay oyster harvesting license. The license year shall begin on
- 25 July 1 of each year and end on June 30 of the following year.
- 26 The license shall be valid only for the licensee. Only bona
- 27 fide residents of Florida may obtain a resident license
- 28 pursuant to this subsection.
- 29           (e) Each person who applies for an Apalachicola Bay
- 30 oyster harvesting license shall, before receiving the license,
- 31 attend an educational seminar of not more than 16 hours

1 length, developed and conducted jointly by the Apalachicola  
2 National Estuarine Research Reserve, the ~~department's~~ Division  
3 of Law Enforcement of the Fish and Wildlife Conservation  
4 Commission, and the Department of Agriculture and Consumer  
5 Services'~~department's~~ Apalachicola District Shellfish  
6 Environmental Assessment Laboratory. The seminar shall  
7 address, among other things, oyster biology, conservation of  
8 the Apalachicola Bay, sanitary care of oysters, small business  
9 management, and water safety. The seminar shall be offered  
10 five times per year, and each person attending shall receive a  
11 certificate of participation to present when obtaining an  
12 Apalachicola Bay oyster harvesting license.

13 (f) Each person, while harvesting oysters in  
14 Apalachicola Bay, shall have in possession a valid  
15 Apalachicola Bay oyster harvesting license, or proof of having  
16 applied for a license within the required time period, and  
17 shall produce such license or proof of application upon  
18 request of any law enforcement officer.

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

27 (h) Any person holding an Apalachicola Bay oyster  
28 harvesting license shall receive credit for the license fee  
29 against the saltwater products license fee.

30 (i) The proceeds from Apalachicola Bay oyster  
31 harvesting license fees shall be deposited in the General

1 Inspection ~~Marine Resources Conservation~~ Trust Fund and, less  
2 reasonable administrative costs, shall be used or distributed  
3 by the Department of Agriculture and Consumer Services for the  
4 following purposes in Apalachicola Bay:

5 1. Relaying and transplanting live oysters.

6 2. Shell planting to construct or rehabilitate oyster  
7 bars.

8 3. Education programs for licensed oyster harvesters  
9 on oyster biology, aquaculture, boating and water safety,  
10 sanitation, resource conservation, small business management,  
11 marketing, and other relevant subjects.

12 4. Research directed toward the enhancement of oyster  
13 production in the bay and the water management needs of the  
14 bay.

15 (j) Any person who violates any of the provisions of  
16 paragraphs (b) and (d)-(g) commits a misdemeanor of the second  
17 degree, punishable as provided in ss. 775.082 and 775.083.  
18 Nothing in this subsection shall limit the application of  
19 existing penalties.

20 (k) Any oyster harvesting license issued pursuant to  
21 this subsection must be in compliance with the rules of the  
22 Fish and Wildlife Conservation Commission regulating gear or  
23 equipment, harvest seasons, size and bag limits, and the  
24 taking of saltwater species.

25 Section 42. Section 370.0608, Florida Statutes, 1998  
26 Supplement, is amended to read:

27 370.0608 Deposit of license fees; allocation of  
28 federal funds.--

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



1 (a) Not more than 5 percent of the total fees  
2 collected shall be ~~for the Marine Fisheries Commission to be~~  
3 used to carry out the responsibilities of the Fish and  
4 Wildlife Conservation Commission and to provide for the award  
5 of funds to marine research institutions in this state for the  
6 purposes of enabling such institutions to conduct worthy  
7 marine research projects.

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

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

12 a. Not more than 5 percent of the total fees  
13 collected, for administration of the licensing program and for  
14 information and education.

15 b. Not more than 30 percent of the total fees  
16 collected, for law enforcement.

17 c. Not less than 27.5 percent of the total fees  
18 collected, for marine research.

19 d. Not less than 30 percent of the total fees  
20 collected, for fishery enhancement, including, but not limited  
21 to, fishery statistics development, artificial reefs, and fish  
22 hatcheries.

23 2. The Legislature shall annually appropriate to the  
24 commission ~~Department of Environmental Protection~~ from the  
25 General Revenue Fund for the activities and programs specified  
26 in subparagraph 1. at least the same amount of money as was  
27 appropriated to the Department of Environmental Protection  
28 from the General Revenue Fund for such activities and programs  
29 for fiscal year 1988-1989, and the amounts appropriated to the  
30 commission ~~department~~ for such activities and programs from  
31 the Marine Resources Conservation Trust Fund shall be in

1 addition to the amount appropriated to the commission  
2 ~~department~~ for such activities and programs from the General  
3 Revenue Fund. The proceeds from recreational saltwater fishing  
4 license fees paid by fishers shall only be appropriated to the  
5 commission ~~Department of Environmental Protection~~.

6 (2) ~~The Department of Environmental Protection and the~~  
7 ~~Game and Fresh Water Fish Commission shall develop and~~  
8 ~~maintain a memorandum of understanding to provide for the~~  
9 ~~equitable allocation of federal aid available to Florida~~  
10 ~~pursuant to the Sport Fish Restoration Administration Funds.~~  
11 Funds available from the Wallop-Breaux Aquatic Resources Trust  
12 Fund shall be distributed by the commission between the  
13 Division of Freshwater Fisheries and the Division of Marine  
14 Fisheries ~~department and the commission~~ in proportion to the  
15 numbers of resident fresh and saltwater anglers as determined  
16 by the most current data on license sales. Unless otherwise  
17 provided by federal law, ~~the department and the commission~~, at  
18 a minimum, shall provide the following:

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

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

25 (3) All license fees collected pursuant to s. 370.0605  
26 shall be transferred to the Marine Resources Conservation  
27 Trust Fund within 7 days following the last business day of  
28 the week in which the license fees were received by the  
29 commission. One-fifth of the total proceeds derived from the  
30 sale of 5-year licenses and replacement 5-year licenses, and  
31

1 all interest derived therefrom, shall be available for  
2 appropriation annually.

3 Section 43. Section 370.063, Florida Statutes, is  
4 amended to read:

5 370.063 Special recreational crawfish license.--There  
6 is created a special recreational crawfish license, to be  
7 issued to qualified persons as provided by this section for  
8 the recreational harvest of crawfish (spiny lobster) beginning  
9 August 5, 1994.

10 (1) The special recreational crawfish license shall be  
11 available to any individual crawfish trap number holder who  
12 also possesses a saltwater products license during the  
13 1993-1994 license year. ~~For the 1994-1995 license year and~~  
14 ~~for each license year thereafter,~~A person issued a special  
15 recreational crawfish license may not also possess a trap  
16 number.

17 (2) ~~Beginning August 5, 1994,~~The special recreational  
18 crawfish license is required in order to harvest crawfish from  
19 state territorial waters in quantities in excess of the  
20 regular recreational bag limit but not in excess of a special  
21 bag limit as to be established by the Marine Fisheries  
22 Commission for these harvesters before the 1994-1995 license  
23 year. Such special bag limit does not apply during the 2-day  
24 sport season established by the Fish and Wildlife Conservation  
25 Commission.

26 (3) The holder of a special recreational crawfish  
27 license must also possess the recreational crawfish stamp  
28 required by s. 370.14(11) and the license required by s.  
29 370.0605.

30 (4) As a condition precedent to the issuance of a  
31 special recreational crawfish license, the applicant must

1 agree to file quarterly reports with the Fish and Wildlife  
2 Conservation Commission ~~Division of Marine Resources of the~~  
3 ~~Department of Environmental Protection~~, in such form as the  
4 commission ~~division~~ requires, detailing the amount of the  
5 licenseholder's crawfish (spiny lobster) harvest in the  
6 previous quarter, including the harvest of other recreational  
7 harvesters aboard the licenseholder's vessel.

8 (5) The Fish and Wildlife Conservation Commission  
9 ~~Department of Environmental Protection~~ shall issue special  
10 recreational crawfish licenses ~~beginning in 1994 for the~~  
11 ~~1994-1995 license year~~. The fee for each such license is \$100  
12 per year. Each license issued in any 1994 ~~for the 1994-1995~~  
13 license year must be renewed by June 30 of each subsequent  
14 year by the initial individual holder thereof. Noncompliance  
15 with the reporting requirement in subsection (4) or with the  
16 special recreational bag limit established under subsection  
17 (6) constitutes grounds for which the commission ~~department~~  
18 may refuse to renew the license for a subsequent license year.  
19 The number of such licenses outstanding in any one license  
20 year may not exceed the number issued for the 1994-1995  
21 license year. A license is not transferable by any method.  
22 Licenses that are not renewed expire and may be reissued by  
23 the commission in the subsequent ~~department beginning in the~~  
24 ~~1995-1996~~ license year to new applicants otherwise qualified  
25 under this section.

26 (6) To promote conservation of the spiny lobster  
27 (crawfish) resource, consistent with equitable distribution  
28 and availability of the resource, the ~~Marine Fisheries~~  
29 commission shall establish a spiny lobster management plan  
30 incorporating the special recreational crawfish license,  
31 including, but not limited to, the establishment of a special

1 recreational bag limit for the holders of such license as  
2 required by subsection (2). Such special recreational bag  
3 limit must not be less than twice the higher of the daily  
4 recreational bag limits.

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

8 (a) Thirty-five percent for research and the  
9 development of reliable recreational catch statistics for the  
10 crawfish (spiny lobster) fishery.

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

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

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

20 Section 44. Section 370.071, Florida Statutes, is  
21 amended to read:

22 370.071 Shellfish processors; regulation.--

23 (1) The Department of Agriculture and Consumer  
24 Services, hereinafter referred to as department, is authorized  
25 to adopt by rule regulations, specifications, and codes  
26 relating to sanitary practices for catching, cultivating,  
27 handling, processing, packaging, preserving, canning, smoking,  
28 and storing of oysters, clams, mussels, and crabs. The  
29 department is also authorized to license aquaculture  
30 facilities used to culture oysters, clams, mussels, and crabs  
31 when such activities relate to quality control, sanitary, and

1 public health practices pursuant to this section and s.  
2 370.06(4). The department is also authorized to license or  
3 certify facilities used for processing oysters, clams,  
4 mussels, and crabs, to suspend or revoke such licenses or  
5 certificates upon satisfactory evidence of any violation of  
6 rules adopted pursuant to this section, and to seize and  
7 destroy any adulterated or misbranded shellfish products as  
8 defined by rule.

9 (2) A shellfish processing plant certification license  
10 is required to operate any facility in which oysters, clams,  
11 mussels, or crabs are processed, including but not limited to:  
12 an oyster, clam, or mussel cannery; a shell stock dealership;  
13 an oyster, clam, or mussel shucking plant; an oyster, clam, or  
14 mussel repacking plant; an oyster, clam, or mussel controlled  
15 purification plant; or a crab or soft-shell crab processing or  
16 shedding plant.

17 (3) The department may suspend or revoke any shellfish  
18 processing plant certification license upon satisfactory  
19 evidence that the licensee has violated any regulation,  
20 specification, or code adopted under this section and may  
21 seize and destroy any shellfish product which is defined by  
22 rule to be an adulterated or misbranded shellfish product.

23 Section 45. Section 370.12, Florida Statutes, 1998  
24 Supplement, is amended to read:

25 370.12 Marine animals; regulation.--

26 (1) PROTECTION OF MARINE TURTLES.--

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

29 (b) The Legislature intends, pursuant to the  
30 provisions of this subsection, to ensure that the Fish and  
31 Wildlife Conservation Commission ~~Department of Environmental~~

1 ~~Protection~~ has the appropriate authority and resources to  
2 implement its responsibilities under the recovery plans of the  
3 United States Fish and Wildlife Service for the following  
4 species of marine turtle:

5       1. Atlantic loggerhead turtle (*Caretta caretta*  
6 *caretta*).

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

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

9       4. Atlantic hawksbill turtle (*Eretmochelys imbricata*  
10 *imbricata*).

11       5. Atlantic ridley turtle (*Lepidochelys kempi*).

12       (c)1. Unless otherwise provided by the federal  
13 Endangered Species Act or its implementing regulations, no  
14 person may take, possess, disturb, mutilate, destroy, cause to  
15 be destroyed, sell, offer for sale, transfer, molest, or  
16 harass any marine turtle or its nest or eggs at any time. For  
17 purposes of this subsection, "take" means an act which  
18 actually kills or injures marine turtles, and includes  
19 significant habitat modification or degradation that kills or  
20 injures marine turtles by significantly impairing essential  
21 behavioral patterns, such as breeding, feeding, or sheltering.

22       2. Unless otherwise provided by the federal Endangered  
23 Species Act or its implementing regulations, no person, firm,  
24 or corporation may take, kill, disturb, mutilate, molest,  
25 harass, or destroy any marine turtle.

26       3. No person, firm, or corporation may possess any  
27 marine turtle, their nests, eggs, hatchlings, or parts thereof  
28 unless it is in possession of a special permit or loan  
29 agreement from the commission ~~department~~ enabling the holder  
30 to possess a marine turtle or parts thereof for scientific,  
31 educational, or exhibitional purposes, or for conservation

1 activities such as relocating nests, eggs, or animals away  
2 from construction sites. Notwithstanding any other provisions  
3 of general or special law to the contrary, the commission  
4 ~~department~~ may issue such authorization to any properly  
5 accredited person for the purpose of marine turtle  
6 conservation upon such terms, conditions, and restrictions as  
7 it may prescribe by rule adopted pursuant to chapter 120. The  
8 commission ~~department~~ shall have the authority to adopt rules  
9 pursuant to chapter 120 to permit the possession of marine  
10 turtles pursuant to this paragraph. For the purposes of this  
11 subsection, a "properly accredited person" is defined as:

12 a. Students of colleges or universities whose studies  
13 with saltwater animals are under the direction of their  
14 teacher or professor;

15 b. Scientific or technical faculty of public or  
16 private colleges or universities;

17 c. Scientific or technical employees of private  
18 research institutions and consulting firms;

19 d. Scientific or technical employees of city, county,  
20 state, or federal research or regulatory agencies;

21 e. Members in good standing or recognized and properly  
22 chartered conservation organizations, the Audubon Society, or  
23 the Sierra Club;

24 f. Persons affiliated with aquarium facilities or  
25 museums, or contracted as an agent therefor, which are open to  
26 the public with or without an admission fee; or

27 g. Persons without specific affiliations listed above,  
28 but who are recognized by the commission ~~department~~ for their  
29 contributions to marine conservation such as scientific or  
30 technical publications, or through a history of cooperation  
31 with the commission ~~department~~ in conservation programs such



1 as turtle nesting surveys, or through advanced educational  
2 programs such as high school marine science centers.

3 (d) Any application for a Department of Environmental  
4 Protection permit or other type of approval for an activity  
5 that affects marine turtles or their nests or habitat shall be  
6 subject to conditions and requirements for marine turtle  
7 protection as part of the permitting or approval process.

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

28 (f) The department shall recommend denial of a permit  
29 application if the activity would result in a "take" as  
30 defined in this subsection, unless, as provided for in the  
31 federal Endangered Species Act and its implementing

1 regulations, such taking is incidental to, and not the purpose  
2 of, the carrying out of an otherwise lawful activity.

3 (g) The department shall give special consideration to  
4 beach preservation and beach nourishment projects that restore  
5 habitat of endangered marine turtle species. Nest relocation  
6 shall be considered for all such projects in urbanized areas.  
7 When an applicant for a beach restoration, beach  
8 renourishment, or inlet sand transfer project has had an  
9 active marine turtle nest relocation program or the applicant  
10 has agreed to have and has the ability to administer a  
11 program, the department in issuing a permit for a project must  
12 not restrict the timing of the project. Where appropriate,  
13 the department, in accordance with the applicable rules of the  
14 Fish and Wildlife Conservation Commission, shall require as a  
15 condition of the permit that the applicant relocate and  
16 monitor all turtle nests that would be affected by the beach  
17 restoration, beach renourishment, or sand transfer activities.  
18 Such relocation and monitoring activities shall be conducted  
19 in a manner that ensures successful hatching. This limitation  
20 on the department's authority applies only on the Atlantic  
21 coast of Florida.

22 (h) The Fish and Wildlife Conservation Commission  
23 ~~department~~ shall provide grants to coastal local governments,  
24 educational institutions, and Florida-based nonprofit  
25 organizations to conduct marine turtle research, conservation,  
26 and education activities within the state. The commission  
27 ~~department~~ shall adopt by rule pursuant to chapter 120  
28 procedures for submitting grant applications and criteria for  
29 allocating available funds. The criteria must include the  
30 scope of the proposed activity, the relevance of the proposed  
31 activity to the recovery plans for marine turtles, the demand

1 and public support for the proposed activity, the duration of  
2 the proposed activity, the availability of alternative  
3 funding, and the estimated cost of the activity. The executive  
4 director ~~secretary~~ of the commission ~~department~~ shall appoint  
5 a committee of at least five members, including at least two  
6 nongovernmental representatives, to consider and choose grant  
7 recipients from proposals submitted by eligible entities.  
8 Committee members shall not receive any compensation from the  
9 commission ~~department~~.

10 (2) PROTECTION OF MANATEES OR SEA COWS.--

11 (a) This subsection shall be known and may be cited as  
12 the "Florida Manatee Sanctuary Act."

13 (b) The State of Florida is hereby declared to be a  
14 refuge and sanctuary for the manatee, the "Florida state  
15 marine mammal."

16 (c) Whenever the Fish and Wildlife Conservation  
17 Commission ~~department~~ is satisfied that the interest of  
18 science will be subserved, and that the application for a  
19 permit to possess a manatee or sea cow (*Trichechus manatus*) is  
20 for a scientific or propagational purpose and should be  
21 granted, and after concurrence by the United States Department  
22 of the Interior, the commission ~~Division of Marine Resources~~  
23 may grant to any person making such application a special  
24 permit to possess a manatee or sea cow, which permit shall  
25 specify the exact number which shall be maintained in  
26 captivity.

27 (d) Except as may be authorized by the terms of a  
28 valid state permit issued pursuant to paragraph (c) or by the  
29 terms of a valid federal permit, it is unlawful for any person  
30 at any time, by any means, or in any manner intentionally or  
31 negligently to annoy, molest, harass, or disturb or attempt to

1 molest, harass, or disturb any manatee; injure or harm or  
 2 attempt to injure or harm any manatee; capture or collect or  
 3 attempt to capture or collect any manatee; pursue, hunt,  
 4 wound, or kill or attempt to pursue, hunt, wound, or kill any  
 5 manatee; or possess, literally or constructively, any manatee  
 6 or any part of any manatee.

7 (e) Any gun, net, trap, spear, harpoon, boat of any  
 8 kind, aircraft, automobile of any kind, other motorized  
 9 vehicle, chemical, explosive, electrical equipment, scuba or  
 10 other subaquatic gear, or other instrument, device, or  
 11 apparatus of any kind or description used in violation of any  
 12 provision of paragraph (d) may be forfeited upon conviction.  
 13 The foregoing provisions relating to seizure and forfeiture of  
 14 vehicles, vessels, equipment, or supplies do not apply when  
 15 such vehicles, vessels, equipment, or supplies are owned by,  
 16 or titled in the name of, innocent parties; and such  
 17 provisions shall not vitiate any valid lien, retain title  
 18 contract, or chattel mortgage on such vehicles, vessels,  
 19 equipment, or supplies if such lien, retain title contract, or  
 20 chattel mortgage is property of public record at the time of  
 21 the seizure.

22 (f) In order to protect manatees or sea cows from  
 23 harmful collisions with motorboats or from harassment, the  
 24 Fish and Wildlife Conservation Commission ~~Department of~~  
 25 ~~Environmental Protection~~ shall adopt rules under chapter 120  
 26 regarding the expansion of existing, or construction of new,  
 27 marine facilities and mooring or docking slips, by the  
 28 addition or construction of five or more powerboat slips, and  
 29 regulating the operation and speed of motorboat traffic, only  
 30 where manatee sightings are frequent and it can be generally  
 31

1 assumed, based on available scientific information, that they  
2 inhabit these areas on a regular or continuous basis:

3 1. In Lee County: the entire Orange River, including  
4 the Tice Florida Power and Light Corporation discharge canal  
5 and adjoining waters of the Caloosahatchee River within 1 mile  
6 of the confluence of the Orange and Caloosahatchee Rivers.

7 2. In Brevard County: those portions of the Indian  
8 River within three-fourths of a mile of the Orlando Utilities  
9 Commission Delespine power plant effluent and the Florida  
10 Power and Light Frontenac power plant effluents.

11 3. In Indian River County: the discharge canals of the  
12 Vero Beach Municipal Power Plant and connecting waters within  
13 1 1/4 miles thereof.

14 4. In St. Lucie County: the discharge of the Henry D.  
15 King Municipal Electric Station and connecting waters within 1  
16 mile thereof.

17 5. In Palm Beach County: the discharges of the Florida  
18 Power and Light Riviera Beach power plant and connecting  
19 waters within 1 1/2 miles thereof.

20 6. In Broward County: the discharge canal of the  
21 Florida Power and Light Port Everglades power plant and  
22 connecting waters within 1 1/2 miles thereof and the  
23 discharge canal of the Florida Power and Light Fort Lauderdale  
24 power plant and connecting waters within 2 miles thereof. For  
25 purposes of ensuring the physical safety of boaters in a  
26 sometimes turbulent area, the area from the easternmost edge  
27 of the authorized navigation project of the intracoastal  
28 waterway east through the Port Everglades Inlet is excluded  
29 from this regulatory zone.

30 7. In Citrus County: headwaters of the Crystal River,  
31 commonly referred to as King's Bay, and the Homosassa River.

1           8. In Volusia County: Blue Springs Run and connecting  
2 waters of the St. Johns River within 1 mile of the confluence  
3 of Blue Springs and the St. Johns River; and Thompson Creek,  
4 Strickland Creek, Dodson Creek, and the Tomoka River.

5           9. In Hillsborough County: that portion of the Alafia  
6 River from the main shipping channel in Tampa Bay to U.S.  
7 Highway 41.

8           10. In Sarasota County: the Venice Inlet and  
9 connecting waters within 1 mile thereof, including Lyons Bay,  
10 Donna Bay, Roberts Bay, and Hatchett Creek, excluding the  
11 waters of the intracoastal waterway and the right-of-way  
12 bordering the centerline of the intracoastal waterway.

13           11. In Collier County: within the Port of Islands,  
14 within section 9, township 52 south, range 28 east, and  
15 certain unsurveyed lands, all east-west canals and the  
16 north-south canals to the southerly extent of the intersecting  
17 east-west canals which lie southerly of the centerline of U.S.  
18 Highway 41.

19           12. In Manatee County: that portion of the Manatee  
20 River east of the west line of section 17, range 19 east,  
21 township 34 south; the Braden River south of the north line  
22 and east of the west line of section 29, range 18 east,  
23 township 34 south; Terra Ceia Bay and River, east of the west  
24 line of sections 26 and 35 of range 17 east, township 33  
25 south, and east of the west line of section 2, range 17 east,  
26 township 34 south; and Bishop Harbor east of the west line of  
27 section 13, range 17 east, township 33 south.

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

31

1           (g) The Fish and Wildlife Conservation Commission  
2 ~~Department of Environmental Protection~~ shall adopt rules  
3 pursuant to chapter 120 regulating the operation and speed of  
4 motorboat traffic only where manatee sightings are frequent  
5 and it can be generally assumed that they inhabit these areas  
6 on a regular or continuous basis within that portion of the  
7 Indian River between the St. Lucie Inlet in Martin County and  
8 the Jupiter Inlet in Palm Beach County. In addition, the  
9 commission ~~department~~ shall adopt rules pursuant to chapter  
10 120 regulating the operation and speed of motorboat traffic  
11 only where manatee sightings are frequent and it can be  
12 generally assumed that they inhabit these areas on a regular  
13 or continuous basis within the Loxahatchee River in Palm Beach  
14 and Martin Counties, including the north and southwest forks  
15 thereof. A limited lane or corridor providing for reasonable  
16 motorboat speeds may be identified and designated within this  
17 area.

18           (h) The commission ~~department~~ shall adopt rules  
19 pursuant to chapter 120 regulating the operation and speed of  
20 motorboat traffic only where manatee sightings are frequent  
21 and it can be generally assumed that they inhabit these areas  
22 on a regular or continuous basis within the Withlacoochee  
23 River and its tributaries in Citrus and Levy Counties. The  
24 specific areas to be regulated include the Withlacoochee River  
25 and the U.S. 19 bridge westward to a line between U.S. Coast  
26 Guard markers number 33 and number 34 at the mouth of the  
27 river, including all side channels and coves along that  
28 portion of the river; Bennets' Creek from its beginning to its  
29 confluence with the Withlacoochee River; Bird's Creek from its  
30 beginning to its confluence with the Withlacoochee River; and  
31 the two dredged canal systems on the north side of the

1 Withlacoochee River southwest of Yankeetown. A limited lane  
2 or corridor providing for reasonable motorboat speeds may be  
3 identified and designated within this area.

4 (i) If any new power plant is constructed or other  
5 source of warm water discharge is discovered within the state  
6 which attracts a concentration of manatees or sea cows, the  
7 Fish and Wildlife Conservation Commission ~~Department of~~  
8 ~~Environmental Protection~~ is directed to adopt rules pursuant  
9 to chapter 120 regulating the operation and speed of motorboat  
10 traffic within the area of such discharge. Such rules shall  
11 designate a zone which is sufficient in size, and which shall  
12 remain in effect for a sufficient period of time, to protect  
13 the manatees or sea cows.

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

28 (k) The commission ~~department~~ shall adopt rules  
29 pursuant to chapter 120 regulating the operation and speed of  
30 motorboat traffic all year around within Turkey Creek and its  
31



1 tributaries and within Manatee Cove in Brevard County. The  
2 specific areas to be regulated consist of:

3 1. A body of water which starts at Melbourne-Tillman  
4 Drainage District structure MS-1, section 35, township 28  
5 south, range 37 east, running east to include all natural  
6 waters and tributaries of Turkey Creek, section 26, township  
7 28 south, range 37 east, to the confluence of Turkey Creek and  
8 the Indian River, section 24, township 28 south, range 37  
9 east, including all lagoon waters of the Indian River bordered  
10 on the west by Palm Bay Point, the north by Castaway Point,  
11 the east by the four immediate spoil islands, and the south by  
12 Cape Malabar, thence northward along the shoreline of the  
13 Indian River to Palm Bay Point.

14 2. A triangle-shaped body of water forming a cove  
15 (commonly referred to as Manatee Cove) on the east side of the  
16 Banana River, with northern boundaries beginning and running  
17 parallel to the east-west cement bulkhead located 870 feet  
18 south of SR 520 Relief Bridge in Cocoa Beach and with western  
19 boundaries running in line with the City of Cocoa Beach  
20 channel markers 121 and 127 and all waters east of these  
21 boundaries in section 34, township 24 south, range 37 east;  
22 the center coordinates of this cove are 28°20'14" north,  
23 80°35'17" west.

24 ~~(1) The Legislature recognizes that, while the manatee~~  
25 ~~or sea cow is designated a marine mammal by federal law, many~~  
26 ~~of the warm water wintering areas are in freshwater springs~~  
27 ~~and rivers which are under the primary state law enforcement~~  
28 ~~jurisdiction of the Florida Game and Fresh Water Fish~~  
29 ~~Commission. The law enforcement provisions of this section~~  
30 ~~shall be carried out jointly by the department and the~~  
31 ~~commission, with the department serving as the lead agency.~~

1 ~~The specific areas of jurisdictional responsibility are to be~~  
2 ~~established between the department and the commission by~~  
3 ~~interagency agreement.~~

4 (l)~~(m)~~ The commission ~~department~~ shall promulgate  
5 regulations pursuant to chapter 120 relating to the operation  
6 and speed of motor boat traffic in port waters with due regard  
7 to the safety requirements of such traffic and the  
8 navigational hazards related to the movement of commercial  
9 vessels.

10 (m)~~(n)~~ The commission ~~department~~ may designate by rule  
11 adopted pursuant to chapter 120 other portions of state waters  
12 where manatees are frequently sighted and it can be assumed  
13 that manatees inhabit such waters periodically or  
14 continuously. Upon designation of such waters, the commission  
15 ~~department~~ shall adopt rules pursuant to chapter 120 to  
16 regulate motorboat speed and operation which are necessary to  
17 protect manatees from harmful collisions with motorboats and  
18 from harassment. The commission ~~department~~ may adopt rules  
19 pursuant to chapter 120 to protect manatee habitat, such as  
20 seagrass beds, within such waters from destruction by boats or  
21 other human activity. Such rules shall not protect noxious  
22 aquatic plants subject to control under s. 369.20.

23 (n)~~(o)~~ The commission ~~department~~ may designate, by  
24 rule adopted pursuant to chapter 120, limited areas as a safe  
25 haven for manatees to rest, feed, reproduce, give birth, or  
26 nurse undisturbed by human activity. Access by motor boat to  
27 private residences, boat houses, and boat docks through these  
28 areas by residents, and their authorized guests, who must  
29 cross one of these areas to have water access to their  
30 property is permitted when the motorboat is operated at idle  
31 speed, no wake.

1           ~~(o)(p)~~ Except in the marked navigation channel of the  
2 Florida Intracoastal Waterway as defined in s. 327.02 and the  
3 area within 100 feet of such channel, a local government may  
4 regulate, by ordinance, motorboat speed and operation on  
5 waters within its jurisdiction where manatees are frequently  
6 sighted and can be generally assumed to inhabit periodically  
7 or continuously. However, such an ordinance may not take  
8 effect until it has been reviewed and approved by the  
9 commission ~~department~~. If the commission ~~department~~ and a  
10 local government disagree on the provisions of an ordinance, a  
11 local manatee protection committee must be formed to review  
12 the technical data of the commission ~~department~~ and the United  
13 States Fish and Wildlife Service, and to resolve conflicts  
14 regarding the ordinance. The manatee protection committee must  
15 be comprised of:

- 16           1. A representative of the commission ~~department~~;
- 17           2. A representative of the county;
- 18           3. A representative of the United States Fish and  
19 Wildlife Service;
- 20           4. A representative of a local marine-related  
21 business;
- 22           5. A representative of the Save the Manatee Club;
- 23           6. A local fisher;
- 24           7. An affected property owner; and
- 25           8. A representative of the Florida Marine Patrol.

26  
27 If local and state regulations are established for the same  
28 area, the more restrictive regulation shall prevail.

29           ~~(p)(q)~~ The commission ~~department~~ shall evaluate the  
30 need for use of fenders to prevent crushing of manatees  
31 between vessels (100' or larger) and bulkheads or wharves in

1 counties where manatees have been crushed by such vessels.  
2 For areas in counties where evidence indicates that manatees  
3 have been crushed between vessels and bulkheads or wharves,  
4 the commission ~~department~~ shall:

5 1. Adopt rules pursuant to chapter 120 requiring use  
6 of fenders for construction of future bulkheads or wharves;  
7 and

8 2. Implement a plan and time schedule to require  
9 retrofitting of existing bulkheads or wharves consistent with  
10 port bulkhead or wharf repair or replacement schedules.

11  
12 The fenders shall provide sufficient standoff from the  
13 bulkhead or wharf under maximum operational compression to  
14 ensure that manatees cannot be crushed between the vessel and  
15 the bulkhead or wharf.

16 (q)~~(r)~~ Any violation of a restricted area established  
17 by this subsection, or established by rule pursuant to chapter  
18 120 or ordinance pursuant to this subsection, shall be  
19 considered a violation of the boating laws of this state and  
20 shall be charged on a uniform boating citation as provided in  
21 s. 327.74, except as otherwise provided in paragraph (s). Any  
22 person who refuses to post a bond or accept and sign a uniform  
23 boating citation shall, as provided in s. 327.73(3), be guilty  
24 of a misdemeanor of the second degree, punishable as provided  
25 in s. 775.082 or s. 775.083.

26 (r)~~(s)~~ Except as otherwise provided in this paragraph,  
27 any person violating the provisions of this subsection or any  
28 rule or ordinance adopted pursuant to this subsection shall be  
29 guilty of a misdemeanor, punishable as provided in s.  
30 370.021(2)(a) or (b).

31

1           1. Any person operating a vessel in excess of a posted  
2 speed limit shall be guilty of a civil infraction, punishable  
3 as provided in s. 327.73, except as provided in subparagraph  
4 2.

5           2. This paragraph does not apply to persons violating  
6 restrictions governing "No Entry" zones or "Motorboat  
7 Prohibited" zones, who, if convicted, shall be guilty of a  
8 misdemeanor, punishable as provided in s. 370.021(2)(a) or  
9 (b), or, if such violation demonstrates blatant or willful  
10 action, may be found guilty of harassment as described in  
11 paragraph (d).

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

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

18           (a) Each fiscal year the Save the Manatee Trust Fund  
19 shall be available to fund an impartial scientific benchmark  
20 census of the manatee population in the state. Weather  
21 permitting, the study shall be conducted annually by the Fish  
22 and Wildlife Conservation Commission ~~Department of~~  
23 ~~Environmental Protection~~ and the results shall be made  
24 available to the President of the Senate, the Speaker of the  
25 House of Representatives, and the Governor and Cabinet for use  
26 in the evaluation and development of manatee protection  
27 measures. In addition, the Save the Manatee Trust Fund shall  
28 be available for annual funding of activities of public and  
29 private organizations and those of the commission ~~department~~  
30 intended to provide manatee and marine mammal protection and  
31 recovery effort; manufacture and erection of informational and

1 regulatory signs; production, publication, and distribution of  
2 educational materials; participation in manatee and marine  
3 mammal research programs, including carcass salvage and other  
4 programs; programs intended to assist the recovery of the  
5 manatee as an endangered species, assist the recovery of the  
6 endangered or threatened marine mammals, and prevent the  
7 endangerment of other species of marine mammals; and other  
8 similar programs intended to protect and enhance the recovery  
9 of the manatee and other species of marine mammals. The  
10 commission ~~department~~ shall annually solicit advisory  
11 recommendations from the Save the Manatee Committee affiliated  
12 with the Save the Manatee Club, as identified and recognized  
13 in Executive Order 85-19, on the use of funds from the Save  
14 the Manatee Trust Fund.

15 (b) Each fiscal year moneys in the Save the Manatee  
16 Trust Fund shall also be used, pursuant to s. 327.28(1)(b), to  
17 reimburse the cost of activities related to manatee  
18 rehabilitation by facilities that rescue, rehabilitate, and  
19 release manatees as authorized pursuant to the Fish and  
20 Wildlife Service of the United States Department of the  
21 Interior. Such facilities must be involved in the actual  
22 rescue and full-time acute care veterinarian-based  
23 rehabilitation of manatees. The cost of activities includes,  
24 but is not limited to, costs associated with expansion,  
25 capital outlay, repair, maintenance, and operations related to  
26 the rescue, treatment, stabilization, maintenance, release,  
27 and monitoring of manatees. Moneys distributed through  
28 contractual agreement to each facility for manatee  
29 rehabilitation shall be proportionate to the number of  
30 manatees under acute care rehabilitation and those released  
31 during the previous fiscal year. However, the reimbursement

1 may not exceed the total amount available pursuant to ss.  
2 327.25(7) and 327.28(1)(b) for the purposes provided in this  
3 paragraph. Prior to receiving reimbursement for the expenses  
4 of rescue, rehabilitation, and release, a facility that  
5 qualifies under state and federal regulations shall submit a  
6 plan to the Fish and Wildlife Conservation Commission  
7 ~~Department of Environmental Protection~~ for assisting the  
8 commission ~~department~~ and the Department of Highway Safety and  
9 Motor Vehicles in marketing the manatee specialty license  
10 plates. At a minimum, the plan shall include provisions for  
11 graphics, dissemination of brochures, recorded oral and visual  
12 presentation, and maintenance of a marketing exhibit. The plan  
13 shall be updated annually and the Fish and Wildlife  
14 Conservation Commission ~~Department of Environmental Protection~~  
15 shall inspect each marketing exhibit at least once each year  
16 to ensure the quality of the exhibit and promotional material.  
17 Each facility that receives funds for manatee rehabilitation  
18 shall annually provide the commission ~~department~~ a written  
19 report, within 30 days after the close of the state fiscal  
20 year, documenting the efforts and effectiveness of the  
21 facility's promotional activities.

22 (c) By December 1 each year, the Fish and Wildlife  
23 Conservation Commission ~~Department of Environmental Protection~~  
24 shall provide the President of the Senate and the Speaker of  
25 the House of Representatives a written report, enumerating the  
26 amounts and purposes for which all proceeds in the Save the  
27 Manatee Trust Fund for the previous fiscal year are expended,  
28 in a manner consistent with those recovery tasks enumerated  
29 within the manatee recovery plan as required by the Endangered  
30 Species Act.

31

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

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

7 370.26 Aquaculture definitions; marine aquaculture  
8 products, producers, and facilities.--

9 (2) The Department of Environmental Protection shall  
10 encourage the development of aquaculture and the production of  
11 aquaculture products. The department shall develop a process  
12 consistent with this section that would consolidate permits,  
13 general permits, ~~special activity licenses~~, and other  
14 regulatory requirements to streamline the permitting process  
15 and result in effective regulation of aquaculture activities.  
16 This process shall provide for a single application and  
17 application fee for marine aquaculture activities which are  
18 regulated by the department. Procedures to consolidate  
19 permitting actions under this section do not constitute rules  
20 within the meaning of s. 120.52.

21 (3) The Department of Agriculture and Consumer  
22 Services shall act as a clearinghouse for aquaculture  
23 applications, and act as a liaison between the Fish and  
24 Wildlife Conservation Commission ~~Division of Marine Resources~~,  
25 the Division of State Lands, the Department of Environmental  
26 Protection district offices, other divisions within the  
27 Department of Environmental Protection, and the water  
28 management districts. The Department of Agriculture and  
29 Consumer Services shall be responsible for regulating marine  
30 aquaculture producers, except as specifically provided herein.

31 (8) The department shall:



1           (a) Coordinate with the Aquaculture Review Council,  
2 the Aquaculture Interagency Coordinating Council, and the  
3 Department of Agriculture and Consumer Services when  
4 developing criteria for aquaculture general permits.

5           (b) Permit experimental technologies to collect and  
6 evaluate data necessary to reduce or mitigate environmental  
7 concerns.

8           (c) Provide technical expertise and promote the  
9 transfer of information that would be beneficial to the  
10 development of aquaculture.

11           (9) The Fish and Wildlife Conservation Commission  
12 ~~department~~ shall encourage the development of aquaculture in  
13 the state through the following:

14           (a) Providing assistance in developing technologies  
15 applicable to aquaculture activities, evaluating practicable  
16 production alternatives, and providing management agreements  
17 to develop innovative culture practices.

18           ~~(b) Permitting experimental technologies to collect~~  
19 ~~and evaluate data necessary to reduce or mitigate~~  
20 ~~environmental concerns.~~

21           ~~(c) Providing technical expertise and promoting the~~  
22 ~~transfer of information that would be beneficial to the~~  
23 ~~development of aquaculture.~~

24           (b)(d) Facilitating aquaculture research on life  
25 histories, stock enhancement, and alternative species, and  
26 providing research results that would assist in the  
27 evaluation, development, and commercial production of  
28 candidate species for aquaculture, including:

29           1. Providing eggs, larvae, fry, and fingerlings to  
30 aquaculturists when excess cultured stocks are available from  
31 the commission's ~~department's~~ facilities and the culture

1 activities are consistent with the commission's ~~department's~~  
2 stock enhancement projects. Such stocks may be obtained by  
3 reimbursing the commission ~~department~~ for the cost of  
4 production on a per-unit basis. Revenues resulting from the  
5 sale of stocks shall be deposited into the trust fund used to  
6 support the production of such stocks.

7 2. Conducting research programs to evaluate candidate  
8 species when funding and staff are available.

9 3. Encouraging the private production of marine fish  
10 and shellfish stocks for the purpose of providing such stocks  
11 for statewide stock enhancement programs. When such stocks  
12 become available, the commission ~~department~~ shall reduce or  
13 eliminate duplicative production practices that would result  
14 in direct competition with private commercial producers.

15 4. Developing a working group, in cooperation with the  
16 Department of Agriculture and Consumer Services, the  
17 Aquaculture Review Council, and the Aquaculture Interagency  
18 Coordinating Council, to plan and facilitate the development  
19 of private marine fish and nonfish hatcheries and to encourage  
20 private/public partnerships to promote the production of  
21 marine aquaculture products.

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

26 (10) The Fish and Wildlife Conservation Commission  
27 ~~department~~ shall coordinate with the Aquaculture Review  
28 Council and the Department of Agriculture and Consumer  
29 Services to establish and implement grant programs to provide  
30 funding for projects and programs that are identified in the  
31 state's aquaculture plan, pending legislative appropriations.

1 The ~~commission~~ department and the Department of Agriculture  
2 and Consumer Services shall establish and implement a grant  
3 program to make grants available to qualified nonprofit,  
4 educational, and research entities or local governments to  
5 fund infrastructure, planning, practical and applied research,  
6 development projects, production economic analysis, and  
7 training and stock enhancement projects, and to make grants  
8 available to counties, municipalities, and other state and  
9 local entities for applied aquaculture projects that are  
10 directed to economic development, pending legislative  
11 appropriations.

12 (11) The Fish and Wildlife Conservation Commission  
13 ~~department~~ shall provide assistance to the Department of  
14 Agriculture and Consumer Services in the development of an  
15 aquaculture plan for the state.

16 Section 47. Section 372.072, Florida Statutes, is  
17 amended to read:

18 372.072 Endangered and Threatened Species Act.--

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

21 (2) DECLARATION OF POLICY.--The Legislature recognizes  
22 that the State of Florida harbors a wide diversity of fish and  
23 wildlife and that it is the policy of this state to conserve  
24 and wisely manage these resources, with particular attention  
25 to those species defined by the Fish and Wildlife Conservation  
26 ~~Game and Fresh Water Fish~~ Commission, the Department of  
27 Environmental Protection, or the United States Department of  
28 Interior, or successor agencies, as being endangered or  
29 threatened. As Florida has more endangered and threatened  
30 species than any other continental state, it is the intent of  
31

1 the Legislature to provide for research and management to  
2 conserve and protect these species as a natural resource.

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

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

8 (b) "Endangered species" means any species of fish and  
9 wildlife naturally occurring in Florida, whose prospects of  
10 survival are in jeopardy due to modification or loss of  
11 habitat; overutilization for commercial, sporting, scientific,  
12 or educational purposes; disease; predation; inadequacy of  
13 regulatory mechanisms; or other natural or manmade factors  
14 affecting its continued existence.

15 (c) "Threatened species" means any species of fish and  
16 wildlife naturally occurring in Florida which may not be in  
17 immediate danger of extinction, but which exists in such small  
18 populations as to become endangered if it is subjected to  
19 increased stress as a result of further modification of its  
20 environment.

21 (4) INTERAGENCY COORDINATION.--

22 (a) ~~1. The Game and Fresh Water Fish~~ commission shall  
23 be responsible for research and management of freshwater and  
24 upland species, and for research and management of marine  
25 species.

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

28 (b) Recognizing that citizen awareness is a key  
29 element in the success of this plan, the ~~Game and Fresh Water~~  
30 ~~Fish~~ commission, the ~~Department of Environmental Protection,~~  
31 and the Office of Environmental Education of the Department of

1 Education are encouraged to work together to develop a public  
2 education program with emphasis on, but not limited to, both  
3 public and private schools.

4 (c) ~~The Department of Environmental Protection, the~~  
5 ~~Marine Fisheries Commission, or the Game and Fresh Water Fish~~  
6 commission, in consultation with the Department of Agriculture  
7 and Consumer Services, ~~the Department of Commerce, the~~  
8 Department of Community Affairs, or the Department of  
9 Transportation, may establish reduced speed zones along roads,  
10 streets, and highways to protect endangered species or  
11 threatened species.

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

27 Section 48. Section 372.0725, Florida Statutes, is  
28 amended to read:

29 372.0725 Killing or wounding of any species designated  
30 as endangered, threatened, or of special concern; criminal  
31 penalties.--It is unlawful for a person to intentionally kill

1 or wound any fish or wildlife of a species designated by the  
2 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
3 Commission as endangered, threatened, or of special concern,  
4 or to intentionally destroy the eggs or nest of any such fish  
5 or wildlife, except as provided for in the rules of the ~~Game~~  
6 ~~and Fresh Water Fish~~ commission, ~~the Department of~~  
7 ~~Environmental Protection, or the Marine Fisheries Commission.~~  
8 Any person who violates this provision with regard to an  
9 endangered or threatened species is guilty of a felony of the  
10 third degree, punishable as provided in s. 775.082, s.  
11 775.083, or s. 775.084.

12 Section 49. Section 372.073, Florida Statutes, is  
13 amended to read:

14 372.073 Endangered and Threatened Species Reward  
15 Program.--

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

30 (2) The commission may expend funds only for the  
31 following purposes:

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

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

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

10 370.093 Illegal use of nets.--

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

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

27 Section 51. Subsection (2) and paragraph (a) of  
28 subsection (4) of section 376.11, Florida Statutes, 1998  
29 Supplement, are amended to read:

30 376.11 Florida Coastal Protection Trust Fund.--

31

1           (2) The Florida Coastal Protection Trust Fund is  
2 established, to be used by the department and the Fish and  
3 Wildlife Conservation Commission as a nonlapsing revolving  
4 fund for carrying out the purposes of ss. 376.011-376.21. To  
5 this fund shall be credited all registration fees, penalties,  
6 judgments, damages recovered pursuant to s. 376.121, other  
7 fees and charges related to ss. 376.011-376.21, and the excise  
8 tax revenues levied, collected, and credited pursuant to ss.  
9 206.9935(1) and 206.9945(1)(a). Charges against the fund  
10 shall be in accordance with this section.

11           (4) Moneys in the Florida Coastal Protection Trust  
12 Fund shall be disbursed for the following purposes and no  
13 others:

14           (a) Administrative expenses, personnel expenses, and  
15 equipment costs of the department and the Fish and Wildlife  
16 Conservation Commission related to the enforcement of ss.  
17 376.011-376.21 subject to s. 376.185.

18           Section 52. Section 20.325, Florida Statutes, is  
19 repealed.

20           Section 53. Section 370.026, Florida Statutes, is  
21 repealed.

22           Section 54. Notwithstanding chapter 60K-5, Florida  
23 Administrative Code, or state law to the contrary, employees  
24 transferring from the Department of Environmental Protection,  
25 the Florida Game and Fresh Water Fish Commission, and the  
26 Marine Fisheries Commission, to fill positions transferred to  
27 the Fish and Wildlife Conservation Commission, shall also  
28 transfer any accrued annual leave, sick leave, regular  
29 compensatory leave and special compensatory leave balances.

30           Section 55. Notwithstanding chapter 60K-5,  
31 Administrative Code, or state law to the contrary, employees



1 transferring from the Department of Environmental Protection  
2 to fill positions transferred to the Department of Agriculture  
3 and Consumer Services shall also transfer any accrued annual  
4 leave, sick leave, regular compensatory leave and special  
5 compensatory leave balances.

6 Section 56. Notwithstanding the provisions of  
7 subsection (2) of section 20.255, Florida Statutes, the  
8 Secretary of the Department of Environmental Protection is  
9 authorized to restructure and reorganize the department to  
10 increase efficiency in carrying out the agency's statutory  
11 mission and objectives. The Secretary shall report to the  
12 Governor, the Speaker of the House, and the President of the  
13 Senate no later than December 1, 1999, on the department's  
14 organizational structure. The report must contain recommended  
15 statutory changes needed to accomplish the department's new  
16 structure.

17 Section 57. The Division of Statutory Revision of the  
18 Office of Legislative Services is directed to prepare a  
19 reviser's bill for introduction at the 2000 Regular Session of  
20 the Legislature to change "Game and Fresh Water Fish  
21 Commission" to "Fish and Wildlife Conservation Commission" and  
22 to make such further changes as are necessary to conform the  
23 Florida Statutes to the organizational changes created by this  
24 act.

25 Section 58. If any provision of this act or the  
26 application thereof to any person or circumstance is held  
27 invalid, the invalidity shall not affect other provisions or  
28 applications of the act which can be given effect without the  
29 invalid provisions or applications, and to this end the  
30 provisions of this act are declared severable.

31 Section 59. This act shall take effect July 1, 1999.