

Amendment No. (for drafter's use only)

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Alexander offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

20.331 Fish and Wildlife Conservation Commission.--

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

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

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

- 1 (a) Division of Administrative Services.
- 2 (b) Division of Law Enforcement.
- 3 (c) Division of Freshwater Fisheries.
- 4 (d) Division of Marine Fisheries.
- 5 (e) Division of Wildlife.
- 6 (f) Florida Marine Research Institute.

7

8 The bureaus and offices of the Game and Fresh Water Fish
9 Commission existing on February 1, 1999, are established
10 within the Fish and Wildlife Conservation Commission.

11 (4)(a) To aid the commission in the implementation of
12 its constitutional and statutory duties, the Legislature
13 authorizes the commission to appoint, fix the salary of, and
14 at its pleasure, remove a person, not a member of the
15 commission, as the executive director. The executive director
16 shall be reimbursed for travel per diem and travel expenses,
17 as provided in s. 112.061, incurred in the discharge of
18 official duties. The executive director shall maintain
19 headquarters and reside in Tallahassee.

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

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

25 (a) Shall assign to the Division of Freshwater
26 Fisheries and the Division of Marine Fisheries such powers,
27 duties, responsibilities, and functions as are necessary to
28 ensure compliance with the laws and rules governing the
29 management, protection, conservation, improvement, and
30 expansion of Florida's freshwater aquatic life and marine life
31 resources.

1 (b) Shall assign to the Division of Wildlife such
2 powers, duties, responsibilities, and functions as are
3 necessary to ensure compliance with the laws and rules
4 governing the management, protection, conservation,
5 improvement, and expansion of Florida's wildlife resources.

6 (c) Shall assign to the Division of Law Enforcement
7 such powers, duties, responsibilities, and functions as are
8 necessary to ensure enforcement of the laws and rules
9 governing the management, protection, conservation,
10 improvement, and expansion of Florida's wildlife resources,
11 freshwater aquatic life resources, and marine life resources.

12 In performance of their duties as sworn law enforcement
13 officers for the State of Florida, the division's officers
14 also shall assist in the enforcement of all general
15 environmental laws remaining under the responsibility of the
16 Department of Environmental Protection.

17 (d) Shall assign to the Florida Marine Research
18 Institute such powers, duties, responsibilities, and functions
19 as are necessary to accomplish its mission. It shall be the
20 mission of the Florida Marine Research Institute to:

21 1. Serve as the primary source of research and
22 technical information and expertise on the status of Florida's
23 saltwater resources;

24 2. Monitor the status and health of saltwater habitat,
25 marine life, and wildlife;

26 3. Develop and implement restoration techniques for
27 marine habitat and enhancement of saltwater plant and animal
28 populations;

29 4. Respond and provide critical technical support for
30 marine catastrophes including oil spills, ship groundings,
31 major marine species die-offs, hazardous spills, and natural

1 disaster;

2 5. Identify and monitor marine toxic red tides and
3 their impacts, and provide technical support for state and
4 local public health concerns; and

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

7 (6)(a) Shall implement a system of adequate due
8 process procedures to be accorded to any party, as defined in
9 s. 120.52, whose substantial interests will be affected by any
10 action of the Fish and Wildlife Conservation Commission in the
11 performance of its constitutional duties or responsibilities.

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

16 (c) The provisions of chapter 120 shall be accorded to
17 any party whose substantial interests will be affected by any
18 action of the commission in the performance of its statutory
19 duties or responsibilities. For purposes of this subsection,
20 statutory duties or responsibilities include, but are not
21 limited to, the following:

22 1. Research and management responsibilities for marine
23 species listed as endangered, threatened, or of special
24 concern, including, but not limited to, manatees and marine
25 turtles;

26 2. Establishment and enforcement of boating safety
27 regulations;

28 3. Land acquisition and management;

29 4. Enforcement and collection of fees for all
30 recreational and commercial hunting or fishing licenses or
31 permits;

1 5. Aquatic plant removal and management using fish as
2 a biological control agent;

3 6. Enforcement of penalties for violations of
4 commission rules, including, but not limited to, the seizure
5 and forfeiture of vessels and other equipment used to commit
6 those violations;

7 7. Establishment of free fishing days;

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

9 9. Establishment and coordination of a statewide
10 hunter safety course;

11 10. Establishment of programs and activities to
12 develop and distribute public education materials;

13 11. Police powers of wildlife and marine officers;

14 12. Establishment of citizen support organizations to
15 provide assistance, funding, and promotional support for
16 programs of the commission;

17 13. Creation of the Voluntary Authorized Hunter
18 Identification Program; and

19 14. Regulation of required clothing of persons hunting
20 deer.

21 (d) The commission is directed to provide a report on
22 the development and implementation of its adequate due process
23 provisions to the President of the Senate, the Speaker of the
24 House of Representatives, and the appropriate substantive
25 committees of the House of Representatives and the Senate no
26 later than December 1, 1999.

27 (7) Comments submitted by the commission to a
28 permitting agency for applications for permits, licenses, or
29 authorizations impacting the commission's jurisdiction must be
30 based on credible, factual scientific data, and must be
31 received by the permitting agency within the time specified by

1 applicable statutes or rules, or within 30 days, whichever is
2 shorter. Comments provided by the commission are not binding
3 on any permitting agency. Comments by the commission shall be
4 considered for consistency with the Florida Coastal Management
5 Program and sections 373.428, and 380.23. Should a permitting
6 agency use the commission's comments as a condition of denial,
7 approval, or modification of a proposed permit, license, or
8 authorization, any party to an administrative proceeding
9 involving such proposed action may require the commission to
10 join as a party in determining the validity of the condition.
11 In any action where the commission is joined as a party, the
12 commission shall only bear the actual cost of defending the
13 validity of the credible, factual scientific data used as a
14 basis for its comments.

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

24 (9) May require any employee of the commission to give
25 a bond for the faithful performance of duties. The commission
26 may determine the amount of the bond and must approve the
27 bond. In determining the amount of the bond, the commission
28 may consider the amount of money or property likely to be in
29 custody of the officer or employee at any one time. The
30 premiums for the bond must be paid out of the funds of the
31 commission.

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

5 Section 3. The Marine Fisheries Commission is
6 transferred to the Fish and Wildlife Conservation Commission
7 by a type two transfer, as defined in s. 20.06(2), Florida
8 Statutes.

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

18 (a) Any administrative and technical positions and
19 equipment within the Bureau of Administrative Support and the
20 Bureau of Operational Support providing support services to
21 the Bureau of Emergency Response, the Florida Park Patrol, and
22 the Office of Environmental Investigations within the Division
23 of Law Enforcement at the Department of Environmental
24 Protection as of February 1, 1999;

25 (b) Any sworn positions classified as Investigator I
26 or Investigator II positions within the different program
27 components of the Division of Law Enforcement at the
28 Department of Environmental Protection as of February 1, 1999.

29 (c) Any sworn positions assigned to the Office of the
30 Director of the Division of Law Enforcement as of February 1,
31 1999; and

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

4 (2) The sworn positions assigned to the Uniform
5 Patrol, Inspections, Aviation and Boating Safety program
6 components of the Division of Law Enforcement at the
7 Department of Environmental Protection as of February 1, 1999,
8 are assigned to the Division of Law Enforcement at the Fish
9 and Wildlife Conservation Commission.

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

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

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

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

25 (2) The Office of Fisheries Management and Assistance
26 Services, and positions assigned to angler outreach and
27 education duties within the Division of Marine Resources at
28 the Department of Environmental Protection are assigned to the
29 Division of Marine Fisheries at the commission.

30 (3) The Florida Marine Research Institute at the
31 Department of Environmental Protection is established as a

1 separate budget entity within the commission, and is assigned
2 to the Office of the Executive Director for administrative
3 purposes.

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

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

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

21 Section 8. Subsections (2) and (6) of section 20.255,
22 Florida Statutes, 1998 Supplement, are amended, and new
23 subsections (7), (8), and (9) are added, and current
24 subsection (7) is renumbered subsection (10) in said section,
25 to read:

26 20.255 Department of Environmental Protection.--There
27 is created a Department of Environmental Protection.

28 (2)(a) There shall be two deputy secretaries and an
29 executive coordinator for ecosystem management who are to be
30 appointed by and shall serve at the pleasure of the secretary.
31 The secretary may assign either deputy secretary the

1 responsibility to supervise, coordinate, and formulate policy
2 for any division, office, or district. The following special
3 offices are established and headed by managers, each of whom
4 is to be appointed by and serve at the pleasure of the
5 secretary:

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

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

29 (c) The other special offices not supervised by the
30 executive coordinator for ecosystem management shall report to
31 the secretary; however, the secretary may assign them, for

1 daily coordination purposes, to report through a senior
2 manager other than the secretary.

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

10

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

19 (6) The following divisions of the Department of
20 Environmental Protection are established:

21 (a) Division of Administrative and Technical Services.

22 (b) Division of Air Resource Management.

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

24 (d) Division of Law Enforcement.

25 (e) Division of Resource Assessment and Management

26 ~~Marine Resources~~.

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

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

29 ~~(g)(h)~~ Division of State Lands, the director of which
30 is to be appointed by the secretary of the department, subject
31 to confirmation by the Governor and Cabinet sitting as the

1 Board of Trustees of the Internal Improvement Trust Fund.

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

3

4 In order to ensure statewide and intradepartmental
5 consistency, the department's divisions shall direct the
6 district offices and bureaus on matters of interpretation and
7 applicability of the department's rules and programs.

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

17 (8) Records and documents of the Department of
18 Environmental Protection shall be retained by the department
19 as specified in record retention schedules established under
20 the general provisions of chapters 119 and 257. Further, the
21 department is authorized to:

22 (a) Destroy, or otherwise dispose of, those records
23 and documents in conformity with the approved retention
24 schedules.

25 (b) Photograph, microphotograph, or reproduce such
26 records and documents on film, as authorized and directed by
27 the approved retention schedules, whereby each page will be
28 exposed in exact conformity with the original records and
29 documents retained in compliance with the provisions of this
30 section. Photographs or microphotographs in the form of film
31 or print of any records, made in compliance with the

1 provisions of this section, shall have the same force and
2 effect as the originals thereof would have and shall be
3 treated as originals for the purpose of their admissibility in
4 evidence. Duly certified or authenticated reproductions of
5 such photographs or microphotographs shall be admitted in
6 evidence equally with the original photographs or
7 microphotographs. The impression of the seal of the
8 Department of Environmental Protection on a certificate made
9 by the department and signed by the Secretary of Environmental
10 Protection entitles the certificate to be received in all
11 courts and in all proceedings in this state and is prima facie
12 evidence of all factual matters set forth in the certificate.
13 A certificate may relate to one or more records as set forth
14 in the certificate or in a schedule attached to the
15 certificate.

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

24 (10)(7) There is created as a part of the Department
25 of Environmental Protection an Environmental Regulation
26 Commission. The commission shall be composed of seven
27 residents of this state appointed by the Governor, subject to
28 confirmation by the Senate. The commission shall include one,
29 but not more than two, members from each water management
30 district who have resided in the district for at least 1 year,
31 and the remainder shall be selected from the state at large.

1 Membership shall be representative of agriculture, the
2 development industry, local government, the environmental
3 community, lay citizens, and members of the scientific and
4 technical community who have substantial expertise in the
5 areas of the fate and transport of water pollutants,
6 toxicology, epidemiology, geology, biology, environmental
7 sciences, or engineering. The Governor shall appoint the
8 chair, and the vice chair shall be elected from among the
9 membership. The members serving on the commission on July 1,
10 1995, shall continue to serve on the commission for the
11 remainder of their current terms. All appointments thereafter
12 shall continue to be for 4-year terms. The Governor may at any
13 time fill a vacancy for the unexpired term. The members of the
14 commission shall serve without compensation, but shall be paid
15 travel and per diem as provided in s. 112.061 while in the
16 performance of their official duties. Administrative,
17 personnel, and other support services necessary for the
18 commission shall be furnished by the department.

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

21 20.14 Department of Agriculture and Consumer
22 Services.--There is created a Department of Agriculture and
23 Consumer Services.

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

26 (a) Administration.

27 (b) Agricultural Environmental Services.

28 (c) Animal Industry.

29 (d) Aquaculture.

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

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

- 1 (g)(f) Food Safety.
- 2 (h)(g) Forestry.
- 3 (i)(h) Fruit and Vegetables.
- 4 (j)(i) Marketing and Development.
- 5 (k)(j) Plant Industry.
- 6 (l)(k) Standards.

7 Section 10. Except where otherwise specified in law,
8 all revenues derived from the sale of permits and licenses
9 pursuant to chapter 370, Florida Statutes, and all federal
10 funds received by the State of Florida as a match to the
11 aforementioned state revenues, and revenues received pursuant
12 to s. 327.25 and s. 380.0558 (4) and (5), Florida Statutes,
13 are to be appropriated by the Legislature to the Fish and
14 Wildlife Conservation Commission, to be used for the purposes
15 specified in law, except for the following:

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

21 (2) Revenues derived from the imposition of the
22 Apalachicola Bay Oyster Harvesting License authorized in s.
23 370.06(5) and lease fees authorized in s. 370.16(4), Florida
24 Statutes, 1998 Supplement, and revenues received pursuant to
25 ss. 253.69(4) and 253.71(2), Florida Statutes, which shall be
26 appropriated to the General Inspection Trust Fund of the
27 Department of Agriculture and Consumer Services,

28 (3) Revenues derived from the imposition of the
29 Apalachicola Bay Oyster Surcharge authorized in section
30 370.07(3), Florida Statutes, 1998 Supplement, which shall be
31 appropriated to the General Inspection Trust Fund of the

1 Department of Agriculture and Consumer Services, and

2 (4) That portion of vessel registration fees used for
3 quality control purposes pursuant to the provisions of section
4 327.28, (1)(d) Florida Statutes, which shall be appropriated
5 to the General Inspection Trust Fund of the Department of
6 Agriculture and Consumer Services.

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

14 Section 12. In fiscal year 2000-2001, the total amount
15 of funds expended by the Fish and Wildlife Conservation
16 Commission for all recurring budget categories combined may
17 not exceed 95 percent of the total recurring budget
18 appropriated for fiscal year 1999-2000 to the Fish and
19 Wildlife Conservation Commission.

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

25 (a) The appropriate number of administrative,
26 attorney, auditing and operational support positions and the
27 related sources of funding to be transferred from the
28 Department of Environmental Protection's Office of the General
29 Counsel, Division of Administrative and Technical Services,
30 former Office of the Director of the Division of Marine
31 Resources, and Division of Law Enforcement to the Fish and

1 Wildlife Conservation Commission.

2 1. No more than 60 positions may be transferred to
3 provide legal services, administrative services, and
4 operational support services, including communications
5 equipment involving the National Crime Information System
6 (NCIS) and the Florida Crime Information System (FCIS) which
7 were previously provided to the programs transferred by
8 sections four and five of this act.

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

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

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

25 (a) Convene and chair the meetings of the transition
26 advisory group, and

27 (b)1. To assist the transition advisory working group
28 with any operating budget adjustments as necessary, including
29 any adjustments in administrative and technical staff
30 remaining with the Department of Environmental Protection,
31 including in the Division of Law Enforcement, to implement the

1 requirements of this act. Adjustments made to the operating
2 budgets of the Department of Environmental Protection or the
3 commission in the implementation of this act must be made in
4 consultation with the appropriate substantive and fiscal
5 committee staffs of the House of Representatives and the
6 Florida Senate.

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

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

27 (1) The operating agreement shall be completed by no
28 later than January 31, 2000, and shall detail commission law
29 enforcement responsibilities for emergency response. Until
30 the operating plan has been completed and adopted, the
31 department may call upon the commission for emergency response

1 and the commission is directed to respond to said requests.

2 (2) The work plan shall be submitted by August 1,
3 1999, to the Governor, the Speaker of the House of
4 Representatives, and the President of the Senate and may
5 include recommendations for facilitating department law
6 enforcement and emergency response needs, the research
7 priorities of the Florida Marine Research Institute, and the
8 needs of other appropriate department programs.

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

15 (a) Environmental monitoring and assessment.

16 (b) Restoration research and development of
17 restoration technology.

18 (c) Technical support and response for oil spills,
19 ship groundings, major marine species die offs, hazardous
20 spills, and natural disasters.

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

24 206.606 Distribution of certain proceeds.--

25 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
26 206.87(1)(e) shall be deposited in the Fuel Tax Collection
27 Trust Fund. Such moneys, after deducting the service charges
28 imposed by s. 215.20, the refunds granted pursuant to s.
29 206.41, and the administrative costs incurred by the
30 department in collecting, administering, enforcing, and
31 distributing the tax, which administrative costs may not

1 exceed 2 percent of collections, shall be distributed monthly
2 to the State Transportation Trust Fund, except that:

3 (a) ~~\$6.30~~^{\$7.55} million shall be transferred to the
4 Department of Environmental Protection in each fiscal year
5 and. ~~The transfers must be made in equal monthly amounts~~
6 ~~beginning on July 1 of each fiscal year. \$1.25 million of the~~
7 ~~amount transferred shall be deposited annually in the Marine~~
8 ~~Resources Conservation Trust Fund and must be used by the~~
9 ~~department to fund special projects to provide recreational~~
10 ~~channel marking, public launching facilities, and other~~
11 ~~boating-related activities. The department shall annually~~
12 ~~determine where unmet needs exist for boating-related~~
13 ~~activities, and may fund such activities in counties where,~~
14 ~~due to the number of vessel registrations, insufficient~~
15 ~~financial resources are available to meet total water resource~~
16 ~~needs. The remaining proceeds of the annual transfer shall be~~
17 ~~deposited in the Aquatic Plant Control Trust Fund to and must~~
18 ~~be used for aquatic plant management, including nonchemical~~
19 ~~control of aquatic weeds, research into nonchemical controls,~~
20 ~~and enforcement activities. Beginning in fiscal year~~
21 ~~1993-1994, the department shall allocate at least \$1 million~~
22 ~~of such funds to the eradication of melaleuca.~~

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

1 registrations, sufficient financial resources are unavailable.

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

7 a. Unmet needs in counties with populations of 100,000
8 or less.

9 b. Unmet needs in coastal counties with a high level
10 of boating related activities from individuals residing in
11 other counties.

12 2. The remaining \$1.25 million may be used for
13 recreational boating activities, and freshwater fisheries
14 management and research.

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

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

1 ~~Department of Environmental Protection, and freshwater~~
2 ~~fisheries management and research.~~

3 (c) 0.65 percent of moneys collected pursuant to s.
4 206.41(1)(g) shall be transferred to the Agricultural
5 Emergency Eradication Trust Fund.

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

10 320.08058 Specialty license plates.--

11 (1) MANATEE LICENSE PLATES.--

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

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

22 320.08058 Specialty license plates.--

23 (19) SEA TURTLE LICENSE PLATES.--

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

29 (b) The annual use fees shall be deposited in the
30 Marine Resources Conservation Trust Fund in the Fish and
31 Wildlife Conservation Commission ~~Florida Department of~~

1 ~~Environmental Protection~~. The first \$500,000 in annual revenue
2 shall be used by the Florida Marine Turtle Protection Program
3 to conduct sea turtle protection, research, and recovery
4 programs. The remaining annual use proceeds shall be used by
5 the commission ~~Department of Environmental Protection~~ for sea
6 turtle conservation activities, except that up to 30 percent
7 of the remaining annual use fee proceeds shall be annually
8 disbursed ~~dispersed~~ through the marine turtle grants program
9 as provided in s. 370.12(1)(h).

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

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

19 (5) "Commission" means the Fish and Wildlife
20 Conservation Commission.

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

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

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

30 (2) ANTIQUE VESSEL REGISTRATION FEE.--

31 (b) The registration number for an antique vessel

1 shall be permanently attached to each side of the forward half
2 of the vessel ~~affixed on the forward half of the hull or on~~
3 ~~the port side of the windshield~~ according to ss. 327.11 and
4 327.14.

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

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

18 Section 20. Section 327.26, Florida Statutes, is
19 amended to read:

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

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

30 327.28 Marine Resources Conservation Trust Fund;
31 vessel registration funds; appropriation and distribution.--

1 (2) All funds collected pursuant to s. 370.06(2) shall
2 be deposited in the Marine Resources Conservation Trust Fund.
3 Such funds shall be used to pay the cost of implementing the
4 saltwater products license program. Additional proceeds from
5 the licensing revenue shall be distributed among the following
6 program functions:

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

11 (a)(b) No more than 15 percent shall go to marine law
12 enforcement;

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

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

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

24 327.30 Collisions, accidents, and casualties.--

25 (2) In the case of collision, accident, or other
26 casualty involving a vessel in or upon or entering into or
27 exiting from the water, including capsizing, collision with
28 another vessel or object, sinking, personal injury requiring
29 medical treatment beyond immediate first aid, death,
30 disappearance of any person from on board under circumstances
31 which indicate the possibility of death or injury, or damage

1 to any vessel or other property in an apparent aggregate
2 amount of at least \$500, the operator shall without delay, by
3 the quickest means available give notice of the accident to
4 one of the following agencies: the Division of Law
5 Enforcement of the Fish and Wildlife Conservation Commission;
6 ~~the Game and Fresh Water Fish Commission;~~ the sheriff of the
7 county within which the accident occurred; or the police chief
8 of the municipality within which the accident occurred, if
9 applicable.

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

12 327.35215 Penalty for failure to submit to test.--

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

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

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

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

31 Section 24. Section 327.395, Florida Statutes, is

1 amended to read:

2 327.395 Boating safety identification cards.--

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

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

14 (b) Passed a course equivalency examination approved
15 by the commission department; or

16 (c) Passed a temporary certificate examination
17 developed or approved by the commission department.

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

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

29 (4) An identification card issued to a person who has
30 completed a boating education course or a course equivalency
31 examination is valid for life. A card issued to a person who

1 has passed a temporary certification examination is valid for
2 12 months from the date of issuance.

3 (5) A person is exempt from subsection (1) if he or
4 she:

5 (a) Is licensed by the United States Coast Guard to
6 serve as master of a vessel.

7 (b) Operates a vessel only on a private lake or pond.

8 (c) Is accompanied in the vessel by a person who is
9 exempt from this section or who holds an identification card
10 in compliance with this section, is 18 years of age or older,
11 and is attendant to the operation of the vessel and
12 responsible for any violation that occurs during the
13 operation.

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

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

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

21 (7) The commission ~~department~~ shall design forms and
22 adopt rules to administer this section. Such rules shall
23 include provision for educational and other public and private
24 entities to offer the course and administer examinations.

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

29 (9) The commission ~~department~~ is authorized to
30 establish and to collect a \$2 examination fee to cover
31 administrative costs.

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 (3) The commission ~~department~~ shall print on the

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

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

10 327.74 Uniform boating citations.--

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

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

25 (4) The chief administrative officer of every law
26 enforcement agency shall require the return to him or her of
27 the commission ~~department~~ record copy of every boating
28 citation issued by an officer under his or her supervision to
29 an alleged violator of any boating law or ordinance and all
30 copies of every boating citation which has been spoiled or
31 upon which any entry has been made and not issued to an

1 alleged violator.

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

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

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

15 327.803 Boating Advisory Council.--

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

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

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

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

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

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

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

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

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

21 (a) Boating safety education.

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

24 (c) Boat usage.

25

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

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

30 Section 35. Section 327.804, Florida Statutes, is
31 amended to read:

1 327.804 Compilation of statistics on boating accidents
2 and violations.--The Fish and Wildlife Conservation Commission
3 ~~Department of Environmental Protection~~ shall compile
4 statistics on boating accidents and boating violations of the
5 age groups of persons affected by chapter 96-187, Laws of
6 Florida.

7 Section 36. Section 327.90, Florida Statutes, is
8 amended to read:

9 327.90 Transactions by electronic or telephonic
10 means.--The commission department is authorized to accept any
11 application provided for under this chapter by electronic or
12 telephonic means.

13 Section 37. Paragraph (c) of subsection (2) of section
14 328.01, Florida Statutes, is amended to read:

15 328.01 Application for certificate of title.--

16 (2)

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

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

24 2. A certificate of inspection from the Fish and
25 Wildlife Conservation Division of Law Enforcement of the
26 ~~Department of Environmental Protection or the Game and Fresh~~
27 ~~Water Fish~~ Commission and a notarized statement of the builder
28 or its equivalent, whichever is acceptable to the Department
29 of Highway Safety and Motor Vehicles, if the vessel is 16 feet
30 or more in length.

31 Section 38. Subsection (1) of section 339.281, Florida

1 Statutes, is amended to read:

2 339.281 Damage to transportation facility by vessel;
3 marine accident report; investigative authorities;
4 penalties.--

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

17 Section 39. Section 370.025, Florida Statutes, 1998
18 Supplement, is amended to read:

19 370.025 Marine fisheries; policy and standards.--

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

27 (2) The commission is instructed to make
28 recommendations annually to the Governor and the Legislature
29 regarding marine fisheries research priorities and
30 funding. All administrative and enforcement responsibilities
31 which are unaffected by the specific provisions of this act

1 are the responsibility of the commission.

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

8 (a) The paramount concern of conservation and
9 management measures shall be the continuing health and
10 abundance of the marine fisheries resources of this state.

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

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

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

21 (e) Conservation and management measures shall assure
22 proper quality control of marine resources that enter
23 commerce.

24 (f) State marine fishery management plans shall be
25 developed to implement management of important marine fishery
26 resources.

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

31 (h) Federal fishery management plans and fishery

1 management plans of other states or interstate commissions
2 should be considered when developing state marine fishery
3 management plans. Inconsistencies should be avoided unless it
4 is determined that it is in the best interest of the fisheries
5 or residents of this state to be inconsistent.

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

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

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

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

20 Section 40. Subsections (1), (2), and (3) of section
21 370.027, Florida Statutes, 1998 Supplement, are repealed.

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

24 370.06 Licenses.--

25 (4) SPECIAL ACTIVITY LICENSES.--

26 (a) A special activity license is required for any
27 person to use gear or equipment not authorized in this chapter
28 or rule of the Fish and Wildlife Conservation ~~Marine Fisheries~~
29 Commission for harvesting saltwater species. In accordance
30 with this chapter, s. 16, Art. X of the State Constitution,
31 and rules of the ~~Marine Fisheries~~ commission, the commission

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

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

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

30 (d) The conditions and specific management practices
31 established in this section may be incorporated into permits

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1 and authorizations issued pursuant to chapter 253, chapter
2 373, chapter 403, or this chapter, when incorporating such
3 provisions is in accordance with the aquaculture permit
4 consolidation procedures. No separate issuance of a special
5 activity license is required when conditions and specific
6 management practices are incorporated into permits or
7 authorizations under this paragraph. Implementation of this
8 section to consolidate permitting actions does not constitute
9 rules within the meaning of s. 120.52.

10 (e) The commission department is authorized to issue
11 special activity licenses in accordance with s. ss. 370.071,
12 370.101, and this section; aquaculture permit consolidation
13 procedures in s. 370.26(2)(3)(a); and rules of the ~~Marine~~
14 ~~Fisheries~~ commission to permit the capture and possession of
15 saltwater species protected by law and used as stock for
16 artificial cultivation and propagation.

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

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

25 (a) For purposes of this section, the following
26 definitions shall apply:

27 1. "Person" means an individual.

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

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

1 b. Established a domicile in this state and evidenced
2 that domicile as provided in s. 222.17.

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

10 (c) Any person wishing to obtain an Apalachicola Bay
11 oyster harvesting license shall submit an annual fee for the
12 license during a 45-day period from May 17 to June 30 of each
13 year preceding the license year for which the license is
14 valid. Failure to pay the annual fee within the required time
15 period shall result in a \$500 late fee being imposed before
16 issuance of the license.

17 (d) The Department of Agriculture and Consumer
18 Services shall collect an annual fee of \$100 from residents
19 and \$500 from nonresidents for the issuance of an Apalachicola
20 Bay oyster harvesting license. The license year shall begin on
21 July 1 of each year and end on June 30 of the following year.
22 The license shall be valid only for the licensee. Only bona
23 fide residents of Florida may obtain a resident license
24 pursuant to this subsection.

25 (e) Each person who applies for an Apalachicola Bay
26 oyster harvesting license shall, before receiving the license,
27 attend an educational seminar of not more than 16 hours
28 length, developed and conducted jointly by the Apalachicola
29 National Estuarine Research Reserve, the ~~department's~~ Division
30 of Law Enforcement of the Fish and Wildlife Conservation
31 Commission, and the Department of Agriculture and Consumer

1 ~~Services' department's~~ Apalachicola District Shellfish
2 Environmental Assessment Laboratory. The seminar shall
3 address, among other things, oyster biology, conservation of
4 the Apalachicola Bay, sanitary care of oysters, small business
5 management, and water safety. The seminar shall be offered
6 five times per year, and each person attending shall receive a
7 certificate of participation to present when obtaining an
8 Apalachicola Bay oyster harvesting license.

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

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

23 (h) Any person holding an Apalachicola Bay oyster
24 harvesting license shall receive credit for the license fee
25 against the saltwater products license fee.

26 (i) The proceeds from Apalachicola Bay oyster
27 harvesting license fees shall be deposited in the General
28 Inspection Marine Resources Conservation Trust Fund and, less
29 reasonable administrative costs, shall be used or distributed
30 by the Department of Agriculture and Consumer Services for the
31 following purposes in Apalachicola Bay:

- 1 1. Relaying and transplanting live oysters.
- 2 2. Shell planting to construct or rehabilitate oyster
- 3 bars.
- 4 3. Education programs for licensed oyster harvesters
- 5 on oyster biology, aquaculture, boating and water safety,
- 6 sanitation, resource conservation, small business management,
- 7 marketing, and other relevant subjects.
- 8 4. Research directed toward the enhancement of oyster
- 9 production in the bay and the water management needs of the
- 10 bay.

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

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

21 Section 42. Section 370.0608, Florida Statutes, 1998
22 Supplement, is amended to read:

23 370.0608 Deposit of license fees; allocation of
24 federal funds.--

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

28 (a) Not more than 5 percent of the total fees
29 collected shall be ~~for the Marine Fisheries Commission to be~~
30 used to carry out the responsibilities of the Fish and
31 Wildlife Conservation Commission and to provide for the award

1 of funds to marine research institutions in this state for the
2 purposes of enabling such institutions to conduct worthy
3 marine research projects.

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

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

8 a. Not more than 5 percent of the total fees
9 collected, for administration of the licensing program and for
10 information and education.

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

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

15 d. Not less than 30 percent of the total fees
16 collected, for fishery enhancement, including, but not limited
17 to, fishery statistics development, artificial reefs, and fish
18 hatcheries.

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

1 ~~commission~~ Department of Environmental Protection.

2 (2) ~~The Department of Environmental Protection and the~~

3 ~~Game and Fresh Water Fish Commission shall develop and~~

4 ~~maintain a memorandum of understanding to provide for the~~

5 ~~equitable allocation of federal aid available to Florida~~

6 ~~pursuant to the Sport Fish Restoration Administration Funds.~~

7 Funds available from the Wallop-Breaux Aquatic Resources Trust

8 Fund shall be distributed by the commission between the

9 Division of Freshwater Fisheries and the Division of Marine

10 Fisheries ~~department and the commission~~ in proportion to the

11 numbers of resident fresh and saltwater anglers as determined

12 by the most current data on license sales. Unless otherwise

13 provided by federal law, ~~the department and~~ the commission, at

14 a minimum, shall provide the following:

15 (a) Not less than 5 percent or more than 10 percent of

16 the funds allocated to the commission ~~each agency~~ shall be

17 expended for an aquatic resources education program; and

18 (b) Not less than 10 percent of the funds allocated to

19 the commission ~~each agency~~ shall be expended for acquisition,

20 development, renovation, or improvement of boating facilities.

21 (3) All license fees collected pursuant to s. 370.0605

22 shall be transferred to the Marine Resources Conservation

23 Trust Fund within 7 days following the last business day of

24 the week in which the license fees were received by the

25 commission. One-fifth of the total proceeds derived from the

26 sale of 5-year licenses and replacement 5-year licenses, and

27 all interest derived therefrom, shall be available for

28 appropriation annually.

29 Section 43. Section 370.063, Florida Statutes, is

30 amended to read:

31 370.063 Special recreational crawfish license.--There

1 is created a special recreational crawfish license, to be
2 issued to qualified persons as provided by this section for
3 the recreational harvest of crawfish (spiny lobster) beginning
4 August 5, 1994.

5 (1) The special recreational crawfish license shall be
6 available to any individual crawfish trap number holder who
7 also possesses a saltwater products license during the
8 1993-1994 license year. ~~For the 1994-1995 license year and~~
9 ~~for each license year thereafter,~~A person issued a special
10 recreational crawfish license may not also possess a trap
11 number.

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

21 (3) The holder of a special recreational crawfish
22 license must also possess the recreational crawfish stamp
23 required by s. 370.14(11) and the license required by s.
24 370.0605.

25 (4) As a condition precedent to the issuance of a
26 special recreational crawfish license, the applicant must
27 agree to file quarterly reports with the Fish and Wildlife
28 Conservation Commission ~~Division of Marine Resources of the~~
29 ~~Department of Environmental Protection,~~in such form as the
30 commission division requires, detailing the amount of the
31 licenseholder's crawfish (spiny lobster) harvest in the

1 previous quarter, including the harvest of other recreational
2 harvesters aboard the licenseholder's vessel.

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

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

31 (7) The proceeds of the fees collected under this

1 section must be deposited in the Marine Resources Conservation
2 Trust Fund and used as follows:

3 (a) Thirty-five percent for research and the
4 development of reliable recreational catch statistics for the
5 crawfish (spiny lobster) fishery.

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

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

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

15 Section 44. Section 370.071, Florida Statutes, is
16 amended to read:

17 370.071 Shellfish processors; regulation.--

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

1 rules adopted pursuant to this section, and to seize and
2 destroy any adulterated or misbranded shellfish products as
3 defined by rule.

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

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

18 Section 45. Section 370.12, Florida Statutes, 1998
19 Supplement, is amended to read:

20 370.12 Marine animals; regulation.--

21 (1) PROTECTION OF MARINE TURTLES.--

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

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

31 1. Atlantic loggerhead turtle (*Caretta caretta*)

1 caretta).

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

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

4 4. Atlantic hawksbill turtle (*Eretmochelys imbricata*

5 *imbricata*).

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

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

8 Endangered Species Act or its implementing regulations, no

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

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

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

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

13 actually kills or injures marine turtles, and includes

14 significant habitat modification or degradation that kills or

15 injures marine turtles by significantly impairing essential

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

17 2. Unless otherwise provided by the federal Endangered

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

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

20 harass, or destroy any marine turtle.

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

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

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

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

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

26 educational, or exhibitional purposes, or for conservation

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

28 from construction sites. Notwithstanding any other provisions

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

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

31 accredited person for the purpose of marine turtle

1 conservation upon such terms, conditions, and restrictions as
2 it may prescribe by rule adopted pursuant to chapter 120. The
3 commission department shall have the authority to adopt rules
4 pursuant to chapter 120 to permit the possession of marine
5 turtles pursuant to this paragraph. For the purposes of this
6 subsection, a "properly accredited person" is defined as:
7 a. Students of colleges or universities whose studies
8 with saltwater animals are under the direction of their
9 teacher or professor;
10 b. Scientific or technical faculty of public or
11 private colleges or universities;
12 c. Scientific or technical employees of private
13 research institutions and consulting firms;
14 d. Scientific or technical employees of city, county,
15 state, or federal research or regulatory agencies;
16 e. Members in good standing or recognized and properly
17 chartered conservation organizations, the Audubon Society, or
18 the Sierra Club;
19 f. Persons affiliated with aquarium facilities or
20 museums, or contracted as an agent therefor, which are open to
21 the public with or without an admission fee; or
22 g. Persons without specific affiliations listed above,
23 but who are recognized by the commission department for their
24 contributions to marine conservation such as scientific or
25 technical publications, or through a history of cooperation
26 with the commission department in conservation programs such
27 as turtle nesting surveys, or through advanced educational
28 programs such as high school marine science centers.
29 (d) Any application for a Department of Environmental
30 Protection permit or other type of approval for an activity
31 that affects marine turtles or their nests or habitat shall be

1 subject to conditions and requirements for marine turtle
2 protection as part of the permitting or approval process.

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

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

29 (g) The department shall give special consideration to
30 beach preservation and beach nourishment projects that restore
31 habitat of endangered marine turtle species. Nest relocation

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

17 (h) The Fish and Wildlife Conservation Commission
18 ~~department~~ shall provide grants to coastal local governments,
19 educational institutions, and Florida-based nonprofit
20 organizations to conduct marine turtle research, conservation,
21 and education activities within the state. The commission
22 ~~department~~ shall adopt by rule pursuant to chapter 120
23 procedures for submitting grant applications and criteria for
24 allocating available funds. The criteria must include the
25 scope of the proposed activity, the relevance of the proposed
26 activity to the recovery plans for marine turtles, the demand
27 and public support for the proposed activity, the duration of
28 the proposed activity, the availability of alternative
29 funding, and the estimated cost of the activity. The executive
30 director ~~secretary~~ of the commission ~~department~~ shall appoint
31 a committee of at least five members, including at least two

1 nongovernmental representatives, to consider and choose grant
2 recipients from proposals submitted by eligible entities.
3 Committee members shall not receive any compensation from the
4 commission ~~department~~.

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

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

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

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

22 (d) Except as may be authorized by the terms of a
23 valid state permit issued pursuant to paragraph (c) or by the
24 terms of a valid federal permit, it is unlawful for any person
25 at any time, by any means, or in any manner intentionally or
26 negligently to annoy, molest, harass, or disturb or attempt to
27 molest, harass, or disturb any manatee; injure or harm or
28 attempt to injure or harm any manatee; capture or collect or
29 attempt to capture or collect any manatee; pursue, hunt,
30 wound, or kill or attempt to pursue, hunt, wound, or kill any
31 manatee; or possess, literally or constructively, any manatee

1 or any part of any manatee.

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

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

28 1. In Lee County: the entire Orange River, including
29 the Tice Florida Power and Light Corporation discharge canal
30 and adjoining waters of the Caloosahatchee River within 1 mile
31 of the confluence of the Orange and Caloosahatchee Rivers.

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

1 Highway 41.

2 10. In Sarasota County: the Venice Inlet and
3 connecting waters within 1 mile thereof, including Lyons Bay,
4 Donna Bay, Roberts Bay, and Hatchett Creek, excluding the
5 waters of the intracoastal waterway and the right-of-way
6 bordering the centerline of the intracoastal waterway.

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

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

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

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

1 the Jupiter Inlet in Palm Beach County. In addition, the
2 commission ~~department~~ shall adopt rules pursuant to chapter
3 120 regulating the operation and speed of motorboat traffic
4 only where manatee sightings are frequent and it can be
5 generally assumed that they inhabit these areas on a regular
6 or continuous basis within the Loxahatchee River in Palm Beach
7 and Martin Counties, including the north and southwest forks
8 thereof. A limited lane or corridor providing for reasonable
9 motorboat speeds may be identified and designated within this
10 area.

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

28 (i) If any new power plant is constructed or other
29 source of warm water discharge is discovered within the state
30 which attracts a concentration of manatees or sea cows, the
31 Fish and Wildlife Conservation Commission ~~Department of~~

1 ~~Environmental Protection~~ is directed to adopt rules pursuant
2 to chapter 120 regulating the operation and speed of motorboat
3 traffic within the area of such discharge. Such rules shall
4 designate a zone which is sufficient in size, and which shall
5 remain in effect for a sufficient period of time, to protect
6 the manatees or sea cows.

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

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

26 1. A body of water which starts at Melbourne-Tillman
27 Drainage District structure MS-1, section 35, township 28
28 south, range 37 east, running east to include all natural
29 waters and tributaries of Turkey Creek, section 26, township
30 28 south, range 37 east, to the confluence of Turkey Creek and
31 the Indian River, section 24, township 28 south, range 37

1 east, including all lagoon waters of the Indian River bordered
2 on the west by Palm Bay Point, the north by Castaway Point,
3 the east by the four immediate spoil islands, and the south by
4 Cape Malabar, thence northward along the shoreline of the
5 Indian River to Palm Bay Point.

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

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

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

1 vessels.

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

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

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

1 ~~commission department~~. If the ~~commission department~~ and a
2 local government disagree on the provisions of an ordinance, a
3 local manatee protection committee must be formed to review
4 the technical data of the ~~commission department~~ and the United
5 States Fish and Wildlife Service, and to resolve conflicts
6 regarding the ordinance. The manatee protection committee must
7 be comprised of:

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

18
19 If local and state regulations are established for the same
20 area, the more restrictive regulation shall prevail.

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

- 28 1. Adopt rules pursuant to chapter 120 requiring use
29 of fenders for construction of future bulkheads or wharves;
30 and
- 31 2. Implement a plan and time schedule to require

1 retrofitting of existing bulkheads or wharves consistent with
2 port bulkhead or wharf repair or replacement schedules.

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

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

18 (r)~~(s)~~ Except as otherwise provided in this paragraph,
19 any person violating the provisions of this subsection or any
20 rule or ordinance adopted pursuant to this subsection shall be
21 guilty of a misdemeanor, punishable as provided in s.
22 370.021(2)(a) or (b).

23 1. Any person operating a vessel in excess of a posted
24 speed limit shall be guilty of a civil infraction, punishable
25 as provided in s. 327.73, except as provided in subparagraph
26 2.

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

1 action, may be found guilty of harassment as described in
2 paragraph (d).

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

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

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

1 commission department shall annually solicit advisory
2 recommendations from the Save the Manatee Committee affiliated
3 with the Save the Manatee Club, as identified and recognized
4 in Executive Order 85-19, on the use of funds from the Save
5 the Manatee Trust Fund.

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

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

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

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

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

28 370.26 Aquaculture definitions; marine aquaculture
29 products, producers, and facilities.--

30 (2) The Department of Environmental Protection shall
31 encourage the development of aquaculture and the production of

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

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

21 (8) The department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 appropriations.

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

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

8 372.072 Endangered and Threatened Species Act.--

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

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

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

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

28 (b) "Endangered species" means any species of fish and
29 wildlife naturally occurring in Florida, whose prospects of
30 survival are in jeopardy due to modification or loss of
31 habitat; overutilization for commercial, sporting, scientific,

1 or educational purposes; disease; predation; inadequacy of
2 regulatory mechanisms; or other natural or manmade factors
3 affecting its continued existence.

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

10 (4) INTERAGENCY COORDINATION.--

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

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

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

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

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

16 Section 48. Section 372.0725, Florida Statutes, is
17 amended to read:

18 372.0725 Killing or wounding of any species designated
19 as endangered, threatened, or of special concern; criminal
20 penalties.--It is unlawful for a person to intentionally kill
21 or wound any fish or wildlife of a species designated by the
22 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
23 Commission as endangered, threatened, or of special concern,
24 or to intentionally destroy the eggs or nest of any such fish
25 or wildlife, except as provided for in the rules of the ~~Game~~
26 ~~and Fresh Water Fish~~ commission, the Department of
27 ~~Environmental Protection~~, or the ~~Marine Fisheries Commission~~.
28 Any person who violates this provision with regard to an
29 endangered or threatened species is guilty of a felony of the
30 third degree, punishable as provided in s. 775.082, s.
31 775.083, or s. 775.084.

1 Section 49. Section 372.073, Florida Statutes, is
2 amended to read:

3 372.073 Endangered and Threatened Species Reward
4 Program.--

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

19 (2) The commission may expend funds only for the
20 following purposes:

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

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

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

30 370.093 Illegal use of nets.--

31 (2)(a) Beginning July 1, 1998, it is also unlawful to

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

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

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

19 376.11 Florida Coastal Protection Trust Fund.--

20 (2) The Florida Coastal Protection Trust Fund is
21 established, to be used by the department and the Fish and
22 Wildlife Conservation Commission as a nonlapsing revolving
23 fund for carrying out the purposes of ss. 376.011-376.21. To
24 this fund shall be credited all registration fees, penalties,
25 judgments, damages recovered pursuant to s. 376.121, other
26 fees and charges related to ss. 376.011-376.21, and the excise
27 tax revenues levied, collected, and credited pursuant to ss.
28 206.9935(1) and 206.9945(1)(a). Charges against the fund
29 shall be in accordance with this section.

30 (4) Moneys in the Florida Coastal Protection Trust
31 Fund shall be disbursed for the following purposes and no

1 others:

2 (a) Administrative expenses, personnel expenses, and
3 equipment costs of the department and the Fish and Wildlife
4 Conservation Commission related to the enforcement of ss.
5 376.011-376.21 subject to s. 376.185.

6 Section 52. Section 20.325, Florida Statutes, is
7 repealed.

8 Section 53. Section 370.026, Florida Statutes, is
9 repealed.

10 Section 54. Notwithstanding chapter 60K-5, Florida
11 Administrative Code, or state law to the contrary, employees
12 transferring from the Department of Environmental Protection,
13 the Florida Game and Fresh Water Fish Commission, and the
14 Marine Fisheries Commission, to fill positions transferred to
15 the Fish and Wildlife Conservation Commission, shall also
16 transfer any accrued annual leave, sick leave, regular
17 compensatory leave and special compensatory leave balances.

18 Section 55. Notwithstanding chapter 60K-5,
19 Administrative Code, or state law to the contrary, employees
20 transferring from the Department of Environmental Protection
21 to fill positions transferred to the Department of Agriculture
22 and Consumer Services shall also transfer any accrued annual
23 leave, sick leave, regular compensatory leave and special
24 compensatory leave balances.

25 Section 56. Notwithstanding the provisions of
26 subsection (2) of section 20.255, Florida Statutes, the
27 Secretary of the Department of Environmental Protection is
28 authorized to restructure and reorganize the department to
29 increase efficiency in carrying out the agency's statutory
30 mission and objectives. The Secretary shall report to the
31 Governor, the Speaker of the House, and the President of the

1 Senate no later than December 1, 1999, on the department's
2 organizational structure. The report must contain recommended
3 statutory changes needed to accomplish the department's new
4 structure.

5 Section 57. The Division of Statutory Revision of the
6 Office of Legislative Services is directed to prepare a
7 reviser's bill for introduction at the 2000 Regular Session of
8 the Legislature to change "Game and Fresh Water Fish
9 Commission" to "Fish and Wildlife Conservation Commission" and
10 to make such further changes as are necessary to conform the
11 Florida Statutes to the organizational changes created by this
12 act.

13 Section 58. If any provision of this act or the
14 application thereof to any person or circumstance is held
15 invalid, the invalidity shall not affect other provisions or
16 applications of the act which can be given effect without the
17 invalid provisions or applications, and to this end the
18 provisions of this act are declared severable.

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

21 370.0603 Marine Resources Conservation Trust Fund;
22 purposes.--

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

29 (a) Funding for marine research.

30 (b) Funding for fishery enhancement, including, but
31 not limited to, fishery statistics development, artificial

1 reefs, and fish hatcheries.

2 (c) Funding for marine law enforcement.

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

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

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

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

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

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

18 370.16 Oysters and shellfish; regulation.--

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

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

27 (2) SURVEYS, PLATS, AND MAPS OF REEFS.--The Department
28 of Environmental Protection ~~Division of Marine Resources~~ shall
29 accept, adopt, and use official reports, surveys, and maps of
30 oyster, clam, or other shellfish grounds made under the
31 direction of any authority of the United States as prima facie

1 evidence of the natural oyster and clam reefs, for the purpose
2 and intent of this chapter. The department ~~said division~~ may
3 also make surveys of any natural oyster or clam reefs when it
4 deems such surveys necessary and where such surveys are made
5 pursuant to an application for a lease, the cost thereof may
6 be charged to the applicant as a part of the cost of his or
7 her application.

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

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

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

25 (6) LEASES TRANSFERABLE, ETC.--The leases shall be
26 inheritable and transferable, in whole or in part, and shall
27 also be subject to mortgage, pledge, or hypothecation and
28 shall be subject to seizure and sale for debts as any other
29 property, rights, and credits in this state, and this
30 provision shall also apply to all buildings, betterments, and
31 improvements thereon. Leases granted under this section cannot

1 be transferred, by sale or barter, in whole or in part,
2 without the written, express acquiescence of the Department of
3 Environmental Protection Division of Marine Resources, and
4 such a transferee shall pay a \$50 transfer fee before
5 department division acquiescence may be given. No lease or
6 part of a lease may be transferred by sale or barter until the
7 lease has been in existence at least 2 years and has been
8 cultivated according to the statutory standards found in
9 paragraph (4)(e), except as otherwise provided by regulation
10 adopted by the department Division of Marine Resources. No
11 such inheritance or transfer shall be valid or of any force or
12 effect whatever unless evidenced by an authentic act,
13 judgment, or proper judicial deed, registered in the office of
14 the department division in a book to be provided for said
15 purpose. The department division shall keep proper indexes so
16 that all original leases and all subsequent changes and
17 transfers can be easily and accurately ascertained.

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

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

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

1 with buoys and stakes and notices placed thereon showing the
2 same to be a public reef, the cost of the markers and notices
3 to be taxed against the lessee.

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

1 used to harvest oysters on such lease areas. Oyster
2 aquaculture leases issued in Franklin County shall be issued
3 only to Florida residents.

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

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

31 (12) PROTECTION OF OYSTER AND CLAM REEFS AND

1 SHELLFISH.--

2 (a) The Department of Environmental Protection
3 ~~Division of Marine Resources~~ shall improve, enlarge, and
4 protect the natural oyster and clam reefs of this state to the
5 extent it may deem advisable and the means at its disposal
6 will permit.

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

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

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

31 (14) SHELLFISH HARVESTING SEASONS; DAYS: SPECIAL

1 PROVISIONS RELATING TO APALACHICOLA BAY.--

2 (a) The Fish and Wildlife Conservation Commission
3 ~~Marine Fisheries Commission~~ shall consider setting the
4 shellfish harvesting seasons in the Apalachicola Bay as
5 follows:

6 1. The open season shall be from October 1 to July 31
7 of each year.

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

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

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

23 2. Whether the new harvesting schedule enhances the
24 enforcement of shellfish harvesting laws in the bay.

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

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

31 (c) The Fish and Wildlife Conservation Commission

1 ~~Marine Fisheries Commission~~ by rule shall consider restricting
2 harvesting on shellfish grants or leases to the same days of
3 the week as harvesting on public beds.

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

6 (a) It is unlawful to use a dredge or any means or
7 implement other than hand tongs in removing oysters from the
8 natural or artificial state reefs. This restriction shall
9 apply to all areas of the Apalachicola Bay for all shellfish
10 harvesting, excluding private grounds leased or granted by the
11 state prior to July 1, 1989, if the lease or grant
12 specifically authorizes the use of implements other than hand
13 tongs for harvesting. Except in the Apalachicola Bay, upon
14 the payment of \$25 annually, for each vessel or boat using a
15 dredge or machinery in the gathering of clams or mussels, a
16 special activity license may be issued by the Fish and
17 Wildlife Conservation Commission ~~division~~ pursuant to s.
18 370.06 for such use to such person.

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

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

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

30 3. Leaseholders or grantees shall telephonically
31 notify the Fish and Wildlife Conservation Commission ~~Division~~

1 ~~of Law Enforcement and the Division of Marine Resources~~ no
2 less than 48 hours prior to each day's use of a dredge or
3 scrape in order to arrange for a commission ~~Marine Patrol~~
4 officer to be present on the lease or grant area while a
5 dredge or scrape is used on the lease or grant. Under no
6 circumstances may a dredge or scrape be used without a
7 commission ~~Marine Patrol~~ officer present.

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

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

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

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

31 (a) Designation of areas for the taking of oysters and

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

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

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

29 (17) LICENSES; OYSTER, CLAM, AND MUSSEL
30 CANNERIES.--Every person as a condition precedent to the
31 operation of any oyster, clam, or mussel canning factory in

1 this state shall obtain a license pursuant to s. 370.071 and
2 pay a license fee of \$50.

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

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

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

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

1 purchased, and shall exhibit this account at all times when
2 requested so to do by the commission ~~division~~ or any
3 conservation agent; and he or she shall, on the first day of
4 each month, make a return under oath to the commission
5 ~~division~~ as to the number of oysters, clams, and shellfish
6 purchased, caught, or handled during the preceding month. The
7 commission ~~division~~ may require detailed returns whenever it
8 deems them necessary.

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

1 Pending proceedings such vessel may be released upon the owner
2 furnishing bond, with good and solvent security in double the
3 value of the vessel, conditioned upon its being returned in
4 good condition to the sheriff to abide the judgment of the
5 court.

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

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

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

26 (25) OYSTER AND CLAM SHELLS PROPERTY OF DEPARTMENT
27 DIVISION.--

28 (a) Except for oysters used directly in the half-shell
29 trade, 50 percent of all shells from oysters and clams shucked
30 commercially in the state shall be and remain the property of
31 the Department of Environmental Protection ~~Division of Marine~~

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

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

1 (c) Whenever oyster or clam shells are owned by the
2 department division and it is not useful or feasible to use
3 them in the rehabilitation projects, and when no leaseholder
4 has exercised his or her option to acquire them, the
5 department division may sell such shells for the highest price
6 obtainable. The shells thus sold may be used in any manner
7 and for any purpose at the discretion of the purchaser.

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

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

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

31 (27) HEALTH PERMITS.--

1 (a) Any person engaged in harvesting, handling, or
2 processing oysters for commercial use shall be required to
3 obtain a health permit from the county health department or
4 from a private physician.

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

8 (c) For the purpose of this subsection, "commercial
9 use" shall be a quantity of more than 4 bushels, or more than
10 2 gallons, of shucked oysters, per person or per boat, or any
11 number or quantity of oysters if the oysters are to be sold.

12 (28) REQUIREMENTS FOR OYSTER VESSELS.--

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

23 (b) For the purpose of this subsection, "commercial
24 use" shall be a quantity of more than 4 bushels, or more than
25 2 gallons, of shucked oysters, per person or per boat, or any
26 number or quantity of oysters if the oysters are to be sold.

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

29 932.7055 Disposition of liens and forfeited
30 property.--

31 (5) If the seizing agency is a state agency, all

1 remaining proceeds shall be deposited into the General Revenue
2 Fund. However, if the seizing agency is:

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

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

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

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

30 (e) The Fish and Wildlife Conservation ~~Game and Fresh~~
31 ~~Water Fish~~ Commission, the proceeds accrued pursuant to the

1 provisions of the Florida Contraband Forfeiture Act shall be
2 deposited into the State Game Trust Fund as provided in ss.
3 372.73, 372.9901, and 372.9904, into the Marine Resources
4 Conservation Trust Fund as provided in s. 370.061, or into the
5 commission's Federal Law Enforcement Trust Fund as provided in
6 s. 372.107, as applicable.

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

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

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

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

30 (j) The Department of Military Affairs, the proceeds
31 accrued from federal forfeiture sharing pursuant to 21 U.S.C.

1 ss. 881(e)(1)(A) and (3), 18 U.S.C. s. 981(e)(2), and 19
2 U.S.C. s. 1616a shall be deposited into the Armory Board Trust
3 Fund and used for purposes authorized by such federal
4 provisions based on the department's budgetary authority or
5 into the department's Federal Law Enforcement Trust Fund as
6 provided in s. 250.175, as applicable.

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

9 20.055 Agency inspectors general.--

10 (1) For the purposes of this section:

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

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

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

24 23.21 Definitions.--For purposes of this part:

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

1 Justice Administrative Commission, the Capital Collateral
2 Representative, and separate budget entities placed for
3 administrative purposes within a department.

4 Section 64. Paragraph (b) of subsection (1) of section
5 120.52, Florida Statutes, is amended to read:

6 120.52 Definitions.--As used in this act:

7 (1) "Agency" means:

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

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

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

29 120.81 Exceptions and special requirements; general
30 areas.--

31 (5) HUNTING AND FISHING REGULATION.--Agency action

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

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

12 163.3244 Sustainable communities demonstration
13 project.--

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

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

26 186.003 Definitions.--As used in ss. 186.001-186.031
27 and 186.801-186.911, the term:

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

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

3 186.005 Designation of departmental planning
4 officer.--

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

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

17 229.8058 Advisory Council on Environmental Education;
18 establishment; responsibilities.--

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

22 (a) Two members of the Senate, appointed by the
23 President of the Senate.

24 (b) Two members of the House of Representatives,
25 appointed by the Speaker of the House of Representatives.

26 (c) Five members appointed by the Governor.

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

28 (e) A representative of the Department of
29 Environmental Protection.

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

1 (g) A representative of the Executive Office of the
2 Governor.

3 (h) The chair of the Environmental Education
4 Foundation.

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

7 240.155 Campus master plans and campus development
8 agreements.--

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

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

3 252.365 Designation of emergency coordination
4 officers.--

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

12 Section 72. Section 253.05, Florida Statutes, is
13 amended to read:

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

1 institute and maintain such legal proceedings as may be
2 necessary to carry out the purpose of said sections.

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

5 253.45 Sale or lease of phosphate, clay, minerals,
6 etc., in or under state lands.--

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

28 Section 74. Section 253.75, Florida Statutes, is
29 amended to read:

30 253.75 Studies and recommendations by the department
31 and the Fish and Wildlife Conservation ~~Game and Fresh Water~~

1 ~~Fish~~ Commission; designation of recommended traditional and
2 other use zones; supervision of aquaculture operations.--
3 (1) Prior to the granting of any lease under this act,
4 the board shall request a recommendation by the department,
5 when the application relates to tidal bottoms, and by the Fish
6 and Wildlife Conservation ~~Game and Fresh Water Fish~~
7 Commission, when the application relates to bottom land
8 covered by fresh water. Such recommendations shall be based on
9 such factors as an assessment of the probable effect of the
10 proposed leasing arrangement on the lawful rights of riparian
11 owners, navigation, commercial and sport fishing, and the
12 conservation of fish or other wildlife or other natural
13 resources, including beaches and shores.
14 (2) The department and the Fish and Wildlife
15 Conservation ~~Game and Fresh Water Fish~~ Commission shall both
16 have the following responsibilities with respect to submerged
17 land and water column falling within their respective
18 jurisdictions:
19 (a) To undertake, or cause to be undertaken, the
20 studies and surveys necessary to support their respective
21 recommendations to the board;
22 (b) To institute procedures for supervising the
23 aquaculture activities of lessees holding under this act and
24 reporting thereon from time to time to the board; and
25 (c) To designate in advance areas of submerged land
26 and water column owned by the state for which they recommend
27 reservation for uses that may possibly be inconsistent with
28 the conduct of aquaculture activities. Such uses shall
29 include, but not be limited to, recreational, commercial and
30 sport fishing and other traditional uses, exploration for
31 petroleum and other minerals, and scientific instrumentation.

1 The existence of such designated areas shall be considered by
2 the board in granting leases under this act.

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

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

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

16 1. Developing a management plan to allow the monkeys
17 to remain in their present locations.

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

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

24 4. Euthanizing all or some of the monkeys.

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

1 shall post adequate warning signs in areas to which the public
2 is denied access.

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

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

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

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

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

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

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

27 258.157 Prohibited acts in Savannas State Reserve.--

28 (2) It is unlawful for any person, except a law
29 enforcement or conservation officer, to have in his or her
30 possession any firearm while within the Savannas except when
31 in compliance with regulations established by the Fish and

1 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
2 Commission applying to lands within the described boundaries.

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

5 258.397 Biscayne Bay Aquatic Preserve.--

6 (4) RULES.--

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

10 1. Additional preserve management criteria as may be
11 necessary to accommodate special circumstances.

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

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

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

28 Section 79. Paragraph (a) of subsection (7) of section
29 258.501, Florida Statutes, is amended to read:

30 258.501 Myakka River; wild and scenic segment.--

31 (7) MANAGEMENT COORDINATING COUNCIL.--

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

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

19 259.036 Management review teams.--

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

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

30 1. One individual who is from the county or local
31 community in which the parcel or project is located and who is

1 selected by the county commission in the county which is most
2 impacted by the acquisition.

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

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

7 4. One individual from the Fish and Wildlife
8 Conservation Game and Fresh Water Fish Commission.

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

11 6. A private land manager mutually agreeable to the
12 state agency representatives.

13 7. A member of the local soil and water conservation
14 district board of supervisors.

15 8. A member of a conservation organization.

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

21 Section 81. Paragraph (a) of subsection (2) of section
22 282.1095, Florida Statutes, is amended to read:

23 282.1095 State agency law enforcement radio system.--

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

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

31 2. A representative of the Division of Florida Highway

1 Patrol of the Department of Highway Safety and Motor Vehicles
2 who shall be appointed by the executive director of the
3 department.

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

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

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

13 6. A representative of the Department of Corrections
14 who shall be appointed by the secretary of the department.

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

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

21 Section 82. Subsections (3) and (7) of section
22 282.404, Florida Statutes, are amended to read:

23 282.404 Geographic information board; definition;
24 membership; creation; duties; advisory council; membership;
25 duties.--

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

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

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

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

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

21 285.09 Rights of Miccosukee and Seminole Tribes with
22 respect to hunting, fishing, and frogging.--

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

1 leased. Prior to placing restrictions upon hunting, fishing,
2 and frogging for subsistence purposes, the Fish and Wildlife
3 Conservation ~~Game and Fresh Water Fish~~ Commission shall
4 totally restrict nonsubsistence uses for the particular
5 species.

6 Section 84. Section 285.10, Florida Statutes, is
7 amended to read:

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

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

23 288.021 Economic development liaison.--

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

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

13 Section 86. Subsections (8) and (9) of section
14 288.975, Florida Statutes, 1998 Supplement, are amended to
15 read:

16 288.975 Military base reuse plans.--

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

1 concern to the above listed entities pertaining to the
2 military base site and to identify opportunities for better
3 coordination of planning and review efforts with the
4 information and analyses generated by the federal
5 environmental impact statement process and the federal
6 community base reuse planning process.

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

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

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

31 Section 87. Subsection (1) of section 316.640, Florida

1 Statutes, is amended to read:

2 316.640 Enforcement.--The enforcement of the traffic
3 laws of this state is vested as follows:

4 (1) STATE.--

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

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

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

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

30 e. The Office of Agricultural Law Enforcement of the
31 Department of Agriculture and Consumer Services shall have the

1 authority to enforce traffic laws of this state only as
2 authorized by the provisions of chapter 570. However, nothing
3 in this section shall expand the authority of the Office of
4 Agricultural Law Enforcement at its agricultural inspection
5 stations to issue any traffic tickets except those traffic
6 tickets for vehicles illegally passing the inspection station.

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

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

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

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

27 2.a. The Department of Transportation shall develop
28 training and qualifications standards for toll enforcement
29 officers whose sole authority is to enforce the payment of
30 tolls pursuant to s. 316.1001. Nothing in this subparagraph
31 shall be construed to permit the carrying of firearms or other

1 weapons, nor shall a toll enforcement officer have arrest
2 authority.

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

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

13 320.08058 Specialty license plates.--

14 (5) FLORIDA PANTHER LICENSE PLATES.--

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

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

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

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

30 (c) A person or corporation that purchases 10,000 or
31 more panther license plates shall pay an annual use fee of \$5

1 per plate and an annual processing fee of \$2 per plate, in
2 addition to the applicable license tax required under s.
3 320.08.

4 (18) LARGEMOUTH BASS LICENSE PLATES.--

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

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

18 (25) CONSERVE WILDLIFE LICENSE PLATES.--

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

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

30 1. Notwithstanding s. 320.08062, up to 10 percent of
31 the proceeds from the annual use fee may be used for marketing

1 the Conserve Wildlife license plate and administrative costs
2 directly related to the management and distribution of the
3 proceeds.

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

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

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

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

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

23 Section 90. Paragraph (a) of subsection (2) of section
24 341.352, Florida Statutes, is amended to read:

25 341.352 Certification hearing.--

26 (2)(a) The parties to the certification proceeding
27 are:

- 28 1. The franchisee.
- 29 2. The Department of Commerce.
- 30 3. The Department of Environmental Protection.
- 31 4. The Department of Transportation.

1 5. The Department of Community Affairs.
2 6. The Fish and Wildlife Conservation ~~Game and Fresh~~
3 ~~Water Fish~~ Commission.
4 7. Each water management district.
5 8. Each local government.
6 9. Each regional planning council.
7 10. Each metropolitan planning organization.
8 Section 91. Subsection (3) of section 369.20, Florida
9 Statutes, 1998 Supplement, is amended to read:
10 369.20 Florida Aquatic Weed Control Act.--
11 (3) It shall be the duty of the department to guide
12 and coordinate the activities of all public bodies,
13 authorities, agencies, and special districts charged with the
14 control or eradication of aquatic weeds and plants. It may
15 delegate all or part of such functions to the Fish and
16 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission.
17 Section 92. Subsection (9) of section 369.22, Florida
18 Statutes, 1998 Supplement, is amended to read:
19 369.22 Nonindigenous aquatic plant control.--
20 (9) The department may delegate various nonindigenous
21 aquatic plant control and maintenance functions to the Fish
22 and Wildlife Conservation ~~Game and Fresh Water Fish~~
23 Commission. The commission shall, in accepting commitments to
24 engage in nonindigenous aquatic plant control and maintenance
25 activities, be subject to the rules of the department, except
26 that the commission shall regulate, control, and coordinate
27 the use of any fish for aquatic weed control in fresh waters
28 of the state. In addition, the commission shall render
29 technical and other assistance to the department in order to
30 carry out most effectively the purposes of s. 369.20.
31 However, nothing herein shall diminish or impair the

1 regulatory authority of the commission with respect to the
2 powers granted to it by s. 9, Art. IV of the State
3 Constitution.

4 Section 93. Paragraph (b) of subsection (3) of section
5 369.25, Florida Statutes, is amended to read:

6 369.25 Aquatic plants; definitions; permits; powers of
7 department; penalties.--

8 (3) The department has the following powers:

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

15 Section 94. Section 370.01, Florida Statutes, 1998
16 Supplement, is amended to read:

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

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

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

1 (3) "Closed season" shall be that portion of the year
2 wherein the laws or rules of Florida forbid the taking of
3 particular species of game or varieties of fish.

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

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

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

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

17 (8)(7) "Department" shall mean the Department of
18 Environmental Protection.

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

26 (10)(9) "Exhibit" means to present or display upon
27 request.

28 (11)(10) "Finfish" means any member of the classes
29 Agnatha, Chondrichthyes, or Osteichthyes.

30 (12)(11) "Food fish" shall include mullet, trout,
31 redfish, sheepshead, pompano, mackerel, bluefish, red snapper,

1 grouper, black drum, jack crevalle, and all other fish
2 generally used for human consumption.

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

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

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

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

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

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

29 19~~(18)~~ "Resident" or "resident of Florida" includes
30 citizens of the United States who have continuously resided in
31 this state, next preceding the making of their application for

1 hunting, fishing, or other license, for the following period
2 of time, to wit: For 1 year in the state and 6 months in the
3 county when applied to all fish and game laws not related to
4 freshwater fish and game.

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

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

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

1 (23)~~(22)~~ "Saltwater fish" shall include all classes of
2 pisces, shellfish, sponges, and crustacea indigenous to salt
3 water.

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

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

10 (26)~~(25)~~ "Shellfish" shall include oysters, clams, and
11 whelks.

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

15 Section 95. Section 370.021, Florida Statutes, 1998
16 Supplement, is amended to read:

17 370.021 Administration; rules, publications, records;
18 penalties; injunctions.--

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

29 (1)~~(2)~~ PENALTIES.--Unless otherwise provided by law,
30 any person, firm, or corporation who is convicted for
31 violating any provision of this chapter, ~~any rule of the~~

1 ~~department adopted pursuant to this chapter, or any rule of~~
2 ~~the Fish and Wildlife Conservation Marine Fisheries Commission~~
3 ~~adopted pursuant to this chapter, shall be punished:~~

4 (a) Upon a first conviction, by imprisonment for a
5 period of not more than 60 days or by a fine of not less than
6 \$100 nor more than \$500, or by both such fine and
7 imprisonment.

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

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

16 (a) For a violation involving more than 100 illegal
17 blue crabs, crawfish, or stone crabs, an additional penalty of
18 \$10 for each illegal blue crab, crawfish, stone crab, or part
19 thereof.

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

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

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

31 (e) For a violation involving the taking, harvesting,

- 1 or possession of any of the following species, which are
2 endangered, threatened, or of special concern:
- 3 1. Shortnose sturgeon (*Acipenser brevirostrum*);
 - 4 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
 - 5 3. Common snook (*Centropomus undecimalis*);
 - 6 4. Atlantic loggerhead turtle (*Caretta caretta*
7 *caretta*);
 - 8 5. Atlantic green turtle (*Chelonia mydas mydas*);
 - 9 6. Leatherback turtle (*Dermochelys coriacea*);
 - 10 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
11 *imbricata*);
 - 12 8. Atlantic ridley turtle (*Lepidochelys kempi*); or
 - 13 9. West Indian manatee (*Trichechus manatus*
14 *latirostris*),

15
16 an additional penalty of \$100 for each unit of marine life or
17 part thereof.

18 (f) For a second or subsequent conviction within 24
19 months for any violation of the same law or rule involving the
20 taking or harvesting of more than 100 pounds of any finfish,
21 an additional penalty of \$5 for each pound of illegal finfish.

22 (g) For any violation involving the taking,
23 harvesting, or possession of more than 1,000 pounds of any
24 illegal finfish, an additional penalty equivalent to the
25 wholesale value of the illegal finfish.

26 (h) The proceeds from the penalties assessed pursuant
27 to this subsection shall be deposited into the Marine
28 Resources Conservation Trust Fund to be used for marine
29 fisheries research or into the commission's ~~department's~~
30 Federal Law Enforcement Trust Fund as provided in s. 372.107
31 ~~s. 20.2553~~, as applicable.

1 (i) Permits issued to any person, firm, or corporation
2 by the commission ~~department~~ to take or harvest saltwater
3 products, or any license issued pursuant to s. 370.06 or s.
4 370.07 may be suspended or revoked by the commission
5 ~~department~~, pursuant to the provisions and procedures of s.
6 120.60, for any major violation prescribed in this subsection:

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

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

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

16 (j) Upon the arrest and conviction for a major
17 violation involving stone crabs, the licenseholder must show
18 just cause why his or her license should not be suspended or
19 revoked. For the purposes of this paragraph, a "major
20 violation" means a major violation as prescribed for illegal
21 stone crabs; any single violation involving possession of more
22 than 25 stone crabs during the closed season or possession of
23 25 or more whole-bodied or egg-bearing stone crabs; any
24 violation for trap molestation, trap robbing, or pulling traps
25 at night; or any combination of violations in any
26 3-consecutive-year period wherein more than 75 illegal stone
27 crabs in the aggregate are involved.

28 (k) Upon the arrest and conviction for a major
29 violation involving crawfish, the licenseholder must show just
30 cause why his or her license should not be suspended or
31 revoked. For the purposes of this paragraph, a "major

1 violation" means a major violation as prescribed for illegal
2 crawfish; any single violation involving possession of more
3 than 25 crawfish during the closed season or possession of
4 more than 25 wrung crawfish tails or more than 25 egg-bearing
5 or stripped crawfish; any violation for trap molestation, trap
6 robbing, or pulling traps at night; or any combination of
7 violations in any 3-consecutive-year period wherein more than
8 75 illegal crawfish in the aggregate are involved.

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

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

31 (n) Upon final disposition of any alleged offense for

1 which a citation for any violation of this chapter or the
2 rules of the Fish and Wildlife Conservation ~~Marine Fisheries~~
3 Commission has been issued, the court shall, within 10 days,
4 certify the disposition to the commission ~~department~~.

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

10 (3)~~(4)~~ PENALTIES FOR USE OF ILLEGAL NETS.--

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

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

29 2. The person possesses a trip ticket issued in
30 Alabama and filled out to match the quantity of mullet being
31 transported, and the person is able to present such trip

1 ticket immediately upon entering this state.

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

7 4. The mullet being transported are totally removed
8 from any net also being transported.

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

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

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

29 3. For a third and subsequent major violation under
30 this paragraph, charged within a 7-year period, resulting in a
31 third or subsequent judicial disposition other than acquittal

1 or dismissal, a civil penalty of \$5,000, lifetime revocation
2 of the saltwater products license, and forfeiture of all gear
3 and equipment used in the violation shall be imposed.

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

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

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

29 2. Upon a third or subsequent conviction, guilty of a
30 felony of the third degree, punishable as provided in s.
31 775.082, s. 775.083, or s. 775.084.

1 (d) Upon reinstatement of saltwater license privileges
2 suspended pursuant to a violation of this section, a licensee
3 owning or operating a vessel containing or otherwise
4 transporting in or on Florida waters any gill net or other
5 entangling net, or containing or otherwise transporting in
6 nearshore and inshore Florida waters any net containing more
7 than 500 square feet of mesh area shall remain restricted for
8 a period of 12 months following reinstatement, to operation
9 under the following conditions:

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

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

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

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

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

1 (a) For a first violation, the commission department
2 may assess a civil penalty of up to \$2,500 and may suspend the
3 wholesale or ~~and/or~~ retail dealer's license privileges for up
4 to 90 calendar days.

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

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

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

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

29 ~~(7)(8)~~ PUBLICATIONS BY COMMISSION DEPARTMENT.--The
30 Fish and Wildlife Conservation Commission department ~~through~~
31 ~~the Division of Administration and Technical Services~~ is given

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

18 ~~(8)(9)~~ POWERS OF OFFICERS.--

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

Amendment No. ____ (for drafter's use only)

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

1 arrest or in any manner interfere, either by abetting or
2 assisting such resistance or otherwise interfering, with any
3 such law enforcement officer while engaged in the performance
4 of the duties imposed upon him or her by law or regulation of
5 the commission department.

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

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

1 ~~respective circuits; and, if such state attorney is otherwise~~
2 ~~occupied and cannot give the time and attention necessary to~~
3 ~~such question of law or litigation as the case may demand, the~~
4 ~~Department of Environmental Protection may employ additional~~
5 ~~counsel for that particular cause, with the advice and consent~~
6 ~~of the Department of Legal Affairs. Such additional counsel's~~
7 ~~fees shall be paid from the moneys appropriated to the~~
8 ~~Department of Environmental Protection.~~

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

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

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

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

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

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

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

30 (14) REVOCATION OF LICENSES.--Any person licensed
31 under this chapter who has been convicted of taking

1 aquaculture species raised at a certified facility shall have
2 his or her license revoked for 5 years by the Fish and
3 Wildlife Conservation Commission ~~Department of Environmental~~
4 ~~Protection~~ pursuant to the provisions and procedures of s.
5 120.60.

6 Section 96. Section 370.028, Florida Statutes, 1998
7 Supplement, is amended to read:

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

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

18 370.06 Licenses.--

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

24 (2) SALTWATER PRODUCTS LICENSE.--

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

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

1 existing restricted species endorsement, a marine aquaculture
2 producer possessing a valid saltwater products license with a
3 restricted species endorsement may apply income from the sale
4 of marine aquaculture products to licensed wholesale dealers.

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

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

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

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

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

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

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

1 saltwater products enterprise by affidavit and shall thereupon
2 be issued a restricted species endorsement.

3 2. Exceptions from income requirements shall be as
4 follows:

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

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

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

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

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

29 f. A permanent restricted species endorsement may also
30 be issued on an individual saltwater products license to a
31 person age 70 or older who has held a saltwater products

1 license for at least 3 of the last 5 license years.

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

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

1 registration decal issued each year pursuant to s. 327.11(5)
2 and shall indicate the period of time such license is valid.
3 The saltwater products license decal shall be placed beside
4 the vessel registration decal and, in the case of an
5 undocumented vessel, shall be placed so that the vessel
6 registration decal lies between the vessel registration number
7 and the saltwater products license decal. Any saltwater
8 products license decal for a previous year shall be removed
9 from a vessel operating on the waters of the state. A resident
10 shall pay an annual license fee of \$50 for a saltwater
11 products license issued in the name of an individual or \$100
12 for a saltwater products license issued to a valid boat
13 registration number. A nonresident shall pay an annual license
14 fee of \$200 for a saltwater products license issued in the
15 name of an individual or \$400 for a saltwater products license
16 issued to a valid boat registration number. An alien shall pay
17 an annual license fee of \$300 for a saltwater products license
18 issued in the name of an individual or \$600 for a saltwater
19 products license issued to a valid boat registration number.
20 Any person who sells saltwater products pursuant to this
21 license may sell only to a licensed wholesale dealer. A
22 saltwater products license must be presented to the licensed
23 wholesale dealer each time saltwater products are sold, and an
24 imprint made thereof. The wholesale dealer shall keep records
25 of each transaction in such detail as may be required by rule
26 of the Fish and Wildlife Conservation Commission ~~Department of~~
27 ~~Environmental Protection~~ not in conflict with s. 370.07(6),
28 and shall provide the holder of the saltwater products license
29 with a copy of the record. It is unlawful for any licensed
30 wholesale dealer to buy saltwater products from any unlicensed
31 person under the provisions of this section, except that a

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

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

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

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

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

1 or rule.

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

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

13 b. In 1998 persons or corporations holding a marine
14 life endorsement that was active in the 1997-1998 fiscal year
15 or an immediate family member of that person must request
16 renewal of the marine life endorsement before December 31,
17 1998.

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

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

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

1 designated by the executor of the person's estate.

2 f. Persons or corporations who hold saltwater product
3 licenses with marine life fishing endorsements issued to their
4 vessel registration numbers and who subsequently replace their
5 existing vessels with new vessels may transfer the existing
6 marine life fishing endorsement to the new boat registration
7 numbers.

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

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

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

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

1 nonresident, must be licensed under a saltwater products
2 license issued pursuant to subsection (2) and must bear the
3 number of such license. A noncommercial resident net
4 registration must be issued to each net used to take finfish
5 for noncommercial purposes and may only be issued to residents
6 of the state. Each net so registered must bear the name of the
7 person in whose name the net is registered.

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

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

28 (8) COLLECTION OF LICENSES, FEES.--Unless otherwise
29 provided by law, all license taxes or fees provided for in
30 this chapter shall be collected by the commission department
31 or its duly authorized agents or deputies to be deposited by

1 the Comptroller in the Marine Resources Conservation Trust
2 Fund. The commission ~~department~~ may by rule establish a
3 reasonable processing fee for any free license or permit
4 required under this chapter.

5 Section 98. Section 370.0605, Florida Statutes, 1998
6 Supplement, is amended to read:

7 370.0605 Saltwater fishing license required; fees.--

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

28 (b) Any required license, permit, or authorization
29 must be in the personal possession of the person taking,
30 attempting to take, or possessing marine fish or in the
31 possession of the person operating any vessel wherein a fee is

1 paid, either directly or indirectly, for the purpose of taking
2 or attempting to take marine fish for noncommercial purposes
3 and must be exhibited to any authorized law enforcement
4 officer upon his or her request. A positive form of
5 identification is required when using an authorization.

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

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

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

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

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

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

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

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

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

31 2. For any person who operates any vessel licensed to

1 carry no more than 10 customers, or for any person licensed to
2 operate any vessel carrying 6 or fewer customers, wherein a
3 fee is paid, either directly or indirectly, for the purpose of
4 taking or attempting to take marine fish, \$400 per year;
5 provided any person licensed to operate any vessel carrying 6
6 or fewer customers but who operates a vessel carrying 4 or
7 fewer customers, wherein a fee is paid, either directly or
8 indirectly, for such purposes, \$200 per year. The license must
9 be kept aboard the vessel at all times.

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

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

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

1 (c) The commission department is authorized to reduce
2 the fees for licenses under this section for residents of
3 those states with which the commission department has entered
4 into reciprocal agreements with respect to such fees.

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

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

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

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

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

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

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

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

27 (g) Any person who has been accepted by the Department
28 of Health and Rehabilitative Services for developmental
29 services or any licensed provider of services to the State of
30 Florida through contract with the Department of Health and
31 Rehabilitative Services, where such service involves the need,

1 normally, for possession of a saltwater fishing license and
2 such service is provided as part of a court-decided
3 rehabilitation program involving training in Florida's aquatic
4 resources.

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

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

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

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

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

31 (5) The Fish and Wildlife Conservation Game and

1 ~~Freshwater Fish~~ Commission may issue temporary fishing
2 licenses, upon request, to governmental or nonprofit
3 organizations that sponsor 1-day special events in fishing
4 management areas for individuals with physical, mental, or
5 emotional disabilities, or for the economically disadvantaged.
6 There shall be no fee for such temporary license. The
7 temporary license shall be valid for 1 day and shall designate
8 the date and maximum number of individuals.

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

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

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

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

28 2. Not later than August 15 of each year, each county
29 tax collector shall submit to the Fish and Wildlife
30 Conservation Game and Freshwater Fish Commission all unissued
31 stamps for the previous fiscal year along with a written audit

1 report, on forms prescribed or approved by the Fish and
2 Wildlife Conservation ~~Game and Freshwater Fish~~ Commission, as
3 to the numbers of the unissued stamps.

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

14 ~~(7)(a) Each county tax collector, as issuing agent for~~
15 ~~the department, shall submit to the department by January 31,~~
16 ~~1997, a report of the sale of, and payment for, all licenses~~
17 ~~and permits sold between June 1, 1996, and December 31, 1996.~~

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

1 ~~stamps distributed by him or her to subagents, sold by him or~~
2 ~~her, or reported by him or her as lost.~~

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

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

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

18 (10)(11) It is unlawful for any person to make, forge,
19 counterfeit, or reproduce a saltwater fishing license unless
20 authorized by the commission ~~department~~. It is unlawful for
21 any person knowingly to have in his or her possession a
22 forged, counterfeit, or imitation of such license, unless
23 possession by such person has been fully authorized by the
24 commission ~~department~~. Any person who violates this
25 subsection is guilty of a felony of the third degree,
26 punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084.

28 (11)(12)(a) Any person cited for a violation of the
29 license requirements of subsection (1) or the stamp
30 requirements of s. 370.1111(1)(a) or s. 370.14(11)(a) is
31 guilty of a noncriminal infraction, shall be cited for such an

1 infraction, and shall be cited to appear before the county
2 court. The civil penalty for any such infraction is \$50, in
3 addition to the cost of the amount of the annual license fee
4 or stamp involved in the infraction, except as otherwise
5 provided in this section. The civil penalty for any other
6 noncriminal infraction shall be \$50, except as otherwise
7 provided in this section.

8 (b) Any person cited for an infraction under this
9 section may:

- 10 1. Post a bond, which shall be equal in amount to the
11 applicable civil penalty; or
- 12 2. Sign and accept a citation indicating a promise to
13 appear before the county court.

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

18 (c) Any person who willfully refuses to post a bond or
19 accept and sign a citation is guilty of a misdemeanor of the
20 second degree, punishable as provided in s. 775.082 or s.
21 775.083.

22 (d) Any person charged with a noncriminal infraction
23 under this section may:

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

28
29 If the person cited follows either procedure prescribed in
30 this paragraph, he or she has admitted the infraction and
31 waives his or her right to a hearing on the issue of

1 commission of the infraction. Such admission may not be used
2 as evidence in any other proceedings.

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

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

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

16 (h) Effective October 1, 1991, any person who fails to
17 pay the civil penalty specified in paragraph (a) within 30
18 days or who fails to appear before the court is guilty of a
19 misdemeanor of the second degree, punishable as provided in s.
20 775.082 or s. 775.083.

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

1 license and all other conditions and limitations regulating
2 the taking of marine fish as are imposed by law or rule.

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

6 370.0615 Lifetime licenses.--

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

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

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

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

23 Section 100. Section 370.062, Florida Statutes, 1998
24 Supplement, is amended to read:

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

28 (1) The Fish and Wildlife Conservation Commission
29 ~~Department of Environmental Protection~~ shall establish a
30 license program for the purpose of issuing tags to individuals
31 desiring to harvest tarpon (*megalops atlantica*) from the

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

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

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

27 (4) No individual shall take, kill, or possess any
28 fish of the species megalops atlantica, commonly known as
29 tarpon, unless such individual has purchased a tarpon tag and
30 securely attached it through the lower jaw of the fish. Said
31 individual shall within 5 days after the landing of the fish

1 submit a form to the commission department which indicates the
2 length, weight, and physical condition of the tarpon when
3 caught; the date and location of where the fish was caught;
4 and any other pertinent information which may be required by
5 the commission department. The commission department may
6 refuse to issue new tags to individuals or guides who fail to
7 provide the required information.

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

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

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

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

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

1 the ~~Game and Fresh Water Fish~~ commission.

2 Section 101. Subsection (2) of section 370.0805,
3 Florida Statutes, 1998 Supplement, is amended to read:

4 370.0805 Net ban assistance program.--

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

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

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

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

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

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

30 (4) A zoological park and aquarium may import sea
31 snakes of the family Hydrophiidae for exhibition purposes.

1 only under the following conditions:

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

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

19 Section 103. Subsections (3), (4), and (5) of section
20 370.092, Florida Statutes, 1998 Supplement, are amended to
21 read:

22 370.092 Carriage of proscribed nets across Florida
23 waters.--

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

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

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

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

24 Section 104. Section 370.1107, Florida Statutes, is
25 amended to read:

26 370.1107 Definition; possession of certain licensed
27 traps prohibited; penalties; exceptions; consent.--

28 (1) As used in this section, the term "licensed
29 saltwater fisheries trap" means any trap required to be
30 licensed by the Fish and Wildlife Conservation Commission
31 ~~Department of Environmental Protection~~ and authorized pursuant

1 to this chapter or by the ~~Florida Marine Fisheries~~ commission
2 for the taking of saltwater products.

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

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

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

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

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

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

1 given consent to possess said licensed saltwater fisheries
2 trap.

3 Section 105. Section 370.1111, Florida Statutes, is
4 amended to read:

5 370.1111 Snook; regulation.--

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

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

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

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

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

3 370.13 Stone crab; regulation.--

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

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

15 Section 107. Section 370.14, Florida Statutes, 1998
16 Supplement, is amended to read:

17 370.14 Crawfish; regulation.--

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

24 (2)(a) Each trap used for taking or attempting to take
25 crawfish must have a trap number permanently attached to the
26 trap and the buoy. This trap number may be issued by the Fish
27 and Wildlife Conservation Commission ~~Division of Law~~
28 ~~Enforcement~~ upon the receipt of application by the owner of
29 the traps and accompanied by the payment of a fee of \$100. The
30 design of the applications and of the trap number shall be
31 determined by the commission ~~division~~. However, effective July

1 1, 1988, and until July 1, 1992, no crawfish trap numbers
2 issued pursuant to this section except those numbers that were
3 active during the 1990-1991 fiscal year shall be renewed or
4 reissued. No new trap numbers shall be issued during this
5 period. Until July 1, 1992, trap number holders or members of
6 their immediate family or a person to whom the trap number was
7 transferred in writing must request renewal of the number
8 prior to June 30 of each year. If a person holding an active
9 trap number or a member of the person's immediate family or a
10 person to whom the trap number was transferred in writing does
11 not request renewal of the number before the applicable date
12 as specified above, the commission ~~department~~ may reissue the
13 number to another applicant in the order of the receipt of the
14 application for a trap number. Any trap or device used in
15 taking or attempting to take crawfish, other than a trap with
16 the trap number attached as prescribed in this paragraph,
17 shall be seized and destroyed by the commission ~~division~~. The
18 proceeds of the fees imposed by this paragraph shall be
19 deposited and used as provided in paragraph (b). The
20 commission ~~Department of Environmental Protection~~ is
21 authorized to promulgate rules and regulations to carry out
22 the intent of this section.

23 (b) Fees collected pursuant to paragraph (a) shall be
24 deposited as follows:

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

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

31 (3) The crawfish license must be on board the boat,

1 and both the license and the harvested crawfish shall be
2 subject to inspection at all times. Only one license shall be
3 issued for each boat. The crawfish license number must be
4 prominently displayed above the topmost portion of the boat so
5 as to be easily and readily identified.

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

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

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

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

31 (b) The licensed seafood dealer importing any such

1 crawfish under the permit shall, 12 hours prior to the time
2 the seagoing vessel or airplane delivering such imported
3 crawfish enters the state, notify the commission ~~Division of~~
4 ~~Law Enforcement~~ as to the seagoing vessel's name or the
5 airplane's registration number and its captain, location, and
6 point of destination.

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

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

31 (e) Each permitholder shall keep throughout the period

1 of the closed season copies of the bill of sale or invoices
2 covering each transaction involving crawfish imported under
3 this permit. Such invoices and bills shall be kept available
4 at all times for inspection by the commission ~~division~~.

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

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

14 (c) All special permits issued under this subsection
15 are nontransferable.

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

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

1 ~~Game and Fresh Water Fish~~ Commission, any tax collector, or
2 any subagent may sell the permit and collect the fees
3 therefor.

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

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

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

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

22 370.1405 Crawfish reports by dealers during closed
23 season required.--

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

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

10 Section 109. Section 370.142, Florida Statutes, 1998
11 Supplement, is amended to read:

12 370.142 Spiny lobster trap certificate program.--

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

29 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
30 PENALTIES.--The Fish and Wildlife Conservation Commission
31 ~~Department of Environmental Protection~~ shall establish a trap

1 certificate program for the spiny lobster fishery of this
2 state and shall be responsible for its administration and
3 enforcement as follows:

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

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

1 fair market value agreed upon between the transferor and
2 transferee. Each such transfer shall, within 72 hours thereof,
3 be recorded on a notarized form provided for that purpose by
4 the Fish and Wildlife Conservation Commission ~~department~~ and
5 hand delivered or sent by certified mail, return receipt
6 requested, to the commission ~~department~~ for recordkeeping
7 purposes. In addition, in order to cover the added
8 administrative costs of the program and to recover an
9 equitable natural resource rent for the people of the state, a
10 transfer fee of \$2 per certificate transferred shall be
11 assessed against the purchasing licenseholder and sent by
12 money order or cashier's check with the certificate transfer
13 form. Also, in addition to the transfer fee, a surcharge of \$5
14 per certificate transferred or 25 percent of the actual market
15 value, whichever is greater, given to the transferor shall be
16 assessed the first time a certificate is transferred outside
17 the original transferor's immediate family. No transfer of a
18 certificate shall be effective until the commission ~~department~~
19 receives the notarized transfer form and the transfer fee,
20 including any surcharge, is paid. The commission ~~department~~
21 may establish by rule an amount of equitable rent per trap
22 certificate that shall be recovered as partial compensation to
23 the state for the enhanced access to its natural resources. In
24 determining whether to establish such a rent and, if so, the
25 amount thereof, the commission ~~department~~ shall consider the
26 amount of revenues annually generated by certificate fees,
27 transfer fees, surcharges, trap license fees, and sales taxes,
28 the demonstrated fair market value of transferred
29 certificates, and the continued economic viability of the
30 commercial lobster industry. The proceeds of equitable rent
31 recovered shall be deposited in the Marine Resources

1 Conservation Trust Fund and used by the commission ~~department~~
2 for research, management, and protection of the spiny lobster
3 fishery and habitat.

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

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

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

17 5. Beginning July 1, 2003, and applicable to the
18 2003-2004 lobster season and thereafter, it is unlawful for
19 any person to lease lobster trap tags or certificates.

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

1 assessed through March 31, 1993. Until 1995, an annual fee of
2 50 cents per certificate shall be assessed, and thereafter,
3 until 1998, an annual fee of 75 cents per certificate shall be
4 assessed upon issuance in order to recover administrative
5 costs of the tags and the certificate program. Beginning in
6 1998, the annual certificate fee shall be \$1 per certificate.
7 Replacement tags for lost or damaged tags may be obtained as
8 provided by rule of the commission department.

9 (c) Prohibitions; penalties.--

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

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

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

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

1 year. For all other first violations, the commission
2 ~~department~~ shall assess an additional civil penalty of up to
3 \$500.

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

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

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

23 (I) Pay the civil penalty to the commission
24 ~~department~~; or

25 (II) Request an administrative hearing pursuant to the
26 provisions of s. 120.60.

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

31 4.a. It is unlawful for any person to make, alter,

1 forge, counterfeit, or reproduce a spiny lobster trap tag or
2 certificate.

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

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

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

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

27 6. Any certificates for which the annual certificate
28 fee is not paid for a period of 3 years shall be considered
29 abandoned and shall revert to the commission department.
30 During any period of trap reduction, any certificates
31 reverting to the commission department shall become

1 permanently unavailable and be considered in that amount to be
2 reduced during the next license-year period. Otherwise, any
3 certificates that revert to the commission ~~department~~ are to
4 be reallocated in such manner as provided by the commission
5 ~~department~~.

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

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

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

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

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

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

28 (a) ~~1-~~ The board shall consist of the executive
 29 director ~~secretary~~ of the commission ~~department~~ or designee
 30 and nine other members appointed by the executive director
 31 ~~secretary, after determination of the initial certificate~~

1 ~~allotments by the department, according to the following~~
2 ~~criteria, except as otherwise provided in subparagraph 2.:~~

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

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

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

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

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

30 (c) The executive director ~~secretary~~ of the commission
31 ~~department~~ or designee shall serve as a member and shall call

1 the organizational meeting of the board. The board shall
2 annually elect a chair and a vice chair. There shall be no
3 limitation on successive terms that may be served by a chair
4 or vice chair. The board shall meet at the call of its chair,
5 at the request of a majority of its membership, at the request
6 of the commission department, or at such times as may be
7 prescribed by its rules. A majority of the board shall
8 constitute a quorum, and official action of the board shall
9 require a majority vote of the total membership of the board
10 present at the meeting.

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

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

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

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

1 1994, shall become permanently unavailable and shall be
2 considered as part of the 1994-1995 reduction schedule. All
3 appeals for additional certificates or other disputes must be
4 filed with the board before October 1, 1993.

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

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

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

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

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

3 370.1535 Regulation of shrimp fishing in Tampa Bay;
4 licensing requirements.--

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

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

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

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

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

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

1 s. 370.15(8).

2 (e) Each applicant shall make application prior to
3 June 30, 1992, and shall hold any other license or
4 registration required to operate a commercial fishing vessel
5 in Tampa Bay on the date of application.

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

10 Section 111. Subsections (4) and (5) of section
11 370.17, Florida Statutes, are amended to read:

12 370.17 Sponges; regulation.--

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

1 required by chapter 120.

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

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

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

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

28 (15) "Fish management area" is a pond, lake, or other
29 water within a county or within several counties designated to
30 improve fishing for public use and established and
31 specifically circumscribed for authorized management by the

1 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
2 Commission and the board of county commissioners of the county
3 in which such waters lie under agreement between the
4 commission and an owner with approval by the board of county
5 commissioners or under agreement with the board of county
6 commissioners for use of public waters in the county in which
7 such waters lie.

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

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

15 Section 113. Section 372.01, Florida Statutes, is
16 amended to read:

17 372.01 Fish and Wildlife Conservation ~~Game and Fresh~~
18 ~~Water Fish~~ Commission.--

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

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

30 (3) Commission members shall receive no compensation
31 for their services as such, but shall be reimbursed for travel

1 expenses as provided in s. 112.061.

2 Section 114. Subsections (1) and (2) of section
3 372.0215, Florida Statutes, are amended to read:

4 372.0215 Citizen support organizations; use of state
5 property; audit.--

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

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

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

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

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

1 (2)(a) The Fish and Wildlife Conservation Commission
2 ~~Game and Fresh Water Fish Commission~~ may permit a citizen
3 support organization to use commission property, facilities,
4 and personnel free of charge. A citizen support organization
5 may use commission property, facilities, and personnel if such
6 use is consistent with the approved purpose of that citizen
7 support organization and if such use does not unreasonably
8 interfere with the general public's use of commission
9 property, facilities, and personnel for established purposes.

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

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

18 Section 115. Subsections (1), (2), and (4) of section
19 372.0222, Florida Statutes, are amended to read:

20 372.0222 Private publication agreements; advertising;
21 costs of production.--

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

28 (a) Enter into agreements with private vendors for the
29 publication or production of such public information
30 materials, whereby the costs of publication or production will
31 be borne in whole or in part by the vendor or the vendor shall

1 provide additional compensation in return for the right of the
2 vendor to select, sell, and place advertising which publicizes
3 products or services related to and harmonious with the
4 subject matter of the publication.

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

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

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

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

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

24 Section 116. Section 372.0225, Florida Statutes, 1998
25 Supplement, is amended to read:

26 372.0225 Freshwater organisms.--

27 (1) The Division of Freshwater Fisheries of the Fish
28 and Wildlife Conservation ~~Game and Fresh Water Fish~~
29 Commission, in order to manage the promotion, marketing, and
30 quality control of all freshwater organisms produced in
31 Florida and utilized commercially so that such organisms shall

1 be used to produce the optimum sustained yield consistent with
2 the protection of the breeding stock, is directed and charged
3 with the responsibility of:

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

7 (b) Regulating the processing of commercial freshwater
8 organisms on the water or on the shore.

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

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

15 (2) The responsibility with which the Division of
16 Freshwater Fisheries is charged under subsection (1) shall in
17 no way supersede or duplicate the responsibilities of the
18 Department of Agriculture and Consumer Services under chapter
19 500, the Florida Food Safety Act, and the rules adopted under
20 that chapter.

21 Section 117. Subsections (1) and (3) of section
22 372.023, Florida Statutes, are amended to read:

23 372.023 J. W. Corbett and Cecil M. Webb Wildlife
24 Management Areas.--

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

1 development of said area, viz.:

2 (a) To trade, barter, lease, or exchange lands therein
3 for lands of greater acreage contiguous to said wildlife
4 management areas.

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

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

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

21 Section 118. Subsections (2) and (3) of section
22 372.025, Florida Statutes, are amended to read:

23 372.025 Everglades recreational sites; definitions.--

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

25 (a) "Commission" means the Fish and Wildlife
26 Conservation Game and Fresh Water Fish Commission.

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

29 (c) "Indian reservations" means lands as designated by
30 chapter 285.

31 (d) "Buffer zone" means an area located between

1 developed and wilderness areas where some restrictions on the
2 type of future development shall be imposed.

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

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

12 Section 119. Section 372.03, Florida Statutes, is
13 amended to read:

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

26 Section 120. Section 372.051, Florida Statutes, is
27 amended to read:

28 372.051 Seal of commission; certificate as
29 evidence.--The Fish and Wildlife Conservation Game and Fresh
30 Water Fish Commission shall adopt and use a common seal, and a
31 certificate under the seal of the commission, signed by its

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

11 Section 121. Section 372.06, Florida Statutes, is
12 amended to read:

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

31 Section 122. Section 372.07, Florida Statutes, is

1 amended to read:

2 372.07 Police powers of commission and its agents.--

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

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

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

26 (b) Execute warrants and search warrants for the
27 violation of said laws;

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

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

1 (e) Arrest upon probable cause without warrant any
2 person found in the act of violating any of the provisions of
3 said laws or, in pursuit immediately following such
4 violations, to examine any person, boat, conveyance, vehicle,
5 game bag, game coat, or other receptacle for wild animal life
6 or freshwater aquatic life, or any camp, tent, cabin, or
7 roster, in the presence of any person stopping at or belonging
8 to such camp, tent, cabin, or roster, when said officer has
9 reason to believe, and has exhibited her or his authority and
10 stated to the suspected person in charge the officer's reason
11 for believing, that any of the aforesaid laws have been
12 violated at such camp;

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

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

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

29 Section 123. Section 372.071, Florida Statutes, is
30 amended to read:

31 372.071 Powers of arrest by agents of Department of

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

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

19 372.074 Fish and Wildlife Habitat Program.--

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

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

31 (c) Where acquisition pursuant to this section will

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

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

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

14 372.105 Lifetime Fish and Wildlife Trust Fund.--

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

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

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

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1 annual basis the amounts of interest income within the fund
2 which may be disbursed pursuant to this paragraph. The
3 director shall cause deposits of proceeds from the sale of
4 lifetime licenses to be identifiable by the ages of the
5 license recipients.

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

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

22 372.106 Dedicated License Trust Fund.--

23 (1) There is established within the Fish and Wildlife
24 Conservation ~~Game and Fresh Water Fish~~ Commission the
25 Dedicated License Trust Fund. The fund shall be credited with
26 moneys collected pursuant to ss. 370.0605 and 372.57 for
27 5-year licenses and replacement 5-year licenses.

28 Section 127. Section 372.12, Florida Statutes, is
29 amended to read:

30 372.12 Acquisition of state game lands.--The Fish and
31 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,

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

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

18 372.121 Control and management of state game lands.--

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

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

3 372.16 Private game preserves and farms; penalty.--

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

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

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

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

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

30 372.26 Imported fish.--

31 (1) No person shall import into the state or place in

1 any of the fresh waters of the state any freshwater fish of
2 any species without having first obtained a permit from the
3 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
4 Commission. The commission is authorized to issue or deny such
5 a permit upon the completion of studies of the species made by
6 it to determine any detrimental effect the species might have
7 on the ecology of the state.

8 Section 131. Subsections (1) and (2) of section
9 372.265, Florida Statutes, are amended to read:

10 372.265 Regulation of foreign animals.--

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

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

21 Section 132. Section 372.27, Florida Statutes, is
22 amended to read:

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

1 remove or cause to be removed any gar, mud fish or other
2 predatory fish when in its judgment their removal is
3 desirable.

4 Section 133. Section 372.31, Florida Statutes, is
5 amended to read:

6 372.31 Disposition of illegal fishing devices.--

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

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

31 Section 134. Subsection (7) of section 372.57, Florida

Amendment No. ____ (for drafter's use only)

1 Statutes, 1998 Supplement, is amended to read:

2 372.57 Licenses and permits; exemptions; fees.--No
3 person, except as provided herein, shall take game, freshwater
4 fish, or fur-bearing animals within this state without having
5 first obtained a license, permit, or authorization and paid
6 the fees hereinafter set forth, unless such license is issued
7 without fee as provided in s. 372.561. Such license, permit,
8 or authorization shall authorize the person to whom it is
9 issued to take game, freshwater fish, or fur-bearing animals
10 in accordance with law and commission rules. Such license,
11 permit, or authorization is not transferable. Each license or
12 permit must bear on its face in indelible ink the name of the
13 person to whom it is issued and other information requested by
14 the commission. Such license, permit, or authorization issued
15 by the commission or any agent must be in the personal
16 possession of the person to whom issued while taking game,
17 freshwater fish, or fur-bearing animals. The failure of such
18 person to exhibit such license, permit, or authorization to
19 the commission or its wildlife officers, when such person is
20 found taking game, freshwater fish, or fur-bearing animals, is
21 a violation of law. A positive form of identification is
22 required when using an authorization, a lifetime license, a
23 5-year license, or when otherwise required by the license or
24 permit. The lifetime licenses and 5-year licenses provided
25 herein shall be embossed with the name, date of birth, the
26 date of issuance, and other pertinent information as deemed
27 necessary by the commission. A certified copy of the
28 applicant's birth certificate shall accompany all applications
29 for a lifetime license for residents 12 years of age and
30 younger. Each applicant for a license, permit, or
31 authorization shall provide the applicant's social security

1 number on the application form. Disclosure of social security
2 numbers obtained through this requirement shall be limited to
3 the purpose of administration of the Title IV-D child support
4 enforcement program and use by the commission, and as
5 otherwise provided by law.

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

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

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

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

19 372.5714 Waterfowl Advisory Council.--

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

1 travel expenses as provided in s. 112.061 when carrying out
2 the official business of the council.

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

5 372.5717 Hunter safety course; requirements;
6 penalty.--

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

14 Section 137. Section 372.5718, Florida Statutes, is
15 amended to read:

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

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

30 372.574 Appointment of subagents for the sale of
31 hunting, fishing, and trapping licenses and permits.--

1 (2) If a tax collector elects not to appoint
2 subagents, the commission may appoint subagents within that
3 county. Subagents shall serve at the pleasure of the
4 commission. The commission may establish, by rule, procedures
5 for selection of subagents. The following are requirements
6 for subagents so appointed:

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

16 Section 139. Section 372.651, Florida Statutes, is
17 amended to read:

18 372.651 Haul seine and trawl permits; freshwater lakes
19 in excess of 500 square miles; fees.--

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

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

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

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

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

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

1 372.653 Required tagging of fish; lakes in excess of
2 500 square miles; tag fee; game fish taken in lakes of 500
3 square miles or less.--

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

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

18 Section 141. Subsections (5) and (6) of section
19 372.66, Florida Statutes, are amended to read:

20 372.66 License required for fur and hide dealers.--

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

28 (6) All dealers and buyers shall forward to the Fish
29 and Wildlife Conservation Game and Fresh Water Fish Commission
30 each 2 weeks during open season a report showing number and
31 kind of hides bought and name of trapper from whom bought and

1 the trapper's license number, or if trapper is exempt from
2 license under any of the provisions of this chapter, such
3 report shall show the nature of such exemption. No common
4 carrier shall knowingly ship or transport or receive for
5 transportation any hides or furs unless such shipments have
6 marked thereon name of shipper and the number of her or his
7 fur-animal license or fur dealer's license.

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

10 372.661 Private hunting preserve, license;
11 exception.--

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

26 Section 143. Section 372.662, Florida Statutes, is
27 amended to read:

28 372.662 Unlawful sale, possession, or transporting of
29 alligators or alligator skins.--Whenever the sale, possession,
30 or transporting of alligators or alligator skins is prohibited
31 by any law of this state, or by the rules, regulations, or

1 orders of the Fish and Wildlife Conservation ~~Game and Fresh~~
2 ~~Water Fish~~ Commission adopted pursuant to s. 9, Art. IV of the
3 State Constitution, the sale, possession, or transporting of
4 alligators or alligator skins is a misdemeanor of the first
5 degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

1 Section 145. Section 372.664, Florida Statutes, is
2 amended to read:

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

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

18 372.6645 Unlawful to sell alligator products;
19 penalty.--

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

25 Section 147. Subsections (1) and (2) of section
26 372.667, Florida Statutes, are amended to read:

27 372.667 Feeding or enticement of alligators or
28 crocodiles unlawful; penalty.--

29 (1) No person shall intentionally feed, or entice with
30 feed, any wild American alligator (*Alligator mississippiensis*)
31 or American crocodile (*Crocodylus acutus*). However, the

1 provisions of this section shall not apply to:

2 (a) Those persons feeding alligators or crocodiles
3 maintained in protected captivity for educational, scientific,
4 commercial, or recreational purposes.

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

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

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

17 372.6672 Alligator management and trapping program
18 implementation; commission authority.--

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

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

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

1 (c) Regulate commercial alligator farming facilities
2 and operations for the captive propagation and rearing of
3 alligators and their eggs.

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

7 1. All grading-related services to be provided
8 pursuant to this section;

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

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

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

17 Section 149. Subsections (1) and (3) of section
18 372.672, Florida Statutes, 1998 Supplement, are amended to
19 read:

20 372.672 Florida Panther Research and Management Trust
21 Fund.--

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

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

30 Section 150. Section 372.673, Florida Statutes, is
31 amended to read:

1 372.673 Florida Panther Technical Advisory Council.--

2 (1) The Florida Panther Technical Advisory Council is
3 established within the Fish and Wildlife Conservation ~~Game and~~
4 ~~Fresh Water Fish~~ Commission. The council shall be appointed
5 by the Governor and shall consist of seven members with
6 technical knowledge and expertise in the research and
7 management of large mammals.

8 (a) Two members shall represent state or federal
9 agencies responsible for management of endangered species; two
10 members, who must have specific experience in the research and
11 management of large felines or large mammals, shall be
12 appointed from universities, colleges, or associated
13 institutions; and three members, with similar expertise, shall
14 be appointed from the public at large.

15 (b) As soon as practicable after July 1, 1983, one
16 member representing a state or federal agency and one member
17 appointed from a university, college, or associated
18 institution shall be appointed for terms ending August 1,
19 1985, and the remaining members shall be appointed for terms
20 ending August 1, 1987. Thereafter, all appointments shall be
21 for 4-year terms. If a vacancy occurs, a member shall be
22 appointed for the remainder of the unexpired term. A member
23 whose term has expired shall continue sitting on the council
24 with full rights until a replacement has been appointed.

25 (c) Council members shall be reimbursed pursuant to s.
26 112.061 but shall receive no additional compensation or
27 honorarium.

28 (2) The purposes of the council are:

29 (a) To serve in an advisory capacity to the Fish and
30 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
31 Commission on technical matters of relevance to the Florida

1 panther recovery program, and to recommend specific actions
2 that should be taken to accomplish the purposes of this act.

3 (b) To review and comment on research and management
4 programs and practices to identify potential harm to the
5 Florida panther population.

6 (c) To provide a forum for technical review and
7 discussion of the status and development of the Florida
8 panther recovery program.

9 Section 151. Subsections (1), (2), and (7) of section
10 372.674, Florida Statutes, 1998 Supplement, are amended to
11 read:

12 372.674 Environmental education.--

13 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
14 ~~Water Fish~~ Commission may establish programs and activities to
15 develop and distribute environmental education materials that
16 will assist the public in understanding and appreciating
17 Florida's environment and problems and issues facing our
18 state's unique and fragile ecological systems. Such programs
19 shall assist school teachers, state administrators, and others
20 in the essential mission to preserve the capability to sustain
21 the functions of our lands, water, wildlife habitats, and
22 other natural resources in the most healthful, enjoyable, and
23 productive manner.

24 (2) There is created within the Fish and Wildlife
25 Conservation ~~Game and Fresh Water Fish~~ Commission the Advisory
26 Council on Environmental Education. The council is to have up
27 to 10 members appointed by the commission and is to be chaired
28 by the commission's executive director or his or her designee.
29 At a minimum, the council must include a representative of the
30 Department of Education and a representative of the Department
31 of Environmental Protection.

1 (7) The Fish and Wildlife Conservation ~~Game and Fresh~~
2 ~~Water Fish~~ Commission shall review the recommended list of
3 projects to be funded from the Florida Panther Research and
4 Management Trust Fund and the Save the Manatee Trust Fund by
5 August of each year and make a final determination of projects
6 to receive grants from available appropriations by the
7 Legislature. The commission shall act upon the recommended
8 list within 45 days after receipt of the list.

9 Section 152. Section 372.70, Florida Statutes, is
10 amended to read:

11 372.70 Prosecutions.--The prosecuting officers of the
12 several courts of criminal jurisdiction of this state shall
13 investigate and prosecute all violations of the laws relating
14 to game, freshwater fish, nongame birds and fur-bearing
15 animals which may be brought to their attention by the Fish
16 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission
17 or its conservation officers, or which may otherwise come to
18 their knowledge.

19 Section 153. Subsection (1) of section 372.701,
20 Florida Statutes, is amended to read:

21 372.701 Arrest by officers of the Fish and Wildlife
22 Conservation ~~Game and Fresh Water Fish~~ Commission;
23 recognizance; cash bond; citation.--

24 (1) In all cases of arrest by officers of the Fish and
25 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission and
26 the Department of Environmental Protection, the person
27 arrested shall be delivered forthwith by said officer to the
28 sheriff of the county, or shall obtain from such person
29 arrested a recognizance or, if deemed necessary, a cash bond
30 or other sufficient security conditioned for her or his
31 appearance before the proper tribunal of such county to answer

1 the charge for which the person has been arrested.

2 Section 154. Section 372.7015, Florida Statutes, is
3 amended to read:

4 372.7015 Illegal killing, taking, possessing, or
5 selling wildlife or game; fines; disposition of fines.--In
6 addition to any other penalty provided by law, any person who
7 violates the criminal provisions of this chapter and rules
8 adopted pursuant to this chapter by illegally killing, taking,
9 possessing, or selling game or fur-bearing animals as defined
10 in s. 372.001(3) or (4) in or out of season while violating
11 chapter 810 shall pay a fine of \$250 for each such violation,
12 plus court costs and any restitution ordered by the court. All
13 fines collected under this section shall be deposited into the
14 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
15 Commission's State Game Trust Fund.

16 Section 155. Subsection (1) of section 372.7016,
17 Florida Statutes, is amended to read:

18 372.7016 Voluntary Authorized Hunter Identification
19 Program.--

20 (1) There is created the "Voluntary Authorized Hunter
21 Identification Program" to assist landowners and law
22 enforcement officials in better controlling trespass and
23 illegal or unauthorized hunting. Landowners wishing to
24 participate in the program shall:

25 (a) Annually notify the sheriff's office in the county
26 in which the land is situated and the respective area
27 supervisor of the Fish and Wildlife Conservation ~~Game and~~
28 ~~Fresh Water Fish~~ Commission by letter of their desire to
29 participate in the program, and provide a description of their
30 property which they wish to have in the program by township,
31 range, section, partial section, or other geographical

1 description.

2 (b) Provide a means of identifying authorized hunters
3 as provided in subsection (2).

4 Section 156. Section 372.72, Florida Statutes, is
5 amended to read:

6 372.72 Disposition of fines, penalties, and
7 forfeitures.--

8 (2) All moneys collected from fines, penalties, or
9 forfeitures of bail of persons convicted of violations of
10 rules, regulations, or orders of the Fish and Wildlife
11 Conservation Game and Fresh Water Fish Commission concerning
12 endangered or threatened species or of violation of s.
13 372.662, s. 372.663, s. 372.667, or s. 372.671 shall be
14 deposited in the Nongame Wildlife Trust Fund.

15 Section 157. Section 372.73, Florida Statutes, is
16 amended to read:

17 372.73 Confiscation and disposition of illegally taken
18 game.--All game and freshwater fish seized under the authority
19 of this chapter shall, upon conviction of the offender or
20 sooner if the court so orders, be forfeited and given to some
21 hospital or charitable institution and receipt therefor sent
22 to the Fish and Wildlife Conservation Game and Fresh Water
23 Fish Commission. All furs or hides or fur-bearing animals
24 seized under the authority of this chapter shall, upon
25 conviction of the offender, be forfeited and sent to the
26 commission, which shall sell the same and deposit the proceeds
27 of such sale to the credit of the State Game Trust Fund or
28 into the commission's Federal Law Enforcement Trust Fund as
29 provided in s. 372.107, as applicable. If any such hides or
30 furs are seized and the offender is unknown, the court shall
31 order such hides or furs sent to the Fish and Wildlife

1 Conservation Game and Fresh Water Fish Commission, which shall
2 sell such hides and furs and deposit the proceeds of such sale
3 to the credit of the State Game Trust Fund or into the
4 commission's Federal Law Enforcement Trust Fund as provided in
5 s. 372.107, as applicable.

6 Section 158. Section 372.74, Florida Statutes, is
7 amended to read:

8 372.74 Cooperative agreements with U. S. Forest
9 Service; penalty.--The Fish and Wildlife Conservation Game and
10 Fresh Water Fish Commission is authorized and empowered:

11 (1) To enter into cooperative agreements with the
12 United States Forest Service for the development of game,
13 bird, fish, reptile or fur-bearing animal management and
14 demonstration projects on and in the Osceola National Forest
15 in Columbia and Baker Counties, and in the Ocala National
16 Forest in Marion, Lake, and Putnam Counties and in the
17 Apalachicola National Forest in Liberty County. Provided,
18 however, that no such cooperative agreements shall become
19 effective in any county concerned until confirmed by the board
20 of county commissioners of such county expressed through
21 appropriate resolution.

22 (2) In cooperation with the United States Forest
23 Service, to make, adopt, promulgate, amend and repeal rules
24 and regulations, consistent with law, for the further or
25 better control of hunting, fishing, and control of wildlife in
26 the above National Forests or parts thereof; to shorten
27 seasons and reduce bag limits, or shorten or close seasons on
28 any species of game, bird, fish, reptile, or fur-bearing
29 animal within the limits prescribed by the Florida law, in the
30 above enumerated National Forests or parts thereof, when it
31 shall find after investigation that such action is necessary

1 to assure the maintenance of an adequate supply of wildlife.

2 (3) To fix a charge not to exceed \$5, for persons 18
3 years of age and over, and not to exceed \$2 for persons under
4 the age of 18 years, over and above the license fee for
5 hunting now required by law. This additional fee is to apply
6 only on areas covered by above cooperative agreements. The
7 proceeds from this additional license fee shall be used in the
8 development, propagation of wildlife and protection of the
9 areas covered by the cooperative agreements as the commission
10 and the United States Forest Service may deem proper. Nothing
11 in this section shall be construed as authorizing the
12 commission to change any penalty prescribed by law or to
13 change the amount of general license fees or the general
14 authority conferred by licenses prescribed by law.

15 (4) In addition to the requirements of chapter 120,
16 notice of the making, adoption, and promulgation of the above
17 rules and regulations shall be given by posting said notices,
18 or copies of the rules and regulations, in the offices of the
19 county judges and in the post offices within the area to be
20 affected and within 10 miles thereof. In addition to the
21 posting of said notices, as aforesaid, copies of said notices
22 or of said rules and regulations shall also be published in
23 newspapers published at the county seats of Baker, Columbia,
24 Marion, Lake, Putnam, and Liberty Counties, or so many thereof
25 as have newspapers, once not more than 35 nor less than 28
26 days and once not more than 21 nor less than 14 days prior to
27 the opening of the state hunting season in said areas. Any
28 person violating any rules or regulations promulgated by the
29 commission to cover these areas under cooperative agreements
30 between the Fish and Wildlife Conservation Commission ~~State~~
31 ~~Commission of Game and Fresh Water Fish~~ and the United States

1 Forest Service, none of which shall be in conflict with the
2 laws of Florida, shall be guilty of a misdemeanor of the
3 second degree, punishable as provided in s. 775.082 or s.
4 775.083.

5 Section 159. Section 372.76, Florida Statutes, is
6 amended to read:

7 372.76 Search and seizure authorized and limited.--The
8 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
9 Commission and its conservation officers shall have authority
10 when they have reasonable and probable cause to believe that
11 the provisions of this chapter have been violated, to board
12 any vessel, boat, or vehicle or to enter any fishhouse or
13 warehouse or other building, exclusive of residence, in which
14 game, hides, fur-bearing animals, fish, or fish nets are kept
15 and to search for and seize any such game, hides, fur-bearing
16 animals, fish, or fish nets had or held therein in violation
17 of law. Provided, however, that no search without warrant
18 shall be made under any of the provisions of this chapter,
19 unless the officer making such search has such information
20 from a reliable source as would lead a prudent and cautious
21 person to believe that some provision of this chapter is being
22 violated.

23 Section 160. Subsection (1) of section 372.761,
24 Florida Statutes, is amended to read:

25 372.761 Issuance of warrant for search of private
26 dwelling.--

27 (1) A search warrant may be issued on application by a
28 commissioned officer of the Fish and Wildlife Conservation
29 ~~Game and Fresh Water Fish~~ Commission to search any private
30 dwelling occupied as such when it is being used for the
31 unlawful sale or purchase of wildlife or freshwater fish being

1 unlawfully kept therein. The term "private dwelling" shall be
2 construed to include the room or rooms used and occupied, not
3 transiently but solely as a residence, in an apartment house,
4 hotel, boardinghouse, or lodginghouse. No warrant for the
5 search of any private dwelling shall be issued except upon
6 probable cause supported by sworn affidavit of some creditable
7 witness that she or he has reason to believe that the said
8 conditions exist, which affidavit shall set forth the facts on
9 which such reason for belief is based.

10 Section 161. Subsections (1) and (2) of section
11 372.77, Florida Statutes, are amended to read:

12 372.77 Assent to provisions of Act of Congress of
13 September 2, 1937.--

14 (1) The state hereby assents to the provisions of the
15 Act of Congress entitled "An Act to provide that the United
16 States shall aid the States in Wildlife Restoration Projects,
17 and for other purposes," approved September 2, 1937 (Pub. L.
18 No. 415, 75th Congress), and the Fish and Wildlife
19 Conservation Game and Fresh Water Fish Commission is hereby
20 authorized, empowered, and directed to perform such acts as
21 may be necessary to the conduct and establishment of
22 cooperative wildlife restoration projects, as defined in said
23 Act of Congress, in compliance with said act and rules and
24 regulations promulgated by the Secretary of Agriculture
25 thereunder.

26 (2) From and after the passage of this section it
27 shall be unlawful to divert any funds accruing to the state
28 from license fees paid by hunters for any purpose other than
29 the administration of the Fish and Wildlife Conservation Game
30 and Fresh Water Fish Commission of the state.

31 Section 162. Section 372.7701, Florida Statutes, is

1 amended to read:

2 372.7701 Assent to federal acts.--

3 (1) The state hereby assents to the provisions of the
4 Federal Aid in Fish Restoration Act of August 9, 1950, as
5 amended. The Fish and Wildlife Conservation ~~Department of~~
6 ~~Environmental Protection and the Game and Fresh Water Fish~~
7 Commission shall ~~work cooperatively and~~ perform such
8 activities as are necessary to conduct wildlife and sportfish
9 restoration projects, as defined in such Act of Congress and
10 in compliance with the act and rules adopted thereunder by the
11 United States Department of the Interior. Furthermore, the
12 commission ~~Department of Environmental Protection~~ shall
13 develop and implement programs to manage, protect, restore and
14 conserve marine mammals and the marine fishery, and ~~the Game~~
15 ~~and Fresh Water Fish Commission~~ shall develop and implement
16 similar programs for wild animal life and freshwater aquatic
17 life.

18 (2) Revenues from fees paid by hunters and sport
19 fishers may not be diverted to purposes other than the
20 administration of fish and wildlife programs by the Fish and
21 Wildlife Conservation ~~Department of Environmental Protection~~
22 ~~and the Game and Fresh Water Fish~~ Commission. Administration
23 of the state fish and wildlife programs includes only those
24 functions of fish and wildlife management as are the
25 responsibility of and under the authority of the Fish and
26 Wildlife Conservation ~~Department of Environmental Protection~~
27 ~~and the Game and Fresh Water Fish~~ Commission.

28 (3) This section shall be construed in harmony with s.
29 372.77.

30 Section 163. Subsection (2) of section 372.771,
31 Florida Statutes, is amended to read:

1 372.771 Federal conservation of fish and wildlife;
2 limited jurisdiction.--

3 (2) The United States may exercise concurrent
4 jurisdiction over lands so acquired and carry out the intent
5 and purpose of the authority except that the existing laws of
6 Florida relating to the Department of Environmental Protection
7 or the Fish and Wildlife Conservation ~~Game and Fresh Water~~
8 ~~Fish~~ Commission shall prevail relating to any area under their
9 supervision.

10 Section 164. Subsection (1) of section 372.85, Florida
11 Statutes, is amended to read:

12 372.85 Contaminating fresh waters.--

13 (1) It shall be unlawful for any person or persons,
14 firm or corporation to cause any dyestuff, coal tar, oil,
15 sawdust, poison or deleterious substances to be thrown, run or
16 drained into any of the fresh running waters of this state in
17 quantities sufficient to injure, stupefy, or kill fish which
18 may inhabit the same at or below the point where any such
19 substances are discharged, or caused to flow or be thrown into
20 such waters; provided, that it shall not be a violation of
21 this section for any person, firm or corporation engaged in
22 any mining industry to cause any water handled or used in any
23 branch of such industry to be discharged on the surface of
24 land where such industry or branch thereof is being carried on
25 under such precautionary measures as shall be approved by the
26 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
27 Commission.

28 Section 165. Section 372.86, Florida Statutes, is
29 amended to read:

30 372.86 Possessing, exhibiting poisonous or venomous
31 reptile; license required.--No person, firm, or corporation

1 shall keep, possess or exhibit any poisonous or venomous
2 reptile without first having obtained a special permit or
3 license therefor from the Fish and Wildlife Conservation
4 ~~Florida Game and Fresh Water Fish~~ Commission as herein
5 provided.

6 Section 166. Section 372.87, Florida Statutes, is
7 amended to read:

8 372.87 License fee; renewal, revocation.--The Fish and
9 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
10 Commission is hereby authorized and empowered to issue a
11 license or permit for the keeping, possessing or exhibiting of
12 poisonous or venomous reptiles, upon payment of an annual fee
13 of \$5 and upon assurance that all of the provisions of ss.
14 372.86-372.91 and such other reasonable rules and regulations
15 as said commission may prescribe will be fully complied with
16 in all respects. Such permit may be revoked by the Fish and
17 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
18 Commission upon violation of any of the provisions of ss.
19 372.86-372.91 or upon violation of any of the rules and
20 regulations prescribed by said commission relating to the
21 keeping, possessing and exhibiting of any poisonous and
22 venomous reptiles. Such permits or licenses shall be for an
23 annual period to be prescribed by the said commission and
24 shall be renewable from year to year upon the payment of said
25 \$5 fee and shall be subject to the same conditions,
26 limitations and restrictions as herein set forth.

27 Section 167. Section 372.88, Florida Statutes, is
28 amended to read:

29 372.88 Bond required, amount.--No person, party, firm,
30 or corporation shall exhibit to the public either with or
31 without charge, or admission fee any poisonous or venomous

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1 reptile without having first posted a good and sufficient bond
2 in writing in the penal sum of \$1,000 payable to the Governor
3 of the state, and the Governor's successors in office,
4 conditioned that such exhibitor will indemnify and save
5 harmless all persons from injury or damage from such poisonous
6 or venomous reptiles so exhibited and shall fully comply with
7 all laws of the state and all rules and regulations of the
8 Fish and Wildlife Conservation Florida Game and Fresh Water
9 ~~Fish~~ Commission governing the keeping, possessing, or
10 exhibiting of poisonous or venomous reptiles; provided,
11 however, that the aggregate liability of the surety for all
12 such injuries or damages shall, in no event, exceed the penal
13 sum of said bond. The surety for said bond must be a surety
14 company authorized to do business under the laws of the state
15 or in lieu of such a surety, cash in the sum of \$1,000 may be
16 posted with the said commission to ensure compliance with the
17 conditions of said bond.

18 Section 168. Section 372.89, Florida Statutes, is
19 amended to read:

20 372.89 Safe housing required.--All persons, firms, or
21 corporations licensed under this law to keep, possess or
22 exhibit poisonous or venomous reptiles shall provide safe,
23 secure and proper housing for said reptiles in cases, cages,
24 pits or enclosures. It shall be unlawful for any person, firm
25 or corporation, whether licensed hereunder or not, to keep,
26 possess or exhibit any poisonous or venomous reptiles in any
27 manner not approved as safe, secure and proper by the Fish and
28 Wildlife Conservation Florida Game and Fresh Water Fish
29 Commission.

30 Section 169. Section 372.901, Florida Statutes, is
31 amended to read:

1 372.901 Inspection.--Poisonous or venomous reptiles,
2 held in captivity, shall be subject to inspection by an
3 inspecting officer from the Fish and Wildlife Conservation
4 ~~Florida Game and Fresh Water Fish~~ Commission. The inspecting
5 officer shall determine whether the said reptiles are
6 securely, properly and safely penned. In the event that the
7 reptiles are not safely penned, the inspecting officer shall
8 report the situation in writing to the person or firm owning
9 the said reptiles. Failure of the owner or exhibitor to
10 correct the situation within 30 days after such written notice
11 shall be grounds for revocation of the license or permit of
12 said owner or exhibitor.

13 Section 170. Section 372.911, Florida Statutes, is
14 amended to read:

15 372.911 Rewards.--The Fish and Wildlife Conservation
16 ~~Game and Fresh Water Fish~~ Commission is authorized to offer
17 rewards in amounts of up to \$500 to any person furnishing
18 information leading to the arrest and conviction of any person
19 who has inflicted or attempted to inflict bodily injury upon
20 any wildlife officer engaged in the enforcement of the
21 provisions of this chapter or the rules and regulations of the
22 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
23 Commission.

24 Section 171. Subsection (3) of section 372.912,
25 Florida Statutes, is amended to read:

26 372.912 Organized poisonous reptile hunts.--

27 (3) All organized poisonous reptile hunts in the state
28 shall be registered with the Fish and Wildlife Conservation
29 ~~Game and Fresh Water Fish~~ Commission and be subject to
30 reasonable rules and regulations promulgated by said
31 commission.

1 Section 172. Section 372.92, Florida Statutes, is
2 amended to read:

3 372.92 Rules and regulations.--The Fish and Wildlife
4 Conservation ~~Florida Game and Fresh Water Fish~~ Commission may
5 prescribe such other rules and regulations as it may deem
6 necessary to prevent the escape of poisonous and venomous
7 reptiles, either in connection of construction of such cages
8 or otherwise to carry out the intent of ss. 372.86-372.91.

9 Section 173. Subsections (1), (2), (3), and (4) of
10 section 372.921, Florida Statutes, 1998 Supplement, are
11 amended to read:

12 372.921 Exhibition of wildlife.--

13 (1) In order to provide humane treatment and sanitary
14 surroundings for wild animals kept in captivity, no person,
15 firm, corporation, or association shall have, or be in
16 possession of, in captivity for the purpose of public display
17 with or without charge or for public sale any wildlife,
18 specifically birds, mammals, and reptiles, whether indigenous
19 to Florida or not, without having first secured a permit from
20 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
21 Commission authorizing such person, firm, or corporation to
22 have in its possession in captivity the species and number of
23 wildlife specified within such permit; however, this section
24 does not apply to any wildlife not protected by law and the
25 regulations of the Fish and Wildlife Conservation ~~Game and~~
26 ~~Fresh Water Fish~~ Commission.

27 (2) The fees to be paid for the issuance of permits
28 required by subsection (1) shall be as follows:

29 (a) For not more than 10 individual specimens in the
30 aggregate of all species, the sum of \$5 per annum.

31 (b) For over 10 individual specimens in the aggregate

1 of all species, the sum of \$25 per annum.

2

3 The fees prescribed by this section shall be submitted to the
4 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
5 Commission with the application for permit required by
6 subsection (1) and shall be deposited in the State Game Fund.

7 (3) An applicant for a permit shall be required to
8 include in her or his application a statement showing the
9 place, number, and species of wildlife to be held in captivity
10 by the applicant and shall be required upon request by the
11 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
12 Commission to show when, where, and in what manner she or he
13 came into possession of any wildlife acquired subsequent to
14 the effective date of this act. The source of acquisition of
15 such wildlife shall not be divulged by the commission except
16 in connection with a violation of this section or a regulation
17 of the commission in which information as to source of
18 wildlife is required as evidence in the prosecution of such
19 violation.

20 (4) Permits issued pursuant to this section and places
21 where wildlife is kept or held in captivity shall be subject
22 to inspection by officers of the Fish and Wildlife
23 Conservation ~~Game and Fresh Water Fish~~ Commission at all
24 times. The commission shall have the power to release or
25 confiscate any specimens of any wildlife, specifically birds,
26 mammals, or reptiles, whether indigenous to the state or not,
27 when it is found that conditions under which they are being
28 confined are unsanitary, or unsafe to the public in any
29 manner, or that the species of wildlife are being maltreated,
30 mistreated, or neglected or kept in any manner contrary to the
31 provisions of chapter 828, any such permit to the contrary

1 notwithstanding. Before any such wildlife is confiscated or
2 released under the authority of this section, the owner
3 thereof shall have been advised in writing of the existence of
4 such unsatisfactory conditions; the owner shall have been
5 given 30 days in which to correct such conditions; the owner
6 shall have failed to correct such conditions; the owner shall
7 have had an opportunity for a proceeding pursuant to chapter
8 120; and the commission shall have ordered such confiscation
9 or release after careful consideration of all evidence in the
10 particular case in question. The final order of the
11 commission shall constitute final agency action.

12 Section 174. Subsection (1) of section 372.922,
13 Florida Statutes, 1998 Supplement, is amended to read:

14 372.922 Personal possession of wildlife.--

15 (1) It is unlawful for any person or persons to
16 possess any wildlife as defined in this act, whether
17 indigenous to Florida or not, until she or he has obtained a
18 permit as provided by this section from the Fish and Wildlife
19 Conservation Game and Fresh Water Fish Commission.

20 Section 175. Section 372.97, Florida Statutes, is
21 amended to read:

22 372.97 Jim Woodruff Dam; reciprocity agreements.--The
23 Fish and Wildlife Conservation Game and Fresh Water Fish
24 Commission of the state is hereby authorized to enter into an
25 agreement of the reciprocity with the game and fish
26 commissioners or the appropriate officials or departments of
27 the State of Georgia and the State of Alabama relative to the
28 taking of game and freshwater fish from the waters of the lake
29 created by the Jim Woodruff Dam by permitting reciprocal
30 license privileges.

31 Section 176. Section 372.971, Florida Statutes, is

1 amended to read:

2 372.971 St. Mary's River; reciprocity agreements.--The
3 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
4 Commission of the state is hereby authorized to enter into an
5 agreement of reciprocity with the game and fish commissioner
6 or the appropriate officials or departments of the State of
7 Georgia relative to the taking of game and freshwater fish
8 from the waters of the St. Mary's River by permitting
9 reciprocal agreement license privileges.

10 Section 177. Section 372.98, Florida Statutes, is
11 amended to read:

12 372.98 Possession of nutria; license; inspection;
13 penalty for violation.--

14 (1) No person shall release, permit to be released, or
15 be responsible for the release of, within the state, any
16 animal of the species myocastor coypu and known commonly in
17 Florida and referred to herein as nutria.

18 (2) No person shall have in her or his possession for
19 sale or otherwise any nutria until such person has obtained a
20 license as provided herein. The fee for such license shall be
21 \$25 per year. Application for such license shall be made with
22 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
23 Commission on forms providing therefor.

24 (3) All persons licensed under this law to keep,
25 possess or exhibit nutria shall provide safe, secure and
26 proper housing for said nutria which will adequately safeguard
27 against the escape of any nutria. Requirements for the
28 construction of such pens or housing shall be as prescribed by
29 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
30 Commission.

31 (4) All premises upon which nutria are kept shall be

1 subject to inspection by authorized representatives of the
2 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
3 Commission. Such officers shall determine whether the said
4 nutria are securely, properly and safely housed. In the event
5 the said nutria are not securely, properly and safely housed,
6 the inspecting officer shall so advise in writing the person
7 owning said nutria. Failure of the owner to provide within 30
8 days after such written notice secure, proper, and safe
9 housing as prescribed by the Fish and Wildlife Conservation
10 ~~Game and Fresh Water Fish~~ Commission shall be grounds for
11 revocation of the license herein provided and confiscation and
12 disposal of the said nutria as a public nuisance.

13 (5) Any person violating any provision of this section
14 or any rule and regulation of the Fish and Wildlife
15 Conservation ~~Game and Fresh Water Fish~~ Commission pursuant
16 hereto shall be guilty of a misdemeanor of the second degree,
17 punishable as provided in s. 775.082 or s. 775.083.

18 Section 178. Section 372.981, Florida Statutes, is
19 amended to read:

20 372.981 Regulation of importation of caiman.--The Fish
21 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission
22 shall promulgate regulations to control the importation of
23 caiman.

24 Section 179. Subsections (1), (3), and (4) of section
25 372.99, Florida Statutes, are amended to read:

26 372.99 Illegal taking and possession of deer and wild
27 turkey; evidence; penalty.--

28 (1) Whoever takes or kills any deer or wild turkey, or
29 possesses a freshly killed deer or wild turkey, during the
30 closed season prescribed by law or by the rules and
31 regulations of the Fish and Wildlife Conservation ~~Game and~~

1 ~~Fresh Water Fish~~ Commission, or whoever takes or attempts to
2 take any deer or wild turkey by the use of gun and light in or
3 out of closed season, is guilty of a misdemeanor of the first
4 degree, punishable as provided in s. 775.082 or s. 775.083,
5 and shall forfeit any license or permit issued to her or him
6 under the provisions of this chapter. No license shall be
7 issued to such person for a period of 3 years following any
8 such violation on the first offense. Any person guilty of a
9 second or subsequent violation shall be permanently ineligible
10 for issuance of a license or permit thereafter.

11 (3) Whoever takes or kills any doe deer; fawn or baby
12 deer; or deer, whether male or female, which does not have one
13 or more antlers at least 5 inches in length, except as
14 provided by law or the rules of the Fish and Wildlife
15 Conservation Game and Fresh Water Fish Commission, during the
16 open season prescribed by the rules of the commission, is
17 guilty of a misdemeanor of the first degree, punishable as
18 provided in s. 775.082 or s. 775.083, and may be required to
19 forfeit any license or permit issued to such person for a
20 period of 3 years following any such violation on the first
21 offense. Any person guilty of a second or subsequent
22 violation shall be permanently ineligible for issuance of a
23 license or permit thereafter.

24 (4) Any person who cultivates agricultural crops may
25 apply to the Fish and Wildlife Conservation Game and Fresh
26 Water Fish Commission for a permit to take or kill deer on
27 land which that person is currently cultivating. When said
28 person can show, to the satisfaction of the Fish and Wildlife
29 Conservation Game and Fresh Water Fish Commission, that such
30 taking or killing of deer is justified because of damage to
31 the person's crops caused by deer, the Fish and Wildlife

1 Conservation Game and Fresh Water Fish Commission may issue a
2 limited permit to the applicant to take or kill deer without
3 being in violation of subsection (1) or subsection (3).

4 Section 180. Subsections (1) and (3) of section
5 372.9901, Florida Statutes, 1998 Supplement, are amended to
6 read:

7 372.9901 Seizure of illegal devices; disposition;
8 appraisal; forfeiture.--

9 (1) Any vehicle, vessel, animal, gun, light, or other
10 hunting device used in the commission of an offense prohibited
11 by s. 372.99, shall be seized by the arresting officer, who
12 shall promptly make return of the seizure and deliver the
13 property to the Director of the Fish and Wildlife Conservation
14 ~~Game and Fresh Water Fish~~ Commission. The return shall
15 describe the property seized and recite in detail the facts
16 and circumstances under which it was seized, together with the
17 reason that the property was subject to seizure. The return
18 shall also contain the names of all persons known to the
19 officer to be interested in the property.

20 (3) Upon conviction of the violator, the property, if
21 owned by the person convicted, shall be forfeited to the state
22 under the procedure set forth in ss. 372.312 through 372.318,
23 where not inconsistent with this section. All amounts received
24 from the sale or other disposition of the property shall be
25 paid into the State Game Trust Fund or into the commission's
26 Federal Law Enforcement Trust Fund as provided in s. 372.107,
27 as applicable. If the property is not sold or converted, it
28 shall be delivered to the director of the Fish and Wildlife
29 Conservation Game and Fresh Water Fish Commission.

30 Section 181. Subsection (1) of section 372.9903,
31 Florida Statutes, is amended to read:

1 372.9903 Illegal possession or transportation of
2 freshwater game fish in commercial quantities; penalty.--

3 (1) Whoever possesses, moves, or transports any black
4 bass, bream, speckled perch, or other freshwater game fish in
5 commercial quantities in violation of law or the rules of the
6 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
7 Commission shall be guilty of a misdemeanor of the first
8 degree, punishable as provided in s. 775.082 or s. 775.083.

9 Section 182. Subsections (1) and (3) of section
10 372.9904, Florida Statutes, 1998 Supplement, are amended to
11 read:

12 372.9904 Seizure of illegal devices; disposition;
13 appraisal; forfeiture.--

14 (1) Any vehicle, vessel, or other transportation
15 device used in the commission of the offense prohibited by s.
16 372.9903, except a vehicle, vessel, or other transportation
17 device duly registered as a common carrier and operated in
18 lawful transaction of business as such carrier, shall be
19 seized by the arresting officer, who shall promptly make
20 return of the seizure and deliver the property to the director
21 of the Fish and Wildlife Conservation ~~Game and Fresh Water~~
22 ~~Fish~~ Commission. The return shall describe the property
23 seized and recite in detail the facts and circumstances under
24 which it was seized, together with the reason that the
25 property was subject to seizure. The return shall also
26 contain the names of all persons known to the officer to be
27 interested in the property.

28 (3) Upon conviction of the violator, the property, if
29 owned by the person convicted, shall be forfeited to the state
30 under the procedure set forth in ss. 372.312-372.318, when not
31 inconsistent with this section. All amounts received from the

1 sale or other disposition of the property shall be paid into
2 the State Game Trust Fund or into the commission's Federal Law
3 Enforcement Trust Fund as provided in s. 372.107, as
4 applicable. If the property is not sold or converted, it
5 shall be delivered to the director of the Fish and Wildlife
6 Conservation Game and Fresh Water Fish Commission.

7 Section 183. Section 372.9906, Florida Statutes, is
8 amended to read:

9 372.9906 Wildlife Law Enforcement Program; creation;
10 purposes.--There is established within the Fish and Wildlife
11 Conservation Game and Fresh Water Fish Commission the Wildlife
12 Law Enforcement Program. The commission may establish and
13 operate law enforcement programs that relate to the
14 conservation, enhancement, and regulation of wildlife and
15 freshwater aquatic resources of the state and to conduct
16 programs to educate the public about the enforcement of laws
17 and regulations relating to the wildlife and freshwater
18 aquatic resources of the state. Moneys that accrue to the
19 program by law and moneys donated to the program must be
20 deposited into the State Game Trust Fund.

21 Section 184. Subsection (2) of section 372.991,
22 Florida Statutes, is amended to read:

23 372.991 Nongame Wildlife Trust Fund.--

24 (2)(a) There is established within the Fish and
25 Wildlife Conservation Game and Fresh Water Fish Commission the
26 Nongame Wildlife Trust Fund. The fund shall be credited with
27 moneys collected pursuant to ss. 319.32(3) and 320.02(8).
28 Additional funds may be provided from legislative
29 appropriations and by donations from interested individuals
30 and organizations. The commission shall designate an
31 identifiable unit to administer the trust fund.

1 (b) Proceeds from the trust fund shall be used for the
2 following purposes:

3 1. Documentation of population trends of nongame
4 wildlife and assessment of wildlife habitat, in coordination
5 with the database of Florida natural areas inventory.

6 2. Establishment of effective conservation,
7 management, and regulatory programs for nongame wildlife of
8 the state.

9 3. Public education programs.

10 Section 185. Subsection (1) of section 372.992,
11 Florida Statutes, is amended to read:

12 372.992 Nongame Wildlife Advisory Council.--

13 (1) There is created the Nongame Wildlife Advisory
14 Council, which shall consist of the following 11 members
15 appointed by the Governor: one representative each from the
16 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
17 Commission, the Department of Environmental Protection, and
18 the United States Fish and Wildlife Services; the director of
19 the Florida Museum of Natural History or her or his designee;
20 one representative from a professional wildlife organization;
21 one representative from a private wildlife institution; one
22 representative from a Florida university or college who has
23 expertise in nongame biology; one representative of business
24 interests from a private consulting firm who has expertise in
25 nongame biology; one representative of a statewide
26 organization of landowner interests; and two members from
27 conservation organizations. All appointments shall be for
28 4-year terms. Members shall be eligible for reappointment.

29 Section 186. Subsection (2) of section 372.995,
30 Florida Statutes, is amended to read:

31 372.995 Release of balloons.--

1 (2) It is unlawful for any person, firm, or
2 corporation to intentionally release, organize the release, or
3 intentionally cause to be released within a 24-hour period 10
4 or more balloons inflated with a gas that is lighter than air
5 except for:

6 (a) Balloons released by a person on behalf of a
7 governmental agency or pursuant to a governmental contract for
8 scientific or meteorological purposes;

9 (b) Hot air balloons that are recovered after
10 launching;

11 (c) Balloons released indoors; or

12 (d) Balloons that are either biodegradable or
13 photodegradable, as determined by rule of the Fish and
14 Wildlife Conservation ~~Marine Fisheries~~ Commission, and which
15 are closed by a hand-tied knot in the stem of the balloon
16 without string, ribbon, or other attachments. In the event
17 that any balloons are released pursuant to the exemption
18 established in this paragraph, the party responsible for the
19 release shall make available to any law enforcement officer
20 evidence of the biodegradability or photodegradability of said
21 balloons in the form of a certificate executed by the
22 manufacturer. Failure to provide said evidence shall be prima
23 facie evidence of a violation of this act.

24 Section 187. Subsections (1), (2), and (5) of section
25 373.453, Florida Statutes, are amended to read:

26 373.453 Surface water improvement and management plans
27 and programs.--

28 (1)(a) Each water management district, in cooperation
29 with the department, the Department of Agriculture and
30 Consumer Services, the Department of Community Affairs, the
31 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~

1 Commission, and local governments shall prepare and maintain a
2 list which shall prioritize water bodies of regional or
3 statewide significance within each water management district.
4 The list shall be reviewed and updated every 3 years. The list
5 shall be based on criteria adopted by rule of the department
6 and shall assign priorities to the water bodies based on their
7 need for protection and restoration.

8 (b) Criteria developed by the department shall
9 include, but need not be limited to, consideration of
10 violations of water quality standards occurring in the water
11 body, the amounts of nutrients entering the water body and the
12 water body's trophic state, the existence of or need for a
13 continuous aquatic weed control program in the water body, the
14 biological condition of the water body, reduced fish and
15 wildlife values, and threats to agricultural and urban water
16 supplies and public recreational opportunities.

17 (c) In developing their respective priority lists,
18 water management districts shall give consideration to the
19 following priority areas:

20 1. The South Florida Water Management District shall
21 give priority to the restoration needs of Lake Okeechobee,
22 Biscayne Bay, and the Indian River Lagoon system and their
23 tributaries.

24 2. The Southwest Florida Water Management District
25 shall give priority to the restoration needs of Tampa Bay and
26 its tributaries.

27 3. The St. Johns River Water Management District shall
28 give priority to the restoration needs of Lake Apopka, the
29 Lower St. Johns River, and the Indian River Lagoon system and
30 their tributaries.

31 (2) Once the priority lists are approved by the

1 department, the water management districts, in cooperation
2 with the department, the Fish and Wildlife Conservation Game
3 ~~and Fresh Water Fish~~ Commission, the Department of Community
4 Affairs, the Department of Agriculture and Consumer Services,
5 and local governments, shall develop surface water improvement
6 and management plans for the water bodies based on the
7 priority lists. The department shall establish a uniform
8 format for such plans and a schedule for reviewing and
9 updating the plans. These plans shall include, but not be
10 limited to:

11 (a) A description of the water body system, its
12 historical and current uses, its hydrology, and a history of
13 the conditions which have led to the need for restoration or
14 protection;

15 (b) An identification of all governmental units that
16 have jurisdiction over the water body and its drainage basin
17 within the approved surface water improvement and management
18 plan area, including local, regional, state, and federal
19 units;

20 (c) A description of land uses within the drainage
21 basin within the approved surface water improvement and
22 management plan area and those of important tributaries, point
23 and nonpoint sources of pollution, and permitted discharge
24 activities;

25 (d) A list of the owners of point and nonpoint sources
26 of water pollution that are discharged into each water body
27 and tributary thereto and that adversely affect the public
28 interest, including separate lists of those sources that are:

- 29 1. Operating without a permit;
- 30 2. Operating with a temporary operating permit; and
- 31 3. Presently violating effluent limits or water

1 quality standards.

2

3 The plan shall also include recommendations and schedules for
4 bringing all sources into compliance with state standards when
5 not contrary to the public interest. This paragraph does not
6 authorize any existing or future violation of any applicable
7 statute, regulation, or permit requirement, and does not
8 diminish the authority of the department or the water
9 management district;

10 (e) A description of strategies and potential
11 strategies for restoring or protecting the water body to Class
12 III or better;

13 (f) A listing of studies that are being or have been
14 prepared for the water body;

15 (g) A description of the research and feasibility
16 studies which will be performed to determine the particular
17 strategy or strategies to restore or protect the water body;

18 (h) A description of the measures needed to manage and
19 maintain the water body once it has been restored and to
20 prevent future degradation;

21 (i) A schedule for restoration and protection of the
22 water body; and

23 (j) An estimate of the funding needed to carry out the
24 restoration or protection strategies.

25 (5) The governing board of each water management
26 district is encouraged to appoint advisory committees as
27 necessary to assist in formulating and evaluating strategies
28 for water body protection and restoration activities and to
29 increase public awareness and intergovernmental cooperation.
30 Such committees should include representatives of the Fish and
31 Wildlife Conservation Game and Fresh Water Fish Commission,

1 the Department of Agriculture and Consumer Services,
2 appropriate local governments, federal agencies, existing
3 advisory councils for the subject water body, and
4 representatives of the public who use the water body.

5 Section 188. Subsections (1) and (3) of section
6 373.455, Florida Statutes, are amended to read:

7 373.455 Review of surface water improvement and
8 management plans.--

9 (1) At least 60 days prior to consideration by the
10 governing board pursuant to s. 373.456(1) of its surface water
11 improvement and management plan, a water management district
12 shall transmit its proposed plan to the department, the
13 Department of Agriculture and Consumer Services, the Fish and
14 Wildlife Conservation Game and Fresh Water Fish Commission,
15 the Department of Community Affairs, and local governments.

16 (3) The Fish and Wildlife Conservation Game and Fresh
17 Water Fish Commission shall review each proposed surface water
18 improvement and management plan to determine the effects of
19 the plan on wild animal life and fresh water aquatic life and
20 their habitats. If the commission determines that the plan
21 has adverse effects on these resources and that such adverse
22 effects exceed the beneficial effects on these resources, the
23 commission shall recommend modifications of or additions to
24 the plan to the district governing board at the time it
25 considers the plan pursuant to s. 373.456(1), or any
26 modifications or additions which would result in additional
27 beneficial effects on wild animal life or fresh water aquatic
28 life or their habitats.

29 Section 189. Subsection (2) of section 373.4595,
30 Florida Statutes, is amended to read:

31 373.4595 Lake Okeechobee improvement and management.--

1 (2) DIVERSIONS; LAKE OKEECHOBEE TECHNICAL ADVISORY
2 COUNCIL.--

3 (a) The Legislature finds that efforts to reduce
4 nutrient levels in Lake Okeechobee have resulted in diversions
5 of nutrient-laden waters to other environmentally sensitive
6 areas, which diversions have resulted in adverse environmental
7 effects. The Legislature also finds that both the agriculture
8 industry and the environmental community are committed to
9 protecting Lake Okeechobee and these environmentally sensitive
10 areas from further harm and that this crisis must be addressed
11 immediately. Therefore:

12 1. The South Florida Water Management District shall
13 not divert waters to the Indian River estuary, the
14 Caloosahatchee River or its estuary, or the Everglades
15 National Park, in such a way that the state water quality
16 standards are violated, that the nutrients in such diverted
17 waters adversely affect indigenous vegetation communities or
18 wildlife, or that fresh waters diverted to the Caloosahatchee
19 or Indian River estuaries adversely affect the estuarine
20 vegetation or wildlife, unless the receiving waters will
21 biologically benefit by the diversion. However, diversion is
22 permitted when an emergency is declared by the water
23 management district, if the Secretary of Environmental
24 Protection concurs.

25 2. The South Florida Water Management district may
26 divert waters to other areas, including Lake Hicpochee, unless
27 otherwise provided by law. However, the district shall monitor
28 the effects of such diversions to determine the extent of
29 adverse or positive environmental effects on indigenous
30 vegetation and wildlife. The results of the monitoring shall
31 be reported to the Lake Okeechobee Technical Advisory Council.

1 If the monitoring of such diversions reveals continuing
2 adverse environmental effects, the district shall make
3 recommendations to the Legislature by July 1, 1988, on how to
4 cease the diversions.

5 (b)1. There is hereby created a Lake Okeechobee
6 Technical Advisory Council. Council members shall be experts
7 in the fields of botany, wildlife biology, aquatic biology,
8 water quality chemistry, or hydrology and shall consist of:

9 a. Three members appointed by the Governor;

10 b. Three members appointed by the Speaker of the House
11 of Representatives;

12 c. Three members appointed by the President of the
13 Senate;

14 d. One member from the Institute of Food and
15 Agricultural Sciences, University of Florida, appointed by the
16 President of the University of Florida; and

17 e. One member from the College of Natural Sciences,
18 University of South Florida, appointed by the President of the
19 University of South Florida.

20

21 Members shall be appointed not later than July 15, 1987.

22 2. The purpose of the council shall be to investigate
23 the adverse effects of past diversions of water and potential
24 effects of future diversions on indigenous wildlife and
25 vegetation and to report to the Legislature, no later than
26 March 1, 1988, with findings and recommendations proposing
27 permanent solutions to eliminate such adverse effects.

28 3. The South Florida Water Management District shall
29 provide staff and assistance to the council. The Department of
30 Environmental Protection, the Fish and Wildlife Conservation
31 ~~Game and Fresh Water Fish~~ Commission, and the district shall

1 cooperate with the council.

2 4. The council shall meet not less than once every 2
3 months at the call of the chair, or at the call of four other
4 members of the council. The council shall elect from its
5 members a chair and vice chair and such other officers as the
6 council deems necessary. The council may establish other
7 procedures for the conduct of its business.

8 5. The members of the council are not entitled to
9 compensation but are eligible for per diem and travel expenses
10 pursuant to s. 112.061.

11 Section 190. Paragraph (b) of subsection (1) of
12 section 373.465, Florida Statutes, 1998 Supplement, is amended
13 to read:

14 373.465 Lake Panasoffkee Restoration Council.--There
15 is created within the Southwest Florida Water Management
16 District the Lake Panasoffkee Restoration Council.

17 (1)

18 (b) The council advisory group to the council shall
19 consist of: one representative each from the Southwest Florida
20 Water Management District, the Florida Department of
21 Environmental Protection, the Florida Department of
22 Transportation, the Fish and Wildlife Conservation Florida
23 ~~Game and Fresh Water Fish~~ Commission, the Withlacoochee River
24 Basin Board, and the United States Army Corps of Engineers, to
25 be appointed by their respective agencies, all of whom must
26 have training in biology or another scientific discipline.

27 Section 191. Subsections (1) and (2) of section
28 373.466, Florida Statutes, 1998 Supplement, are amended to
29 read:

30 373.466 Lake Panasoffkee restoration program.--

31 (1) The Southwest Florida Water Management District,

1 in conjunction with the Department of Environmental
2 Protection, the Fish and Wildlife Conservation ~~Florida Game~~
3 ~~and Fresh Water Fish~~ Commission, the Sumter County Commission,
4 and the Lake Panasoffkee Restoration Council, shall review
5 existing restoration proposals to determine which ones are the
6 most environmentally sound and economically feasible methods
7 of improving the fisheries and natural systems of Lake
8 Panasoffkee.

9 (2) The Southwest Florida Water Management District,
10 in consultation and by agreement with the Department of
11 Environmental Protection, the Fish and Wildlife Conservation
12 ~~Game and Fresh Water Fish~~ Commission, and pertinent local
13 governments, shall develop tasks to be undertaken by those
14 entities necessary to initiate the Lake Panasoffkee
15 restoration program recommended by the Lake Panasoffkee
16 Restoration Council. These agencies shall:

17 (a) Evaluate different methodologies for removing the
18 extensive tussocks and build-up of organic matter along the
19 shoreline and of the aquatic vegetation in the lake; and

20 (b) Conduct any additional studies as recommended by
21 the Lake Panasoffkee Restoration Council.

22 Section 192. Subsection (1) of section 373.591,
23 Florida Statutes, 1998 Supplement, is amended to read:

24 373.591 Management review teams.--

25 (1) To determine whether conservation, preservation,
26 and recreation lands titled in the name of the water
27 management districts are being managed for the purposes for
28 which they were acquired and in accordance with land
29 management objectives, the water management districts shall
30 establish land management review teams to conduct periodic
31 management reviews. The land management review teams shall be

1 composed of the following members:

2 (a) One individual from the county or local community
3 in which the parcel is located.

4 (b) One employee of the water management district.

5 (c) A private land manager mutually agreeable to the
6 governmental agency representatives.

7 (d) A member of the local soil and water conservation
8 district board of supervisors.

9 (e) One individual from the Fish and Wildlife
10 Conservation Game and Fresh Water Fish Commission.

11 (f) One individual from the Department of
12 Environmental Protection.

13 (g) One individual representing a conservation
14 organization.

15 (h) One individual from the Department of Agriculture
16 and Consumer Services' Division of Forestry.

17 Section 193. Subsection (1) of section 375.021,
18 Florida Statutes, is amended to read:

19 375.021 Comprehensive multipurpose outdoor recreation
20 plan.--

21 (1) The department is given the responsibility,
22 authority, and power to develop and execute a comprehensive
23 multipurpose outdoor recreation plan for this state with the
24 cooperation of the Department of Agriculture and Consumer
25 Services, the Department of Transportation, the Fish and
26 Wildlife Conservation Game and Fresh Water Fish Commission,
27 the Department of Commerce, and the water management
28 districts.

29 Section 194. Section 375.311, Florida Statutes, is
30 amended to read:

31 375.311 Legislative intent.--To protect and manage

1 Florida's wildlife environment on lands conveyed for
2 recreational purposes by private owners and public custodians,
3 the Legislature hereby intends that the Fish and Wildlife
4 Conservation ~~Game and Fresh Water Fish~~ Commission shall
5 regulate motor vehicle access and traffic control on Florida's
6 public lands.

7 Section 195. Subsection (3) of section 375.312,
8 Florida Statutes, is amended to read:

9 375.312 Definitions.--As used in this act, unless the
10 context requires otherwise:

11 (3) "Commission" means the Fish and Wildlife
12 Conservation ~~Florida Game and Fresh Water Fish~~ Commission.

13 Section 196. Subsections (6) and (8) of section
14 376.121, Florida Statutes, are amended to read:

15 376.121 Liability for damage to natural
16 resources.--The Legislature finds that extensive damage to the
17 state's natural resources is the likely result of a pollutant
18 discharge and that it is essential that the state adequately
19 assess and recover the cost of such damage from responsible
20 parties. It is the state's goal to recover the costs of
21 restoration from the responsible parties and to restore
22 damaged natural resources to their pre-discharge condition. In
23 many instances, however, restoration is not technically
24 feasible. In such instances, the state has the responsibility
25 to its citizens to recover the cost of all damage to natural
26 resources. To ensure that the public does not bear a
27 substantial loss as a result of the destruction of natural
28 resources, the procedures set out in this section shall be
29 used to assess the cost of damage to such resources. Natural
30 resources include coastal waters, wetlands, estuaries, tidal
31 flats, beaches, lands adjoining the seacoasts of the state,

1 and all living things except human beings. The Legislature
2 recognizes the difficulty historically encountered in
3 calculating the value of damaged natural resources. The value
4 of certain qualities of the state's natural resources is not
5 readily quantifiable, yet the resources and their qualities
6 have an intrinsic value to the residents of the state, and any
7 damage to natural resources and their qualities should not be
8 dismissed as nonrecoverable merely because of the difficulty
9 in quantifying their value. In order to avoid unnecessary
10 speculation and expenditure of limited resources to determine
11 these values, the Legislature hereby establishes a schedule
12 for compensation for damage to the state's natural resources
13 and the quality of said resources.

14 (6) It is understood that a pollutant will, by its
15 very nature, result in damage to the flora and fauna of the
16 waters of the state and the adjoining land. Therefore,
17 compensation for such resources, which is difficult to
18 calculate, is included in the compensation schedule. Not
19 included, however, in this base figure is compensation for the
20 death of endangered or threatened species directly
21 attributable to the pollutant discharged. Compensation for the
22 death of any animal designated by rule as endangered by the
23 Fish and Wildlife Conservation Florida Game and Fresh Water
24 Fish Commission is \$10,000. Compensation for the death of any
25 animal designated by rule as threatened by the Fish and
26 Wildlife Conservation Florida Game and Fresh Water Fish
27 Commission is \$5,000. These amounts are not intended to
28 reflect the actual value of said endangered or threatened
29 species, but are included for the purposes of this section.

30 (8) When assessing the amount of damages to natural
31 resources, the department shall be assisted, if requested by

1 the department, by representatives of other state agencies and
2 local governments that would enhance the department's damage
3 assessment. The Fish and Wildlife Conservation ~~Game and Fresh~~
4 ~~Water Fish~~ Commission shall assist the department in the
5 assessment of damages to wildlife impacted by a pollutant
6 discharge and shall assist the department in recovering the
7 costs of such damages.

8 Section 197. Subsection (1) of section 378.011,
9 Florida Statutes, is amended to read:

10 378.011 Land Use Advisory Committee.--

11 (1) There is hereby created a Land Use Advisory
12 Committee which shall be composed of the following:

13 (a) One member from the Bureau of Geology of the
14 ~~Division of Resource Management of the~~ Department of
15 Environmental Protection, who shall serve as chair, to be
16 appointed by the executive director of said department;

17 (b) One member from the Executive Office of the
18 Governor, to be appointed by the Governor;

19 (c) One member from the Tampa Bay Regional Planning
20 Council, one member from the Central Florida Regional Planning
21 Council, and one member from the North Central Florida
22 Regional Planning Council, to be appointed by the respective
23 directors of said regional planning councils;

24 (d) One member to represent the Board of County
25 Commissioners of Polk County, one member to represent the
26 Board of County Commissioners of Hillsborough County, and one
27 member to represent the Board of County Commissioners of
28 Hamilton County, to be appointed by the chairs of said boards;

29 (e) One member from the Fish and Wildlife Conservation
30 ~~Game and Fresh Water Fish~~ Commission, to be appointed by the
31 Executive Director of said commission; and

1 (f) Two members of the public, to be appointed by the
2 Governor.

3 Section 198. Subsection (5) of section 378.036,
4 Florida Statutes, is amended to read:

5 378.036 Land acquisitions financed by Nonmandatory
6 Land Reclamation Trust Fund moneys.--

7 (5) By July 1, 1986, the department, in cooperation
8 with the Fish and Wildlife Conservation ~~Game and Fresh Water~~
9 ~~Fish~~ Commission, shall develop a list identifying those
10 nonmandatory lands which have been or may be naturally
11 reclaimed and which the state may seek to acquire through
12 purchase or donation for hunting, fishing, or other outdoor
13 recreational purposes or for wildlife habitat restoration.
14 The list shall separately indicate which of the nonmandatory
15 lands are eligible lands.

16 Section 199. Subsection (2) of section 378.409,
17 Florida Statutes, is amended to read:

18 378.409 Civil liability.--

19 (2) In assessing damages for animal, plant, or aquatic
20 life, the value shall be determined in accordance with the
21 tables of values established by the Fish and Wildlife
22 Conservation ~~Game and Fresh Water~~ ~~Fish~~ Commission and the
23 department.

24 Section 200. Subsections (3) and (6) of section
25 380.061, Florida Statutes, 1998 Supplement, are amended to
26 read:

27 380.061 The Florida Quality Developments program.--

28 (3)(a) To be eligible for designation under this
29 program, the developer shall comply with each of the following
30 requirements which is applicable to the site of a qualified
31 development:

Amendment No. ____ (for drafter's use only)

1 1. Have donated or entered into a binding commitment
2 to donate the fee or a lesser interest sufficient to protect,
3 in perpetuity, the natural attributes of the types of land
4 listed below. In lieu of the above requirement, the developer
5 may enter into a binding commitment which runs with the land
6 to set aside such areas on the property, in perpetuity, as
7 open space to be retained in a natural condition or as
8 otherwise permitted under this subparagraph. Under the
9 requirements of this subparagraph, the developer may reserve
10 the right to use such areas for the purpose of passive
11 recreation that is consistent with the purposes for which the
12 land was preserved.

13 a. Those wetlands and water bodies throughout the
14 state as would be delineated if the provisions of s.
15 373.4145(1)(b) were applied. The developer may use such areas
16 for the purpose of site access, provided other routes of
17 access are unavailable or impracticable; may use such areas
18 for the purpose of stormwater or domestic sewage management
19 and other necessary utilities to the extent that such uses are
20 permitted pursuant to chapter 403; or may redesign or alter
21 wetlands and water bodies within the jurisdiction of the
22 Department of Environmental Protection which have been
23 artificially created, if the redesign or alteration is done so
24 as to produce a more naturally functioning system.

25 b. Active beach or primary and, where appropriate,
26 secondary dunes, to maintain the integrity of the dune system
27 and adequate public accessways to the beach. However, the
28 developer may retain the right to construct and maintain
29 elevated walkways over the dunes to provide access to the
30 beach.

31 c. Known archaeological sites determined to be of

1 significance by the Division of Historical Resources of the
2 Department of State.

3 d. Areas known to be important to animal species
4 designated as endangered or threatened animal species by the
5 United States Fish and Wildlife Service or by the Fish and
6 Wildlife Conservation Florida Game and Fresh Water Fish
7 Commission, for reproduction, feeding, or nesting; for
8 traveling between such areas used for reproduction, feeding,
9 or nesting; or for escape from predation.

10 e. Areas known to contain plant species designated as
11 endangered plant species by the Department of Agriculture and
12 Consumer Services.

13 2. Produce, or dispose of, no substances designated as
14 hazardous or toxic substances by the United States
15 Environmental Protection Agency or by the Department of
16 Environmental Protection or the Department of Agriculture and
17 Consumer Services. This subparagraph is not intended to apply
18 to the production of these substances in nonsignificant
19 amounts as would occur through household use or incidental use
20 by businesses.

21 3. Participate in a downtown reuse or redevelopment
22 program to improve and rehabilitate a declining downtown area.

23 4. Incorporate no dredge and fill activities in, and
24 no stormwater discharge into, waters designated as Class II,
25 aquatic preserves, or Outstanding Florida Waters, except as
26 activities in those waters are permitted pursuant to s.
27 403.813(2) and the developer demonstrates that those
28 activities meet the standards under Class II waters,
29 Outstanding Florida Waters, or aquatic preserves, as
30 applicable.

31 5. Include open space, recreation areas, Xeriscape as

1 defined in s. 373.185, and energy conservation and minimize
2 impermeable surfaces as appropriate to the location and type
3 of project.

4 6. Provide for construction and maintenance of all
5 onsite infrastructure necessary to support the project and
6 enter into a binding commitment with local government to
7 provide an appropriate fair-share contribution toward the
8 offsite impacts which the development will impose on publicly
9 funded facilities and services, except offsite transportation,
10 and condition or phase the commencement of development to
11 ensure that public facilities and services, except offsite
12 transportation, will be available concurrent with the impacts
13 of the development. For the purposes of offsite transportation
14 impacts, the developer shall comply, at a minimum, with the
15 standards of the state land planning agency's
16 development-of-regional-impact transportation rule, the
17 approved strategic regional policy plan, any applicable
18 regional planning council transportation rule, and the
19 approved local government comprehensive plan and land
20 development regulations adopted pursuant to part II of chapter
21 163.

22 7. Design and construct the development in a manner
23 that is consistent with the adopted state plan, the applicable
24 strategic regional policy plan, and the applicable adopted
25 local government comprehensive plan.

26 (b) In addition to the foregoing requirements, the
27 developer shall plan and design his or her development in a
28 manner which includes the needs of the people in this state as
29 identified in the state comprehensive plan and the quality of
30 life of the people who will live and work in or near the
31 development. The developer is encouraged to plan and design

1 his or her development in an innovative manner. These planning
2 and design features may include, but are not limited to, such
3 things as affordable housing, care for the elderly, urban
4 renewal or redevelopment, mass transit, the protection and
5 preservation of wetlands outside the jurisdiction of the
6 Department of Environmental Protection or of uplands as
7 wildlife habitat, provision for the recycling of solid waste,
8 provision for onsite child care, enhancement of emergency
9 management capabilities, the preservation of areas known to be
10 primary habitat for significant populations of species of
11 special concern designated by the Fish and Wildlife
12 Conservation Florida Game and Fresh Water Fish Commission, or
13 community economic development. These additional amenities
14 will be considered in determining whether the development
15 qualifies for designation under this program.

16 (6)(a) In the event that the development is not
17 designated under subsection (5), the developer may appeal that
18 determination to the Quality Developments Review Board. The
19 board shall consist of the secretary of the state land
20 planning agency, the Secretary of Environmental Protection and
21 a member designated by the secretary, the Secretary of
22 Transportation, the executive director of the Fish and
23 Wildlife Conservation Florida Game and Fresh Water Fish
24 Commission, the executive director of the appropriate water
25 management district created pursuant to chapter 373, and the
26 chief executive officer of the appropriate local government.
27 When there is a significant historical or archaeological site
28 within the boundaries of a development which is appealed to
29 the board, the director of the Division of Historical
30 Resources of the Department of State shall also sit on the
31 board. The staff of the state land planning agency shall serve

1 as staff to the board.

2 (b) The board shall meet once each quarter of the
3 year. However, a meeting may be waived if no appeals are
4 pending.

5 (c) On appeal, the sole issue shall be whether the
6 development meets the statutory criteria for designation under
7 this program. An affirmative vote of at least five members of
8 the board, including the affirmative vote of the chief
9 executive officer of the appropriate local government, shall
10 be necessary to designate the development by the board.

11 (d) The state land planning agency shall adopt
12 procedural rules for consideration of appeals under this
13 subsection.

14 Section 201. Section 388.45, Florida Statutes, is
15 amended to read:

16 388.45 Threat to public health; emergency
17 declarations.--The State Health Officer has the authority to
18 declare that a threat to public health exists when the
19 Department of Health discovers in the human or surrogate
20 population the occurrence of an infectious disease that can be
21 transmitted from arthropods to humans. The State Health
22 Officer must immediately notify the Commissioner of
23 Agriculture of the declaration of this threat to public
24 health. The Commissioner of Agriculture is authorized to issue
25 an emergency declaration based on the State Health Officer's
26 declaration of a threat to the public health or based on other
27 threats to animal health. Each declaration must contain the
28 geographical boundaries and the duration of the declaration.
29 The State Health Officer shall order such human medical
30 preventive treatment and the Commissioner of Agriculture shall
31 order such ameliorative arthropod control measures as are

1 necessary to prevent the spread of disease, notwithstanding
2 contrary provisions of this chapter or the rules adopted under
3 this chapter. Within 24 hours after a declaration of a threat
4 to the public health, the State Health Officer must also
5 notify the agency heads of the Department of Environmental
6 Protection and the Fish and Wildlife Conservation ~~Game and~~
7 ~~Fresh Water Fish~~ Commission of the declaration. Within 24
8 hours after an emergency declaration based on the public
9 health declaration or based on other threats to animal health,
10 the Commissioner of Agriculture must notify the agency heads
11 of the Department of Environmental Protection and the Fish and
12 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission of
13 the declaration. Within 24 hours after an emergency
14 declaration based on other threats to animal health, the
15 Commissioner of Agriculture must also notify the agency head
16 of the Department of Health of the declaration.

17 Section 202. Subsection (2) of section 388.46, Florida
18 Statutes, is amended to read:

19 388.46 Florida Coordinating Council on Mosquito
20 Control; establishment; membership; organization;
21 responsibilities.--

22 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.--

23 (a) Membership.--The Florida Coordinating Council on
24 Mosquito Control shall be comprised of the following
25 representatives or their authorized designees:

26 1. The Secretary of Environmental Protection and the
27 Secretary of Health;

28 2. The executive director of the Fish and Wildlife
29 Conservation ~~Game and Fresh Water Fish~~ Commission;

30 3. The state epidemiologist;

31 4. The Commissioner of Agriculture; and

- 1 5. Representatives from:
- 2 a. The University of Florida, Institute of Food and
- 3 Agricultural Sciences, Florida Medical Entomological Research
- 4 Laboratory;
- 5 b. Florida Agricultural and Mechanical University;
- 6 c. The United States Environmental Protection Agency;
- 7 d. The United States Department of Agriculture,
- 8 Insects Affecting Man Laboratory;
- 9 e. The United States Fish and Wildlife Service;
- 10 f. Two mosquito control directors to be nominated by
- 11 the Florida Mosquito Control Association, two representatives
- 12 of Florida environmental groups, and two private citizens who
- 13 are property owners whose lands are regularly subject to
- 14 mosquito control operations, to be appointed to 4-year terms
- 15 by the Commissioner of Agriculture; and
- 16 g. The Board of Trustees of the Internal Improvement
- 17 Trust Fund.
- 18 (b) Organization.--The council shall be chaired by the
- 19 Commissioner of Agriculture or the commissioner's authorized
- 20 designee. A majority of the membership of the council shall
- 21 constitute a quorum for the conduct of business. The chair
- 22 shall be responsible for recording and distributing to the
- 23 members a summary of the proceedings of all council meetings.
- 24 The council shall meet at least three times each year, or as
- 25 needed. The council may designate subcommittees from time to
- 26 time to assist in carrying out its responsibilities, provided
- 27 that the Subcommittee on Managed Marshes shall be the first
- 28 subcommittee appointed by the council. The subcommittee shall
- 29 continue to provide technical assistance and guidance on
- 30 mosquito impoundment management plans and develop and review
- 31 research proposals for mosquito source reduction techniques.

- 1 (c) Responsibilities.--The council shall:
- 2 1. Develop and implement guidelines to assist the
- 3 department in resolving disputes arising over the control of
- 4 arthropods on publicly owned lands.
- 5 2. Identify and recommend to Florida Agricultural and
- 6 Mechanical University research priorities for arthropod
- 7 control practices and technologies.
- 8 3. Develop and recommend to the department a request
- 9 for proposal process for arthropod control research.
- 10 4. Identify potential funding sources for research or
- 11 implementation projects and evaluate and prioritize proposals
- 12 upon request by the funding source.
- 13 5. Prepare and present reports, as needed, on
- 14 arthropod control activities in the state to the Pesticide
- 15 Review Council, the Florida Coastal Management Program
- 16 Interagency Management Committee, and other governmental
- 17 organizations, as appropriate.

18 Section 203. Subsection (5) of section 403.0752,

19 Florida Statutes, is amended to read:

20 403.0752 Ecosystem management agreements.--

21 (5) The Secretary of Community Affairs, the Secretary

22 of Transportation, the Commissioner of Agriculture, the

23 Executive Director of the Fish and Wildlife Conservation Game

24 ~~and Fresh Water Fish~~ Commission, and the executive directors

25 of the water management districts are authorized to

26 participate in the development of ecosystem management

27 agreements with regulated entities and other governmental

28 agencies as necessary to effectuate the provisions of this

29 section. Local governments are encouraged to participate in

30 ecosystem management agreements.

31 Section 204. Subsection (4) of section 403.0885,

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

2 403.0885 Establishment of federally approved state
3 National Pollutant Discharge Elimination System (NPDES)
4 Program.--

5 (4) The department shall respond, in writing, to any
6 written comments on a pending application for a state NPDES
7 permit which the department receives from the executive
8 director, or his or her designee, of the Fish and Wildlife
9 Conservation Game and Fresh Water Fish Commission on matters
10 within the commenting agency's jurisdiction. The department's
11 response shall not constitute agency action for purposes of
12 ss. 120.569 and 120.57 or other provisions of chapter 120.

13 Section 205. Subsection (2) of section 403.413,
14 Florida Statutes, is amended to read:

15 403.413 Florida Litter Law.--

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

17 (a) "Litter" means any garbage; rubbish; trash;
18 refuse; can; bottle; box; container; paper; tobacco product;
19 tire; appliance; mechanical equipment or part; building or
20 construction material; tool; machinery; wood; motor vehicle or
21 motor vehicle part; vessel; aircraft; farm machinery or
22 equipment; sludge from a waste treatment facility, water
23 supply treatment plant, or air pollution control facility; or
24 substance in any form resulting from domestic, industrial,
25 commercial, mining, agricultural, or governmental operations.

26 (b) "Person" means any individual, firm, sole
27 proprietorship, partnership, corporation, or unincorporated
28 association.

29 (c) "Law enforcement officer" means any officer of the
30 Florida Highway Patrol, a county sheriff's department, a
31 municipal law enforcement department, a law enforcement

1 department of any other political subdivision, the department,
2 or the Fish and Wildlife Conservation ~~Game and Fresh Water~~
3 ~~Fish~~ Commission. In addition, and solely for the purposes of
4 this section, "law enforcement officer" means any employee of
5 a county or municipal park or recreation department designated
6 by the department head as a litter enforcement officer.

7 (d) "Aircraft" means a motor vehicle or other vehicle
8 that is used or designed to fly but does not include a
9 parachute or any other device used primarily as safety
10 equipment.

11 (e) "Commercial purpose" means for the purpose of
12 economic gain.

13 (f) "Commercial vehicle" means a vehicle that is owned
14 or used by a business, corporation, association, partnership,
15 or sole proprietorship or any other entity conducting business
16 for a commercial purpose.

17 (g) "Dump" means to dump, throw, discard, place,
18 deposit, or dispose of.

19 (h) "Motor vehicle" means an automobile, motorcycle,
20 truck, trailer, semitrailer, truck tractor, or semitrailer
21 combination or any other vehicle that is powered by a motor.

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

24 Section 206. Subsection (2) of section 403.507,
25 Florida Statutes, is amended to read:

26 403.507 Preliminary statements of issues, reports, and
27 studies.--

28 (2)(a) The following agencies shall prepare reports as
29 provided below and shall submit them to the department and the
30 applicant within 150 days after distribution of the complete
31 application:

1 1. The Department of Community Affairs shall prepare a
2 report containing recommendations which address the impact
3 upon the public of the proposed electrical power plant, based
4 on the degree to which the electrical power plant is
5 consistent with the applicable portions of the state
6 comprehensive plan and other such matters within its
7 jurisdiction. The Department of Community Affairs may also
8 comment on the consistency of the proposed electrical power
9 plant with applicable strategic regional policy plans or local
10 comprehensive plans and land development regulations.

11 2. The Public Service Commission shall prepare a
12 report as to the present and future need for the electrical
13 generating capacity to be supplied by the proposed electrical
14 power plant. The report shall include the commission's
15 determination pursuant to s. 403.519 and may include the
16 commission's comments with respect to any other matters within
17 its jurisdiction.

18 3. The water management district shall prepare a
19 report as to matters within its jurisdiction.

20 4. Each local government in whose jurisdiction the
21 proposed electrical power plant is to be located shall prepare
22 a report as to the consistency of the proposed electrical
23 power plant with all applicable local ordinances, regulations,
24 standards, or criteria that apply to the proposed electrical
25 power plant, including adopted local comprehensive plans, land
26 development regulations, and any applicable local
27 environmental regulations adopted pursuant to s. 403.182 or by
28 other means.

29 5. The Fish and Wildlife Conservation ~~Game and Fresh~~
30 ~~Water Fish~~ Commission shall prepare a report as to matters
31 within its jurisdiction.

1 6. The regional planning council shall prepare a
2 report containing recommendations that address the impact upon
3 the public of the proposed electrical power plant, based on
4 the degree to which the electrical power plant is consistent
5 with the applicable provisions of the strategic regional
6 policy plan adopted pursuant to chapter 186 and other matters
7 within its jurisdiction.

8 7. Any other agency, if requested by the department,
9 shall also perform studies or prepare reports as to matters
10 within that agency's jurisdiction which may potentially be
11 affected by the proposed electrical power plant.

12 (b) As needed to verify or supplement the studies made
13 by the applicant in support of the application, it shall be
14 the duty of the department to conduct, or contract for,
15 studies of the proposed electrical power plant and site,
16 including, but not limited to, the following, which shall be
17 completed no later than 210 days after the complete
18 application is filed with the department:

- 19 1. Cooling system requirements.
- 20 2. Construction and operational safeguards.
- 21 3. Proximity to transportation systems.
- 22 4. Soil and foundation conditions.
- 23 5. Impact on suitable present and projected water
24 supplies for this and other competing uses.
- 25 6. Impact on surrounding land uses.
- 26 7. Accessibility to transmission corridors.
- 27 8. Environmental impacts.
- 28 9. Requirements applicable under any federally
29 delegated or approved permit program.

30 (c) Each report described in paragraphs (a) and (b)
31 shall contain all information on variances, exemptions,

1 exceptions, or other relief which may be required by s.
2 403.511(2) and any proposed conditions of certification on
3 matters within the jurisdiction of such agency. For each
4 condition proposed by an agency in its report, the agency
5 shall list the specific statute, rule, or ordinance which
6 authorizes the proposed condition.

7 (d) The agencies shall initiate the activities
8 required by this section no later than 30 days after the
9 complete application is distributed. The agencies shall keep
10 the applicant and the department informed as to the progress
11 of the studies and any issues raised thereby.

12 Section 207. Paragraph (a) of subsection (4) of
13 section 403.508, Florida Statutes, is amended to read:

14 403.508 Land use and certification proceedings,
15 parties, participants.--

16 (4)(a) Parties to the proceeding shall include:

- 17 1. The applicant.
- 18 2. The Public Service Commission.
- 19 3. The Department of Community Affairs.
- 20 4. The Fish and Wildlife Conservation Commission ~~Game~~
21 ~~and Fresh Water Fish Commission.~~
- 22 5. The water management district.
- 23 6. The department.
- 24 7. The regional planning council.
- 25 8. The local government.

26 Section 208. Paragraph (b) of subsection (1) of
27 section 403.518, Florida Statutes, is amended to read:

28 403.518 Fees; disposition.--

29 (1) The department shall charge the applicant the
30 following fees, as appropriate, which shall be paid into the
31 Florida Permit Fee Trust Fund:

1 (b) An application fee, which shall not exceed
2 \$200,000. The fee shall be fixed by rule on a sliding scale
3 related to the size, type, ultimate site capacity, increase in
4 generating capacity proposed by the application, or the number
5 and size of local governments in whose jurisdiction the
6 electrical power plant is located.

7 1. Sixty percent of the fee shall go to the department
8 to cover any costs associated with reviewing and acting upon
9 the application, to cover any field services associated with
10 monitoring construction and operation of the facility, and to
11 cover the costs of the public notices published by the
12 department.

13 2. Twenty percent of the fee or \$25,000, whichever is
14 greater, shall be transferred to the Administrative Trust Fund
15 of the Division of Administrative Hearings of the Department
16 of Management Services.

17 3. Upon written request with proper itemized
18 accounting within 90 days after final agency action by the
19 board or withdrawal of the application, the department shall
20 reimburse the Department of Community Affairs, the Fish and
21 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
22 and any water management district created pursuant to chapter
23 373, regional planning council, and local government in the
24 jurisdiction of which the proposed electrical power plant is
25 to be located, and any other agency from which the department
26 requests special studies pursuant to s. 403.507(2)(a)7. Such
27 reimbursement shall be authorized for the preparation of any
28 studies required of the agencies by this act, and for agency
29 travel and per diem to attend any hearing held pursuant to
30 this act, and for local governments to participate in the
31 proceedings. In the event the amount available for allocation

1 is insufficient to provide for complete reimbursement to the
2 agencies, reimbursement shall be on a prorated basis.

3 4. If any sums are remaining, the department shall
4 retain them for its use in the same manner as is otherwise
5 authorized by this act; provided, however, that if the
6 certification application is withdrawn, the remaining sums
7 shall be refunded to the applicant within 90 days after
8 withdrawal.

9 Section 209. Paragraph (a) of subsection (2) of
10 section 403.526, Florida Statutes, is amended to read:

11 403.526 Preliminary statements of issues, reports, and
12 studies.--

13 (2)(a) The affected agencies shall prepare reports as
14 provided below and shall submit them to the department and the
15 applicant within 90 days after distribution of the complete
16 application:

17 1. The department shall prepare a report as to the
18 impact of each proposed transmission line or corridor as it
19 relates to matters within its jurisdiction.

20 2. Each water management district in the jurisdiction
21 of which a proposed transmission line or corridor is to be
22 located shall prepare a report as to the impact on water
23 resources and other matters within its jurisdiction.

24 3. The Department of Community Affairs shall prepare a
25 report containing recommendations which address the impact
26 upon the public of the proposed transmission line or corridor,
27 based on the degree to which the proposed transmission line or
28 corridor is consistent with the applicable portions of the
29 state comprehensive plan and other matters within its
30 jurisdiction. The Department of Community Affairs may also
31 comment on the consistency of the proposed transmission line

1 or corridor with applicable strategic regional policy plans or
2 local comprehensive plans and land development regulations.

3 4. The Fish and Wildlife Conservation ~~Game and Fresh~~
4 ~~Water Fish~~ Commission shall prepare a report as to the impact
5 of each proposed transmission line or corridor on fish and
6 wildlife resources and other matters within its jurisdiction.

7 5. Each local government shall prepare a report as to
8 the impact of each proposed transmission line or corridor on
9 matters within its jurisdiction, including the consistency of
10 the proposed transmission line or corridor with all applicable
11 local ordinances, regulations, standards, or criteria that
12 apply to the proposed transmission line or corridor, including
13 local comprehensive plans, zoning regulations, land
14 development regulations, and any applicable local
15 environmental regulations adopted pursuant to s. 403.182 or by
16 other means. No change by the responsible local government or
17 local agency in local comprehensive plans, zoning ordinances,
18 or other regulations made after the date required for the
19 filing of the local government's report required by this
20 section shall be applicable to the certification of the
21 proposed transmission line or corridor unless the
22 certification is denied or the application is withdrawn.

23 6. Each regional planning council shall present a
24 report containing recommendations that address the impact upon
25 the public of the proposed transmission line or corridor based
26 on the degree to which the transmission line or corridor is
27 consistent with the applicable provisions of the strategic
28 regional policy plan adopted pursuant to chapter 186 and other
29 impacts of each proposed transmission line or corridor on
30 matters within its jurisdiction.

31 Section 210. Paragraph (a) of subsection (4) of

1 section 403.527, Florida Statutes, is amended to read:

2 403.527 Notice, proceedings, parties, participants.--

3 (4)(a) Parties to the proceeding shall be:

4 1. The applicant.

5 2. The department.

6 3. The commission.

7 4. The Department of Community Affairs.

8 5. The Fish and Wildlife Conservation ~~Game and Fresh~~
9 ~~Water Fish~~ Commission.

10 6. Each water management district in the jurisdiction
11 of which the proposed transmission line or corridor is to be
12 located.

13 7. The local government.

14 8. The regional planning council.

15 Section 211. Paragraph (c) of subsection (1) of
16 section 403.5365, Florida Statutes, is amended to read:

17 403.5365 Fees; disposition.--The department shall
18 charge the applicant the following fees, as appropriate, which
19 shall be paid into the Florida Permit Fee Trust Fund:

20 (1) An application fee of \$100,000, plus \$750 per mile
21 for each mile of corridor in which the transmission line
22 right-of-way is proposed to be located within an existing
23 electrical transmission line right-of-way or within any
24 existing right-of-way for any road, highway, railroad, or
25 other aboveground linear facility, or \$1,000 per mile for each
26 mile of transmission line corridor proposed to be located
27 outside such existing right-of-way.

28 (c) Upon written request with proper itemized
29 accounting within 90 days after final agency action by the
30 board or withdrawal of the application, the department shall
31 reimburse the expenses and costs of the Department of

1 Community Affairs, the Fish and Wildlife Conservation ~~Game and~~
2 ~~Fresh Water Fish~~ Commission, the water management district,
3 regional planning council, and local government in the
4 jurisdiction of which the transmission line is to be located.
5 Such reimbursement shall be authorized for the preparation of
6 any studies required of the agencies by this act, and for
7 agency travel and per diem to attend any hearing held pursuant
8 to this act, and for the local government to participate in
9 the proceedings. In the event the amount available for
10 allocation is insufficient to provide for complete
11 reimbursement to the agencies, reimbursement shall be on a
12 prorated basis.

13 Section 212. Subsection (3) of section 403.7841,
14 Florida Statutes, is amended to read:

15 403.7841 Application for certification.--

16 (3) Within 7 days after filing the application with
17 the department, the applicant shall provide two copies of the
18 application as filed to each of the following: the Department
19 of Community Affairs, the water management district which has
20 jurisdiction over the area wherein the proposed project is to
21 be located, the Department of Transportation, the Fish and
22 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
23 the Department of Health and Rehabilitative Services, the
24 Department of Agriculture and Consumer Services, and the local
25 governmental entities which have jurisdiction.

26 Section 213. Subsection (1) of section 403.786,
27 Florida Statutes, is amended to read:

28 403.786 Report and studies.--

29 (1) The Department of Community Affairs, the water
30 management district which has jurisdiction over the area
31 wherein the proposed project is to be located, the Department

1 of Transportation, the Fish and Wildlife Conservation ~~Game and~~
2 ~~Fresh Water Fish~~ Commission, the Department of Health and
3 Rehabilitative Services, the Department of Agriculture and
4 Consumer Services, and each local government which has
5 jurisdiction shall each submit a report of matters within
6 their jurisdiction to the department within 90 days after
7 their receipt of the application. Any other agency may submit
8 comments relating to matters within its jurisdiction to the
9 department within 90 days after the filing of the application
10 with the Division of Administrative Hearings.

11 Section 214. Paragraph (a) of subsection (4) of
12 section 403.787, Florida Statutes, is amended to read:

13 403.787 Notice, proceedings, parties, participants.--

14 (4)(a) Parties to the proceeding shall be:

- 15 1. The applicant.
- 16 2. The department.
- 17 3. The Department of Community Affairs.
- 18 4. The Fish and Wildlife Conservation ~~Game and Fresh~~
19 ~~Water Fish~~ Commission.
- 20 5. Each water management district in the jurisdiction
21 of which the proposed project is to be located.
- 22 6. Any affected local government.

23 Section 215. Subsection (6) of section 403.9325,
24 Florida Statutes, is amended to read:

25 403.9325 Definitions.--For the purposes of ss.
26 403.9321-403.9333, the term:

27 (6) "Public lands set aside for conservation or
28 preservation" means:

- 29 (a) Conservation and recreation lands under chapter
30 259;
- 31 (b) State and national parks;

- 1 (c) State and national reserves and preserves, except
- 2 as provided in s. 403.9326(3);
- 3 (d) State and national wilderness areas;
- 4 (e) National wildlife refuges (only those lands under
- 5 Federal Government ownership);
- 6 (f) Lands acquired through the Water Management Lands
- 7 Trust Fund, Save Our Rivers Program;
- 8 (g) Lands acquired under the Save Our Coast program;
- 9 (h) Lands acquired under the environmentally
- 10 endangered lands bond program;
- 11 (i) Public lands designated as conservation or
- 12 preservation under a local government comprehensive plan;
- 13 (j) Lands purchased by a water management district,
- 14 the Fish and Wildlife Conservation ~~Florida Game and Fresh~~
- 15 ~~Water Fish~~ Commission, or any other state agency for
- 16 conservation or preservation purposes;
- 17 (k) Public lands encumbered by a conservation easement
- 18 that does not provide for the trimming of mangroves; and
- 19 (l) Public lands designated as critical wildlife areas
- 20 by the Fish and Wildlife Conservation ~~Florida Game and Fresh~~
- 21 ~~Water Fish~~ Commission.

22 Section 216. Paragraph (a) of subsection (2) of

23 section 403.941, Florida Statutes, is amended to read:

24 403.941 Preliminary statements of issues, reports, and

25 studies.--

26 (2)(a) The affected agencies shall prepare reports as

27 provided in this paragraph and shall submit them to the

28 department and the applicant within 60 days after the

29 application is determined sufficient:

- 30 1. The department shall prepare a report as to the
- 31 impact of each proposed natural gas transmission pipeline or

1 corridor as it relates to matters within its jurisdiction.

2 2. Each water management district in the jurisdiction
3 of which a proposed natural gas transmission pipeline or
4 corridor is to be located shall prepare a report as to the
5 impact on water resources and other matters within its
6 jurisdiction.

7 3. The Department of Community Affairs shall prepare a
8 report containing recommendations which address the impact
9 upon the public of the proposed natural gas transmission
10 pipeline or corridor, based on the degree to which the
11 proposed natural gas transmission pipeline or corridor is
12 consistent with the applicable portions of the state
13 comprehensive plan and other matters within its jurisdiction.
14 The Department of Community Affairs may also comment on the
15 consistency of the proposed natural gas transmission pipeline
16 or corridor with applicable strategic regional policy plans or
17 local comprehensive plans and land development regulations.

18 4. The Fish and Wildlife Conservation ~~Game and Fresh~~
19 ~~Water Fish~~ Commission shall prepare a report as to the impact
20 of each proposed natural gas transmission pipeline or corridor
21 on fish and wildlife resources and other matters within its
22 jurisdiction.

23 5. Each local government in which the natural gas
24 transmission pipeline or natural gas transmission pipeline
25 corridor will be located shall prepare a report as to the
26 impact of each proposed natural gas transmission pipeline or
27 corridor on matters within its jurisdiction, including the
28 consistency of the proposed natural gas transmission pipeline
29 or corridor with all applicable local ordinances, regulations,
30 standards, or criteria that apply to the proposed natural gas
31 transmission pipeline or corridor, including local

1 comprehensive plans, zoning regulations, land development
2 regulations, and any applicable local environmental
3 regulations adopted pursuant to s. 403.182 or by other means.
4 No change by the responsible local government or local agency
5 in local comprehensive plans, zoning ordinances, or other
6 regulations made after the date required for the filing of the
7 local government's report required by this section shall be
8 applicable to the certification of the proposed natural gas
9 transmission pipeline or corridor unless the certification is
10 denied or the application is withdrawn.

11 6. Each regional planning council in which the natural
12 gas transmission pipeline or natural gas transmission pipeline
13 corridor will be located shall present a report containing
14 recommendations that address the impact upon the public of the
15 proposed natural gas transmission pipeline or corridor, based
16 on the degree to which the natural gas transmission pipeline
17 or corridor is consistent with the applicable provisions of
18 the strategic regional policy plan adopted pursuant to chapter
19 186 and other impacts of each proposed natural gas
20 transmission pipeline or corridor on matters within its
21 jurisdiction.

22 7. The Department of Transportation shall prepare a
23 report on the effect of the natural gas transmission pipeline
24 or natural gas transmission pipeline corridor on matters
25 within its jurisdiction, including roadway crossings by the
26 pipeline. The report shall contain at a minimum:

27 a. A report by the applicant to the department stating
28 that all requirements of the department's utilities
29 accommodation guide have been or will be met in regard to the
30 proposed pipeline or pipeline corridor; and

31 b. A statement by the department as to the adequacy of

1 the report to the department by the applicant.

2 8. The Department of State, Division of Historical
3 Resources, shall prepare a report on the impact of the natural
4 gas transmission pipeline or natural gas transmission pipeline
5 corridor on matters within its jurisdiction.

6 9. The commission shall prepare a report addressing
7 matters within its jurisdiction. The commission's report shall
8 include its determination of need issued pursuant to s.
9 403.9422.

10 Section 217. Paragraph (a) of subsection (4) of
11 section 403.9411, Florida Statutes, is amended to read:

12 403.9411 Notice; proceedings; parties and
13 participants.--

14 (4)(a) Parties to the proceeding shall be:

- 15 1. The applicant.
- 16 2. The department.
- 17 3. The commission.
- 18 4. The Department of Community Affairs.
- 19 5. The Fish and Wildlife Conservation ~~Game and Fresh~~
20 ~~Water Fish~~ Commission.

21 6. Each water management district in the jurisdiction
22 of which the proposed natural gas transmission pipeline or
23 corridor is to be located.

- 24 7. The local government.
- 25 8. The regional planning council.
- 26 9. The Department of Transportation.
- 27 10. The Department of State, Division of Historical
28 Resources.

29 Section 218. Subsection (2) of section 403.961,
30 Florida Statutes, is amended to read:

31 403.961 Statements of issues and reports; written

1 analyses.--

2 (2) Each of the following agencies shall prepare a
3 report as to matters within its jurisdiction expected to be
4 affected by the proposed project, which report shall be
5 submitted to the applicant, the Department of Commerce, the
6 Department of Environmental Protection, the affected local
7 governments, and all other affected agencies, no later than 65
8 days after the date the application is determined to be
9 sufficient:

10 (a) The Department of Transportation.

11 (b) The Department of Community Affairs.

12 (c) The Fish and Wildlife Conservation ~~Game and Fresh~~
13 ~~Water Fish~~ Commission.

14 (d) Each water management district having jurisdiction
15 over any proposed site or installation.

16 (e) Each regional planning council having jurisdiction
17 over any proposed site or installation.

18 (f) Any other agency, if requested by the Department
19 of Commerce, shall also prepare reports as to matters within
20 that agency's jurisdiction expected to be affected by the
21 proposed project.

22 Section 219. Paragraph (b) of subsection (1) of
23 section 403.962, Florida Statutes, is amended to read:

24 403.962 Certification hearing; cancellation;
25 parties.--

26 (1) The assigned administrative law judge shall
27 conduct a certification hearing in the county of the proposed
28 site no later than 150 days after the application for project
29 certification is deemed to be sufficient or an applicant has
30 requested that its application be processed on the basis of
31 information already submitted. All proceedings are governed

1 by chapter 120 except as modified by this act. The hearing
2 shall only be conducted in the event that a hearing is
3 requested by the applicant, an affected agency, a person
4 having a substantial interest which is affected by the
5 proposed certification, a qualified organization, or an
6 affected person who files a petition pursuant to s.
7 403.9615(4). In determining whether a hearing shall be
8 conducted, the following procedures shall apply:

9 (b) The following agencies shall be entitled to
10 request the conduct of a certification hearing under this
11 section:

- 12 1. The Department of Environmental Protection.
- 13 2. The Fish and Wildlife Conservation ~~Game and Fresh~~
14 ~~Water Fish~~ Commission.
- 15 3. The Department of Community Affairs.
- 16 4. The Department of Transportation.
- 17 5. Any water management district having jurisdiction
18 over a site or installation associated with the proposed
19 project.
- 20 6. Any local government having jurisdiction over a
21 site or installation associated with the proposed project.

22 Section 220. Paragraph (c) of subsection (2) of
23 section 403.972, Florida Statutes, is amended to read:

24 403.972 Fees; disposition.--The Department of Commerce
25 shall charge the following fees, as appropriate, which shall
26 be paid into the Department of Commerce Economic Development
27 Trust Fund:

28 (2) An application fee, which shall not exceed
29 \$150,000. The fee shall be fixed by rule on a sliding scale
30 related to the proposed project size and the number and size
31 of local governments in whose jurisdiction the project is

1 located.

2 (c) Upon written request with proper itemized
3 accounting within 90 days after final agency action or
4 withdrawal of the application, the Department of Commerce
5 shall reimburse the Department of Environmental Protection,
6 the Department of Community Affairs, the Fish and Wildlife
7 Conservation ~~Game and Fresh Water Fish~~ Commission, and any
8 water management district created pursuant to chapter 373,
9 regional planning council, and affected local governments in
10 the jurisdiction of which the proposed project is to be
11 located, and any other agency from which the Department of
12 Commerce requests special reports pursuant to s. 403.961(2)(f)
13 or with which the Department of Commerce contracts for field
14 services associated with the monitoring, construction, and
15 operation of the facility. Such reimbursement shall be
16 authorized for the preparation of any reports or studies or
17 the conduct of any compliance monitoring required of the
18 agencies by this act, and for agency travel and per diem to
19 attend any hearing held pursuant to this act, and for local
20 governments to participate in the proceedings. In the event
21 the amount available for allocation is insufficient to provide
22 for complete reimbursement to the agencies, reimbursement
23 shall be on a prorated basis.

24 Section 221. Subsection (4) of section 403.973,
25 Florida Statutes, is amended to read:

26 403.973 Expedited permitting; comprehensive plan
27 amendments.--

28 (4) The regional teams shall be established through
29 the execution of memoranda of agreement between the office and
30 the respective heads of the Departments of Environmental
31 Protection, Community Affairs, Transportation, Agriculture and

1 Consumer Services, the Fish and Wildlife Conservation ~~Game and~~
2 ~~Fresh Water Fish~~ Commission, appropriate regional planning
3 councils, appropriate water management districts, and
4 voluntarily participating municipalities and counties. The
5 memoranda of agreement should also accommodate participation
6 in this expedited process by other local governments and
7 federal agencies as circumstances warrant.

8 Section 222. Paragraph (b) of subsection (1) of
9 section 487.0615, Florida Statutes, is amended to read:

10 487.0615 Pesticide Review Council.--

11 (1)

12 (b) The council shall consist of 11 scientific members
13 as follows: a scientific representative from the Department of
14 Agriculture and Consumer Services, a scientific representative
15 from the Department of Environmental Protection, a scientific
16 representative from the Department of Health and
17 Rehabilitative Services, and a scientific representative from
18 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
19 Commission, each to be appointed by the respective agency; the
20 dean of research of the Institute of Food and Agricultural
21 Sciences of the University of Florida; and six members to be
22 appointed by the Governor. The six members to be appointed by
23 the Governor must be a pesticide industry representative, a
24 representative of an environmental group, a hydrologist, a
25 toxicologist, a scientific representative from one of the five
26 water management districts rotated among the five districts,
27 and a grower representative from a list of three persons
28 nominated by the statewide grower associations. Each member
29 shall be appointed for a term of 4 years and shall serve until
30 a successor is appointed. A vacancy shall be filled for the
31 remainder of the unexpired term.

1 Section 223. Subsection (4) of section 581.186,
2 Florida Statutes, is amended to read:

3 581.186 Endangered Plant Advisory Council;
4 organization; meetings; powers and duties.--

5 (4) COOPERATION.--The Division of Plant Industry, the
6 Department of Environmental Protection, the Department of
7 Transportation, and the Fish and Wildlife Conservation ~~Game~~
8 ~~and Fresh Water Fish~~ Commission shall cooperate with the
9 council whenever necessary to aid it in carrying out its
10 duties under this section.

11 Section 224. Subsection (3) of section 585.21, Florida
12 Statutes, is amended to read:

13 585.21 Sale of biological products.--

14 (3) Any biological product for animals which is used
15 or proposed to be used in a field test in this state must be
16 approved for such use by the department. Before issuing
17 approval, the department shall consult with the Fish and
18 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission if
19 wildlife are involved and the Department of Health and
20 Rehabilitative Services if the disease may affect humans.

21 Section 225. Paragraph (c) of subsection (1) of
22 section 597.003, Florida Statutes, is amended to read:

23 597.003 Powers and duties of Department of Agriculture
24 and Consumer Services.--

25 (1) The department is hereby designated as the lead
26 agency in encouraging the development of aquaculture in the
27 state and shall have and exercise the following functions,
28 powers, and duties with regard to aquaculture:

29 (c) Develop memorandums of agreement, as needed, with
30 the Department of Environmental Protection, the Fish and
31 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~

1 Commission, the Florida Sea Grant Program, and other groups as
2 provided in the state aquaculture plan.

3 Section 226. Subsection (1) of section 597.006,
4 Florida Statutes, is amended to read:

5 597.006 Aquaculture Interagency Coordinating
6 Council.--

7 (1) CREATION.--The Legislature finds and declares that
8 there is a need for interagency coordination with regard to
9 aquaculture by the following agencies: the Department of
10 Agriculture and Consumer Services, the Department of Commerce,
11 the Department of Community Affairs, the Department of
12 Environmental Protection, the Department of Labor and
13 Employment Security, the Fish and Wildlife Conservation Marine
14 ~~Fisheries Commission, the Game and Fresh Water Fish~~
15 Commission, the statewide consortium of universities under the
16 Florida Institute of Oceanography, Florida Agricultural and
17 Mechanical University, the Institute of Food and Agricultural
18 Sciences at the University of Florida, the Florida Sea Grant
19 Program, and each water management district. It is therefore
20 the intent of the Legislature to hereby create an Aquaculture
21 Interagency Coordinating Council to act as an advisory body as
22 defined in s. 20.03(9).

23 Section 227. Paragraph (a) of subsection (1) of
24 section 784.07, Florida Statutes, 1998 Supplement, is amended
25 to read:

26 784.07 Assault or battery of law enforcement officers,
27 firefighters, emergency medical care providers, public transit
28 employees or agents, or other specified officers;
29 reclassification of offenses; minimum sentences.--

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

31 (a) "Law enforcement officer" includes a law

1 enforcement officer, a correctional officer, a correctional
2 probation officer, a part-time law enforcement officer, a
3 part-time correctional officer, an auxiliary law enforcement
4 officer, and an auxiliary correctional officer, as those terms
5 are respectively defined in s. 943.10, and any county
6 probation officer; employee or agent of the Department of
7 Corrections who supervises or provides services to inmates;
8 officer of the Parole Commission; and law enforcement
9 personnel of the Fish and Wildlife Conservation ~~Game and Fresh~~
10 ~~Water Fish~~ Commission, the Department of Environmental
11 Protection, or the Department of Law Enforcement.

12 Section 228. Subsection (2) of section 790.06, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 790.06 License to carry concealed weapon or firearm.--

15 (2) The Department of State shall issue a license if
16 the applicant:

17 (a) Is a resident of the United States or is a
18 consular security official of a foreign government that
19 maintains diplomatic relations and treaties of commerce,
20 friendship, and navigation with the United States and is
21 certified as such by the foreign government and by the
22 appropriate embassy in this country;

23 (b) Is 21 years of age or older;

24 (c) Does not suffer from a physical infirmity which
25 prevents the safe handling of a weapon or firearm;

26 (d) Is not ineligible to possess a firearm pursuant to
27 s. 790.23 by virtue of having been convicted of a felony;

28 (e) Has not been committed for the abuse of a
29 controlled substance or been found guilty of a crime under the
30 provisions of chapter 893 or similar laws of any other state
31 relating to controlled substances within a 3-year period

1 immediately preceding the date on which the application is
2 submitted;

3 (f) Does not chronically and habitually use alcoholic
4 beverages or other substances to the extent that his or her
5 normal faculties are impaired. It shall be presumed that an
6 applicant chronically and habitually uses alcoholic beverages
7 or other substances to the extent that his or her normal
8 faculties are impaired if the applicant has been committed
9 under chapter 397 or under the provisions of former chapter
10 396 or has been convicted under s. 790.151 or has been deemed
11 a habitual offender under s. 856.011(3), or has had two or
12 more convictions under s. 316.193 or similar laws of any other
13 state, within the 3-year period immediately preceding the date
14 on which the application is submitted;

15 (g) Desires a legal means to carry a concealed weapon
16 or firearm for lawful self-defense;

17 (h) Demonstrates competence with a firearm by any one
18 of the following:

19 1. Completion of any hunter education or hunter safety
20 course approved by the Fish and Wildlife Conservation ~~Game and~~
21 ~~Fresh Water Fish~~ Commission or a similar agency of another
22 state;

23 2. Completion of any National Rifle Association
24 firearms safety or training course;

25 3. Completion of any firearms safety or training
26 course or class available to the general public offered by a
27 law enforcement, junior college, college, or private or public
28 institution or organization or firearms training school,
29 utilizing instructors certified by the National Rifle
30 Association, Criminal Justice Standards and Training
31 Commission, or the Department of State;

1 4. Completion of any law enforcement firearms safety
2 or training course or class offered for security guards,
3 investigators, special deputies, or any division or
4 subdivision of law enforcement or security enforcement;

5 5. Presents evidence of equivalent experience with a
6 firearm through participation in organized shooting
7 competition or military service;

8 6. Is licensed or has been licensed to carry a firearm
9 in this state or a county or municipality of this state,
10 unless such license has been revoked for cause; or

11 7. Completion of any firearms training or safety
12 course or class conducted by a state-certified or National
13 Rifle Association certified firearms instructor;

14
15 A photocopy of a certificate of completion of any of the
16 courses or classes; or an affidavit from the instructor,
17 school, club, organization, or group that conducted or taught
18 said course or class attesting to the completion of the course
19 or class by the applicant; or a copy of any document which
20 shows completion of the course or class or evidences
21 participation in firearms competition shall constitute
22 evidence of qualification under this paragraph; any person who
23 conducts a course pursuant to subparagraph 2., subparagraph
24 3., or subparagraph 7., or who, as an instructor, attests to
25 the completion of such courses, must maintain records
26 certifying that he or she observed the student safely handle
27 and discharge the firearm;

28 (i) Has not been adjudicated an incapacitated person
29 under s. 744.331, or similar laws of any other state, unless 5
30 years have elapsed since the applicant's restoration to
31 capacity by court order;

1 (j) Has not been committed to a mental institution
2 under chapter 394, or similar laws of any other state, unless
3 the applicant produces a certificate from a licensed
4 psychiatrist that he or she has not suffered from disability
5 for at least 5 years prior to the date of submission of the
6 application;

7 (k) Has not had adjudication of guilt withheld or
8 imposition of sentence suspended on any felony or misdemeanor
9 crime of domestic violence unless 3 years have elapsed since
10 probation or any other conditions set by the court have been
11 fulfilled, or the record has been sealed or expunged; and

12 (l) Has not been issued an injunction that is
13 currently in force and effect and that restrains the applicant
14 from committing acts of domestic violence or acts of repeat
15 violence.

16 Section 229. Subsection (1) of section 790.15, Florida
17 Statutes, is amended to read:

18 790.15 Discharging firearm in public.--

19 (1) Except as provided in subsection (2) or subsection
20 (3), any person who knowingly discharges a firearm in any
21 public place or on the right-of-way of any paved public road,
22 highway, or street or whosoever knowingly discharges any
23 firearm over the right-of-way of any paved public road,
24 highway, or street or over any occupied premises is guilty of
25 a misdemeanor of the first degree, punishable as provided in
26 s. 775.082 or s. 775.083. This section does not apply to a
27 person lawfully defending life or property or performing
28 official duties requiring the discharge of a firearm or to a
29 person discharging a firearm on public roads or properties
30 expressly approved for hunting by the Fish and Wildlife
31 Conservation Game and Fresh Water Fish Commission or Division

1 of Forestry.

2 Section 230. Paragraph (b) of subsection (6) of
3 section 828.122, Florida Statutes, is amended to read:

4 828.122 Fighting or baiting animals; offenses;
5 penalties.--

6 (6) The provisions of subsection (3) and paragraph
7 (4)(b) shall not apply to:

8 (b) Any person using animals to pursue or take
9 wildlife or to participate in any hunting regulated or subject
10 to being regulated by the rules and regulations of the Fish
11 and Wildlife Conservation ~~Game and Fresh Water Fish~~
12 Commission.

13 Section 231. Subsection (1) of section 832.06, Florida
14 Statutes, is amended to read:

15 832.06 Prosecution for worthless checks given tax
16 collector for licenses or taxes; refunds.--

17 (1) Whenever any person, firm, or corporation violates
18 the provisions of s. 832.05 by drawing, making, uttering,
19 issuing, or delivering to any county tax collector any check,
20 draft, or other written order on any bank or depository for
21 the payment of money or its equivalent for any tag, title,
22 lien, tax (except ad valorem taxes), penalty, or fee relative
23 to a boat, airplane, or motor vehicle; any occupational
24 license, beverage license, or sales or use tax; or any hunting
25 or fishing license, the county tax collector, after the
26 exercise of due diligence to locate the person, firm, or
27 corporation which drew, made, uttered, issued, or delivered
28 the check, draft, or other written order for the payment of
29 money, or to collect the same by the exercise of due diligence
30 and prudence, shall swear out a complaint in the proper court
31 against the person, firm, or corporation for the issuance of

1 the worthless check or draft. If the state attorney cannot
2 sign the information due to lack of proof, as determined by
3 the state attorney in good faith, for a prima facie case in
4 court, he or she shall issue a certificate so stating to the
5 tax collector. If payment of the dishonored check, draft, or
6 other written order, together with court costs expended, is
7 not received in full by the county tax collector within 30
8 days after service of the warrant, 30 days after conviction,
9 or 60 days after the collector swears out the complaint or
10 receives the certificate of the state attorney, whichever is
11 first, the county tax collector shall make a written report to
12 this effect to the Department of Highway Safety and Motor
13 Vehicles relative to airplanes and motor vehicles, to the Fish
14 and Wildlife Conservation Commission ~~Department of~~
15 ~~Environmental Protection~~ relative to boats, to the Department
16 of Revenue relative to occupational licenses and the sales and
17 use tax, to the Division of Alcoholic Beverages and Tobacco of
18 the Department of Business and Professional Regulation
19 relative to beverage licenses, or to the Fish and Wildlife
20 Conservation ~~Game and Fresh Water Fish~~ Commission relative to
21 hunting and fishing licenses, containing a statement of the
22 amount remaining unpaid on the worthless check or draft. If
23 the information is not signed, the certificate of the state
24 attorney is issued, and the written report of the amount
25 remaining unpaid is made, the county tax collector may request
26 the sum be forthwith refunded by the appropriate governmental
27 entity, agency, or department. If a warrant has been issued
28 and served, he or she shall certify to that effect, together
29 with the court costs and amount remaining unpaid on the check.
30 The county tax collector may request that the sum of money
31 certified by him or her be forthwith refunded by the

1 Department of Highway Safety and Motor Vehicles, ~~the~~
2 ~~Department of Environmental Protection,~~ the Department of
3 Revenue, the Division of Alcoholic Beverages and Tobacco of
4 the Department of Business and Professional Regulation, or the
5 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
6 Commission to the county tax collector. Within 30 days after
7 receipt of the request, the Department of Highway Safety and
8 Motor Vehicles, ~~the Department of Environmental Protection,~~
9 the Department of Revenue, the Division of Alcoholic Beverages
10 and Tobacco of the Department of Business and Professional
11 Regulation, or the Fish and Wildlife Conservation ~~Game and~~
12 ~~Fresh Water Fish~~ Commission, upon being satisfied as to the
13 correctness of the certificate of the tax collector, or the
14 report, shall refund to the county tax collector the sums of
15 money so certified or reported. If any officer of any court
16 issuing the warrant is unable to serve it within 60 days after
17 the issuance and delivery of it to the officer for service,
18 the officer shall make a written return to the county tax
19 collector to this effect. Thereafter, the county tax collector
20 may certify that the warrant has been issued and that service
21 has not been had upon the defendant and further certify the
22 amount of the worthless check or draft and the amount of court
23 costs expended by the county tax collector, and the county tax
24 collector may file the certificate with the Department of
25 Highway Safety and Motor Vehicles relative to motor vehicles
26 and airplanes, with the Fish and Wildlife Conservation
27 Commission ~~Department of Environmental Protection~~ relative to
28 boats, with the Department of Revenue relative to occupational
29 licenses and the sales and use tax, with the Division of
30 Alcoholic Beverages and Tobacco of the Department of Business
31 and Professional Regulation relative to beverage licenses, or

1 with the Fish and Wildlife Conservation Game and Fresh Water
2 ~~Fish~~ Commission relative to hunting and fishing licenses,
3 together with a request that the sums of money so certified be
4 forthwith refunded by the Department of Highway Safety and
5 Motor Vehicles, ~~the Department of Environmental Protection,~~
6 the Department of Revenue, the Division of Alcoholic Beverages
7 and Tobacco of the Department of Business and Professional
8 Regulation, or the Fish and Wildlife Conservation Game and
9 ~~Fresh Water Fish~~ Commission to the county tax collector, and
10 within 30 days after receipt of the request, the Department of
11 Highway Safety and Motor Vehicles, ~~the Department of~~
12 ~~Environmental Protection,~~ the Department of Revenue, the
13 Division of Alcoholic Beverages and Tobacco of the Department
14 of Business and Professional Regulation, or the Fish and
15 Wildlife Conservation Game and Fresh Water Fish Commission,
16 upon being satisfied as to the correctness of the certificate,
17 shall refund the sums of money so certified to the county tax
18 collector.

19 Section 232. Section 843.08, Florida Statutes, is
20 amended to read:

21 843.08 Falsely personating officer, etc.--A person who
22 falsely assumes or pretends to be a sheriff, officer of the
23 Florida Highway Patrol, officer of the Fish and Wildlife
24 Conservation Game and Fresh Water Fish Commission, officer of
25 the Department of Environmental Protection, officer of the
26 Department of Transportation, officer of the Department of
27 Corrections, correctional probation officer, deputy sheriff,
28 state attorney or assistant state attorney, statewide
29 prosecutor or assistant statewide prosecutor, state attorney
30 investigator, coroner, police officer, lottery special agent
31 or lottery investigator, beverage enforcement agent, or

1 watchman, or any member of the Parole Commission and any
2 administrative aide or supervisor employed by the commission,
3 or any personnel or representative of the Department of Law
4 Enforcement, and takes upon himself or herself to act as such,
5 or to require any other person to aid or assist him or her in
6 a matter pertaining to the duty of any such officer, commits a
7 felony of the third degree, punishable as provided in s.
8 775.082, s. 775.083, or s. 775.084; however, a person who
9 falsely personates any such officer during the course of the
10 commission of a felony commits a felony of the second degree,
11 punishable as provided in s. 775.082, s. 775.083, or s.
12 775.084; except that if the commission of the felony results
13 in the death or personal injury of another human being, the
14 person commits a felony of the first degree, punishable as
15 provided in s. 775.082, s. 775.083, or s. 775.084.

16 Section 233. Section 870.04, Florida Statutes, is
17 amended to read:

18 870.04 Specified officers to disperse riotous
19 assembly.--If any number of persons, whether armed or not, are
20 unlawfully, riotously or tumultuously assembled in any county,
21 city or municipality, the sheriff or the sheriff's deputies,
22 or the mayor, or any commissioner, council member, alderman or
23 police officer of the said city or municipality, or any
24 officer or member of the Florida Highway Patrol, or any
25 officer or agent of the Fish and Wildlife Conservation Game
26 ~~and Fresh Water Fish~~ Commission, Department of Environmental
27 Protection, or beverage enforcement agent, any personnel or
28 representatives of the Department of Law Enforcement or its
29 successor, or any other peace officer, shall go among the
30 persons so assembled, or as near to them as may be with
31 safety, and shall in the name of the state command all the

1 persons so assembled immediately and peaceably to disperse;
2 and if such persons do not thereupon immediately and peaceably
3 disperse, said officers shall command the assistance of all
4 such persons in seizing, arresting and securing such persons
5 in custody; and if any person present being so commanded to
6 aid and assist in seizing and securing such rioter or persons
7 so unlawfully assembled, or in suppressing such riot or
8 unlawful assembly, refuses or neglects to obey such command,
9 or, when required by such officers to depart from the place,
10 refuses and neglects to do so, the person shall be deemed one
11 of the rioters or persons unlawfully assembled, and may be
12 prosecuted and punished accordingly.

13 Section 234. Section 943.1728, Florida Statutes, is
14 amended to read:

15 943.1728 Basic skills training relating to the
16 protection of archaeological sites.--The commission shall
17 establish standards for instruction of law enforcement
18 officers in the subject of skills relating to the protection
19 of archaeological sites and artifacts. In developing such
20 standards and skills, the commission shall consult with
21 representatives of the following agencies: the Division of
22 Historical Resources of the Department of State, the Fish and
23 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
24 and the Department of Environmental Protection. The commission
25 shall develop the standards for training in any of the
26 following: basic recruit courses, advanced and specialized
27 courses, or other appropriate training courses as determined
28 by the commission.

29 Section 235. Subsection (2) of section 252.937,
30 Florida Statutes, 1998 Supplement, is amended to read:

31 252.937 Department powers and duties.--

1 (2) To ensure that this program is self-supporting,
2 the department shall provide administrative support, including
3 staff, facilities, materials, and services to implement this
4 part for specified stationary sources subject to s. 252.939
5 and shall provide necessary funding to local emergency
6 planning committees and county emergency management agencies
7 for work performed to implement this part. Each state agency
8 with regulatory, inspection, or technical assistance programs
9 for specified stationary sources subject to this part shall
10 enter into a memorandum of understanding with the department
11 which specifically outlines how each agency's staff,
12 facilities, materials, and services will be utilized to
13 support implementation. At a minimum, these agencies and
14 programs include: the Department of Environmental
15 Protection's Division of Air Resources Management and Division
16 of Water Resource Management ~~Facilities~~, and the Department of
17 Labor and Employment Security's Division of Safety. It is the
18 Legislature's intent to implement this part as efficiently and
19 economically as possible, using existing expertise and
20 resources, if available and appropriate.

21 Section 236. Subsections (2), (3), and (4) of section
22 309.01, Florida Statutes, are amended to read:

23 309.01 Deposit of material in tidewater regulated.--

24 (2) This section shall not prohibit Escambia County
25 from placing in Pensacola Bay, on the Escambia County side,
26 beside the old Pensacola Bay Bridge, certain materials, as
27 recommended by the ~~Division of Marine Resources of the~~
28 Department of Environmental Protection, in coordination with
29 the Fish and Wildlife Conservation Commission, to increase the
30 number of fish available for persons fishing from the old
31 Pensacola Bay Bridge.

1 (3) This section shall not prohibit Manatee County
2 from placing in the Manatee County portions of Sarasota Bay
3 and Tampa Bay and in the Manatee River, certain materials, as
4 recommended by the ~~Division of Marine Resources of the~~
5 Department of Environmental Protection, in coordination with
6 the Fish and Wildlife Conservation Commission, to increase the
7 number of fish available for persons fishing in the above
8 areas.

9 (4) This section shall not prohibit Pinellas County
10 from placing in Tampa Bay certain materials as recommended by
11 the ~~Division of Marine Resources of the~~ Department of
12 Environmental Protection, in coordination with the Fish and
13 Wildlife Conservation Commission, to increase the number of
14 fish available for persons fishing in the bay.

15 Section 237. Section 370.023, Florida Statutes, is
16 amended to read:

17 370.023 Administration of commission ~~department~~ grant
18 programs.--

19 (1) The Fish and Wildlife Conservation Commission
20 ~~Department of Environmental Protection~~ is authorized to
21 establish grant programs that ~~which~~ are consistent with
22 statutory authority and legislative appropriations. The
23 commission ~~department~~ is further authorized to receive funds
24 from any legal source for purposes of matching state dollars
25 or for passing through the agency as grants to other entities
26 whether or not matching funds or in-kind matches are required.

27 (2) For any grant program established by the
28 commission ~~department~~, the commission ~~department~~ shall adopt
29 rules, pursuant to the requirements of chapter 120, for each
30 grant program which shall include, but are not limited to: the
31 method or methods of payment; the supporting documents

1 required before payment will be made; when matching funds or
2 in-kind matches are allowed; what moneys, services, or other
3 sources and amounts of matching funds or in-kind matches will
4 be eligible for use for matching the grant by the commission
5 ~~department~~; who is eligible to participate in the program; and
6 other provisions that ~~which~~ the commission ~~department~~ finds
7 necessary to achieve program objectives and an accounting for
8 state funds in accordance with law and generally accepted
9 accounting principles.

10 (3) The commission ~~department~~ is authorized to
11 preaudit or postaudit account books and other documentation of
12 a grant recipient to assure that grant funds have been ~~were~~
13 used in accordance with the terms of the grant and state rules
14 and statutes. When such audit reveals that moneys have ~~were~~
15 not been spent in accordance with grant requirements, the
16 commission ~~department~~ may withhold moneys or recover moneys
17 previously paid. A grant recipient will be allowed a maximum
18 of 60 days to submit any additional pertinent documentation to
19 offset the amount identified as being due the commission
20 ~~department~~.

21 Section 238. Subsections (2), (3), and (4) of section
22 370.03, Florida Statutes, are amended to read:

23 370.03 Water bottoms.--

24 (2) CONTROL.--~~The Division of Marine Resources of the~~
25 Department of Environmental Protection has exclusive power and
26 control over all water bottoms, not held under some grant or
27 alienation heretofore made, including such as may revert to
28 the state by cancellation or otherwise, and may lease the same
29 to any person irrespective of residence or citizenship, upon
30 such terms, conditions and restrictions as said division may
31 elect to impose, without limitation as to area to any one

1 person, for the purpose of granting exclusive right to plant
2 oysters or clams thereon and for the purpose of fishing,
3 taking, catching, bedding and raising oysters, clams and other
4 shellfish. No such lessee shall re-lease, sublease, sell or
5 transfer any such water bottom or property; provided, that
6 nothing herein contained shall be construed as giving said
7 department ~~division~~ authority to lease sponge beds.

8 (3) FEES FOR BOTTOM LEASES, ETC.--The department
9 ~~division~~ shall charge and receive a fee of \$2 for each lease
10 granted, and in all other cases, not specifically provided by
11 this chapter, the same fees as are allowed clerks of the
12 circuit court for like services. All fees shall be paid by
13 the party served.

14 (4) CONFIRMATION OF FORMER GRANTS; PROVISIO.--All
15 grants prior to June 1, 1913, made in pursuance of heretofore
16 existing laws, where the person receiving such grant, the
17 person's heirs or assigns, have bona fide complied with the
18 requirements of said law, are hereby confirmed; provided, that
19 if any material or natural oyster or clam reefs or beds on
20 such granted premises are 100 square yards in area and
21 contained natural oysters and clams (coon oysters not
22 included) in sufficient quantity to have been resorted to by
23 the general public for the purpose of gathering oysters or
24 clams to sell for a livelihood, at the time they were planted
25 by such grantee, his or her heirs or assigns, such reefs or
26 beds are declared to be the property of the state; and when
27 such beds or reefs exist within the territory heretofore
28 granted as above set forth, or that may hereafter be leased,
29 such grantee or lessee shall mark the boundaries of such
30 oyster and clam reefs or beds as may be designated by the
31 department ~~division~~ as natural oyster or clam reefs or beds,

1 clearly defining the boundaries of the same, and shall post
2 notice or other device, as shall be required by the department
3 ~~division~~, giving notice to the public that such oyster or clam
4 beds or reefs are the property of the state, which said notice
5 shall be maintained from September 1 to June 1 of each and
6 every year, on each oyster bed or reef and on each clam bed
7 for such period of each year as the board may direct, at the
8 expense of the grantee or lessee. The department division
9 shall investigate all grants heretofore made, and where, in
10 its opinion, the lessee or grantee has not bona fide complied
11 with the law under which he or she received his or her grant
12 or lease, and ~~it shall report the same to the department which~~
13 is authorized and required to institute legal proceedings to
14 vacate the same, in order to use such lands for the benefit of
15 the public, subject to the same dispositions as other bottoms.

16 Section 239. Section 370.0607, Florida Statutes, is
17 amended to read:

18 370.0607 Marine information system.--The Fish and
19 Wildlife Conservation Commission ~~Department of Environmental~~
20 ~~Protection~~ shall establish by rule a marine information system
21 in conjunction with the licensing program to gather marine
22 fisheries data.

23 Section 240. Section 370.0609, Florida Statutes, is
24 amended to read:

25 370.0609 Expenditure of funds.--Any moneys available
26 pursuant to s. 370.0608(1)(c)1.c. shall be expended by the
27 Fish and Wildlife Conservation Commission ~~Department of~~
28 ~~Environmental Protection~~ within Florida through grants and
29 contracts for research with research institutions including
30 but not limited to: Florida Sea Grant; Florida Marine
31 Resources Council; Harbour Branch Oceanographic Institute;

1 Technological Research and Development Authority; Florida
2 Marine Research Institute of the Fish and Wildlife
3 Conservation Commission ~~Department of Environmental~~
4 ~~Protection~~; Indian River Region Research Institute; Mote
5 Marine Laboratory; Marine Resources Development Foundation;
6 Florida Institute of Oceanography; and Rosentiel School of
7 Marine and Atmospheric Science.

8 Section 241. Section 370.061, Florida Statutes, 1998
9 Supplement, is amended to read:

10 370.061 Confiscation of property and products.--

11 (1) CONFISCATION; PROCEDURE.--In all cases of arrest
12 and conviction for the illegal taking, or attempted taking,
13 sale, possession, or transportation of saltwater fish or other
14 saltwater products, such saltwater products and seines, nets,
15 boats, motors, other fishing devices or equipment, and
16 vehicles or other means of transportation used in connection
17 with such illegal taking or attempted taking are hereby
18 declared to be nuisances and may be seized and carried before
19 the court having jurisdiction of such offense, and said court
20 may order such nuisances forfeited to the Fish and Wildlife
21 Conservation Commission ~~Division of Marine Resources of the~~
22 ~~department~~ immediately after trial and conviction of the
23 person or persons in whose possession they were found, except
24 that, if a motor vehicle is seized under the provisions of
25 this act and is subject to any existing liens recorded under
26 the provisions of s. 319.27, all further proceedings shall be
27 governed by the expressed intent of the Legislature not to
28 divest any innocent person, firm, or corporation holding such
29 a recorded lien of any of its reversionary rights in such
30 motor vehicle or of any of its rights as prescribed in s.
31 319.27, and that, upon any default by the violator purchaser,

1 the said lienholder may foreclose its lien and take possession
2 of the motor vehicle involved. When any illegal or illegally
3 used seine, net, trap, or other fishing device or equipment or
4 illegally taken, possessed, or transported saltwater products
5 are found and taken into custody, and the owner thereof shall
6 not be known to the officer finding the same, such officer
7 shall immediately procure from the county court judge of the
8 county wherein they were found an order forfeiting said
9 saltwater products, seines, nets, traps, boats, motors, or
10 other fishing devices to the commission division. All things
11 forfeited under the provisions of this law may be destroyed,
12 used by the commission division, disposed of by gift to
13 charitable or state institutions, or sold and the proceeds
14 derived from said sale deposited in the Marine Resources
15 Conservation Trust Fund to be used for law enforcement
16 purposes or into the commission's ~~department's~~ Federal Law
17 Enforcement Trust Fund as provided in s. 372.107 ~~s. 20.2553~~,
18 as applicable. However, forfeited boats, motors, and legal
19 fishing devices only, may be purchased from the commission
20 ~~division~~ for \$1 by the person or persons holding title thereto
21 at the time of the illegal act causing the forfeiture, if such
22 person shall prove that he or she in no way participated in,
23 gave consent to, or had knowledge of such act.

24 (2) CONFISCATION AND SALE OF PERISHABLE PRODUCTS;
25 PROCEDURE.--When an arrest is made pursuant to the provisions
26 of this chapter and illegal, perishable products or perishable
27 products illegally taken or landed are apprehended, the
28 defendant may post bond or cash deposit in an amount
29 determined by the judge to be the fair value of such products,
30 and said defendant shall have 24 hours to transport said
31 products outside the limits of Florida for sale or other

1 disposition. Should no bond or cash deposit be given within
2 the time fixed by the judge, the judge shall order the sale of
3 such products at the highest price obtainable, and, when
4 feasible, at least three bids shall be requested. In either
5 event, the amounts received by the judge shall be remitted to
6 the commission ~~division~~ to be deposited into a special escrow
7 account in the State Treasury and held in trust pending the
8 outcome of the trial of the accused. If a bond is posted by
9 the defendant, it shall also be remitted to the commission
10 ~~division~~ to be held in escrow pending the outcome of the trial
11 of the accused. In the event of acquittal, the bond or cash
12 deposit shall be returned to the defendant, or the proceeds of
13 the sale shall be paid over to the defendant. In the event of
14 conviction, the proceeds of the sale, or proceeds of the bond
15 or cash deposit, shall be deposited by said commission
16 ~~division~~ into the Marine Resources Conservation Trust Fund to
17 be used for law enforcement purposes or into the commission's
18 ~~department's~~ Federal Law Enforcement Trust Fund as provided in
19 s. 372.107 ~~s. 20.2553~~, as applicable. Such deposit into the
20 Marine Resources Conservation Trust Fund or the commission's
21 ~~department's~~ Federal Law Enforcement Trust Fund shall
22 constitute confiscation.

23 (3) MUNICIPAL OR COUNTY ENFORCEMENT; SUPPLEMENTAL
24 FUNDING.--

25 (a) Any municipal or county law enforcement agency
26 that ~~which~~ enforces, or assists the commission ~~department~~ in
27 enforcing, the provisions of this chapter resulting ~~which~~
28 ~~results~~ in a forfeiture of property as provided in this
29 section, shall be entitled to receive all or a share of any
30 such property based upon their participation in such
31 enforcement.

1 (b) Any property delivered to any municipal or county
2 law enforcement agency as provided in paragraph (a) may be
3 retained or sold by the law enforcement agency and the
4 property or any proceeds shall, if the agency operates a
5 marine enforcement unit, be utilized to enforce the provisions
6 of this chapter and chapters 327 and 328. In the event the law
7 enforcement agency does not operate a marine enforcement unit,
8 any such property or proceeds shall be disposed of pursuant to
9 the Florida Contraband Forfeiture Act.

10 (c) Any funds received by a municipal or county law
11 enforcement agency pursuant to this subsection shall be
12 supplemental funds and may not be used as replacement funds by
13 the municipality or county.

14 Section 242. Subsection (7) of section 370.08, Florida
15 Statutes, 1998 Supplement, is amended to read:

16 370.08 Fishers and equipment; regulation.--

17 (7) ILLEGAL USE OF POISONS, DRUGS, OR CHEMICALS.--

18 (a) It is unlawful for any person to place poisons,
19 drugs, or other chemicals in the marine waters of this state
20 unless that person has first obtained a special activity
21 license for such use pursuant to s. 370.06 from the Fish and
22 Wildlife Conservation Commission ~~Division of Marine Resources~~
23 ~~of the Department of Environmental Protection.~~

24 (b) Upon application on forms furnished by the
25 commission division, the commission division may issue a
26 license to use poisons, drugs, or other chemicals in the
27 marine waters of this state for the purpose of capturing live
28 marine species. The application and license shall specify the
29 area in which collecting will be done, the drugs, chemicals,
30 or poisons to be used, and the maximum amounts and
31 concentrations at each sampling.

1 Section 243. Subsection (3) of section 370.0821,
2 Florida Statutes, 1998 Supplement, is amended to read:

3 370.0821 St. Johns County; use of nets.--

4 (3) No person, firm, or corporation shall use, or
5 cause to be used, any manner of seine net, other than a
6 recreational net as hereafter defined, in the salt waters of
7 St. Johns County, or within 1 mile seaward of the Atlantic
8 Ocean beaches and coast thereof, without a permit issued by
9 the Fish and Wildlife Conservation Commission ~~Division of~~
10 ~~Marine Resources of the Department of Environmental~~
11 ~~Protection~~. Applications for such permits shall be made on
12 forms to be supplied by the commission ~~division~~, which shall
13 require the applicant to furnish such information as may be
14 deemed pertinent to the best interests of saltwater
15 conservation. The fee for such permits shall be \$250 per year.
16 Each permit shall entitle the holder thereof to use no more
17 than one seine net at any one time, subject to the provisions
18 of subsections (1), (2), and (3). The commission ~~division~~ may
19 refuse to grant any permit when it is apparent that the best
20 interests of saltwater conservation will be served by such
21 denial. All permits granted shall be in the holder's
22 possession whenever the holder is engaged in using a seine
23 net. Each permit is subject to immediate revocation upon
24 conviction of a violation of any provision of this section or
25 when it is apparent that the best interests of saltwater
26 conservation will be served by such revocation.

27 Section 244. Section 370.103, Florida Statutes, is
28 amended to read:

29 370.103 Agreements with Federal Government for the
30 preservation of saltwater fisheries; authority of commission
31 ~~department~~.--The Fish and Wildlife Conservation Commission

1 ~~Department of Environmental Protection~~ is authorized and
2 empowered to enter into cooperative agreements with the
3 Federal Government or agencies thereof for the purpose of
4 preserving saltwater fisheries within and without state waters
5 and for the purpose of protecting against overfishing, waste,
6 depletion, or any abuse whatsoever. Such authority includes
7 the authority to enter into cooperative agreements whereby
8 officers of the Fish and Wildlife Conservation Commission are
9 ~~the Division of Law Enforcement of the department~~ is empowered
10 to enforce federal statutes and rules pertaining to fisheries
11 management. When differences between state and federal laws
12 occur, state laws shall take precedence.

13 Section 245. Section 370.135, Florida Statutes, 1998
14 Supplement, is amended to read:

15 370.135 Blue crab; regulation.--

16 (1) No person, firm, or corporation shall transport on
17 the water, fish with or cause to be fished with, set, or place
18 any trap designed for taking blue crabs unless such person,
19 firm, or corporation is the holder of a valid saltwater
20 products license issued pursuant to s. 370.06 and the trap has
21 a current state number permanently attached to the buoy. The
22 trap number shall be affixed in legible figures at least 1
23 inch high on each buoy used. The saltwater products license
24 must be on board the boat, and both the license and the crabs
25 shall be subject to inspection at all times. Only one trap
26 number may be issued for each boat by the commission
27 ~~department~~ upon receipt of an application on forms prescribed
28 by it. This subsection shall not apply to an individual
29 fishing with no more than five traps. It is a felony of the
30 third degree, punishable as provided in s. 775.082, s.
31 775.083, or s. 775.084, for any person willfully to molest any

1 traps, lines, or buoys, as defined herein, belonging to
2 another without permission of the licenseholder.

3 (2) No person shall harvest blue crabs with more than
4 five traps, harvest blue crabs in commercial quantities, or
5 sell blue crabs unless such person holds a valid saltwater
6 products license with a restricted species endorsement and a
7 blue crab endorsement (trap number) issued pursuant to this
8 subsection.

9 (a) Effective June 1, 1998, and until July 1, 2002, no
10 blue crab endorsement (trap number), except those endorsements
11 that are active during the 1997-1998 fiscal year, shall be
12 renewed or replaced.

13 (b) In 1998, persons holding an endorsement that was
14 active in the 1997-1998 fiscal year, or an immediate family
15 member of that person, must request approval of the
16 endorsement prior to December 31, 1998.

17 (c) In subsequent years and until July 1, 2002, a trap
18 number holder, or members of his or her immediate family, must
19 request renewal of the endorsement prior to September 30 of
20 each year.

21 (d) If a person holding an active blue crab
22 endorsement, or a member of that person's immediate family,
23 does not request renewal of the endorsement before the
24 applicable dates as specified in this subsection, the
25 commission ~~department~~ shall deactivate that endorsement.

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

31 (f) Persons who hold saltwater products licenses with

1 blue crab endorsements issued to their boat registration
2 numbers and who subsequently replace their existing vessels
3 with new vessels shall be permitted to transfer the existing
4 licenses to the new boat registration numbers.

5 Section 246. Section 370.143, Florida Statutes, is
6 amended to read:

7 370.143 Retrieval of lobster and stone crab traps
8 during closed season; commission department authority; fees.--

9 (1) The Fish and Wildlife Conservation Commission
10 ~~Department of Environmental Protection~~ is authorized to
11 implement a trap retrieval program for retrieval of lobster
12 and stone crab traps remaining in the water during the closed
13 season for each species. The commission department is
14 authorized to contract with outside agents for the program
15 operation.

16 (2) A retrieval fee of \$10 per trap retrieved shall be
17 assessed trap owners. Traps recovered under this program
18 shall become the property of the commission department or its
19 contract agent and shall be either destroyed or resold to the
20 original owner. Revenue from retrieval fees shall be
21 deposited in the Marine Resources Conservation Trust Fund and
22 used for operation of the trap retrieval program.

23 (3) Payment of the assessed retrieval fee shall be
24 required prior to renewal of the trap owner's trap number as a
25 condition of number renewal. Retrieval fees assessed under
26 this program shall stand in lieu of other penalties imposed
27 for such trap violations.

28 (4) In the event of a major natural disaster, such as
29 hurricane or major storm causing massive trap losses, the
30 commission department shall waive the trap retrieval fee.

31 Section 247. Subsections (1), (3), (4), and (6) of

1 section 370.15, Florida Statutes, 1998 Supplement, are amended
2 to read:

3 370.15 Shrimp; regulation.--

4 (1) GENERAL AUTHORITY; CONSERVATION.--The commission
5 ~~department~~ has authority to adopt rules pursuant to ss.
6 120.536(1) and 120.54 to implement the provisions of this
7 section. The commission ~~department~~ shall encourage the
8 production of the maximum sustained yield consistent with the
9 preservation and protection of breeding stock, taking into
10 consideration the recommendations of the various marine
11 laboratories, as well as those of interested and experienced
12 groups of private citizens. Rules shall control the method,
13 manner, and equipment used in the taking of shrimp or prawn,
14 as well as limiting and defining the areas where taken.

15 (3) SHRIMP TRAPS.--

16 (a) It is unlawful for any person, firm, or
17 corporation to take or attempt to take shrimp by the use of
18 any trap which:

19 1. Exceeds the following dimensions: 36 inches long
20 (from rear of the heart to the leading edge of the trap), by
21 24 inches wide (between the leading edges of the trap, or
22 heart opening), by 12 inches high; or

23 2. Has external or unattached wings, weirs, or other
24 devices intended to funnel shrimp to the trap heart.

25 (b) This subsection shall not be construed to restrict
26 the allowable shape or configuration of any shrimp trap so
27 long as the trap, together with all of its parts, conforms to
28 the specifications of paragraph (a).

29 (c) Any shrimp trap which conforms to the
30 specifications of paragraph (a) shall not be considered a
31 pound net.

1 (d) The user of any trap shall affix his or her name
2 and address securely to each trap. Any such trap not having
3 proper identification is subject to confiscation by the
4 commission ~~department~~. No person, firm, or corporation shall
5 have more than four traps in use at any time. The commission
6 ~~department~~ shall have the authority to inspect such traps when
7 being used in or on the waters of the state.

8 (e) The presence of unattended shrimp traps on or
9 attached to beaches, causeways, seawalls, bridges, or any
10 other structures open for use by the public is hereby declared
11 to be a nuisance. Any such trap which is not attended by the
12 person whose name is affixed to the trap is subject to
13 confiscation by the commission ~~department~~.

14 (4) SHRIMP TRAWLING.--All persons, firms, and
15 corporations desiring to trawl for shrimp within areas in
16 which trawling is permitted shall have a noncommercial trawl
17 or net registration or purchase a saltwater products license
18 issued to a valid boat registration or in the name of an
19 individual pursuant to s. 370.06. The saltwater products
20 license shall remain on board at all times and is subject to
21 immediate revocation upon conviction for violation of this
22 section or when it becomes apparent that the best interests of
23 saltwater conservation will be served by such action. A
24 noncommercial trawl or net registration must be issued to each
25 net used to take shrimp for noncommercial purposes. Such net
26 or trawl shall have a corkline measurement of 16 feet or less.
27 Possession of shrimp under a noncommercial registration is
28 limited to 25 pounds while on the water. Due to the varied
29 habitats and types of bottoms and hydrographic conditions
30 embraced by the open fishing area, the commission ~~division~~
31 shall have the authority to specify and regulate the types of

1 gear that may be used in the different sections of the open
2 areas.

3 (6) LIVE BAIT SHRIMPING; LICENSES.--Live bait shrimp
4 may be caught at any time but only under license issued by the
5 commission department. Licensees must fish with gear and
6 under those conditions specified by the commission department.
7 Application for such licenses shall be on forms supplied by
8 the commission department. A live bait shrimping license
9 shall be revocable when the holder does not comply with the
10 laws and regulations applicable to saltwater conservation.
11 All vessels fishing for live bait shrimp must be equipped with
12 live bait shrimp tanks, and no more than 5 pounds of dead
13 shrimp will be allowed on board such vessel per day.

14 Section 248. Subsection (2) of section 370.151,
15 Florida Statutes, 1998 Supplement, is amended to read:

16 370.151 Tortugas shrimp beds; penalties.--

17 (2)(a) The Fish and Wildlife Conservation Commission
18 ~~Division of Law Enforcement~~ is authorized to take title in the
19 name of the state to any vessel or vessels suitable for use in
20 carrying out the inspection and patrol of the Tortugas Bed
21 which may be offered as a gift to the state by any person,
22 firm, corporation, or association in the shrimp industry for
23 the purpose of carrying out the provisions of this section.
24 In the event such title is taken to such vessel or vessels,
25 the commission division is authorized to operate and keep said
26 vessel or vessels in proper repair.

27 (b) The commission division is further authorized to
28 accept the temporary loan of any vessel or vessels, suitable
29 for use in carrying out the provisions of this section, for
30 periods not exceeding 1 year. However, the state shall not
31 assume any liability to the owner or owners of said vessels

1 for any damage done by said vessels to other vessels, persons,
2 or property. In the operation of said loaned vessels, upkeep
3 and repair shall consist only of minor repairs and routine
4 maintenance. The owner or owners shall carry full marine
5 insurance coverage on said loaned vessel or vessels for the
6 duration of the period during which said vessels are operated
7 by the state.

8 Section 249. Section 370.153, Florida Statutes, 1998
9 Supplement, is amended to read:

10 370.153 Regulation of shrimp fishing; Clay, Duval,
11 Nassau, Putnam, Flagler, and St. Johns Counties.--

12 (1) DEFINITIONS.--When used in this section, unless
13 the context clearly requires otherwise:

14 (a) "Inland waters" means all creeks, rivers, bayous,
15 bays, inlets, and canals.

16 (b) "Sample" means one or more shrimp taken from an
17 accurately defined part of the area defined.

18 (c) "Series" means 10 or more samples taken within a
19 period of not more than 1 week, each sample being taken at a
20 different station within the pattern.

21 (d) "Pattern" means 10 or more stations.

22 (e) "Station" means a single location on the water of
23 the areas defined.

24 (f) "Licensed live bait shrimp producer" means any
25 individual licensed by the Fish and Wildlife Conservation
26 Commission ~~Department of Environmental Protection~~ to employ
27 the use of any trawl for the taking of live bait shrimp within
28 the inland waters of Nassau, Duval, St. Johns, Putnam,
29 Flagler, or Clay Counties.

30 (g) "Licensed dead shrimp producer" means any
31 individual licensed by the Fish and Wildlife Conservation

1 ~~Commission~~ ~~Department of Environmental Protection~~ to employ
2 the use of any trawl for the taking of shrimp within the
3 inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or
4 Clay Counties.

5 (2) SHRIMPING PROHIBITED.--It is unlawful to employ
6 the use of any trawl or other net, except a common cast net,
7 designed for or capable of taking shrimp, within the inland
8 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay
9 Counties, except as hereinafter provided.

10 (3) LIVE BAIT SHRIMP PRODUCTION.--

11 (a) A live bait shrimp production license shall be
12 issued by the Fish and Wildlife Conservation Commission
13 ~~Department of Environmental Protection~~ upon the receipt of an
14 application by a person intending to use a boat, not to exceed
15 35 feet in length in Duval, St. Johns, Putnam, Flagler, and
16 Clay Counties and not to exceed 45 feet in length in Nassau
17 County, for live shrimp production within the inland waters of
18 Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties
19 and the payment of a fee of \$250. The annual fee of \$250 shall
20 be collected by the commission ~~department~~ for the issuance of
21 the license during a 60-day period beginning June 1 of each
22 year. The design of the application and permit shall be
23 determined by the commission ~~department~~. The proceeds of the
24 fee imposed by this paragraph shall be used by the Fish and
25 Wildlife Conservation Commission ~~Department of Environmental~~
26 ~~Protection~~ for the purposes of enforcement of marine resource
27 laws.

28 (b) The Executive Director of the Fish and Wildlife
29 Conservation Commission ~~Secretary of Environmental Protection~~,
30 or his or her designated representative, may by order close
31 certain areas to live bait shrimp production when sampling

1 procedures justify the closing based upon sound conservation
2 practices. The revocation of any order to close has the effect
3 of opening the area.

4 (c) Every live bait shrimp producer shall produce
5 evidence satisfactory to the commission ~~department~~ that he or
6 she has the necessary equipment to maintain the shrimp alive
7 while aboard the shrimp fishing vessel. All vessels fishing
8 for live bait shrimp must be equipped with live bait shrimp
9 tanks of a type and capacity satisfactory to the commission
10 ~~department~~, and no more than 5 pounds of dead shrimp will be
11 allowed on board such vessel per day.

12 (d)1. Each licensed live bait shrimp producer who
13 stores his or her catch for sale or sells his or her catch
14 shall either:

15 a. Maintain onshore facilities which have been
16 annually checked and approved by the local commission ~~Marine~~
17 ~~Patrol~~ office to assure the facilities' ability to maintain
18 the catch alive when the live bait shrimp producer produces
19 for his or her own facility; or

20 b. Sell his or her catch only to persons who have
21 onshore facilities that ~~which~~ have been annually checked and
22 approved by the local commission ~~Marine Patrol~~ office to
23 assure the facilities' ability to maintain the catch alive,
24 when the producer sells his or her catch to an onshore
25 facility. The producer shall provide the commission ~~Department~~
26 ~~of Environmental Protection~~ with the wholesale number of the
27 facility to which the shrimp have been sold and shall submit
28 this number on a form designed and approved by the commission
29 ~~department~~.

30 2. All persons who maintain onshore facilities as
31 described in this paragraph, whether the facilities are

1 maintained by the licensed live bait shrimp producer or by
2 another party who purchases shrimp from live bait shrimp
3 producers, shall keep records of their transactions in
4 conformance with the provisions of s. 370.07(6).

5 (e) All commercial trawling in Clay, Duval, and St.
6 Johns Counties shall be restricted to the inland waters of the
7 St. Johns River proper in the area north of the Acosta Bridge
8 in Jacksonville and at least 100 yards from the nearest
9 shoreline.

10 (f) A live shrimp producer must also be a licensed
11 wholesale dealer. Such person shall not sell live bait shrimp
12 unless he or she produces a live bait shrimp production
13 license at the time of sale.

14 (g) The commission department shall rename the Live
15 Bait Shrimp Production License as the Commercial Live Shrimp
16 Production License.

17 (4) DEAD SHRIMP PRODUCTION.--Any person may operate as
18 a commercial dead shrimp producer provided that:

19 (a) A dead shrimp production permit is procured from
20 the Fish and Wildlife Conservation Commission ~~Department of~~
21 ~~Environmental Protection~~ upon the receipt by the commission
22 ~~department~~ of a properly filled out and approved application
23 by a person intending to use a boat, not to exceed 35 feet in
24 length in Duval, St. Johns, Putnam, and Clay Counties, and not
25 to exceed 45 feet in length in Nassau County, for dead shrimp
26 production within the inland waters of Nassau County and the
27 inland waters of the St. Johns River of Duval, Putnam, St.
28 Johns, Flagler, or Clay Counties, which permit shall cost \$250
29 and shall be required for each vessel used for dead shrimp
30 production. The design of the application and permit shall be
31 determined by the Fish and Wildlife Conservation Commission

1 ~~Department of Environmental Protection~~. The proceeds of the
2 fees imposed by this paragraph shall be deposited into the
3 account of the Marine Resources Conservation Trust Fund to be
4 used by the commission ~~department~~ for the purpose of
5 enforcement of marine resource laws.

6 (b) All commercial trawling in the St. Johns River
7 proper shall be restricted to the area north of the Acosta
8 Bridge in Jacksonville and at least 100 yards from the nearest
9 shoreline.

10 (c) All commercial shrimping activities shall be
11 allowed during daylight hours from Tuesday through Friday each
12 week.

13 (d) No person holding a dead shrimp production permit
14 issued pursuant to this subsection shall simultaneously hold a
15 permit for noncommercial trawling under the provisions of
16 subsection (5). The number of permits issued by the
17 commission ~~department~~ for commercial trawling or dead shrimp
18 production in any one year shall be the number issued in the
19 base year, 1976. All permits shall be inheritable or
20 transferable to an immediate family member and annually
21 renewable by the holder thereof. Such inheritance or transfer
22 shall be valid upon being registered with the commission
23 ~~department~~. All permits not renewed shall expire and shall not
24 be renewed under any circumstances.

25 (e) It is illegal for any person to sell dead shrimp
26 caught in the inland waters of Nassau, Duval, Clay, Putnam,
27 and St. Johns Counties, unless the seller is in possession of
28 a dead shrimp production license issued pursuant to this
29 subsection.

30 (f) It is illegal for any person to purchase shrimp
31 for consumption or bait from any seller (with respect to

1 shrimp caught in the inland waters of Nassau, Duval, Clay,
2 Putnam, and St. Johns Counties (St. Johns River)) who does not
3 produce his or her dead shrimp production license prior to the
4 sale of the shrimp.

5 (g) In addition to any other penalties provided for in
6 this section, any person who violates the provisions of this
7 subsection shall have his or her license revoked by the
8 commission department.

9 (h) The commission department shall rename the Dead
10 Shrimp Production License as the Commercial Food Shrimp
11 Production License.

12 (5) NONCOMMERCIAL TRAWLING.--Any person may harvest
13 shrimp in the St. Johns River for his or her own use as food
14 and may trawl for such shrimp under the following conditions:

15 (a) Each person who desires to trawl for shrimp for
16 use as food shall obtain a noncommercial trawling permit from
17 the local ~~Marine Patrol~~ office of the Fish and Wildlife
18 Conservation Commission Department of Environmental Protection
19 upon filling out an application on a form prescribed by the
20 commission department and upon paying a fee for the permit,
21 which shall cost \$50.

22 (b) All trawling shall be restricted to the confines
23 of the St. Johns River proper in the area north of the Acosta
24 Bridge in Jacksonville and at least 100 yards from the nearest
25 shoreline.

26 (c) No shrimp caught by a person licensed under the
27 provisions of this subsection may be sold or offered for sale.

28 (6) SAMPLING PROCEDURE.--

29 (a) The Executive Director of the Fish and Wildlife
30 Conservation Commission Secretary of Environmental Protection
31 shall have samples taken at established stations within

1 patterns at frequent intervals.

2 (b) No area may be closed to live bait shrimp
3 production unless a series of samples has been taken and it
4 has been determined that the shrimp are undersized or that
5 continued shrimping in this area would have an adverse effect
6 on conservation. Standards for size may be established by
7 rule of the commission ~~department~~.

8 (c) No area may be opened to dead shrimp production
9 unless a series of samples has been taken and it has been
10 determined that the shrimp are of legal size. Legal-sized
11 shrimp shall be defined as not more than 47 shrimp with heads
12 on, or 70 shrimp with heads off, per pound.

13 (7) LICENSE POSSESSION.--The operator of a boat
14 employing the use of any trawl for shrimp production must be
15 in possession of a current shrimp production license issued to
16 him or her pursuant to the provisions of this section.

17 (8) USE OF TRAWL; LIMITATION.--

18 (a) The use of a trawl by either a live bait shrimp
19 producer or dead shrimp producer shall be limited to the
20 daylight hours, and the taking of dead shrimp shall not take
21 place on Saturdays, Sundays, or legal state holidays.

22 (b) The use of a trawl by either a live bait shrimp
23 producer or dead shrimp producer within 100 yards of any
24 shoreline is prohibited. The Fish and Wildlife Conservation
25 Commission ~~Department of Environmental Protection~~, by rule or
26 order, may define the area or areas where this subsection
27 shall apply.

28 (c)1. It is unlawful to employ the use of any trawl
29 designed for, or capable of, taking shrimp within 1/4 mile
30 of any natural or manmade inlet in Duval County or St. Johns
31 County.

1 2. It is unlawful for anyone to trawl in the Trout
2 River west of the bridge on U.S. 17 in Duval County.

3 ~~(9) ST. JOHNS RIVER; RULEMAKING PROHIBITED. The~~
4 ~~Department of Environmental Protection may not adopt any rule~~
5 ~~which regulates shrimping in the St. Johns River.~~

6 (9)~~(10)~~ CREDITS.--Fees paid pursuant to paragraphs
7 (3)(a) and (4)(a) of this section shall be credited against
8 the saltwater products license fee.

9 Section 250. Subsection (2) of section 370.1603,
10 Florida Statutes, is amended to read:

11 370.1603 Oysters produced in and outside state;
12 labeling; tracing; rules.--

13 (1) No wholesale or retail dealer, as defined in s.
14 370.07(1), shall sell any oysters produced outside this state
15 unless they are labeled as such, or unless it is otherwise
16 reasonably made known to the purchaser that the oysters were
17 not produced in this state.

18 (2) The Department of Agriculture and Consumer
19 Services ~~Department of Environmental Protection~~ shall
20 promulgate rules whereby oysters produced in Florida waters
21 can be traced to the location from which they were harvested.
22 A wholesale or retail dealer may not sell any oysters produced
23 in this state unless they are labeled so that they may be
24 traced to the point of harvesting.

25 Section 251. Subsections (2) and (3) of section
26 370.172, Florida Statutes, are amended to read:

27 370.172 Spearfishing; definition; limitations;
28 penalty.--

29 (2)(a) Spearfishing is prohibited within the
30 boundaries of the John Pennekamp Coral Reef State Park, the
31 waters of Collier County, and the area in Monroe County known

1 as Upper Keys, which includes all salt waters under the
2 jurisdiction of the Fish and Wildlife Conservation Commission
3 ~~Department of Environmental Protection~~ beginning at the county
4 line between Dade and Monroe Counties and running south,
5 including all of the keys down to and including Long Key.

6 (b) For the purposes of this subsection, the
7 possession in the water of a spear, gig, or lance by a person
8 swimming at or below the surface of the water in a prohibited
9 area is prima facie evidence of a violation of the provisions
10 of this subsection regarding spearfishing.

11 (3) The Fish and Wildlife Conservation Commission
12 ~~Department of Environmental Protection~~ shall have the power to
13 establish restricted areas when it is determined that safety
14 hazards exist or when needs are determined by biological
15 findings. Restricted areas shall be established only after an
16 investigation has been conducted and upon application by the
17 governing body of the county or municipality in which the
18 restricted areas are to be located and one publication in a
19 local newspaper of general circulation in said county or
20 municipality in addition to any other notice required by law.
21 Prior to promulgation of regulations, the local governing body
22 of the area affected shall agree to post and maintain notices
23 in the area affected.

24 Section 252. Section 370.18, Florida Statutes, is
25 amended to read:

26 370.18 Compacts and agreements; generally.--The Fish
27 and Wildlife Conservation Commission ~~Department of~~
28 ~~Environmental Protection~~ may enter into agreements of
29 reciprocity with the fish commissioners or other departments
30 or other proper officials of other states, whereby the
31 citizens of the state may be permitted to take or catch shrimp

1 or prawn from the waters under the jurisdiction of such other
2 states, upon similar agreements to allow such nonresidents or
3 aliens to fish for or catch seafood products within the
4 jurisdiction of the state regardless of residence.

5 Section 253. Subsection (2) of section 370.19, Florida
6 Statutes, is amended to read:

7 370.19 Atlantic States Marine Fisheries Compact;
8 implementing legislation.--

9 (2) COMMISSIONERS; APPOINTMENT AND REMOVAL.--In
10 pursuance of Article III of said compact there shall be three
11 members (hereinafter called commissioners) of the Atlantic
12 State Marine Fisheries Commission (hereinafter called
13 commission) from this state. The first commissioner from this
14 state shall be the Executive Director of the Fish and Wildlife
15 Conservation Commission ~~Secretary of Environmental Protection,~~
16 ex officio, and the term of any such ex officio commissioner
17 shall terminate at the time he or she ceases to hold said
18 office of Executive Director of the Fish and Wildlife
19 Conservation Commission ~~Secretary of Environmental Protection,~~
20 and his or her successor as commissioner shall be his or her
21 successor as executive director ~~secretary~~. The second
22 commissioner from this state shall be a legislator and member
23 of the house committee on commerce and reciprocal trade (of
24 the State of Florida, ex officio, designated by said house
25 committee on commerce and reciprocal trade), and the term of
26 any such ex officio commissioner shall terminate at the time
27 he or she ceases to hold said legislative office as
28 commissioner on interstate cooperation, and his or her
29 successor as commissioner shall be named in like manner. The
30 Governor (subject to confirmation by the Senate), shall
31 appoint a citizen as a third commissioner who shall have a

1 knowledge of, and interest in, the marine fisheries problem.
2 The term of said commissioner shall be 3 years and the
3 commissioner shall hold office until a successor shall be
4 appointed and qualified. Vacancies occurring in the office of
5 such commissioner from any reason or cause shall be filled by
6 appointment by the Governor (subject to confirmation by the
7 Senate), for the unexpired term. The Executive Director of the
8 Fish and Wildlife Conservation Commission ~~Secretary of~~
9 ~~Environmental Protection~~ as ex officio commissioner may
10 delegate, from time to time, to any deputy or other
11 subordinate in his or her department or office, the power to
12 be present and participate, including voting, as his or her
13 representative or substitute at any meeting of or hearing by
14 or other proceeding of the commission. The terms of each of
15 the initial three members shall begin at the date of the
16 appointment of the appointive commissioner, provided the said
17 compact shall then have gone into effect in accordance with
18 Article II of the compact; otherwise, they shall begin upon
19 the date upon which said compact shall become effective in
20 accordance with said Article II. Any commissioner may be
21 removed from office by the Governor upon charges and after a
22 hearing.

23 Section 254. Subsection (2) of section 370.20, Florida
24 Statutes, is amended to read:

25 370.20 Gulf States Marine Fisheries Compact;
26 implementing legislation.--

27 (2) MEMBERS OF COMMISSION; TERM OF OFFICE.--In
28 pursuance of article III of said compact, there shall be three
29 members (hereinafter called commissioners) of the Gulf States
30 Marine Fisheries Commission (hereafter called commission) from
31 the State of Florida. The first commissioner from the State of

1 Florida shall be the Executive Director of the Fish and
2 Wildlife Conservation Commission ~~Secretary of Environmental~~
3 ~~Protection~~, ex officio, and the term of any such ex officio
4 commissioner shall terminate at the time he or she ceases to
5 hold said office of Executive Director of the Fish and
6 Wildlife Conservation Commission ~~Secretary of Environmental~~
7 ~~Protection~~, and his or her successor as commissioner shall be
8 his or her successor as executive director ~~secretary~~. The
9 second commissioner from the State of Florida shall be a
10 legislator and a member of the house committee on commerce and
11 reciprocal trade (of the State of Florida ex officio,
12 designated by said house committee on commerce and reciprocal
13 trade), and the term of any such ex officio commissioner shall
14 terminate at the time he or she ceases to hold said
15 legislative office as commissioner on interstate cooperation,
16 and his or her successor as commissioner shall be named in
17 like manner. The Governor (subject to confirmation by the
18 Senate) shall appoint a citizen as a third commissioner who
19 shall have a knowledge of and interest in the marine fisheries
20 problem. The term of said commissioner shall be 3 years and
21 the commissioner shall hold office until a successor shall be
22 appointed and qualified. Vacancies occurring in the office of
23 such commissioner from any reason or cause shall be filled by
24 appointment by the Governor (subject to confirmation by the
25 Senate) for the unexpired term. The Executive Director of the
26 Fish and Wildlife Conservation Commission ~~Secretary of~~
27 ~~Environmental Protection~~, as ex officio commissioner, may
28 delegate, from time to time, to any deputy or other
29 subordinate in his or her department or office, the power to
30 be present and participate, including voting, as his or her
31 representative or substitute at any meeting of or hearing by

1 or other proceeding of the commission. The terms of each of
2 the initial three members shall begin at the date of the
3 appointment of the appointive commissioner, provided the said
4 compact shall then have gone into effect in accordance with
5 article II of the compact; otherwise they shall begin upon the
6 date upon which said compact shall become effective in
7 accordance with said article II.

8 Any commissioner may be removed from office by the
9 Governor upon charges and after a hearing.

10 Section 255. Subsections (3), (5), and (7) of section
11 370.21, Florida Statutes, are amended to read:

12 370.21 Florida Territorial Waters Act; alien-owned
13 commercial fishing vessels; prohibited acts; enforcement.--

14 (3) No license shall be issued by the Fish and
15 Wildlife Conservation Commission ~~Division of Marine Resources~~
16 ~~of the Department of Environmental Protection~~ under s. 370.06,
17 to any vessel owned in whole or in part by any alien power,
18 which subscribes to the doctrine of international communism,
19 or any subject or national thereof, who subscribes to the
20 doctrine of international communism, or any individual who
21 subscribes to the doctrine of international communism, or who
22 shall have signed a treaty of trade, friendship and alliance
23 or a nonaggression pact with any communist power. The
24 commission ~~division~~ shall grant or withhold said licenses
25 where other alien vessels are involved on the basis of
26 reciprocity and retorsion, unless the nation concerned shall
27 be designated as a friendly ally or neutral by a formal
28 suggestion transmitted to the Governor of Florida by the
29 Secretary of State of the United States. Upon the receipt of
30 such suggestion licenses shall be granted under s. 370.06,
31 without regard to reciprocity and retorsion, to vessels of

1 such nations.

2 (5) It is the duty of all harbormasters of the state
3 to prevent the use of any port facility in a manner which they
4 reasonably suspect may assist in the violation of this act.
5 Harbormasters shall endeavor by all reasonable means, which
6 may include the inspection of nautical logs, to ascertain from
7 masters of newly arrived vessels of all types other than
8 warships of the United States, the presence of alien
9 commercial fishing vessels within the territorial waters of
10 the state, and shall transmit such information promptly to the
11 Fish and Wildlife Conservation Commission ~~Department of~~
12 ~~Environmental Protection~~ and such law enforcement agencies of
13 the state as the situation may indicate. Harbormasters shall
14 request assistance from the United States Coast Guard in
15 appropriate cases to prevent unauthorized departure from any
16 port facility.

17 (7) All law enforcement agencies of the state,
18 including but not limited to sheriffs and officers of the Fish
19 and Wildlife Conservation Commission ~~agents of the Department~~
20 ~~of Environmental Protection~~ are empowered and directed to
21 arrest the masters and crews of vessels who are reasonably
22 believed to be in violation of this law, and to seize and
23 detain such vessels, their equipment and catch. Such arresting
24 officers shall take the offending crews or property before the
25 court having jurisdiction of such offenses. All such agencies
26 are directed to request assistance from the United States
27 Coast Guard in the enforcement of this act when having
28 knowledge of vessels operating in violation or probable
29 violation of this act within their jurisdictions when such
30 agencies are without means to effectuate arrest and restraint
31 of vessels and their crews.

1 Section 256. Subsection (1) of section 372.107,
2 Florida Statutes, 1998 Supplement, is amended to read:

3 372.107 Federal Law Enforcement Trust Fund.--

4 (1) The Federal Law Enforcement Trust Fund is created
5 within the Fish and Wildlife Conservation ~~Game and Fresh Water~~
6 ~~Fish~~ Commission. The commission may deposit into the trust
7 fund receipts and revenues received as a result of federal
8 criminal, administrative, or civil forfeiture proceedings and
9 receipts and revenues received from federal asset-sharing
10 programs. The trust fund is exempt from the service charges
11 imposed by s. 215.20.

12 Section 257. Section 376.15, Florida Statutes, is
13 amended to read:

14 376.15 Derelict vessels; removal from public waters.--

15 (1) It is unlawful for any person, firm, or
16 corporation to store or leave any vessel in a wrecked, junked,
17 or substantially dismantled condition or abandoned upon any
18 public waters or at any port in this state without the consent
19 of the agency having jurisdiction thereof or docked at any
20 private property without the consent of the owner of the
21 private property.

22 (2)(a) The Fish and Wildlife Conservation Commission
23 ~~department~~ is hereby designated as the agency of the state
24 authorized and empowered to remove any derelict vessel as
25 described in subsection (1) from public waters.

26 (b) The commission ~~department~~ may establish a program
27 to provide grants to coastal local governments for the removal
28 of derelict vessels from the public waters of the state. The
29 program shall be funded from the Florida Coastal Protection
30 Trust Fund. Notwithstanding the provisions in s. 216.181(10),
31 funds available for grants may only be authorized by

1 appropriations acts of the Legislature.

2 (c) The commission ~~department~~ shall adopt by rule
3 procedures for submitting a grant application and criteria for
4 allocating available funds. Such criteria shall include, but
5 not be limited to, the following:

6 1. The number of derelict vessels within the
7 jurisdiction of the applicant.

8 2. The threat posed by such vessels to public health
9 or safety, the environment, navigation, or the aesthetic
10 condition of the general vicinity.

11 3. The degree of commitment of the local government to
12 maintain waters free of abandoned and derelict vessels and to
13 seek legal action against those who abandon vessels in the
14 waters of the state.

15 (d) This section shall constitute the authority of the
16 commission ~~department~~ for such removal, but is not intended to
17 be in contravention of any applicable federal act.

18 (e) The Department of Legal Affairs shall represent
19 the Fish and Wildlife Conservation Commission ~~Department of~~
20 ~~Environmental Protection~~ in such actions.

21 Section 258. Subsection (2) of section 823.11, Florida
22 Statutes, is amended to read:

23 823.11 Abandoned and derelict vessels; removal;
24 penalty.--

25 (2) The Fish and Wildlife Conservation Commission
26 ~~Department of Environmental Protection, Division of Marine~~
27 ~~Resources~~, is hereby designated as the agency of the state
28 authorized and empowered to remove or cause to be removed any
29 abandoned or derelict vessel from public waters in any
30 instance when the same obstructs or threatens to obstruct
31 navigation or in any way constitutes a danger to the

1 environment. All costs incurred by the commission department
 2 in the removal of any abandoned or derelict vessel as set out
 3 above shall be recoverable against the owner thereof. Pursuant
 4 to an agreement with the governing body of a county or
 5 municipality, and upon a finding by the commission division
 6 that the county or municipality is competent to undertake said
 7 responsibilities, the commission division may delegate to the
 8 county or municipality its authority to remove or cause to be
 9 removed an abandoned or derelict vessel from public waters
 10 within the county or municipality. This act shall take effect
 11 July 1, 1999.

12
13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 1, line 1, thru page 5, line 5,
 17 remove from the title: all of said lines

18

19 and insert in lieu thereof:

20 A bill to be entitled
 21 An act relating to the Fish and Wildlife
 22 Conservation Commission; creating s. 20.331,
 23 F.S.; creating the Fish and Wildlife
 24 Conservation Commission; establishing
 25 administrative units within the new commission;
 26 establishing sources of funding; transferring
 27 the Game and Fresh Water Fish Commission, the
 28 Marine Fisheries Commission, and various
 29 bureaus of the Department of Environmental
 30 Protection to the Fish and Wildlife
 31 Conservation Commission; providing for

Amendment No. ____ (for drafter's use only)

1 administrative transfer of certain offices;
2 providing legislative intent; providing for an
3 operating agreement and an annual work plan
4 regarding responsibilities shared by the
5 department and the commission; providing for
6 submission of the work plan to the Governor and
7 the Legislature; providing for a memorandum of
8 agreement between the commission and the
9 department regarding responsibilities of the
10 Florida Marine Research Institute to the
11 department; amending s. 20.255, F.S.; revising
12 language with respect to the administrative
13 makeup of the Department of Environmental
14 Protection to conform to the act; providing for
15 the appropriation of certain revenues and
16 federal funds to the commission; providing for
17 limitation on expenditures by the commission;
18 providing for the appointment of a working
19 group by the Executive Office of the Governor;
20 amending s. 20.14, F.S.; adding a Division of
21 Aquaculture of the Department of Agriculture
22 and Consumer Services; amending s. 206.606,
23 F.S.; adjusting distribution of fuel tax
24 proceeds in conformance to the act to the
25 commission; amending s. 320.08058, F.S.;
26 conforming terminology to the act; amending s.
27 327.02, F.S.; providing definitions and
28 repealing s. 327.02(6), F.S.; to remove
29 reference to the Department of Environmental
30 Protection; amending s. 327.25, F.S.; providing
31 for classification and registration of vessels;

Amendment No. ____ (for drafter's use only)

1 adjusting location of antique license vessel
2 decal; amending s. 327.26, F.S.; providing for
3 stickers or emblems for the Save the Manatee
4 Trust Fund; amending s. 327.28, F.S.; providing
5 for the appropriation and distribution of
6 vessel registration funds; amending s. 327.30,
7 F.S.; providing requirements regarding
8 collisions, accidents, and casualties; amending
9 s. 327.35215, F.S.; providing penalties;
10 amending s. 327.395, F.S.; providing for
11 boating safety identification cards; amending
12 s. 327.41, F.S.; providing for uniform watering
13 regulatory markers; amending s. 327.43, F.S.;
14 providing for navigation channel requirements;
15 amending s. 327.46, F.S.; providing for the
16 establishment of restricted areas on the waters
17 of the state; repealing s. 258.398, F.S.;
18 amending s. 327.48, F.S.; providing
19 requirements for regattas, races, marine
20 parades, tournaments, or exhibitions; amending
21 s. 327.70, F.S.; providing for the enforcement
22 of chapters 327 and 328, F.S.; amending s.
23 327.71, F.S.; providing an exemption; amending
24 s. 327.731, F.S.; providing for mandatory
25 education for violators; amending s. 327.74,
26 F.S.; providing for uniform boating citations;
27 amending s. 327.803, F.S.; providing for a
28 Boating Advisory Council; amending s. 327.804,
29 F.S.; providing for statistics on boating
30 accidents and violations; amending s. 327.90,
31 F.S.; providing for electronic or telephonic

1 transactions; amending s. 328.01, F.S.;

2 providing for application for certificate of

3 title; amending s. 339.281, F.S.; providing for

4 marine accident reports; amending s. 370.025,

5 F.S.; providing marine policy and standards,

6 and rulemaking authority for the Fish and

7 Wildlife Conservation Commission; repealing s.

8 370.027(1), (2), and (3), F.S.; deleting

9 provisions relating to rulemaking authority

10 with respect to marine life; amending s.

11 370.06, F.S.; transferring responsibilities for

12 issuing certain licenses related to marine life

13 to the Fish and Wildlife Conservation

14 Commission and the Department of Agriculture

15 and Consumer Services; amending s. 370.0608,

16 F.S.; providing for the deposit of license

17 fees; allocating of federal funds; amending s.

18 370.063, F.S.; correcting references; deleting

19 obsolete dates; adjusting use of fees; amending

20 s. 370.071, F.S.; transferring responsibilities

21 for the regulation of shellfish processors to

22 the Department of Agriculture and Consumer

23 Services; amending s. 370.12, F.S.; providing

24 rulemaking guidance related to endangered

25 marine mammals; correcting obsolete references;

26 amending s. 370.26, F.S.; transferring certain

27 activities related to aquaculture to the Fish

28 and Wildlife Conservation Commission; amending

29 s. 372.072, F.S.; relating to the Endangered

30 and Threatened Species Act; correcting obsolete

31 references; amending s. 372.0725, F.S.;

Amendment No. ____ (for drafter's use only)

1 providing penalties for the killing or wounding
2 of any species designated as endangered,
3 threatened, or of special concern; amending s.
4 372.073, F.S.; transferring responsibility for
5 the Endangered and Threatened Species Reward
6 Program to the Fish and Wildlife Conservation
7 Commission; amending s. 370.093, F.S.;
8 correcting cross references; amending s.
9 376.11, F.S., authorizing additional users of
10 the Coastal Protection Trust Fund; providing
11 for the transfer of employee benefits for
12 employees of designated state agencies;
13 authorizing the Department of Environmental
14 Protection to restructure and reorganize;
15 providing for a report to the Legislature on
16 the restructure and reorganization; repealing
17 s. 20.325, F.S.; abolishing the Game and Fresh
18 Water Fish Commission; repealing s. 370.026,
19 F.S.; abolishing the Marine Fisheries
20 Commission; instructing Division of Statutory
21 Revision to draft reviser's bill for year 2000
22 Regular Session; amending s. 370.0603, F.S.;
23 establishing the Marine Resources Conservation
24 Trust Fund in the Fish and Wildlife
25 Conservation Commission; amending s. 370.16;
26 transferring certain activities related to
27 oysters and shellfish to the Fish and Wildlife
28 Conservation Commission; amending s. 932.7055,
29 F.S.; providing for funds to be deposited into
30 the Forfeited Property Trust Fund; amending ss.
31 20.055, 23.21, 120.52, 120.81, 163.3244,

Amendment No. ____ (for drafter's use only)

1 186.003, 186.005, 229.8058, 240.155, 252.365,
2 253.05, 253.45, 253.75, 253.7829, 255.502,
3 258.157, 258.397, 258.501, 259.035, 259.036,
4 282.1095, 282.404, 285.09, 285.10, 288.021,
5 288.975, 316.640, 320.08058, 341.352, 369.20,
6 369.22, 369.25, 370.01, 370.021, 370.028,
7 370.06, 370.0605, 370.0615, 370.062, 370.0805,
8 370.081, 370.092, 370.1107, 370.1111, 370.13,
9 370.14, 370.1405, 370.142, 370.1535, 370.17,
10 370.31, 372.001, 372.01, 372.0215, 372.0222,
11 372.0225, 372.023, 372.025, 372.03, 372.051,
12 372.06, 372.07, 372.071, 372.074, 372.105,
13 372.106, 372.12, 372.121, 372.16, 372.26,
14 372.265, 372.27, 372.31, 372.57, 372.5714,
15 372.5717, 372.5718, 372.574, 372.651, 372.653,
16 372.66, 372.661, 372.662, 372.663, 372.664,
17 372.6645, 372.667, 372.6672, 372.672, 372.673,
18 372.674, 372.70, 372.701, 372.7015, 372.7016,
19 372.72, 372.73, 372.74, 372.76, 372.761,
20 372.77, 372.7701, 372.771, 372.85, 372.86,
21 372.87, 372.88, 372.89, 372.901, 372.911,
22 372.912, 372.92, 372.921, 372.922, 372.97,
23 372.971, 372.98, 372.981, 372.99, 372.9901,
24 372.9903, 372.9904, 372.9906, 372.991, 372.992,
25 372.995, 373.453, 373.455, 373.4595, 373.465,
26 373.466, 373.591, 375.021, 375.311, 375.312,
27 376.121, 378.011, 378.036, 378.409, 380.061,
28 388.45, 388.46, 403.0752, 403.0885, 403.413,
29 403.507, 403.508, 403.518, 403.526, 403.527,
30 403.5365, 403.7841, 403.786, 403.787, 403.9325,
31 403.941, 403.9411, 403.961, 403.962, 403.972,

1 403.973, 487.0615, 581.186, 585.21, 597.003,
2 597.006, 784.07, 790.06, 790.15, 828.122,
3 832.06, 843.08, 870.04, 943.1728, 252.937,
4 309.01, 370.023, 370.03, 370.0607, 370.0609,
5 370.061, 370.07, 370.071, 370.08, 370.0821,
6 370.10, 370.103, 370.135, 370.143, 370.15,
7 370.151, 370.153, 370.1603, 370.172, 370.18,
8 370.19, 370.20, 370.21, 372.107, 376.15,
9 823.11, F.S.; conforming provisions to the
10 State Constitution and this act; providing an
11 effective date.

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