

By the Committee on Natural Resources

312-1728-99

1                                   A bill to be entitled  
2           An act relating to the Fish and Wildlife  
3           Conservation Commission; amending s. 20.325,  
4           F.S.; specifying the divisions in the Fish and  
5           Wildlife Conservation Commission; transferring  
6           the duties of the Marine Fisheries Commission  
7           assigned to the Board of Trustees of the  
8           Internal Improvement Trust Fund to the  
9           commission; transferring the duties of the Game  
10          and Fresh Water Fish Commission to the Fish and  
11          Wildlife Conservation Commission; transferring  
12          certain duties of the Department of  
13          Environmental Protection, Division of Marine  
14          Resources and Division of Law Enforcement, to  
15          the Fish and Wildlife Conservation Commission;  
16          amending s. 20.255, F.S.; providing for the  
17          organization and powers of the Department of  
18          Environmental Protection; specifying legal  
19          duties of the Department of Legal Affairs and  
20          state attorneys; providing for a transition  
21          advisory committee to determine the appropriate  
22          number of support service personnel to be  
23          transferred; amending s. 206.606, F.S.;  
24          revising the distribution of funds; amending s.  
25          259.101, F.S.; providing for the sale of  
26          conservation lands; amending s. 370.0603, F.S.;  
27          establishing the Marine Resources Conservation  
28          Trust Fund in the Fish and Wildlife  
29          Conservation Commission; amending s. 370.0608,  
30          F.S.; revising the use of license fees by the  
31          Fish and Wildlife Conservation Commission;

1 amending s. 370.16; transferring certain  
2 activities related to oysters and shellfish to  
3 the Fish and Wildlife Conservation Commission;  
4 amending s. 370.26, F.S.; transferring certain  
5 activities related to aquaculture to the Fish  
6 and Wildlife Conservation Commission; amending  
7 s. 932.7055, F.S.; providing for funds to be  
8 deposited into the Forfeited Property Trust  
9 Fund; amending ss. 20.055, 23.21, 120.52,  
10 120.81, 163.3244, 186.003, 186.005, 229.8058,  
11 240.155, 252.365, 253.05, 253.45, 253.75,  
12 253.7829, 253.787, 255.502, 258.157, 258.397,  
13 258.501, 259.035, 259.036, 282.1095, 282.404,  
14 285.09, 285.10, 288.021, 288.975, 316.640,  
15 320.08058, 327.02, 327.25, 327.26, 327.28,  
16 327.30, 327.35215, 327.395, 327.41, 327.43,  
17 327.46, 327.48, 327.70, 327.71, 327.731,  
18 327.74, 327.803, 327.804, 327.90, 328.01,  
19 339.281, 341.352, 369.20, 369.22, 369.25,  
20 370.01, 370.021, 370.028, 370.06, 370.0605,  
21 370.0615, 370.062, 370.063, 370.0805, 370.081,  
22 370.092, 370.093, 370.1107, 370.1111, 370.12,  
23 370.13, 370.14, 370.1405, 370.142, 370.1535,  
24 370.17, 370.31, 372.001, 372.01, 372.0215,  
25 372.0222, 372.0225, 372.023, 372.025, 372.03,  
26 372.051, 372.06, 372.07, 372.071, 372.072,  
27 372.0725, 372.073, 372.074, 372.105, 372.106,  
28 372.12, 372.121, 372.16, 372.26, 372.265,  
29 372.27, 372.31, 372.57, 372.5714, 372.5717,  
30 372.5718, 372.574, 372.651, 372.653, 372.66,  
31 372.661, 372.662, 372.663, 372.664, 372.6645,

1 372.667, 372.6672, 372.672, 372.673, 372.674,  
2 372.70, 372.701, 372.7015, 372.7016, 372.72,  
3 372.73, 372.74, 372.76, 372.761, 372.77,  
4 372.7701, 372.771, 372.85, 372.86, 372.87,  
5 372.88, 372.89, 372.901, 372.911, 372.912,  
6 372.92, 372.921, 372.922, 372.97, 372.971,  
7 372.98, 372.981, 372.99, 372.9901, 372.9903,  
8 372.9904, 372.9906, 372.991, 372.992, 372.995,  
9 373.1965, 373.453, 373.455, 373.4595, 373.465,  
10 373.466, 373.591, 375.021, 375.311, 375.312,  
11 376.121, 378.011, 378.036, 378.409, 380.061,  
12 388.45, 388.46, 403.0752, 403.0885, 403.413,  
13 403.507, 403.508, 403.518, 403.526, 403.527,  
14 403.5365, 403.7841, 403.786, 403.787, 403.9325,  
15 403.941, 403.9411, 403.961, 403.962, 403.972,  
16 403.973, 487.0615, 581.186, 585.21, 597.003,  
17 597.004, 597.006, 784.07, 790.06, 790.15,  
18 828.122, 832.06, 843.08, 870.04, 943.1728,  
19 F.S.; conforming provisions to the State  
20 Constitution and this act; repealing s.  
21 370.025, F.S., which provides policies for the  
22 Marine Fisheries Commission; repealing s.  
23 370.026, F.S., which provides for the creation  
24 of the Marine Fisheries Commission; repealing  
25 s. 370.027, F.S., which provides for rulemaking  
26 authority; repealing s. 372.021, F.S., which  
27 provides for the powers of the Game and Fresh  
28 Water Fish Commission; repealing s. 372.061,  
29 F.S., which provides for meetings of the Game  
30 and Fresh Water Fish Commission; repealing s.  
31 403.261, F.S., which provides for the repeal of

1 rulemaking jurisdiction over air and water  
2 pollution; directing the preparation of a  
3 reviser's bill; providing an effective date.

4  
5 Be It Enacted by the Legislature of the State of Florida:

6  
7 Section 1. Section 20.325, Florida Statutes, is  
8 amended to read:

9 20.325 Fish and Wildlife Conservation ~~Game and Fresh~~  
10 ~~Water Fish~~ Commission.--The Legislature, recognizing the Fish  
11 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
12 as being specifically provided for and authorized by the State  
13 Constitution under s. 9, Art. IV, grants rights and privileges  
14 to the commission, as contemplated by s. 6, Art. IV of the  
15 State Constitution, equal to those of departments established  
16 under this chapter, while preserving its constitutional  
17 designation and title as a commission.

18 (1) The head of the Fish and Wildlife Conservation  
19 ~~Game and Fresh Water Fish~~ Commission is the commission  
20 appointed by the Governor as provided for in s. 9, Art. IV of  
21 the State Constitution.

22 (2) The following divisions are established within the  
23 commission:

- 24 (a) Division of Administrative Services.  
25 (b) Division of Law Enforcement.  
26 (c) Division of Freshwater Fisheries.  
27 (d) Division of Wildlife.  
28 (e) Division of Marine Resources.

29 (3) The commission shall appoint an executive director  
30 who shall be subject to confirmation by the Florida Senate and  
31 upon approval shall serve at the pleasure of the commission.

1 ~~The powers, duties, and functions of the commission shall be~~  
2 ~~as prescribed by law.~~

3       Section 2. The powers, duties, functions, and  
4 jurisdiction as set forth in statutes in effect on March 1,  
5 1998, and staff, equipment, and fund balances of the Marine  
6 Fisheries Commission assigned to the Board of Trustees of the  
7 Internal Improvement Trust Fund are transferred by a type two  
8 transfer, as defined in section 20.06, Florida Statutes, to  
9 the Fish and Wildlife Conservation Commission.

10       Section 3. The powers, duties, functions, staff,  
11 equipment, and fund balances of the Game and Fresh Water Fish  
12 Commission are transferred by a type two transfer, as defined  
13 in section 20.06, Florida Statutes, to the Fish and Wildlife  
14 Conservation Commission.

15       Section 4. The powers, duties, functions, staff,  
16 equipment, facilities, and fund balances of the Department of  
17 Environmental Protection, Division of Marine Resources,  
18 related to the Office of Fisheries Management, Bureau of  
19 Marine Resources Regulation and Development, Bureau of  
20 Protected Species Management, and the Florida Marine Research  
21 Institute are transferred by a type two transfer, to the Fish  
22 and Wildlife Conservation Commission. The remaining powers,  
23 duties, functions, staff, equipment and fund balances of the  
24 Division of Marine Resources relating to the Bureau of Coastal  
25 and Aquatic Managed Areas shall remain in the Department of  
26 Environmental Protection.

27       Section 5. The powers, duties, functions, staff,  
28 equipment, facilities, and fund balances of the Department of  
29 Environmental Protection, Division of Law Enforcement, related  
30 to the Office of Enforcement Planning and Policy Coordination,  
31 Bureau of Administrative Support, Bureau of Operational

1 Support, and the Bureau of Environmental Law Enforcement, are  
2 transferred by a type two transfer to the Fish and Wildlife  
3 Conservation Commission, except for those powers, duties,  
4 functions, staff, equipment, facilities, and fund balances of  
5 the Bureau relating to the Florida Park Patrol the Bureau of  
6 Emergency Response, and the Office of Investigations, which  
7 shall remain in the department's Division of Law Enforcement.  
8 No duties or responsibilities relating to boating safety  
9 matters shall remain in the Department of Environmental  
10 Protection.

11 Section 6. Subsection (6) of section 20.255, Florida  
12 Statutes, 1998 Supplement, is amended, present subsection (7)  
13 of that section is redesignated as subsection (11), and new  
14 subsections (7), (8), (9), and (10), are added to that  
15 section, to read:

16 20.255 Department of Environmental Protection.--There  
17 is created a Department of Environmental Protection.

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

20 (a) Division of Administrative and Technical Services.

21 (b) Division of Air Resource Management.

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

23 (d) Division of Law Enforcement.

24 ~~(e) Division of Marine Resources.~~

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

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

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

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

1  
2 In order to ensure statewide and intradepartmental  
3 consistency, the department's divisions shall direct the  
4 district offices and bureaus on matters of interpretation and  
5 applicability of the department's rules and programs.

6 (7) Law enforcement officers of the Department of  
7 Environmental Protection are constituted law enforcement  
8 officers of this state with full power to investigate and  
9 arrest for any violation of the laws of this state and the  
10 rules of the department under its jurisdiction and for  
11 violations of chapter 253 and the rules adopted thereunder.  
12 The general laws applicable to arrests by peace officers of  
13 this state apply to such law enforcement officers. The law  
14 enforcement officers may enter upon any land or waters of the  
15 state in performing their lawful duties and may take with them  
16 any necessary equipment; and this entry does not constitute a  
17 trespass. It is lawful for any boat, motor vehicle, or  
18 aircraft owned or chartered by the department or its agents or  
19 employees to land on and depart from any of the beaches or  
20 waters of this state. The law enforcement officers may arrest  
21 any person in the act of violating any rule of the department,  
22 the provisions of chapter 253 and the rules adopted  
23 thereunder, or any of the laws of this state. It is unlawful  
24 for any person to resist arrest or in any manner interfere,  
25 either by abetting or assisting the resistance or otherwise  
26 interfering, with any law enforcement officer engaged in  
27 performing the duties imposed upon him or her by law or rule  
28 of the department.

29 (8) The Department of Legal Affairs shall attend to  
30 the legal business of the Department of Environmental  
31 Protection and its divisions. If any question of law or any

1 litigation arises and the Department of Legal Affairs is  
2 otherwise occupied and cannot give the necessary time and  
3 attention to the question of law or litigation, the  
4 appropriate state attorney shall attend to any question of law  
5 or litigation arising within his or her circuit. If the state  
6 attorney is otherwise occupied and cannot give the necessary  
7 time and attention to the question of law or litigation, the  
8 Department of Environmental Protection may employ additional  
9 counsel for that particular cause with the advise and consent  
10 of the Department of Legal Affairs. The additional counsel's  
11 fees shall be paid from the moneys appropriated to the  
12 Department of Environmental Protection.

13 (9) The impression of the seal of the Department of  
14 Environmental Protection on a certificate made by the  
15 department and signed by the Secretary of Environmental  
16 Protection entitles the certificate to be received in all  
17 courts and in all proceedings in this state and is prima facie  
18 evidence of all factual matters set forth in the certificate.  
19 A certificate may relate to one or more records as set forth  
20 in the certificate or in a schedule attached to the  
21 certificate.

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

30 Section 7. The Secretary of the Department of  
31 Environmental Protection and the Executive Director of the



1 Fish and Wildlife Conservation Commission shall each appoint  
2 three staff members to a transition advisory committee to  
3 review and determine the appropriate number of positions, up  
4 to 60 positions and their related funding levels and sources  
5 from the Office of General Counsel and from the Division of  
6 Administrative and Technical Services, to be transferred from  
7 the Department of Environmental Protection to the Fish and  
8 Wildlife Conservation Commission to provide legal services and  
9 administrative and operational support services, including  
10 communications equipment involving the National Crime  
11 Information System (NCIS) and the Florida Crime Information  
12 System (FCIS) which were previously provided to the programs  
13 transferred by sections 4 and 5 of this act. The Governor  
14 shall appoint a staff member from the Office of Planning and  
15 Budget to chair the meetings of the transition advisory  
16 committee and to assist in implementing these provisions as  
17 appropriate with adjustments in the operating budgets of the  
18 two agencies involved during Fiscal Year 1999-2000 as provided  
19 by chapter 216, Florida Statutes, and providing consultation  
20 with the Appropriations Committees in the Senate and the House  
21 of Representatives.

22 Section 8. Subsection (1) of section 206.606, Florida  
23 Statutes, 1998 Supplement, 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 created by s. 206.875. Such moneys, exclusive of  
28 the service charges imposed by s. 215.20, and exclusive of  
29 refunds granted pursuant to s. 206.41, shall be distributed  
30 monthly to the State Transportation Trust Fund, except that:

31

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

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

1 ~~funding under the Florida Boating Improvement Program~~  
2 ~~administered by the Department of Environmental Protection,~~  
3 ~~and freshwater fisheries management and research.~~

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

7 Section 9. Paragraph (f) of subsection (3) and  
8 subsection (6) of section 259.101, Florida Statutes, 1998  
9 Supplement, are amended to read:

10 259.101 Florida Preservation 2000 Act.--

11 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the  
12 costs of issuance, the costs of funding reserve accounts, and  
13 other costs with respect to the bonds, the proceeds of bonds  
14 issued pursuant to this act shall be deposited into the  
15 Florida Preservation 2000 Trust Fund created by s. 375.045.  
16 Ten percent of the proceeds of any bonds deposited into the  
17 Preservation 2000 Trust Fund shall be distributed by the  
18 Department of Environmental Protection to the Department of  
19 Environmental Protection for the purchase by the South Florida  
20 Water Management District of lands in Dade, Broward, and Palm  
21 Beach Counties identified in s. 7, chapter 95-349, Laws of  
22 Florida. This distribution shall apply for any bond issue for  
23 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,  
24 \$20 million per year from the proceeds of any bonds deposited  
25 into the Florida Preservation 2000 Trust Fund shall be  
26 distributed by the Department of Environmental Protection to  
27 the St. Johns Water Management District for the purchase of  
28 lands necessary to restore Lake Apopka. The remaining proceeds  
29 shall be distributed by the Department of Environmental  
30 Protection in the following manner:

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1           (f) Two and nine-tenths percent to the Fish and  
2 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission to  
3 fund the acquisition of inholdings and additions to lands  
4 managed by the commission which are important to the  
5 conservation of fish and wildlife.

6  
7 Local governments may use federal grants or loans, private  
8 donations, or environmental mitigation funds, including  
9 environmental mitigation funds required pursuant to s.  
10 338.250, for any part or all of any local match required for  
11 the purposes described in this subsection. Bond proceeds  
12 allocated pursuant to paragraph (c) may be used to purchase  
13 lands on the priority lists developed pursuant to s. 259.035.  
14 Title to lands purchased pursuant to paragraphs (a), (d), (e),  
15 (f), and (g) shall be vested in the Board of Trustees of the  
16 Internal Improvement Trust Fund, except that title to lands,  
17 or rights or interests therein, acquired by either the  
18 Southwest Florida Water Management District or the St. Johns  
19 River Water Management District in furtherance of the Green  
20 Swamp Land Authority's mission pursuant to s. 380.0677(3),  
21 shall be vested in the district where the acquisition project  
22 is located. Title to lands purchased pursuant to paragraph  
23 (c) may be vested in the Board of Trustees of the Internal  
24 Improvement Trust Fund, except that title to lands, or rights  
25 or interests therein, acquired by either the Southwest Florida  
26 Water Management District or the St. Johns River Water  
27 Management District in furtherance of the Green Swamp Land  
28 Authority's mission pursuant to s. 380.0677(3), shall be  
29 vested in the district where the acquisition project is  
30 located. This subsection is repealed effective October 1,  
31 2000. Prior to repeal, the Legislature shall review the

1 provisions scheduled for repeal and shall determine whether to  
2 reenact or modify the provisions or to take no action.

3 (6) DISPOSITION OF LANDS.--

4 (a) Any lands acquired pursuant to paragraph (3)(a),  
5 paragraph (3)(c), paragraph (3)(d), paragraph (3)(e),  
6 paragraph (3)(f), or paragraph (3)(g), if title to such lands  
7 is vested in the Board of Trustees of the Internal Improvement  
8 Trust Fund, may be disposed of by the Board of Trustees of the  
9 Internal Improvement Trust Fund in accordance with the  
10 provisions and procedures set forth in s. 253.034(6)~~s.~~

11 ~~253.034(5)~~, and lands acquired pursuant to paragraph (3)(b)  
12 may be disposed of by the owning water management district in  
13 accordance with the procedures and provisions set forth in ss.  
14 373.056 and 373.089 provided such disposition also shall  
15 satisfy the requirements of paragraphs (b) and (c).

16 (b) Land acquired for conservation purposes may be  
17 disposed of only after the Board of Trustees of the Internal  
18 Improvement Trust Fund or, in the case of water management  
19 district lands, the owning water management district governing  
20 board makes a determination that preservation of the land is  
21 no longer necessary for conservation purposes and only upon a  
22 two-thirds vote of the appropriate governing board. Following  
23 a determination by the governing board that the land is no  
24 longer needed for conservation purposes, the governing board  
25 must also make a determination that the land is of no further  
26 benefit to the public, as required by s. 253.034(6), or that  
27 the land is surplus land under s. 373.089. Any lands eligible  
28 for disposal under these procedures also may be exchanged for  
29 other lands described in the same paragraph of subsection (3)  
30 as the lands disposed of.~~Before land can be determined to be~~  
31 ~~of no further benefit to the public as required by s.~~

1 ~~253.034(5), or to be no longer required for its purposes under~~  
2 ~~s. 373.056(4), whichever may be applicable, there shall first~~  
3 ~~be a determination by the Board of Trustees of the Internal~~  
4 ~~Improvement Trust Fund, or, in the case of water management~~  
5 ~~district lands, by the owning water management district, that~~  
6 ~~such land no longer needs to be preserved in furtherance of~~  
7 ~~the intent of the Florida Preservation 2000 Act. Any lands~~  
8 ~~eligible to be disposed of under this procedure also may be~~  
9 ~~used to acquire other lands through an exchange of lands,~~  
10 ~~provided such lands obtained in an exchange are described in~~  
11 ~~the same paragraph of subsection (3) as the lands disposed.~~

12 (c) Notwithstanding paragraphs (a) and (b), no such  
13 disposition of land shall be made if such disposition would  
14 have the effect of causing all or any portion of the interest  
15 on any revenue bonds issued to fund the Florida Preservation  
16 2000 Act to lose their exclusion from gross income for  
17 purposes of federal income taxation. Any revenue derived from  
18 the disposal of such lands may not be used for any purpose  
19 except for deposit into the Florida Preservation 2000 Trust  
20 Fund for recredit to the share held under subsection (3), in  
21 which such disposed land is described.

22 Section 10. Subsection (1) of section 370.0603,  
23 Florida Statutes, is amended to read:

24 370.0603 Marine Resources Conservation Trust Fund;  
25 purposes.--

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

- 1 (a) Funding for marine research.
- 2 (b) Funding for fishery enhancement, including, but  
3 not limited to, fishery statistics development, artificial  
4 reefs, and fish hatcheries.
- 5 (c) Funding for marine law enforcement.
- 6 (d) Funding for administration of licensing programs  
7 for recreational fishing, saltwater products sales, and  
8 related information and education activities.
- 9 (e) Funding for the operations of the Fish and  
10 Wildlife Conservation Marine Fisheries Commission.
- 11 (f) Funding for titling and registration of vessels.
- 12 (g) Funding for marine turtle protection, research,  
13 and recovery activities from revenues that are specifically  
14 credited to the trust fund for these purposes.
- 15 (h) Funding activities for rehabilitation of oyster  
16 harvesting areas from which special oyster surcharge fees are  
17 collected, including relaying and transplanting live oysters.

18 Section 11. Section 370.0608, Florida Statutes, 1998  
19 Supplement, is amended to read:

20 370.0608 Deposit of license fees; allocation of  
21 federal funds.--

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

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

31

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

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

5           ~~(a)a.~~ Not more than 12.5 5 percent of the total fees  
6 collected, for administration of the licensing program and for  
7 information and education.

8           ~~(b)b.~~ Not more than 30 percent of the total fees  
9 collected, for law enforcement.

10           ~~(c)c.~~ Not less than 27.5 percent of the total fees  
11 collected, for marine research.

12           ~~(d)d.~~ Not less than 30 percent of the total fees  
13 collected, for fishery enhancement, including, but not limited  
14 to, fishery statistics development, artificial reefs, and fish  
15 hatcheries.

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

31



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

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

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

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

27           Section 12. Section 370.16, Florida Statutes, 1998  
28 Supplement, is amended to read:

29           370.16 Oysters and shellfish; regulation.--

30           (1) LEASE, APPLICATION FORM; NOTICE TO RIPARIAN OWNER;  
31 LANDS LEASED TO BE COMPACT.--When any qualified person desires

1 to lease a part of the bottom or bed of any of the water of  
2 this state, for the purpose of growing oysters or clams, as  
3 provided for in this section, he or she shall present to the  
4 Department of Environmental Protection ~~Division of Marine~~  
5 ~~Resources~~ a written application setting forth the name and  
6 address of the applicant, a reasonably definite description of  
7 the location and amount of land covered by water desired, and  
8 shall pray that the application be filed; that the water  
9 bottoms be surveyed and a plat or map of the survey thereof be  
10 made if no plat or map of such bottoms should have been so  
11 made thereto; and that the water bottoms described be leased  
12 to the applicant under the provisions of this section. Such  
13 applicant shall accompany with his or her written application  
14 a sufficient sum to defray the estimated expenses of the  
15 survey; thereupon the department ~~division~~ shall file such  
16 application and shall direct the same surveyed and platted  
17 forthwith at the expense of the applicant. When applications  
18 are made by two or more persons for the same lands, they shall  
19 be leased to the applicant who first filed application for  
20 same; but to all applications for leases of any of the bottoms  
21 of said waters owned under the riparian acts of the laws of  
22 Florida, heretofore enacted, notice of such application shall  
23 be given the riparian owner, when known, and, when not known,  
24 notice of such application shall be given by publication for 4  
25 weeks in some newspaper published in the county in which the  
26 water bottoms lie; and when there is no newspaper published in  
27 such county, then by posting the notice for 4 weeks at the  
28 courthouse door of the county, and preference shall be given  
29 to the riparian owners under the terms and conditions herein  
30 created, when the riparian owner makes application for such  
31 water bottoms for the purpose of planting oysters or clams

1 before the same are leased to another. The lands leased shall  
2 be as compact as possible, taking into consideration the shape  
3 of the body of water and the condition of the bottom as to  
4 hardness, or soft mud or sand, or other conditions which would  
5 render the bottoms desirable or undesirable for the purpose of  
6 oyster or clam cultivation.

7 (2) SURVEYS, PLATS, AND MAPS OF REEFS.--The Department  
8 of Environmental Protection ~~Division of Marine Resources~~ shall  
9 accept, adopt, and use official reports, surveys, and maps of  
10 oyster, clam, or other shellfish grounds made under the  
11 direction of any authority of the United States as prima facie  
12 evidence of the natural oyster and clam reefs, for the purpose  
13 and intent of this chapter. The department ~~said division~~ may  
14 also make surveys of any natural oyster or clam reefs when it  
15 deems such surveys necessary and where such surveys are made  
16 pursuant to an application for a lease, the cost thereof may  
17 be charged to the applicant as a part of the cost of his or  
18 her application.

19 (3) EXECUTION OF LEASES; LESSEE TO STAKE OFF  
20 BOUNDARIES; PENALTY FOR FAILURE TO COMPLY WITH  
21 REGULATIONS.--As soon as the survey has been made and the plat  
22 or map thereof filed with the Department of Environmental  
23 Protection ~~Division of Marine Resources~~ and the cost thereof  
24 paid by the applicant, the department ~~division~~ may execute in  
25 duplicate a lease of the water bottoms to the applicant. One  
26 duplicate, with a plat or map of the water bottoms so leased,  
27 shall be delivered to the applicant, and the other, with a  
28 plat or map of the bottom so leased, shall be retained by the  
29 department ~~division~~ and registered in a lease book which shall  
30 be kept exclusively for that purpose by the department  
31 ~~division~~; thereafter the lessees shall enjoy the exclusive use

1 of the lands and all oysters and clams, shell, and cultch  
2 grown or placed thereon shall be the exclusive property of  
3 such lessee as long as he or she shall comply with the  
4 provisions of this chapter. The department ~~division~~ shall  
5 require the lessee to stake off and mark the water bottoms  
6 leased, by such ranges, monuments, stakes, buoys, etc., so  
7 placed and made as not to interfere with the navigation, as it  
8 may deem necessary to locate the same to the end that the  
9 location and limits of the lands embraced in such lease be  
10 easily and accurately found and fixed, and such lessee shall  
11 keep the same in good condition during the open and closed  
12 oyster or clam season. All leases shall be marked according to  
13 the standards derived from the uniform waterway markers for  
14 safety and navigation as described in s. 327.40. The  
15 department ~~division~~ may stipulate in each individual lease  
16 contract the types, shape, depth, size, and height of marker  
17 or corner posts. Failure on the part of the lessee to comply  
18 with the orders of the department ~~division~~ to this effect  
19 within the time fixed by it, and to keep the markers, etc., in  
20 good condition during the open and closed oyster or clam  
21 season, shall subject such lessee to a fine not exceeding \$100  
22 for each and every such offense. All lessees shall cause the  
23 area of the leased water bottoms and the names of the lessees  
24 to be shown by signs as may be determined by the department  
25 ~~division~~, if so required.

26 (4) LEASES IN PERPETUITY; RENT; STIPULATIONS; TAXES;  
27 CULTIVATION, ETC.--

28 (a) All leases made under the provisions of this  
29 chapter shall begin on the day executed and continue in  
30 perpetuity under such restrictions as shall herein be stated.  
31 The rent for the first 10 years shall be \$5 per acre, or any

1 fraction of an acre, per year. The actual rate charged for  
2 all leases shall consist of the minimum rate of \$15 per acre,  
3 or any fraction of an acre, per year and shall be adjusted on  
4 January 1, 1995, and every 5 years thereafter, based upon the  
5 5-year average change in the Consumer Price Index. However,  
6 the rent for any lease currently in effect shall not be  
7 increased during the first 10 years of said lease. This rent  
8 shall be paid in advance at the time of signing the lease up  
9 to January 1 following, and annually thereafter in advance on  
10 or before January 1, whether the lease be held by the original  
11 lessee or by an heir, assignee, or transferee.

12 (b) A surcharge of \$5 per acre, or any fraction of an  
13 acre, per annum shall be levied upon each lease, other than a  
14 perpetual lease granted pursuant to this subsection, and  
15 deposited into the Marine Resources Conservation Trust Fund.  
16 The surcharge shall be levied until the balance of receipts  
17 from the surcharge equals or exceeds \$30,000. For the fiscal  
18 year immediately following the year in which the balance of  
19 receipts from the surcharge equals or exceeds \$30,000, no  
20 surcharge shall be levied unless the balance from receipts  
21 from the surcharge is less than or equal to \$20,000. For the  
22 fiscal year immediately following the year in which the  
23 balance of receipts from the surcharge is less than or equal  
24 to \$20,000, the surcharge shall be and shall remain \$5 per  
25 acre, or any fraction of an acre, per annum until the balance  
26 of receipts from the surcharge again is equal to or exceeds  
27 \$30,000. The purpose of the surcharge is to provide a  
28 mechanism to have financial resources immediately available  
29 for cleanup and rehabilitation of abandoned or vacated lease  
30 sites. The department is authorized to adopt rules necessary  
31 to carry out the provisions of this subsection.

1 (c) Moneys in the fund that are not needed currently  
2 for cleanup and rehabilitation of abandoned or vacated lease  
3 sites shall be deposited with the Treasurer to the credit of  
4 the fund and may be invested in such manner as is provided for  
5 by statute. Interest received on such investment shall be  
6 credited to the fund.

7 (d) Funds from receipts from the surcharge within the  
8 Marine Resources Conservation Trust Fund from the surcharge  
9 established by paragraph (b) shall be disbursed for the  
10 following purposes and no others:

11 1. Administrative expenses, personnel expenses, and  
12 equipment costs of the department related to cleanup and  
13 rehabilitation of abandoned or vacated aquaculture lease sites  
14 and enforcement of provisions of subsections (1)-(13).

15 2. All costs involved in the cleanup and  
16 rehabilitation of abandoned or vacated lease sites.

17 3. All costs and damages which are the proximate  
18 results of lease abandonment or vacation.

19 4. The department shall recover to the use of the fund  
20 from the person or persons abandoning or vacating the lease,  
21 jointly and severally, all sums owed or expended from the  
22 fund. Requests for reimbursement to the fund for the above  
23 costs, if not paid within 30 days of demand, shall be turned  
24 over to the Department of Legal Affairs for collection.

25 (e) Effective cultivation shall consist of the growing  
26 of the oysters or clams in a density suitable for commercial  
27 harvesting over the amount of bottom prescribed by law. This  
28 commercial density shall be accomplished by the planting of  
29 seed oysters, shell, and cultch of various descriptions. The  
30 Department of Environmental Protection ~~Division of Marine~~  
31 ~~Resources~~ may stipulate in each individual lease contract the

1 types, shape, depth, size, and height of cultch materials on  
2 lease bottoms according to the individual shape, depth,  
3 location, and type of bottom of the proposed lease. Each  
4 tenant leasing from the state water bottoms under the  
5 provisions of this section shall have begun, within 1 year  
6 from the date of such lease, bona fide cultivation of the  
7 same, and shall, by the end of the second year from the  
8 commencement of his or her lease, have placed under  
9 cultivation at least one-fourth of the water bottom leased and  
10 shall each year thereafter place in cultivation at least  
11 one-fourth of the water bottom leased until the whole,  
12 suitable for bedding of oysters or clams, shall have been put  
13 in cultivation by the planting thereon of not less than 200  
14 barrels of oysters, shell, or its equivalent in cultch to the  
15 acre. When leases are granted, or when grants have heretofore  
16 been made under existing laws for the planting of oysters or  
17 clams, such lessee or grantee is authorized to plant the  
18 leased or granted bottoms both in oysters and clams.

19 (f) These stipulations will apply to all leases  
20 granted after the passing of this section. All leases  
21 existing prior to the passing of this section will operate  
22 under the law which was in effect when the leases were  
23 granted.

24 (g) When evidence is gathered by the department and  
25 such evidence conclusively shows a lack of effective  
26 cultivation, the department may revoke leases and return the  
27 bottoms in question to the public domain.

28 (h) The department has the authority to adopt rules  
29 and regulations pertaining to the water column over shellfish  
30 leases. All cultch materials in place 6 months after the  
31 formal adoption and publication of rules and regulations

1 establishing standards for cultch materials on shellfish  
2 leases which do not comply with such rules and regulations may  
3 be declared a nuisance by the department. The department  
4 shall have the authority to direct the lessee to remove such  
5 cultch in violation of this section. The department may  
6 cancel a lease upon the refusal by the lessee violating such  
7 rules and regulations to remove unlawful cultch materials, and  
8 all improvements, cultch, marketable oysters, and shell shall  
9 become the property of the state. The department shall have  
10 the authority to retain, dispose of, or remove such materials  
11 in the best interest of the state.

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

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



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

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

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

29 (8) CANCELLATION OF LEASES TO NATURAL REEFS.--Any  
30 person, within 6 months from and after the execution of any  
31 lease to water bottoms, may file a petition with the

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

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

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

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

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

30           (a) The Department of Environmental Protection  
31 ~~Division of Marine Resources~~ shall improve, enlarge, and

1 protect the natural oyster and clam reefs of this state to the  
2 extent it may deem advisable and the means at its disposal  
3 will permit.

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

12 (c) The department ~~division~~ shall provide the  
13 Legislature annually with recommendations for the development  
14 and the proper protection of the rights of the state and  
15 private holders therein with respect to the oyster and clam  
16 business.

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

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

29 (a) The Fish and Wildlife Conservation Commission  
30 ~~Marine Fisheries Commission~~ shall consider setting the

31

1 shellfish harvesting seasons in the Apalachicola Bay as  
2 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

27 3. Leaseholders or grantees shall telephonically  
28 notify the Fish and Wildlife Conservation ~~Division of Law~~  
29 ~~Enforcement and the Division of Marine Resources~~ no less than  
30 48 hours prior to each day's use of a dredge or scrape in  
31 order to arrange for a commission ~~Marine Patrol~~ officer to be



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

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

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

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

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

28 (a) Designation of areas for the taking of oysters and  
29 clams to be planted on leases, grants, and public areas is to  
30 be made by qualified personnel of the Fish and Wildlife  
31 Conservation Commission ~~Division of Marine Resources~~. Oysters,

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

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

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

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

31

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

13           (19) DEPOSIT OF SHELLFISH LEASE RENTAL FEES.--Rental  
14 fees for shellfish leases issued under this section shall be  
15 deposited into the Marine Resources Conservation Trust Fund  
16 and used for shellfish-related aquaculture activities,  
17 including research, lease compliance inspections, mapping, and  
18 siting.

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

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

30           (b) Each person in any way dealing in shellfish shall  
31 keep a record, on blanks or forms prescribed by the commission

1 ~~Division of Marine Resources~~, of all oysters, clams, and  
2 shellfish taken, purchased, used, or handled by him or her,  
3 with the name of the persons from whom purchased, if  
4 purchased, together with the quantity and the date taken or  
5 purchased, and shall exhibit this account at all times when  
6 requested so to do by the commission ~~division~~ or any  
7 conservation agent; and he or she shall, on the first day of  
8 each month, make a return under oath to the commission  
9 ~~division~~ as to the number of oysters, clams, and shellfish  
10 purchased, caught, or handled during the preceding month. The  
11 commission ~~division~~ may require detailed returns whenever it  
12 deems them necessary.

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

1 deposited with the Treasurer to the credit of the General  
2 Revenue Fund; any person guilty of such violations shall not  
3 be permitted to have any license provided for in this chapter  
4 within a period of 1 year from the date of conviction.

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

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

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

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

30 (25) OYSTER AND CLAM SHELLS PROPERTY OF DIVISION.--  
31

1           (a) Except for oysters used directly in the half-shell  
2 trade, 50 percent of all shells from oysters and clams shucked  
3 commercially in the state shall be and remain the property of  
4 the Department of Environmental Protection ~~Division of Marine~~  
5 ~~Resources~~ when such shells are needed and required for  
6 rehabilitation projects and planting operations, in  
7 cooperation with the Fish and Wildlife Conservation  
8 Commission, when sufficient resources and facilities exist for  
9 handling and planting said shell, and when the collection and  
10 handling of such shell is practical and useful, except that  
11 bona fide holders of leases and grants may retain 75 percent  
12 of such shell as they produce for planting purposes by  
13 obtaining a special activity license from the commission  
14 ~~division~~ pursuant to s. 370.06. Storage, transportation, and  
15 planting of shells so retained by lessees and grantees shall  
16 be carried out under the surveillance of agents of the  
17 department ~~division~~ and be subject to such reasonable time  
18 limits as the department ~~division~~ may fix. In the event of an  
19 accumulation of an excess of shells, the department ~~division~~  
20 is authorized to sell shells only to private growers for use  
21 in oyster or clam cultivation on bona fide leases and grants.  
22 No profit shall accrue to the department ~~division~~ in these  
23 transactions, and shells are to be sold for the estimated  
24 moneys spent by the department ~~division~~ to gather and  
25 stockpile the shells. Planting of shells obtained from the  
26 department ~~division~~ by purchase shall be subject to the  
27 surveillance of the department ~~division~~ if the department  
28 ~~division~~ chooses to exercise its right of supervision. Any  
29 shells not claimed and used by private oyster cultivators 10  
30 years after shells are gathered and stockpiled may be sold at  
31 auction to the highest bidder for any private use.

1           (b) Whenever the department ~~division~~ determines that  
2 it is unfeasible to collect oyster or clam shells, the shells  
3 become the property of the producer.

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

11           (d) Moneys derived from the sale of shell shall be  
12 deposited in the Marine Resources Conservation Trust Fund for  
13 shellfish programs.

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

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

1 things within its power and authority necessary to the  
2 performance of its duties.

3 (27) HEALTH PERMITS.--

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

8 (b) No person shall be employed or remain employed in  
9 a certified oyster house without the possession of the  
10 required health permit.

11 (c) For the purpose of this subsection, "commercial  
12 use" shall be a quantity of more than 4 bushels, or more than  
13 2 gallons, of shucked oysters, per person or per boat, or any  
14 number or quantity of oysters if the oysters are to be sold.

15 (28) REQUIREMENTS FOR OYSTER VESSELS.--

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

26 (b) For the purpose of this subsection, "commercial  
27 use" shall be a quantity of more than 4 bushels, or more than  
28 2 gallons, of shucked oysters, per person or per boat, or any  
29 number or quantity of oysters if the oysters are to be sold.

30  
31



1           Section 13. Subsections (2), (3), (8), (9), (10), and  
2 (11) of section 370.26, Florida Statutes, 1998 Supplement, are  
3 amended to read:

4           370.26 Aquaculture definitions; marine aquaculture  
5 products, producers, and facilities.--

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

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

28           (8) The department shall:

29           (a) Coordinate with the Aquaculture Review Council,  
30 the Aquaculture Interagency Coordinating Council, and the  
31

1 Department of Agriculture and Consumer Services when  
2 developing criteria for aquaculture general permits.

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

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

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

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

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

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

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

27 1. Providing eggs, larvae, fry, and fingerlings to  
28 aquaculturists when excess cultured stocks are available from  
29 the commission's ~~department's~~ facilities and the culture  
30 activities are consistent with the commission's ~~department's~~  
31 stock enhancement projects. Such stocks may be obtained by

1 reimbursing the commission ~~department~~ for the cost of  
2 production on a per-unit basis. Revenues resulting from the  
3 sale of stocks shall be deposited into the trust fund used to  
4 support the production of such stocks.

5         2. Conducting research programs to evaluate candidate  
6 species when funding and staff are available.

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

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

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

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

1 program to make grants available to qualified nonprofit,  
2 educational, and research entities or local governments to  
3 fund infrastructure, planning, practical and applied research,  
4 development projects, production economic analysis, and  
5 training and stock enhancement projects, and to make grants  
6 available to counties, municipalities, and other state and  
7 local entities for applied aquaculture projects that are  
8 directed to economic development, pending legislative  
9 appropriations.

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

14 Section 14. Subsection (5) of section 932.7055,  
15 Florida Statutes, 1998 Supplement, is amended to read:

16 932.7055 Disposition of liens and forfeited  
17 property.--

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

21 (a) The Department of Law Enforcement, the proceeds  
22 accrued pursuant to the provisions of the Florida Contraband  
23 Forfeiture Act shall be deposited into the Forfeiture and  
24 Investigative Support Trust Fund as provided in s. 943.362 or  
25 into the department's Federal Law Enforcement Trust Fund as  
26 provided in s. 943.365, as applicable.

27 (b) The Department of Environmental Protection, the  
28 proceeds accrued pursuant to the provisions of the Florida  
29 Contraband Forfeiture Act shall be deposited into the  
30 Forfeited Property Trust Fund ~~Marine Resources Conservation~~  
31 ~~Trust Fund~~ to be used for law enforcement purposes as provided

1 in ss. 370.021 and 370.061 or into the department's Federal  
2 Law Enforcement Trust Fund as provided in s. 20.2553, as  
3 applicable.

4 (c) The Division of Alcoholic Beverages and Tobacco,  
5 the proceeds accrued pursuant to the Florida Contraband  
6 Forfeiture Act shall be deposited into the Alcoholic Beverage  
7 and Tobacco Trust Fund or into the department's Federal Law  
8 Enforcement Trust Fund as provided in s. 561.027, as  
9 applicable.

10 (d) The Department of Highway Safety and Motor  
11 Vehicles, the proceeds accrued pursuant to the Florida  
12 Contraband Forfeiture Act shall be deposited into the  
13 Department of Highway Safety and Motor Vehicles Law  
14 Enforcement Trust Fund as provided in s. 932.705(1)(a) or into  
15 the department's Federal Law Enforcement Trust Fund as  
16 provided in s. 932.705(1)(b), as applicable.

17 (e) The Fish and Wildlife Conservation ~~Game and Fresh~~  
18 ~~Water Fish~~ Commission, the proceeds accrued pursuant to the  
19 provisions of the Florida Contraband Forfeiture Act shall be  
20 deposited into the State Game Trust Fund as provided in ss.  
21 372.73, 372.9901, and 372.9904 or into the commission's  
22 Federal Law Enforcement Trust Fund as provided in s. 372.107,  
23 as applicable.

24 (f) A state attorney's office acting within its  
25 judicial circuit, the proceeds accrued pursuant to the  
26 provisions of the Florida Contraband Forfeiture Act shall be  
27 deposited into the State Attorney's Forfeiture and  
28 Investigative Support Trust Fund to be used for the  
29 investigation of crime and prosecution of criminals within the  
30 judicial circuit.

31

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

5 (h) One of the State University System police  
6 departments acting within the jurisdiction of its employing  
7 state university, the proceeds accrued pursuant to the  
8 provisions of the Florida Contraband Forfeiture Act shall be  
9 deposited into that state university's special law enforcement  
10 trust fund.

11 (i) The Department of Agriculture and Consumer  
12 Services, the proceeds accrued pursuant to the provisions of  
13 the Florida Contraband Forfeiture Act shall be deposited into  
14 the Agricultural Law Enforcement Trust Fund or into the  
15 department's Federal Law Enforcement Trust Fund as provided in  
16 s. 570.205, as applicable.

17 (j) The Department of Military Affairs, the proceeds  
18 accrued from federal forfeiture sharing pursuant to 21 U.S.C.  
19 ss. 881(e)(1)(A) and (3), 18 U.S.C. s. 981(e)(2), and 19  
20 U.S.C. s. 1616a shall be deposited into the Armory Board Trust  
21 Fund and used for purposes authorized by such federal  
22 provisions based on the department's budgetary authority or  
23 into the department's Federal Law Enforcement Trust Fund as  
24 provided in s. 250.175, as applicable.

25 Section 15. Subsection (1) of section 20.055, Florida  
26 Statutes, 1998 Supplement, is amended to read:

27 20.055 Agency inspectors general.--

28 (1) For the purposes of this section:

29 (a) "State agency" means each department created  
30 pursuant to this chapter, and also includes the Executive  
31 Office of the Governor, the Department of Military Affairs,

1 the Parole Commission, the Board of Regents, the Fish and  
2 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
3 the Public Service Commission, and the state courts system.

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

9 Section 16. Subsection (1) of section 23.21, Florida  
10 Statutes, is amended to read:

11 23.21 Definitions.--For purposes of this part:

12 (1) "Department" means a principal administrative unit  
13 within the executive branch of state government, as defined in  
14 chapter 20, and includes the State Board of Administration,  
15 the Executive Office of the Governor, the Fish and Wildlife  
16 Conservation ~~Game and Fresh Water Fish~~ Commission, the Parole  
17 Commission, the Agency for Health Care Administration, the  
18 Board of Regents, the State Board of Community Colleges, the  
19 Justice Administrative Commission, the Capital Collateral  
20 Representative, and separate budget entities placed for  
21 administrative purposes within a department.

22 Section 17. Paragraph (b) of subsection (1) of section  
23 120.52, Florida Statutes, is amended to read:

24 120.52 Definitions.--As used in this act:

25 (1) "Agency" means:

26 (b) Each state officer and state department,  
27 departmental unit described in s. 20.04, commission, regional  
28 planning agency, board, multicounty special district with a  
29 majority of its governing board comprised of nonelected  
30 persons, and authority, including, but not limited to, the  
31 Commission on Ethics and the Fish and Wildlife Conservation

1 ~~Game and Fresh Water Fish~~ Commission when acting pursuant to  
2 statutory authority derived from the Legislature, educational  
3 units, and those entities described in chapters 163, 298, 373,  
4 380, and 582 and s. 186.504, except any legal entity or agency  
5 created in whole or in part pursuant to chapter 361, part II,  
6 an expressway authority pursuant to chapter 348, or any legal  
7 or administrative entity created by an interlocal agreement  
8 pursuant to s. 163.01(7), unless any party to such agreement  
9 is otherwise an agency as defined in this subsection.

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

14 Section 18. Subsection (5) of section 120.81, Florida  
15 Statutes, is amended to read:

16 120.81 Exceptions and special requirements; general  
17 areas.--

18 (5) HUNTING AND FISHING REGULATION.--Agency action  
19 which has the effect of altering established hunting or  
20 fishing seasons, or altering established annual harvest limits  
21 for saltwater fishing if the procedure for altering such  
22 harvest limits is set out by rule of the Fish and Wildlife  
23 Conservation ~~Marine Fisheries~~ Commission, is not a rule as  
24 defined by this chapter, provided such action is adequately  
25 noticed in the area affected through publishing in a newspaper  
26 of general circulation or through notice by broadcasting by  
27 electronic media.

28 Section 19. Subsection (6) of section 163.3244,  
29 Florida Statutes, is amended to read:

30 163.3244 Sustainable communities demonstration  
31 project.--



1           (6) The secretary of the Department of Environmental  
2 Protection, the Secretary of Community Affairs, the Secretary  
3 of Transportation, the Commissioner of Agriculture, the  
4 executive director of the Fish and Wildlife Conservation ~~Game~~  
5 ~~and Fresh Water Fish~~ Commission, and the executive directors  
6 of the five water management districts shall have the  
7 authority to enter into agreements with landowners,  
8 developers, businesses, industries, individuals, and  
9 governmental agencies as may be necessary to effectuate the  
10 provisions of this section.

11           Section 20. Subsection (6) of section 186.003, Florida  
12 Statutes, 1998 Supplement, is amended to read:

13           186.003 Definitions.--As used in ss. 186.001-186.031  
14 and 186.801-186.911, the term:

15           (6) "State agency" means each executive department,  
16 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
17 Commission, the Parole Commission, and the Department of  
18 Military Affairs.

19           Section 21. Subsection (1) of section 186.005, Florida  
20 Statutes, is amended to read:

21           186.005 Designation of departmental planning  
22 officer.--

23           (1) The head of each executive department and the  
24 Public Service Commission, the Fish and Wildlife Conservation  
25 ~~Game and Fresh Water Fish~~ Commission, the Parole Commission,  
26 and the Department of Military Affairs shall select from  
27 within such agency a person to be designated as the planning  
28 officer for such agency. The planning officer shall be  
29 responsible for coordinating with the Executive Office of the  
30 Governor and with the planning officers of other agencies all  
31

1 activities and responsibilities of such agency relating to  
2 planning.

3 Section 22. Subsection (1) of section 229.8058,  
4 Florida Statutes, is amended to read:

5 229.8058 Advisory Council on Environmental Education;  
6 establishment; responsibilities.--

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

10 (a) Two members of the Senate, appointed by the  
11 President of the Senate.

12 (b) Two members of the House of Representatives,  
13 appointed by the Speaker of the House of Representatives.

14 (c) Five members appointed by the Governor.

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

16 (e) A representative of the Department of  
17 Environmental Protection.

18 (f) A representative of the Fish and Wildlife  
19 Conservation Game and Fresh Water Fish Commission.

20 (g) A representative of the Executive Office of the  
21 Governor.

22 (h) The chair of the Environmental Education  
23 Foundation.

24 Section 23. Subsection (6) of section 240.155, Florida  
25 Statutes, is amended to read:

26 240.155 Campus master plans and campus development  
27 agreements.--

28 (6) Before a campus master plan is adopted, a copy of  
29 the draft master plan must be sent for review to the host and  
30 any affected local governments, the state land planning  
31 agency, the Department of Environmental Protection, the

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

20 Section 24. Subsection (1) of section 252.365, Florida  
21 Statutes, is amended to read:

22 252.365 Designation of emergency coordination  
23 officers.--

24 (1) The head of each executive department, the  
25 executive director of each water management district, the  
26 Public Service Commission, the Fish and Wildlife Conservation  
27 ~~Game and Fresh Water Fish~~ Commission, and the Department of  
28 Military Affairs shall select from within such agency a person  
29 to be designated as the emergency coordination officer for the  
30 agency and an alternate.

31

1           Section 25. Section 253.05, Florida Statutes, is  
2 amended to read:

3           253.05 Prosecuting officers to assist in protecting  
4 state lands.--State attorneys, other prosecuting officers of  
5 the state or county, wildlife officers of the Fish and  
6 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
7 Commission, conservation officers, together with the Secretary  
8 of Environmental Protection, and county sheriffs and their  
9 deputies shall see that the lands owned by the state, as  
10 described in ss. 253.01 and 253.03, shall not be the object of  
11 damage, trespass, depredation, or unlawful use by any person.  
12 The said officers and their deputies shall, upon information  
13 that unlawful use is being made of state lands, report the  
14 same, together with the information in their possession  
15 relating thereto, to the Board of Trustees of the Internal  
16 Improvement Trust Fund and shall cooperate with the said board  
17 in carrying out the purposes of ss. 253.01-253.04 and this  
18 section. State attorneys and other prosecuting officers of the  
19 state or any county, upon request of the Governor or Board of  
20 Trustees of the Internal Improvement Trust Fund, shall  
21 institute and maintain such legal proceedings as may be  
22 necessary to carry out the purpose of said sections.

23           Section 26. Subsection (1) of section 253.45, Florida  
24 Statutes, is amended to read:

25           253.45 Sale or lease of phosphate, clay, minerals,  
26 etc., in or under state lands.--

27           (1) The Board of Trustees of the Internal Improvement  
28 Trust Fund may sell or lease any phosphate, earth or clay,  
29 sand, gravel, shell, mineral, metal, timber or water, or any  
30 other substance similar to the foregoing, in, on, or under,  
31 any land the title to which is vested in the state, the

1 Department of Management Services, the Department of  
2 Environmental Protection, the Fish and Wildlife Conservation  
3 ~~Game and Fresh Water Fish~~ Commission, the State Board of  
4 Education, or any other state board, department, or agency;  
5 provided that the board of trustees may not grant such a sale  
6 or lease on the land of any other state board, department, or  
7 agency without first obtaining approval therefrom. No sale or  
8 lease provided for in this section shall be allowed on  
9 hard-surfaced beaches that are used for bathing or driving and  
10 areas contiguous thereto out to a mean low-water depth of 3  
11 feet and landward to the nearest paved public road. Any sale  
12 or lease provided for in this section shall be conducted by  
13 competitive bidding as provided for in ss. 253.52, 253.53, and  
14 253.54. The proceeds of such sales or leases are to be  
15 credited to the board of trustees, board, department, or  
16 agency which has title or control of the land involved.

17 Section 27. Section 253.75, Florida Statutes, is  
18 amended to read:

19 253.75 Studies and recommendations by the department  
20 and the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
21 ~~Fish~~ Commission; designation of recommended traditional and  
22 other use zones; supervision of aquaculture operations.--

23 (1) Prior to the granting of any lease under this act,  
24 the board shall request a recommendation by the department,  
25 when the application relates to tidal bottoms, and by the Fish  
26 and Wildlife Conservation ~~Game and Fresh Water Fish~~  
27 Commission, when the application relates to bottom land  
28 covered by fresh water. Such recommendations shall be based on  
29 such factors as an assessment of the probable effect of the  
30 proposed leasing arrangement on the lawful rights of riparian  
31 owners, navigation, commercial and sport fishing, and the

1 conservation of fish or other wildlife or other natural  
2 resources, including beaches and shores.

3 (2) The department and the Fish and Wildlife  
4 Conservation ~~Game and Fresh Water Fish~~ Commission shall both  
5 have the following responsibilities with respect to submerged  
6 land and water column falling within their respective  
7 jurisdictions:

8 (a) To undertake, or cause to be undertaken, the  
9 studies and surveys necessary to support their respective  
10 recommendations to the board;

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

14 (c) To designate in advance areas of submerged land  
15 and water column owned by the state for which they recommend  
16 reservation for uses that may possibly be inconsistent with  
17 the conduct of aquaculture activities. Such uses shall  
18 include, but not be limited to, recreational, commercial and  
19 sport fishing and other traditional uses, exploration for  
20 petroleum and other minerals, and scientific instrumentation.  
21 The existence of such designated areas shall be considered by  
22 the board in granting leases under this act.

23 Section 28. Subsection (3) of section 253.7829,  
24 Florida Statutes, is amended to read:

25 253.7829 Management plan for retention or disposition  
26 of former Cross Florida Barge Canal lands; authority to manage  
27 lands until disposition.--

28 (3)(a) Before taking any action to control the rhesus  
29 monkey population located in Marion County, the Fish and  
30 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
31 Commission shall conduct a study of the options available to

1 them to deal with control of the rhesus monkeys located within  
2 a 10-mile radius of the convergence of the Oklawaha and Silver  
3 Rivers. The options studied shall include but not be limited  
4 to:

5           1. Developing a management plan to allow the monkeys  
6 to remain in their present locations.

7           2. Relocating all or some of the monkeys to  
8 appropriate private state or federal lands in the United  
9 States.

10           3. Sterilizing all or some of the monkeys, regardless  
11 of whether they remain in their present location or are  
12 relocated.

13           4. Euthanizing all or some of the monkeys.

14           (b) During the time the study is being conducted, the  
15 Fish and Wildlife Conservation ~~Florida Game and Fresh Water~~  
16 ~~Fish~~ Commission may control monkeys that constitute a threat  
17 to visitors to such area. Such control includes, but is not  
18 limited to, the right to deny public access to any area where  
19 the monkeys are known to congregate. The Fish and Wildlife  
20 Conservation ~~Florida Game and Fresh Water~~ ~~Fish~~ Commission  
21 shall post adequate warning signs in areas to which the public  
22 is denied access.

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

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

29           (e) Nothing in this subsection affects the signed  
30 agreement between the department and the Silver Springs  
31 Attraction regarding the relocation of rhesus monkeys from

1 Silver River State Park to the attraction, and such agreement  
2 continues to be valid.

3 Section 29. Subsection (4) of section 253.787, Florida  
4 Statutes, is amended to read:

5 253.787 Florida Greenways Coordinating Council;  
6 composition; duties.--

7 (4) The council is to be composed of 26 members,  
8 consisting of:

9 (a) Four members appointed by the Governor, four  
10 members appointed by the President of the Senate, and four  
11 members appointed by the Speaker of the House of  
12 Representatives. Each appointing authority must consider  
13 ethnic and gender balance and appoint one member who is  
14 representative of:

- 15 1. Business interests;
  - 16 2. The interests of landowners;
  - 17 3. Conservation interests; and
  - 18 4. Recreation interests.
- 19

20 The Governor shall designate one of his or her appointees as  
21 chair of the council.

22 (b) Six members appointed by the Governor with the  
23 concurrence of the President of the Senate and the Speaker of  
24 the House of Representatives, one of whom represents the  
25 government of an urban county, one of whom represents the  
26 government of a rural county, two of whom represent a  
27 municipal government, one of whom represents the state's water  
28 management districts, and one of whom represents a federal  
29 land management entity active in the state.

30 (c) Eight ex officio members consisting of the head or  
31 designee of the following state agencies: the Department of



1 Environmental Protection, the Department of Transportation,  
2 the Department of Community Affairs, the Division of Forestry  
3 of the Department of Agriculture and Consumer Services, the  
4 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
5 Commission, the Department of Commerce, the Department of  
6 Education, and the Division of Historical Resources of the  
7 Department of State.

8 Section 30. Subsection (3) of section 255.502, Florida  
9 Statutes, 1998 Supplement, is amended to read:

10 255.502 Definitions; ss. 255.501-255.525.--As used in  
11 this act, the following words and terms shall have the  
12 following meanings unless the context otherwise requires:

13 (3) "Agency" means any department created by chapter  
14 20, the Executive Office of the Governor, the Fish and  
15 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
16 the Parole Commission, the State Board of Administration, the  
17 Department of Military Affairs, or the Legislative Branch or  
18 the Judicial Branch of state government.

19 Section 31. Subsection (2) of section 258.157, Florida  
20 Statutes, is amended to read:

21 258.157 Prohibited acts in Savannas State Reserve.--

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

28 Section 32. Subsection (4) of section 258.397, Florida  
29 Statutes, is amended to read:

30 258.397 Biscayne Bay Aquatic Preserve.--

31 (4) RULES.--

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

4 1. Additional preserve management criteria as may be  
5 necessary to accommodate special circumstances.

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

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

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

22 Section 33. Paragraph (a) of subsection (7) of section  
23 258.501, Florida Statutes, is amended to read:

24 258.501 Myakka River; wild and scenic segment.--

25 (7) MANAGEMENT COORDINATING COUNCIL.--

26 (a) Upon designation, the department shall create a  
27 permanent council to provide interagency and intergovernmental  
28 coordination in the management of the river. The coordinating  
29 council shall be composed of one representative appointed from  
30 each of the following: the department, the Department of  
31 Transportation, the Fish and Wildlife Conservation ~~Game and~~

1 ~~Fresh Water Fish~~ Commission, the Department of Community  
2 Affairs, the Division of Forestry of the Department of  
3 Agriculture and Consumer Services, the Division of Historical  
4 Resources of the Department of State, the Tampa Bay Regional  
5 Planning Council, the Southwest Florida Water Management  
6 District, the Southwest Florida Regional Planning Council,  
7 Manatee County, Sarasota County, Charlotte County, the City of  
8 Sarasota, the City of North Port, agricultural interests,  
9 environmental organizations, and any others deemed advisable  
10 by the department.

11 Section 34. Subsection (1) of section 259.035, Florida  
12 Statutes, 1998 Supplement, is amended to read:

13 259.035 Advisory council; powers and duties.--

14 (1) There is created a Land Acquisition and Management  
15 Advisory Council to be composed of the secretary and a  
16 designee of the department, the director of the Division of  
17 Forestry of the Department of Agriculture and Consumer  
18 Services, the executive director of the Fish and Wildlife  
19 Conservation Game and Fresh Water Fish Commission, the  
20 director of the Division of Historical Resources of the  
21 Department of State, and the secretary of the Department of  
22 Community Affairs, or their respective designees. The  
23 chairmanship of the council shall rotate annually in the  
24 foregoing order. The council shall hold periodic meetings at  
25 the request of the chair. The department shall provide primary  
26 staff support to the council and shall ensure that council  
27 meetings are electronically recorded. Such recordings shall be  
28 preserved pursuant to chapters 119 and 257. The department has  
29 authority to adopt rules pursuant to ss. 120.536(1) and 120.54  
30 to implement the provisions of this section.

31

1           Section 35. Subsection (1) of section 259.036, Florida  
2 Statutes, is amended to read:

3           259.036 Management review teams.--

4           (1) To determine whether conservation, preservation,  
5 and recreation lands titled in the name of the Board of  
6 Trustees of the Internal Improvement Trust Fund are being  
7 managed for the purposes for which they were acquired and in  
8 accordance with a land management plan adopted pursuant to s.  
9 259.032, the board of trustees, acting through the Department  
10 of Environmental Protection, shall cause periodic management  
11 reviews to be conducted as follows:

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

14           1. One individual who is from the county or local  
15 community in which the parcel or project is located and who is  
16 selected by the county commission in the county which is most  
17 impacted by the acquisition.

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

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

22           4. One individual from the Fish and Wildlife  
23 Conservation ~~Game and Fresh Water Fish~~ Commission.

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

26           6. A private land manager mutually agreeable to the  
27 state agency representatives.

28           7. A member of the local soil and water conservation  
29 district board of supervisors.

30           8. A member of a conservation organization.

31

1           (b) The staff of the Division of State Lands shall act  
2 as the review team coordinator for the purposes of  
3 establishing schedules for the reviews and other staff  
4 functions. The Legislature shall appropriate funds necessary  
5 to implement land management review team functions.

6           Section 36. Paragraph (a) of subsection (2) of section  
7 282.1095, Florida Statutes, is amended to read:

8           282.1095 State agency law enforcement radio system.--

9           (2)(a) The Joint Task Force on State Agency Law  
10 Enforcement Communications shall consist of eight members, as  
11 follows:

12           1. A representative of the Division of Alcoholic  
13 Beverages and Tobacco of the Department of Business and  
14 Professional Regulation who shall be appointed by the  
15 secretary of the department.

16           2. A representative of the Division of Florida Highway  
17 Patrol of the Department of Highway Safety and Motor Vehicles  
18 who shall be appointed by the executive director of the  
19 department.

20           3. A representative of the Department of Law  
21 Enforcement who shall be appointed by the executive director  
22 of the department.

23           4. A representative of the Fish and Wildlife  
24 Conservation ~~Game and Fresh Water Fish~~ Commission who shall be  
25 appointed by the executive director of the commission.

26           5. A representative of the ~~Division of Law Enforcement~~  
27 ~~of the~~ Department of Environmental Protection who shall be  
28 appointed by the secretary of the department.

29           6. A representative of the Department of Corrections  
30 who shall be appointed by the secretary of the department.

31

1           7. A representative of the Division of State Fire  
2 Marshal of the Department of Insurance who shall be appointed  
3 by the State Fire Marshal.

4           8. A representative of the Department of  
5 Transportation who shall be appointed by the secretary of the  
6 department.

7           Section 37. Subsections (3) and (7) of section  
8 282.404, Florida Statutes, are amended to read:

9           282.404 Geographic information board; definition;  
10 membership; creation; duties; advisory council; membership;  
11 duties.--

12           (3) The board consists of the Director of Planning and  
13 Budgeting within the Executive Office of the Governor, the  
14 executive director of the Fish and Wildlife Conservation ~~Game~~  
15 ~~and Fresh Water Fish~~ Commission, the executive director of the  
16 Department of Revenue, and the State Cadastral Surveyor, as  
17 defined in s. 177.503, or their designees, and the heads of  
18 the following agencies, or their designees: the Department of  
19 Agriculture and Consumer Services, the Department of Community  
20 Affairs, the Department of Environmental Protection, the  
21 Department of Transportation, and the Board of Professional  
22 Surveyors and Mappers. The Governor shall appoint to the board  
23 one member each to represent the counties, municipalities,  
24 regional planning councils, water management districts, and  
25 county property appraisers. The Governor shall initially  
26 appoint two members to serve 2-year terms and three members to  
27 serve 4-year terms. Thereafter, the terms of all appointed  
28 members must be 4 years and the terms must be staggered.  
29 Members may be appointed to successive terms and incumbent  
30 members may continue to serve the board until a new  
31 appointment is made.

1           (7) The Geographic Information Advisory Council  
2 consists of one member each from the Office of Planning and  
3 Budgeting within the Executive Office of the Governor, the  
4 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
5 Commission, the Department of Revenue, the Department of  
6 Agriculture and Consumer Services, the Department of Community  
7 Affairs, the Department of Environmental Protection, the  
8 Department of Transportation, the State Cadastral Surveyor,  
9 the Board of Professional Surveyors and Mappers, counties,  
10 municipalities, regional planning councils, water management  
11 districts, and property appraisers, as appointed by the  
12 corresponding member of the board, and the State Geologist.  
13 The Governor shall appoint to the council one member each, as  
14 recommended by the respective organization, to represent the  
15 Department of Children and Family Services, the Department of  
16 Health, the Florida Survey and Mapping Society, Florida Region  
17 of the American Society of Photogrammetry and Remote Sensing,  
18 Florida Association of Cadastral Mappers, the Florida  
19 Association of Professional Geologists, Florida Engineering  
20 Society, Florida Chapter of the Urban and Regional Information  
21 Systems Association, the forestry industry, the State  
22 University System survey and mapping academic research  
23 programs, and State University System geographic information  
24 systems academic research programs; and two members  
25 representing utilities, one from a regional utility, and one  
26 from a local or municipal utility. These persons must have  
27 technical expertise in geographic information issues. The  
28 Governor shall initially appoint six members to serve 2-year  
29 terms and six members to serve 4-year terms. Thereafter, the  
30 terms of all appointed members must be 4 years and must be  
31 staggered. Members may be appointed to successive terms, and

1 incumbent members may continue to serve the council until a  
2 successor is appointed. Representatives of the Federal  
3 Government may serve as ex officio members without voting  
4 rights.

5 Section 38. Subsection (2) of section 285.09, Florida  
6 Statutes, is amended to read:

7 285.09 Rights of Miccosukee and Seminole Tribes with  
8 respect to hunting, fishing, and frogging.--

9 (2) In addition, members of the Miccosukee Tribe may  
10 take wild game and fish for subsistence purposes and take  
11 frogs for personal consumption as food or for commercial  
12 purposes at any time within their reservation and the area  
13 leased to the Miccosukee Tribe pursuant to the actions of the  
14 Board of Trustees of the Internal Improvement Trust Fund on  
15 April 8, 1981. The Fish and Wildlife Conservation ~~Game and~~  
16 ~~Fresh Water Fish~~ Commission may restrict, for wildlife  
17 management purposes, the exercise of these rights in the area  
18 leased. Prior to placing restrictions upon hunting, fishing,  
19 and frogging for subsistence purposes, the Fish and Wildlife  
20 Conservation ~~Game and Fresh Water Fish~~ Commission shall  
21 totally restrict nonsubsistence uses for the particular  
22 species.

23 Section 39. Section 285.10, Florida Statutes, is  
24 amended to read:

25 285.10 No license or permit fees required;  
26 identification card required.--Indians may exercise the  
27 hunting, fishing, and frogging rights granted to them in those  
28 areas specified by s. 285.09 without payment of licensing or  
29 permitting fees. Each Indian exercising such rights shall be  
30 required to have an identification card issued without cost by  
31 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~



1 Commission through the chairs of the Miccosukee Tribe and  
2 Seminole Tribe. Each Indian is required to have the  
3 identification card on his or her person at all times when  
4 exercising such rights and shall exhibit it to officers of the  
5 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
6 Commission upon the request of such officers.

7 Section 40. Subsection (1) of section 288.021, Florida  
8 Statutes, is amended to read:

9 288.021 Economic development liaison.--

10 (1) The heads of the Department of Transportation, the  
11 Department of Environmental Protection and an additional  
12 member appointed by the secretary of the department, the  
13 Department of Labor and Employment Security, the Department of  
14 Education, the Department of Community Affairs, the Department  
15 of Management Services, and the Fish and Wildlife Conservation  
16 ~~Game and Fresh Water Fish~~ Commission shall designate a  
17 high-level staff member from within such agency to serve as  
18 the economic development liaison for the agency. This person  
19 shall report to the agency head and have general knowledge  
20 both of the state's permitting and other regulatory functions  
21 and of the state's economic goals, policies, and programs.  
22 This person shall also be the primary point of contact for the  
23 agency with the Office of Tourism, Trade, and Economic  
24 Development on issues and projects important to the economic  
25 development of Florida, including its rural areas, to expedite  
26 project review, to ensure a prompt, effective response to  
27 problems arising with regard to permitting and regulatory  
28 functions, and to work closely with the other economic  
29 development liaisons to resolve interagency conflicts.

30  
31

1           Section 41. Subsections (8) and (9) of section  
2 288.975, Florida Statutes, 1998 Supplement, are amended to  
3 read:

4           288.975 Military base reuse plans.--

5           (8) At the request of a host local government, the  
6 Office of Tourism, Trade, and Economic Development shall  
7 coordinate a presubmission workshop concerning a military base  
8 reuse plan within the boundaries of the host jurisdiction.  
9 Agencies that shall participate in the workshop shall include  
10 any affected local governments; the Department of  
11 Environmental Protection; the Office of Tourism, Trade, and  
12 Economic Development; the Department of Community Affairs; the  
13 Department of Transportation; the Department of Health; the  
14 Department of Children and Family Services; the Department of  
15 Agriculture and Consumer Services; the Department of State;  
16 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
17 Commission; and any applicable water management districts and  
18 regional planning councils. The purposes of the workshop shall  
19 be to assist the host local government to understand issues of  
20 concern to the above listed entities pertaining to the  
21 military base site and to identify opportunities for better  
22 coordination of planning and review efforts with the  
23 information and analyses generated by the federal  
24 environmental impact statement process and the federal  
25 community base reuse planning process.

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

30           (a) Send a copy of the proposed military base reuse  
31 plan for review to any affected local governments; the

1 Department of Environmental Protection; the Office of Tourism,  
2 Trade, and Economic Development; the Department of Community  
3 Affairs; the Department of Transportation; the Department of  
4 Health; the Department of Children and Family Services; the  
5 Department of Agriculture and Consumer Services; the  
6 Department of State; the Fish and Wildlife Conservation  
7 ~~Florida Game and Fresh Water Fish~~ Commission; and any  
8 applicable water management districts and regional planning  
9 councils, or

10 (b) Petition the secretary of the Department of  
11 Community Affairs for an extension of the deadline for  
12 submitting a proposed reuse plan. Such an extension request  
13 must be justified by changes or delays in the closure process  
14 by the federal Department of Defense or for reasons otherwise  
15 deemed to promote the orderly and beneficial planning of the  
16 subject military base reuse. The secretary of the Department  
17 of Community Affairs may grant extensions to the required  
18 submission date of the reuse plan.

19 Section 42. Subsection (1) of section 316.640, Florida  
20 Statutes, is amended to read:

21 316.640 Enforcement.--The enforcement of the traffic  
22 laws of this state is vested as follows:

23 (1) STATE.--

24 (a)1.

25 a. The Division of Florida Highway Patrol of the  
26 Department of Highway Safety and Motor Vehicles, the Division  
27 of Law Enforcement of the Fish and Wildlife Conservation  
28 Commission ~~Game and Fresh Water Fish Commission~~, the Division  
29 of Law Enforcement of the Department of Environmental  
30 Protection, and law enforcement officers of the Department of  
31 Transportation each have authority to enforce all of the

1 traffic laws of this state on all the streets and highways  
2 thereof and elsewhere throughout the state wherever the public  
3 has a right to travel by motor vehicle.

4         b. University police officers shall have authority to  
5 enforce all of the traffic laws of this state when such  
6 violations occur on or about any property or facilities that  
7 are under the guidance, supervision, regulation, or control of  
8 the State University System, except that traffic laws may be  
9 enforced off-campus when hot pursuit originates on-campus.

10         c. Community college police officers shall have the  
11 authority to enforce all the traffic laws of this state only  
12 when such violations occur on any property or facilities that  
13 are under the guidance, supervision, regulation, or control of  
14 the community college system.

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

19         e. The Office of Agricultural Law Enforcement of the  
20 Department of Agriculture and Consumer Services shall have the  
21 authority to enforce traffic laws of this state only as  
22 authorized by the provisions of chapter 570. However, nothing  
23 in this section shall expand the authority of the Office of  
24 Agricultural Law Enforcement at its agricultural inspection  
25 stations to issue any traffic tickets except those traffic  
26 tickets for vehicles illegally passing the inspection station.

27         f. School safety officers shall have the authority to  
28 enforce all of the traffic laws of this state when such  
29 violations occur on or about any property or facilities which  
30 are under the guidance, supervision, regulation, or control of  
31 the district school board.

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

5           3. Any disciplinary action taken or performance  
6 evaluation conducted by an agency of the state as described in  
7 subparagraph 1. of a law enforcement officer's traffic  
8 enforcement activity must be in accordance with written  
9 work-performance standards. Such standards must be approved by  
10 the agency and any collective bargaining unit representing  
11 such law enforcement officer. A violation of this subparagraph  
12 is not subject to the penalties provided in chapter 318.

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

16           2.a. The Department of Transportation shall develop  
17 training and qualifications standards for toll enforcement  
18 officers whose sole authority is to enforce the payment of  
19 tolls pursuant to s. 316.1001. Nothing in this subparagraph  
20 shall be construed to permit the carrying of firearms or other  
21 weapons, nor shall a toll enforcement officer have arrest  
22 authority.

23           b. For the purpose of enforcing s. 316.1001,  
24 governmental entities, as defined in s. 334.03, which own or  
25 operate a toll facility may employ independent contractors or  
26 designate employees as toll enforcement officers; however, any  
27 such toll enforcement officer must successfully meet the  
28 training and qualifications standards for toll enforcement  
29 officers established by the Department of Transportation.

30  
31

1           Section 43. Subsections (1), (5), (18), (19), and (25)  
2 of section 320.08058, Florida Statutes, 1998 Supplement, are  
3 amended to read:

4           320.08058 Specialty license plates.--

5           (1) MANATEE LICENSE PLATES.--

6           (a) The department shall develop a manatee license  
7 plate to commemorate the official state marine mammal. The  
8 word "Florida" must appear at the top of the plate, and the  
9 words "Save the Manatee" must appear at the bottom of the  
10 plate.

11           (b)1. The manatee license plate annual use fee must be  
12 deposited into the Save the Manatee Trust Fund, created within  
13 the Fish and Wildlife Conservation Commission ~~Department of~~  
14 ~~Environmental Protection~~. The funds deposited in the Save the  
15 Manatee Trust Fund may be used only for environmental  
16 education; manatee research; facilities, as provided in s.  
17 370.12(5)(b); and manatee protection and recovery.

18           2. For fiscal year 1996-1997, 25 percent of the  
19 manatee license plate annual use fee must be deposited into  
20 the Save the Manatee Trust Fund within the Department of  
21 Environmental Protection and shall be used for manatee  
22 facilities as provided in s. 370.12(5)(b).

23           (5) FLORIDA PANTHER LICENSE PLATES.--

24           (a) The department shall develop a Florida panther  
25 license plate as provided in this section. Florida panther  
26 license plates must bear the design of a Florida panther and  
27 the colors that department approves. In small letters, the  
28 word "Florida" must appear at the bottom of the plate.

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

31

1           1. Eighty-five percent must be deposited in the  
2 Florida Panther Research and Management Trust Fund in the Fish  
3 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
4 to be used for education and programs to protect the  
5 endangered Florida panther.

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

9           (c) A person or corporation that purchases 10,000 or  
10 more panther license plates shall pay an annual use fee of \$5  
11 per plate and an annual processing fee of \$2 per plate, in  
12 addition to the applicable license tax required under s.  
13 320.08.

14           (18) LARGEMOUTH BASS LICENSE PLATES.--

15           (a) The department shall develop a Largemouth Bass  
16 license plate as provided in this section to commemorate the  
17 official freshwater fish of this state. The word "Florida"  
18 must appear at the top of the plate, the words "Go Fishing"  
19 must appear at the bottom of the plate, and a representation  
20 of a largemouth bass must appear to the left of the numerals.

21           (b) The annual use fees shall be distributed to the  
22 State Game Trust Fund and used by the Fish and Wildlife  
23 Conservation ~~Game and Fresh Water Fish~~ Commission to fund  
24 current conservation programs that maintain current levels of  
25 protection and management of this state's fish and wildlife  
26 resources, including providing hunting, fishing, and  
27 nonconsumptive wildlife opportunities.

28           (19) SEA TURTLE LICENSE PLATES.--

29           (a) The department shall develop a Sea Turtle license  
30 plate as provided in this section. The word "Florida" must  
31 appear at the top of the plate, the words "Helping Sea Turtles

1 Survive" must appear at the bottom of the plate, and the image  
2 of a sea turtle must appear in the center of the plate.

3 (b) The annual use fees shall be deposited in the  
4 Marine Resources Conservation Trust Fund in the Fish and  
5 Wildlife Conservation Commission ~~Florida Department of~~  
6 ~~Environmental Protection~~. The first \$500,000 in annual revenue  
7 shall be used by the Florida Marine Turtle Protection Program  
8 to conduct sea turtle protection, research, and recovery  
9 programs. The remaining annual use proceeds shall be used by  
10 the Fish and Wildlife Conservation Commission ~~Department of~~  
11 ~~Environmental Protection~~ for sea turtle conservation  
12 activities, except that up to 30 percent of the remaining  
13 annual use fee proceeds shall be annually dispersed through  
14 the marine turtle grants program as provided in s.  
15 370.12(1)(h).

16 (25) CONSERVE WILDLIFE LICENSE PLATES.--

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

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

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



1 directly related to the management and distribution of the  
2 proceeds.

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

8           Section 44. Present subsection (5) of section 327.02,  
9 Florida Statutes, 1998 Supplement, is redesignated as  
10 subsection (6), present subsection (6) is repealed, subsection  
11 (7) is amended, and new subsection (5) is added to that  
12 section to read:

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

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

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

22           Section 45. Subsection (17) of section 327.25, Florida  
23 Statutes, is amended to read:

24           327.25 Classification; registration; fees and charges;  
25 surcharge; disposition of fees; fines; marine turtle  
26 stickers.--

27           (17) MARINE TURTLE STICKER.--The Department of Highway  
28 Safety and Motor Vehicles ~~Department of Environmental~~  
29 ~~Protection~~ shall offer for sale with vessel registrations a  
30 waterproof sticker in the shape of a marine turtle at an  
31 additional cost of \$5, the proceeds of which shall be

1 deposited in the Marine Resources Conservation Trust Fund to  
2 be used for marine turtle protection, research, and recovery  
3 efforts pursuant to the provisions of s. 370.12(1).

4 Section 46. Section 327.26, Florida Statutes, is  
5 amended to read:

6 327.26 Stickers or emblems for the Save the Manatee  
7 Trust Fund.--The commission ~~department~~ shall prepare stickers  
8 or emblems signifying support for the Save the Manatee Trust  
9 Fund which shall be given to persons who contribute to the  
10 Save the Manatee Trust Fund as provided in s. 327.25. The  
11 commission ~~department~~ may accept stickers or emblems donated  
12 by any governmental or nongovernmental entity for the purposes  
13 of this section.

14 Section 47. Subsection (2) of section 327.28, Florida  
15 Statutes, is amended to read:

16 327.28 Marine Resources Conservation Trust Fund;  
17 vessel registration funds; appropriation and distribution.--

18 (2) All funds collected pursuant to s. 370.06(2) shall  
19 be deposited in the Marine Resources Conservation Trust Fund.  
20 Such funds shall be used to pay the cost of implementing the  
21 saltwater products license program. Additional proceeds from  
22 the licensing revenue shall be distributed among the following  
23 program functions:

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

28 (a)~~(b)~~ No more than 15 percent shall go to law  
29 enforcement;

30 (b)~~(c)~~ No more than 25 percent shall go to the Florida  
31 Saltwater Products Promotion Trust Fund within the Department

1 of Agriculture and Consumer Services for the purpose of  
2 providing marketing and extension services including industry  
3 information and education; and

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

8 Section 48. Subsection (2) of section 327.30, Florida  
9 Statutes, is amended to read:

10 327.30 Collisions, accidents, and casualties.--

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

26 Section 49. Subsection (5) of section 327.35215,  
27 Florida Statutes, 1998 Supplement, is amended to read:

28 327.35215 Penalty for failure to submit to test.--

29 (5) Moneys collected by the clerk of the court  
30 pursuant to this section shall be disposed of in the following  
31 manner:

1 (a) If the arresting officer was employed or appointed  
2 by a state law enforcement agency except the Fish and Wildlife  
3 Conservation Game and Fresh Water Fish Commission, the moneys  
4 shall be deposited into the Marine Resources Conservation  
5 Trust Fund.

6 (b) If the arresting officer was employed or appointed  
7 by a county or municipal law enforcement agency, the moneys  
8 shall be deposited into the law enforcement trust fund of that  
9 agency.

10 (c) If the arresting officer was employed or appointed  
11 by the Fish and Wildlife Conservation Game and Fresh Water  
12 Fish Commission, the money shall be deposited into the State  
13 Game Trust Fund.

14 Section 50. Section 327.395, Florida Statutes, is  
15 amended to read:

16 327.395 Boating safety identification cards.--

17 (1) Until October 1, 2001, a person born after  
18 September 30, 1980, and on or after October 1, 2001, a person  
19 21 years of age or younger may not operate a vessel powered by  
20 a motor of 10 horsepower or greater unless such person has in  
21 his or her possession aboard the vessel photographic  
22 identification and a boater safety identification card issued  
23 by the commission ~~department~~ which shows that he or she has:

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

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

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

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

4           (3) The commission ~~department~~ may appoint liveries,  
5 marinas, or other persons as its agents to administer the  
6 course, course equivalency examination, or temporary  
7 certificate examination and issue identification cards under  
8 guidelines established by the commission ~~department~~. An agent  
9 must charge the \$2 examination fee, which must be forwarded to  
10 the commission ~~department~~ with proof of passage of the  
11 examination and may charge and keep a \$1 service fee.

12           (4) An identification card issued to a person who has  
13 completed a boating education course or a course equivalency  
14 examination is valid for life. A card issued to a person who  
15 has passed a temporary certification examination is valid for  
16 12 months from the date of issuance.

17           (5) A person is exempt from subsection (1) if he or  
18 she:

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

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

22           (c) Is accompanied in the vessel by a person who is  
23 exempt from this section or who holds an identification card  
24 in compliance with this section, is 18 years of age or older,  
25 and is attendant to the operation of the vessel and  
26 responsible for any violation that occurs during the  
27 operation.

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

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

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

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

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

12 (9) The commission ~~department~~ is authorized to  
13 establish and to collect a \$2 examination fee to cover  
14 administrative costs.

15 Section 51. Section 327.41, Florida Statutes, is  
16 amended to read:

17 327.41 Uniform waterway regulatory markers.--

18 (1) The Fish and Wildlife Conservation Commission  
19 ~~Department of Environmental Protection~~ shall adopt rules and  
20 regulations establishing a uniform system of regulatory  
21 markers for the Florida Intracoastal Waterway, compatible with  
22 the system of regulatory markers prescribed by the United  
23 States Coast Guard, and shall give due regard to the System of  
24 Uniform Waterway Markers approved by the Advisory Panel of  
25 State Officials to the Merchant Marine Council, United States  
26 Coast Guard.

27 (2) Any county or municipality which has been granted  
28 a restricted area designation, pursuant to s. 327.46, for a  
29 portion of the Florida Intracoastal Waterway within its  
30 jurisdiction may apply to the Fish and Wildlife Conservation  
31 Commission ~~Department of Environmental Protection~~ for

1 permission to place regulatory markers within the restricted  
2 area.

3 (3) Application for placing regulatory markers on the  
4 Florida Intracoastal Waterway shall be made to the Division of  
5 Marine Resources, accompanied by a map locating the  
6 approximate placement of the markers, a statement of the  
7 specification of the markers, a statement of purpose of the  
8 markers, and a statement of the city or county responsible for  
9 the placement and upkeep of the markers.

10 (4) No person or municipality, county, or other  
11 governmental entity shall place any regulatory markers in, on,  
12 or over the Florida Intracoastal Waterway without a permit  
13 from the Division of Marine Resources.

14 (5) Aquaculture leaseholds shall be marked as required  
15 by this section, and the commission ~~department~~ may approve  
16 alternative marking requirements as a condition of the lease  
17 pursuant to s. 253.68. The provisions of this section  
18 notwithstanding, no permit shall be required for the placement  
19 of markers required by such a lease.

20 Section 52. Section 327.43, Florida Statutes, is  
21 amended to read:

22 327.43 Silver Glen Run and Silver Glen Springs;  
23 navigation channel; anchorage buoys; violations.--

24 (1) The Fish and Wildlife Conservation Commission  
25 ~~Department of Environmental Protection~~ is hereby directed to  
26 mark a navigation channel within Silver Glen Run and Silver  
27 Glen Springs, located on the western shore of Lake George on  
28 the St. Johns River.

29 (2) The commission ~~department~~ is further directed to  
30 establish permanent anchorage buoys within Silver Glen Run and  
31 Silver Glen Springs.

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

5           (4) Any violation of this act shall constitute a  
6 violation of the boating laws of this state and shall be  
7 punishable by issuance of a uniform boating citation as  
8 provided in s. 327.74. Any person who refuses to post a bond  
9 or accept and sign a uniform boating citation, as provided in  
10 s. 327.73(3), commits a misdemeanor of the second degree,  
11 punishable as provided in s. 775.082 or s. 775.083.

12           Section 53. Subsection (1) of section 327.46, Florida  
13 Statutes, is amended to read:

14           327.46 Restricted areas.--

15           (1) The commission ~~department~~ shall have the authority  
16 for establishing, by rule, restricted areas on the waters of  
17 the state for any purpose deemed necessary for the safety of  
18 the public, including, but not limited to, boat speeds and  
19 boat traffic where such restrictions are deemed necessary  
20 based on boating accidents, visibility, tides, congestion, or  
21 other navigational hazards. Each such restricted area shall  
22 be developed in consultation and coordination with the  
23 governing body of the county or municipality in which the  
24 restricted area is located and, where required, with the  
25 United States Army Corps of Engineers. Restricted areas shall  
26 be established in accordance with procedures under chapter  
27 120.

28           Section 54. Section 327.48, Florida Statutes, is  
29 amended to read:

30           327.48 Regattas, races, marine parades, tournaments,  
31 or exhibitions.--Any person directing the holding of a



1 regatta, tournament, or marine parade or exhibition shall  
2 secure a permit from the Coast Guard when such event is held  
3 in navigable waters of the United States. A person directing  
4 any such affair in any county shall notify the sheriff of the  
5 county, or the Fish and Wildlife Conservation Commission ~~Game~~  
6 ~~and Fresh Water Fish Commission, or the department~~ at least 15  
7 days prior to any event in order that appropriate arrangements  
8 for safety and navigation may be assured. Any person or  
9 organization sponsoring a regatta or boat race, marine parade,  
10 tournament, or exhibition shall be responsible for providing  
11 adequate protection to the participants, spectators, and other  
12 users of the water.

13 Section 55. Subsections (1) and (3) of section 327.70,  
14 Florida Statutes, is amended to read:

15 327.70 Enforcement of this chapter and chapter 328.--

16 (1) This chapter and chapter 328 shall be enforced by  
17 the Division of Law Enforcement of the Fish and Wildlife  
18 Conservation ~~department and its officers, the Game and Fresh~~  
19 ~~Water Fish~~ Commission and its officers, the sheriffs of the  
20 various counties and their deputies, and any other authorized  
21 law enforcement officer, all of whom may order the removal of  
22 vessels deemed to be an interference or a hazard to public  
23 safety, enforce the provisions of this chapter and chapter  
24 328, or cause any inspections to be made of all vessels in  
25 accordance with this chapter and chapter 328.

26 (3) The Fish and Wildlife Conservation Commission  
27 ~~department~~ or any other law enforcement agency may make any  
28 investigation necessary to secure information required to  
29 carry out and enforce the provisions of this chapter and  
30 chapter 328.

31

1           Section 56. Section 327.71, Florida Statutes, is  
2 amended to read:

3           327.71 Exemption.--The commission ~~department~~ may, if  
4 it finds that federal law imposes less restrictive  
5 requirements than provided herein or if it determines that  
6 boating safety will not be adversely affected, issue temporary  
7 exemptions from any provision of this chapter or rules  
8 established hereunder, on such terms and conditions as it  
9 considers appropriate.

10           Section 57. Subsections (1) and (3) of section  
11 327.731, Florida Statutes, 1998 Supplement, are amended to  
12 read:

13           327.731 Mandatory education for violators.--

14           (1) Every person convicted of a criminal violation of  
15 this chapter, every person convicted of a noncriminal  
16 infraction under this chapter if the infraction resulted in a  
17 reportable boating accident, and every person convicted of two  
18 noncriminal infractions as defined in s. 327.73(1)(h) through  
19 (k), (m) through (p), (s), and (t), said infractions occurring  
20 within a 12-month period, must:

21           (a) Enroll in, attend, and successfully complete, at  
22 his or her own expense, a boating safety course that meets  
23 minimum standards established by the commission ~~department~~ by  
24 rule; however, the commission ~~department~~ may provide by rule  
25 for waivers of the attendance requirement for violators  
26 residing in areas where classroom presentation of the course  
27 is not available;

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

30  
31

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

4  
5 Any person who has successfully completed an approved boating  
6 course shall be exempt from these provisions upon showing  
7 proof to the commission ~~department~~ as specified in paragraph  
8 (b).

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

17           Section 58. Subsections (1), (2), (4), (6), and (10)  
18 of section 327.74, Florida Statutes, are amended to read:

19           327.74 Uniform boating citations.--

20           (1) The commission ~~department~~ shall prepare, and  
21 supply to every law enforcement agency in this state which  
22 enforces the laws of this state regulating the operation of  
23 vessels, an appropriate form boating citation containing a  
24 notice to appear (which shall be issued in prenumbered books  
25 with citations in quintuplicate) and meeting the requirements  
26 of this chapter or any laws of this state regulating boating,  
27 which form shall be consistent with the state's county court  
28 rules and the procedures established by the commission  
29 ~~department~~.

30           (2) Courts, enforcement agencies, and the commission  
31 ~~department~~ are jointly responsible to account for all uniform

1 boating citations in accordance with the procedures  
2 promulgated by the commission ~~department~~.

3 (4) The chief administrative officer of every law  
4 enforcement agency shall require the return to him or her of  
5 the commission ~~department~~ record copy of every boating  
6 citation issued by an officer under his or her supervision to  
7 an alleged violator of any boating law or ordinance and all  
8 copies of every boating citation which has been spoiled or  
9 upon which any entry has been made and not issued to an  
10 alleged violator.

11 (6) The chief administrative officer shall transmit,  
12 on a form approved by the commission ~~department~~, the  
13 commission ~~department~~ record copy of the uniform boating  
14 citation to the commission ~~department~~ within 5 days after  
15 submission of the original and one copy to the court. A copy  
16 of such transmittal shall also be provided to the court having  
17 jurisdiction for accountability purposes.

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

22 Section 59. Section 327.803, Florida Statutes, are  
23 amended to read:

24 327.803 Boating Advisory Council.--

25 (1) The Boating Advisory Council is created within the  
26 Fish and Wildlife Conservation Commission ~~Department of~~  
27 ~~Environmental Protection~~ and shall be composed of 15 ~~16~~  
28 members. The initial members shall be appointed before August  
29 1, 1994, and must include:

30  
31

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

4           (b) One representative each from the ~~Game and Fresh~~  
5 ~~Water Fish Commission~~, the United States Coast Guard  
6 Auxiliary, the United States Power Squadron, and the inland  
7 navigation districts.

8           (c) One representative of manatee protection  
9 interests, one representative of the marine industries, two  
10 representatives of water-related environmental groups, one  
11 representative of marine manufacturers, one representative of  
12 commercial vessel owners or operators, one representative of  
13 sport boat racing, and two representatives of the boating  
14 public, each of whom shall be nominated by the Executive  
15 Director of the Fish and Wildlife Conservation Commission  
16 ~~Secretary of Environmental Protection~~ and appointed by the  
17 Governor to serve staggered 2-year terms.

18           (d) One member of the House of Representatives, who  
19 shall be appointed by the Speaker of the House of  
20 Representatives.

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

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

26           (3) The purpose of the council is to make  
27 recommendations to the Fish and Wildlife Conservation  
28 Commission ~~Department of Environmental Protection~~ and the  
29 Department of Community Affairs regarding issues affecting the  
30 boating community, including, but not limited to, issues  
31 related to:

1 (a) Boating safety education.

2 (b) Boating-related facilities, including marinas and  
3 boat testing facilities.

4 (c) Boat usage.

5

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

8 (4) Members of the council shall serve without  
9 compensation.

10 Section 60. Section 327.804, Florida Statutes, is  
11 amended to read:

12 327.804 Compilation of statistics on boating accidents  
13 and violations.--The Fish and Wildlife Conservation Commission  
14 ~~Department of Environmental Protection~~ shall compile  
15 statistics on boating accidents and boating violations of the  
16 age groups of persons affected by chapter 96-187, Laws of  
17 Florida.

18 Section 61. Section 327.90, Florida Statutes, is  
19 amended to read:

20 327.90 Transactions by electronic or telephonic  
21 means.--The commission ~~department~~ is authorized to accept any  
22 application provided for under this chapter by electronic or  
23 telephonic means.

24 Section 62. Paragraph (c) of subsection (2) of section  
25 328.01, Florida Statutes, is amended to read:

26 328.01 Application for certificate of title.--

27 (2)

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

31

1           1. A notarized statement of the builder or its  
2 equivalent, whichever is acceptable to the Department of  
3 Highway Safety and Motor Vehicles, if the vessel is less than  
4 16 feet in length; or

5           2. A certificate of inspection from the Fish and  
6 Wildlife Conservation ~~Division of Law Enforcement of the~~  
7 ~~department of Environmental Protection or the Game and Fresh~~  
8 ~~Water Fish~~ Commission and a notarized statement of the builder  
9 or its equivalent, whichever is acceptable to the Department  
10 of Highway Safety and Motor Vehicles, if the vessel is 16 feet  
11 or more in length.

12           Section 63. Subsection (1) of section 339.281, Florida  
13 Statutes, is amended to read:

14           339.281 Damage to transportation facility by vessel;  
15 marine accident report; investigative authorities;  
16 penalties.--

17           (1) Whenever any vessel has caused damage to a  
18 transportation facility, the managing owner, agent, or master  
19 of such vessel shall immediately, or as soon thereafter as  
20 possible, report the same to the nearest Fish and Wildlife  
21 Conservation Commission Officer ~~Florida Marine Patrol~~, the  
22 sheriff of the county wherein such accident occurred, ~~the Game~~  
23 ~~and Fresh Water Fish Commission~~, or the Florida Highway  
24 Patrol, who shall immediately go to the scene of the accident  
25 and, if necessary, board the vessel subsequent to the accident  
26 in pursuance of its investigation. The law enforcement agency  
27 investigating the accident shall submit a copy of its report  
28 to the department.

29           Section 64. Paragraph (a) of subsection (2) of section  
30 341.352, Florida Statutes, is amended to read:

31           341.352 Certification hearing.--

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

- 3           1. The franchisee.
- 4           2. The Department of Commerce.
- 5           3. The Department of Environmental Protection.
- 6           4. The Department of Transportation.
- 7           5. The Department of Community Affairs.
- 8           6. The Fish and Wildlife Conservation ~~Game and Fresh~~  
9 ~~Water Fish~~ Commission.
- 10          7. Each water management district.
- 11          8. Each local government.
- 12          9. Each regional planning council.
- 13          10. Each metropolitan planning organization.

14           Section 65. Subsection (3) of section 369.20, Florida  
15 Statutes, 1998 Supplement, is amended to read:

16           369.20 Florida Aquatic Weed Control Act.--

17           (3) It shall be the duty of the department to guide  
18 and coordinate the activities of all public bodies,  
19 authorities, agencies, and special districts charged with the  
20 control or eradication of aquatic weeds and plants. It may  
21 delegate all or part of such functions to the Fish and  
22 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission.

23           Section 66. Subsection (9) of section 369.22, Florida  
24 Statutes, 1998 Supplement, is amended to read:

25           369.22 Nonindigenous aquatic plant control.--

26           (9) The department may delegate various nonindigenous  
27 aquatic plant control and maintenance functions to the Fish  
28 and Wildlife Conservation ~~Game and Fresh Water Fish~~  
29 Commission. The commission shall, in accepting commitments to  
30 engage in nonindigenous aquatic plant control and maintenance  
31 activities, be subject to the rules of the department, except



1 that the commission shall regulate, control, and coordinate  
2 the use of any fish for aquatic weed control in fresh waters  
3 of the state. In addition, the commission shall render  
4 technical and other assistance to the department in order to  
5 carry out most effectively the purposes of s. 369.20.  
6 However, nothing herein shall diminish or impair the  
7 regulatory authority of the commission with respect to the  
8 powers granted to it by s. 9, Art. IV of the State  
9 Constitution.

10 Section 67. Paragraph (b) of subsection (3) of section  
11 369.25, Florida Statutes, is amended to read:

12 369.25 Aquatic plants; definitions; permits; powers of  
13 department; penalties.--

14 (3) The department has the following powers:

15 (b) To establish by rule lists of aquatic plant  
16 species regulated under this section, including those exempted  
17 from such regulation, provided the Department of Agriculture  
18 and Consumer Services and the Fish and Wildlife Conservation  
19 ~~Game and Fresh Water Fish~~ Commission approve such lists prior  
20 to the lists becoming effective.

21 Section 68. Subsections (1), (8), (20) and (21) of  
22 section 370.01, Florida Statutes, 1998 Supplement, are amended  
23 to read:

24 370.01 Definitions.--In construing these statutes,  
25 where the context does not clearly indicate otherwise, the  
26 word, phrase, or term:

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

1           (8) "Erosion control," "beach preservation," and  
2 "hurricane protection" shall include any activity, work,  
3 program, project, or other thing deemed necessary by the  
4 ~~Division of Marine Resources of the~~ Department of  
5 Environmental Protection to effectively preserve, protect,  
6 restore, rehabilitate, stabilize, and improve the beaches and  
7 shores of this state, as defined above.

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

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

29           Section 69. Section 370.021, Florida Statutes, 1998  
30 Supplement, is amended to read:

31

1           370.021 Administration; rules, publications, records;  
2 penalties; injunctions.--

3           ~~(1) RULES.--The Department of Environmental Protection~~  
4 ~~has authority to adopt rules pursuant to ss. 120.536(1) and~~  
5 ~~120.54 to implement provisions of law conferring powers or~~  
6 ~~duties upon it. The director of each division shall submit to~~  
7 ~~the department suggested rules and regulations for that~~  
8 ~~division. Any person violating or otherwise failing to comply~~  
9 ~~with any of the rules and regulations adopted as aforesaid is~~  
10 ~~guilty of a misdemeanor of the second degree, punishable as~~  
11 ~~provided in s. 775.082 or s. 775.083, unless otherwise~~  
12 ~~provided by law.~~

13           (1)~~(2)~~ PENALTIES.--Unless otherwise provided by law,  
14 any person, firm, or corporation who is convicted for  
15 violating any provision of this chapter, ~~any rule of the~~  
16 ~~department adopted pursuant to this chapter, or any rule of~~  
17 the Fish and Wildlife Conservation Marine Fisheries Commission  
18 adopted pursuant to this chapter, shall be punished:

19           (a) Upon a first conviction, by imprisonment for a  
20 period of not more than 60 days or by a fine of not less than  
21 \$100 nor more than \$500, or by both such fine and  
22 imprisonment.

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

27           (2)~~(3)~~ MAJOR VIOLATIONS.--In addition to the penalties  
28 provided in paragraphs (1)(a) and (b)(2)(a) and (b), the  
29 court shall assess additional penalties against any person,  
30 firm, or corporation convicted of major violations as follows:

31

1 (a) For a violation involving more than 100 illegal  
2 blue crabs, crawfish, or stone crabs, an additional penalty of  
3 \$10 for each illegal blue crab, crawfish, stone crab, or part  
4 thereof.

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

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

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

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

- 19 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 20 2. Atlantic sturgeon (*Acipenser oxyrhynchus*);
- 21 3. Common snook (*Centropomus undecimalis*);
- 22 4. Atlantic loggerhead turtle (*Caretta caretta*  
23 *caretta*);
- 24 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 25 6. Leatherback turtle (*Dermochelys coriacea*);
- 26 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*  
27 *imbricata*);
- 28 8. Atlantic ridley turtle (*Lepidochelys kempi*); or
- 29 9. West Indian manatee (*Trichechus manatus*  
30 *latirostris*),

31

1 an additional penalty of \$100 for each unit of marine life or  
2 part thereof.

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

7 (g) For any violation involving the taking,  
8 harvesting, or possession of more than 1,000 pounds of any  
9 illegal finfish, an additional penalty equivalent to the  
10 wholesale value of the illegal finfish.

11 (h) The proceeds from the penalties assessed pursuant  
12 to this subsection shall be deposited into the Marine  
13 Resources Conservation Trust Fund to be used for marine  
14 fisheries research or into the commission's ~~department's~~  
15 Federal Law Enforcement Trust Fund as provided in s. 20.2553,  
16 as applicable.

17 (i) Permits issued to any person, firm, or corporation  
18 by the commission ~~department~~ to take or harvest saltwater  
19 products, or any license issued pursuant to s. 370.06 or s.  
20 370.07 may be suspended or revoked by the commission  
21 ~~department~~, pursuant to the provisions and procedures of s.  
22 120.60, for any major violation prescribed in this subsection:

23 1. Upon a second conviction for a violation which  
24 occurs within 12 months after a prior violation, for up to 60  
25 days.

26 2. Upon a third conviction for a violation which  
27 occurs within 24 months after a prior violation, for up to 180  
28 days.

29 3. Upon a fourth conviction for a violation which  
30 occurs within 36 months after a prior violation, for a period  
31 of 6 months to 3 years.

1           (j) Upon the arrest and conviction for a major  
2 violation involving stone crabs, the licenseholder must show  
3 just cause why his or her license should not be suspended or  
4 revoked. For the purposes of this paragraph, a "major  
5 violation" means a major violation as prescribed for illegal  
6 stone crabs; any single violation involving possession of more  
7 than 25 stone crabs during the closed season or possession of  
8 25 or more whole-bodied or egg-bearing stone crabs; any  
9 violation for trap molestation, trap robbing, or pulling traps  
10 at night; or any combination of violations in any  
11 3-consecutive-year period wherein more than 75 illegal stone  
12 crabs in the aggregate are involved.

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

25           (l) Upon the arrest and conviction for a major  
26 violation involving blue crabs, the licenseholder shall show  
27 just cause why his or her saltwater products license should  
28 not be suspended or revoked. This paragraph shall not apply  
29 to an individual fishing with no more than five traps. For  
30 the purposes of this paragraph, a "major violation" means a  
31 major violation as prescribed for illegal blue crabs, any

1 single violation wherein 50 or more illegal blue crabs are  
2 involved; any violation for trap molestation, trap robbing, or  
3 pulling traps at night; or any combination of violations in  
4 any 3-consecutive-year period wherein more than 100 illegal  
5 blue crabs in the aggregate are involved.

6 (m) Upon the conviction for a major violation  
7 involving finfish, the licenseholder must show just cause why  
8 his or her saltwater products license should not be suspended  
9 or revoked. For the purposes of this paragraph, a major  
10 violation is prescribed for the taking and harvesting of  
11 illegal finfish, any single violation involving the possession  
12 of more than 100 pounds of illegal finfish, or any combination  
13 of violations in any 3-consecutive-year period wherein more  
14 than 200 pounds of illegal finfish in the aggregate are  
15 involved.

16 (n) Upon final disposition of any alleged offense for  
17 which a citation for any violation of this chapter or the  
18 rules of the Fish and Wildlife Conservation ~~Marine Fisheries~~  
19 Commission has been issued, the court shall, within 10 days,  
20 certify the disposition to the commission ~~department~~.

21  
22 Notwithstanding the provisions of s. 948.01, no court may  
23 suspend, defer, or withhold adjudication of guilt or  
24 imposition of sentence for any major violation prescribed in  
25 this subsection.

26 (3)~~(4)~~ PENALTIES FOR USE OF ILLEGAL NETS.--

27 (a) It shall be a major violation pursuant to  
28 subsection (3) and shall be punished as provided below for any  
29 person, firm, or corporation to be simultaneously in  
30 possession of any species of mullet in excess of the  
31 recreational daily bag limit and any gill or other entangling

1 net as defined in s. 16(c), Art. X of the State Constitution.  
2 Simultaneous possession under this provision shall include  
3 possession of mullet and gill or other entangling nets on  
4 separate vessels or vehicles where such vessels or vehicles  
5 are operated in coordination with one another including  
6 vessels towed behind a main vessel. This subsection does not  
7 prohibit a resident of this state from transporting on land,  
8 from Alabama to this state, a commercial quantity of mullet  
9 together with a gill net if:

10           1. The person possesses a valid commercial fishing  
11 license that is issued by the State of Alabama and that allows  
12 the person to use a gill net to legally harvest mullet in  
13 commercial quantities from Alabama waters.

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

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

23           4. The mullet being transported are totally removed  
24 from any net also being transported.

25           (b) In addition to being subject to the other  
26 penalties provided in this chapter, any violation of s. 16,  
27 Art. X of the State Constitution, paragraph (b), or any rules  
28 of the Fish and Wildlife Conservation ~~Marine Fisheries~~  
29 Commission which implement the gear prohibitions and  
30 restrictions specified therein shall be considered a major  
31 violation; and any person, firm, or corporation receiving any



1 judicial disposition other than acquittal or dismissal of such  
2 violation shall be subject to the following additional  
3 penalties:

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

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

14 3. For a third and subsequent major violation under  
15 this paragraph, charged within a 7-year period, resulting in a  
16 third or subsequent judicial disposition other than acquittal  
17 or dismissal, a civil penalty of \$5,000, lifetime revocation  
18 of the saltwater products license, and forfeiture of all gear  
19 and equipment used in the violation shall be imposed.

20  
21 A court may suspend, defer, or withhold adjudication of guilt  
22 or imposition of sentence only for any first violation of s.  
23 16, Art. X of the State Constitution, or any rule or statute  
24 implementing its restrictions, determined by a court only  
25 after consideration of competent evidence of mitigating  
26 circumstances to be a nonflagrant or minor violation of those  
27 restrictions upon the use of nets. Any violation of s. 16,  
28 Art. X of the State Constitution, or any rule or statute  
29 implementing its restrictions, occurring within a 7-year  
30 period commencing upon the conclusion of any judicial  
31 proceeding resulting in any outcome other than acquittal shall

1 be punished as a second, third, or subsequent violation  
2 accordingly.

3 (c) During the period of suspension or revocation of  
4 saltwater license privileges under this subsection, the  
5 licensee may not participate in the taking or harvesting or  
6 attempt the taking or harvesting of saltwater products from  
7 any vessel within the waters of the state, or any other  
8 activity requiring a license, permit, or certificate issued  
9 pursuant to this chapter. Any person who violates this  
10 paragraph is:

11 1. Upon a first or second conviction, to be punished  
12 as provided by paragraph (1)(a) ~~(2)(a)~~ or paragraph (1)(b)  
13 ~~(2)(b)~~.

14 2. Upon a third or subsequent conviction, guilty of a  
15 felony of the third degree, punishable as provided in s.  
16 775.082, s. 775.083, or s. 775.084.

17 (d) Upon reinstatement of saltwater license privileges  
18 suspended pursuant to a violation of this section, a licensee  
19 owning or operating a vessel containing or otherwise  
20 transporting in or on Florida waters any gill net or other  
21 entangling net, or containing or otherwise transporting in  
22 nearshore and inshore Florida waters any net containing more  
23 than 500 square feet of mesh area shall remain restricted for  
24 a period of 12 months following reinstatement, to operation  
25 under the following conditions:

26 1. Vessels subject to this reinstatement period shall  
27 be restricted to the corridors established by commission  
28 ~~department~~ rule.

29 2. A violation of the reinstatement period provisions  
30 shall be punishable pursuant to paragraphs (1)(a) and (b)  
31 ~~(2)(a)~~ and ~~(b)~~.

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

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

9 ~~(5)(6)~~ BUYING SALTWATER PRODUCTS FROM UNLICENSED  
10 SELLER.--In addition to being subject to other penalties  
11 provided in this chapter, any violation of s. 370.06 or s.  
12 370.07, or rules of the commission ~~department~~ implementing s.  
13 370.06 or s. 370.07, involving buying saltwater products from  
14 an unlicensed person, firm, or corporation, shall be a major  
15 violation, and the commission ~~department~~ may assess the  
16 following penalties:

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

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

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

31

1 Any proceeds from the civil penalties assessed pursuant to  
2 this subsection shall be deposited into the Marine Resources  
3 Conservation Trust Fund and shall be used as follows: 40  
4 percent for administration and processing purposes and 60  
5 percent for law enforcement purposes.

6 (6)~~(7)~~ RULES; ADMISSIBILITY AS EVIDENCE.--Rules and  
7 regulations shall be admitted as evidence in the courts of the  
8 state when accompanied by an affidavit from the executive  
9 director ~~secretary~~ of the commission ~~department~~ certifying  
10 that the rule or regulation has been lawfully adopted,  
11 promulgated, and published; and such affidavit shall be prima  
12 facie evidence of proper adoption, promulgation, and  
13 publication of the rule or regulation.

14 (7)~~(8)~~ PUBLICATIONS BY COMMISSION ~~DEPARTMENT~~.--The  
15 Fish and Wildlife Conservation Commission ~~department~~ through  
16 ~~the Division of Administration and Technical Services~~ is given  
17 authority, from time to time in its discretion, to cause the  
18 statutory laws under its jurisdiction, together with any rules  
19 and regulations promulgated by it, to be published in pamphlet  
20 form for free distribution in this state. The commission  
21 ~~department~~ is authorized to make charges for technical and  
22 educational publications and mimeographed material of use for  
23 educational or reference purposes. Such charges shall be made  
24 at the discretion of the commission ~~Division of Administration~~  
25 ~~and Technical Services~~. Such charges may be sufficient to  
26 cover cost of preparation, printing, publishing, and  
27 distribution. All moneys received for publications shall be  
28 deposited into the fund from which the cost of the publication  
29 was paid. The commission ~~department~~ is further authorized to  
30 enter into agreements with persons, firms, corporations,  
31 governmental agencies, and other institutions whereby

1 publications may be exchanged reciprocally in lieu of payments  
2 for said publications.

3 (8)~~(9)~~ POWERS OF OFFICERS.--

4 (a) ~~The department may designate such employees of the~~  
5 ~~several divisions, as it may deem necessary in its discretion,~~  
6 ~~as law enforcement officers, who shall meet the provisions of~~  
7 ~~s. 943.13(1)-(10) and have the powers and duties conferred in~~  
8 ~~this subsection, except that such employees shall comply with~~  
9 ~~the provisions of chapter 943. Such Law enforcement officers~~  
10 ~~of the Fish and Wildlife Conservation Commission and the~~  
11 ~~Director of the Division of Law Enforcement, are constituted~~  
12 law enforcement officers of this state with full power to  
13 investigate and arrest for any violation of the laws of this  
14 state and the rules and regulations of the commission  
15 ~~department~~ under their jurisdiction, ~~and for violations of~~  
16 ~~chapter 253 and the rules and regulations promulgated~~  
17 ~~thereunder.~~The general laws applicable to arrests by peace  
18 officers of this state shall also be applicable to ~~such~~ law  
19 enforcement officers of the commission. Such law enforcement  
20 officers may enter upon any land or waters of the state for  
21 performance of their lawful duties and may take with them any  
22 necessary equipment, and such entry will not constitute a  
23 trespass. It is lawful for any boat, motor vehicle, or  
24 aircraft owned or chartered by the commission ~~department~~ or  
25 its agents or employees to land on and depart from any of the  
26 beaches or waters of the state. Such law enforcement officers  
27 have the authority, without warrant, to board, inspect, and  
28 search any boat, fishing appliance, storage or processing  
29 plant, fishhouse, spongehouse, oysterhouse, or other  
30 warehouse, building, or vehicle engaged in transporting or  
31 storing any fish or fishery products. Such authority to search

1 and inspect without a search warrant is limited to those cases  
2 in which such law enforcement officers have reason to believe  
3 that fish or any saltwater products are taken or kept for  
4 sale, barter, transportation, or other purposes in violation  
5 of laws or rules promulgated under this law. Any such law  
6 enforcement officer may at any time seize or take possession  
7 of any saltwater products or contraband which have been  
8 unlawfully caught, taken, or processed or which are unlawfully  
9 possessed or transported in violation of any of the laws of  
10 this state or any rule or regulation of the commission  
11 ~~department~~. Such law enforcement officers may arrest any  
12 person in the act of violating any of the provisions of this  
13 law, the rules or regulations of the commission department,  
14 ~~the provisions of chapter 253 and the rules and regulations~~  
15 ~~promulgated thereunder~~, or any of the laws of this state. It  
16 is hereby declared unlawful for any person to resist such  
17 arrest or in any manner interfere, either by abetting or  
18 assisting such resistance or otherwise interfering, with any  
19 such law enforcement officer while engaged in the performance  
20 of the duties imposed upon him or her by law or regulation of  
21 the commission department.

22 (b) The Legislature finds that the checking and  
23 inspection of saltwater products aboard vessels is critical to  
24 good fishery management and conservation and that, because  
25 almost all saltwater products are either iced or cooled in  
26 closed areas or containers, the enforcement of seasons, size  
27 limits, and bag limits can only be effective when inspection  
28 of saltwater products so stored is immediate and routine.  
29 Therefore, in addition to the authority granted in paragraph  
30 (a), a law enforcement officer of the commission department  
31 who has probable cause to believe that the vessel has been

1 used for fishing prior to the inspection shall have full  
2 authority to open and inspect all containers or areas where  
3 saltwater products are normally kept aboard vessels while such  
4 vessels are on the water, such as refrigerated or iced  
5 locations, coolers, fish boxes, and bait wells, but  
6 specifically excluding such containers that are located in  
7 sleeping or living areas of the vessel.

8 ~~(10) DUTIES OF DEPARTMENT OF LEGAL AFFAIRS.--The~~  
9 ~~Department of Legal Affairs shall attend to the legal business~~  
10 ~~of the Department of Environmental Protection and its~~  
11 ~~divisions; but, if at any time any question of law or any~~  
12 ~~litigation arises and the Department of Legal Affairs is~~  
13 ~~otherwise occupied and cannot give the time and attention~~  
14 ~~necessary to such question of law or litigation as the~~  
15 ~~occasion demands, the several state attorneys shall attend to~~  
16 ~~any such question of law or litigation arising within their~~  
17 ~~respective circuits; and, if such state attorney is otherwise~~  
18 ~~occupied and cannot give the time and attention necessary to~~  
19 ~~such question of law or litigation as the case may demand, the~~  
20 ~~Department of Environmental Protection may employ additional~~  
21 ~~counsel for that particular cause, with the advice and consent~~  
22 ~~of the Department of Legal Affairs. Such additional counsel's~~  
23 ~~fees shall be paid from the moneys appropriated to the~~  
24 ~~Department of Environmental Protection.~~

25 ~~(9)(11)~~ RETENTION, DESTRUCTION, AND REPRODUCTION OF  
26 RECORDS.--Records and documents of the Fish and Wildlife  
27 Conservation Commission Department of Environmental Protection  
28 created in compliance with and in the implementation of this  
29 chapter or former chapter 371 shall be retained by the  
30 commission department as specified in record retention  
31 schedules established under the general provisions of chapters

1 119 and 257. Further, the commission ~~department~~ is authorized  
2 to:

3 (a) Destroy, or otherwise dispose of, those records  
4 and documents in conformity with the approved retention  
5 schedules.

6 (b) Photograph, microphotograph, or reproduce such  
7 records and documents on film, as authorized and directed by  
8 the approved retention schedules, whereby each page will be  
9 exposed in exact conformity with the original records and  
10 documents retained in compliance with the provisions of this  
11 section. Photographs or microphotographs in the form of film  
12 or print of any records, made in compliance with the  
13 provisions of this section, shall have the same force and  
14 effect as the originals thereof would have and shall be  
15 treated as originals for the purpose of their admissibility in  
16 evidence. Duly certified or authenticated reproductions of  
17 such photographs or microphotographs shall be admitted in  
18 evidence equally with the original photographs or  
19 microphotographs. The impression of the seal of the Fish and  
20 Wildlife Conservation Commission ~~Department of Environmental~~  
21 ~~Protection~~ on a certificate made pursuant to the provisions  
22 hereof and signed by the Executive Director of the Fish and  
23 Wildlife Conservation Commission ~~Secretary of Environmental~~  
24 ~~Protection~~ shall entitle the same to be received in evidence  
25 in all courts and in all proceedings in this state and shall  
26 be prima facie evidence of all factual matters set forth in  
27 the certificate. A certificate may relate to one or more  
28 records, as set forth in the certificate, or in a schedule  
29 continued on an attachment to the certificate.

30  
31



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

4 (10)~~(12)~~ COURTS OF EQUITY MAY ENJOIN.--Courts of  
5 equity in this state have jurisdiction to enforce the  
6 conservation laws of this state by injunction.

7 ~~(13) BOND OF EMPLOYEES.--The department may require,  
8 as it determines, that bond be given by any employee of the  
9 department or divisions thereof, payable to the Governor of  
10 the state and the Governor's successor in office, for the use  
11 and benefit of those whom it may concern, in such penal sums  
12 with good and sufficient surety or sureties approved by the  
13 department conditioned for the faithful performance of the  
14 duties of such employee.~~

15 (11)~~(14)~~ REVOCATION OF LICENSES.--Any person licensed  
16 under this chapter who has been convicted of taking  
17 aquaculture species raised at a certified facility shall have  
18 his or her license revoked for 5 years by the Fish and  
19 Wildlife Conservation Commission ~~Department of Environmental~~  
20 ~~Protection~~ pursuant to the provisions and procedures of s.  
21 120.60.

22 Section 70. Section 370.028, Florida Statutes, 1998  
23 Supplement, is amended to read:

24 370.028 Enforcement of commission rules; penalties for  
25 violation of rule.--Rules of the Fish and Wildlife  
26 Conservation ~~department and the Marine Fisheries~~ Commission  
27 shall be enforced by any law enforcement officer certified  
28 pursuant to s. 943.13. Any person who violates or otherwise  
29 fails to comply with any rule adopted by the commission shall  
30 be punished pursuant to s. 370.021(1)~~s. 370.021(2)~~.

31

1           Section 71. Section 370.06, Florida Statutes, 1998  
2 Supplement, is amended to read:

3           370.06 Licenses.--

4           (1) LICENSE ON PURSE SEINES.--There is levied, in  
5 addition to any other taxes thereon, an annual license tax of  
6 \$25 upon each purse seine used in the waters of this state.  
7 This license fee shall be collected in the manner provided in  
8 this section.

9           (2) SALTWATER PRODUCTS LICENSE.--

10           (a) Every person, firm, or corporation that sells,  
11 offers for sale, barter, or exchanges for merchandise any  
12 saltwater products, or which harvests saltwater products with  
13 certain gear or equipment as specified by law, must have a  
14 valid saltwater products license, except that the holder of an  
15 aquaculture certificate under s. 597.004 is not required to  
16 purchase and possess a saltwater products license in order to  
17 possess, transport, or sell marine aquaculture products. Each  
18 saltwater products license allows the holder to engage in any  
19 of the activities for which the license is required. The  
20 license must be in the possession of the licenseholder or  
21 aboard the vessel and shall be subject to inspection at any  
22 time that harvesting activities for which a license is  
23 required are being conducted. A restricted species endorsement  
24 on the saltwater products license is required to sell to a  
25 licensed wholesale dealer those species which the state, by  
26 law or rule, has designated as "restricted species." This  
27 endorsement may be issued only to a person who is at least 16  
28 years of age, or to a firm certifying that over 25 percent of  
29 its income or \$5,000 of its income, whichever is less, is  
30 attributable to the sale of saltwater products pursuant to a  
31 license issued under this paragraph or a similar license from

1 another state. This endorsement may also be issued to a  
2 for-profit corporation if it certifies that at least \$5,000 of  
3 its income is attributable to the sale of saltwater products  
4 pursuant to a license issued under this paragraph or a similar  
5 license from another state. However, if at least 50 percent of  
6 the annual income of a person, firm, or for-profit corporation  
7 is derived from charter fishing, the person, firm, or  
8 for-profit corporation must certify that at least \$2,500 of  
9 the income of the person, firm, or corporation is attributable  
10 to the sale of saltwater products pursuant to a license issued  
11 under this paragraph or a similar license from another state,  
12 in order to be issued the endorsement. Such income attribution  
13 must apply to at least 1 year out of the last 3 years. For the  
14 purpose of this section "income" means that income which is  
15 attributable to work, employment, entrepreneurship, pensions,  
16 retirement benefits, and social security benefits. To renew an  
17 existing restricted species endorsement, a marine aquaculture  
18 producer possessing a valid saltwater products license with a  
19 restricted species endorsement may apply income from the sale  
20 of marine aquaculture products to licensed wholesale dealers.

21 1. The Fish and Wildlife Conservation Commission  
22 ~~department~~ is authorized to require verification of such  
23 income. Acceptable proof of income earned from the sale of  
24 saltwater products shall be:

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

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

30  
31

1           c. A copy of the applicable federal income tax return,  
2 including Form 1099 attachments, verifying income earned from  
3 the sale of saltwater products;

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

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

8  
9 Any provision of this section or any other section of the  
10 Florida Statutes to the contrary notwithstanding, any person  
11 who owns a retail seafood market or ~~and/or~~ restaurant at a  
12 fixed location for at least 3 years who has had an  
13 occupational license for 3 years prior to January 1, 1990, who  
14 harvests saltwater products to supply his or her retail store  
15 and has had a saltwater products license for 1 of the past 3  
16 years prior to January 1, 1990, may provide proof of his or  
17 her verification of income and sales value at the person's  
18 retail seafood market or ~~and/or~~ restaurant and in his or her  
19 saltwater products enterprise by affidavit and shall thereupon  
20 be issued a restricted species endorsement.

21           2. Exceptions from income requirements shall be as  
22 follows:

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

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

29           c. Upon the sale of a used commercial fishing vessel  
30 owned by a person, firm, or corporation possessing or eligible  
31 for a restricted species endorsement, the purchaser of such

1 vessel shall be exempted from the qualifying income  
2 requirement for the purpose of obtaining a restricted species  
3 endorsement for a period of 1 year after purchase of the  
4 vessel.

5 d. Upon the death or permanent disablement of a person  
6 possessing a restricted species endorsement, an immediate  
7 family member wishing to carry on the fishing operation shall  
8 be exempted from the qualifying income requirement for the  
9 purpose of obtaining a restricted species endorsement for a  
10 period of 1 year after the death or disablement.

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

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

20 g. Any resident who is certified to be totally and  
21 permanently disabled by a verified written statement, based  
22 upon the criteria for permanent total disability in chapter  
23 440 from a physician licensed in this state, by any branch of  
24 the United States Armed Services, by the Social Security  
25 Administration, or by the United States Department of Veterans  
26 Affairs or its predecessor, or any resident who holds a valid  
27 identification card issued by the Department of Veterans'  
28 Affairs pursuant to s. 295.17, shall be exempted from the  
29 income requirements if he or she also has held a saltwater  
30 products license for at least 3 of the last 5 license years  
31 prior to the date of the disability. A Disability Award Notice

1 issued by the United States Social Security Administration is  
2 not sufficient certification for a resident to obtain the  
3 income exemption unless the notice certifies that the resident  
4 is totally and permanently disabled.

5  
6 At least one saltwater products license bearing a restricted  
7 species endorsement shall be aboard any vessel harvesting  
8 restricted species in excess of any bag limit or when fishing  
9 under a commercial quota or in commercial quantities, and such  
10 vessel shall have a commercial vessel registration. This  
11 subsection does not apply to any person, firm, or corporation  
12 licensed under s. 370.07(1)(a)1. or (b) for activities  
13 pursuant to such licenses. A saltwater products license may be  
14 issued in the name of an individual or a valid boat  
15 registration number. Such license is not transferable. A decal  
16 shall be issued with each saltwater products license issued to  
17 a valid boat registration number. The saltwater products  
18 license decal shall be the same color as the vessel  
19 registration decal issued each year pursuant to s. 327.11(5)  
20 and shall indicate the period of time such license is valid.  
21 The saltwater products license decal shall be placed beside  
22 the vessel registration decal and, in the case of an  
23 undocumented vessel, shall be placed so that the vessel  
24 registration decal lies between the vessel registration number  
25 and the saltwater products license decal. Any saltwater  
26 products license decal for a previous year shall be removed  
27 from a vessel operating on the waters of the state. A resident  
28 shall pay an annual license fee of \$50 for a saltwater  
29 products license issued in the name of an individual or \$100  
30 for a saltwater products license issued to a valid boat  
31 registration number. A nonresident shall pay an annual license

1 fee of \$200 for a saltwater products license issued in the  
2 name of an individual or \$400 for a saltwater products license  
3 issued to a valid boat registration number. An alien shall pay  
4 an annual license fee of \$300 for a saltwater products license  
5 issued in the name of an individual or \$600 for a saltwater  
6 products license issued to a valid boat registration number.  
7 Any person who sells saltwater products pursuant to this  
8 license may sell only to a licensed wholesale dealer. A  
9 saltwater products license must be presented to the licensed  
10 wholesale dealer each time saltwater products are sold, and an  
11 imprint made thereof. The wholesale dealer shall keep records  
12 of each transaction in such detail as may be required by rule  
13 of the Fish and Wildlife Conservation Commission ~~Department of~~  
14 ~~Environmental Protection~~ not in conflict with s. 370.07(6),  
15 and shall provide the holder of the saltwater products license  
16 with a copy of the record. It is unlawful for any licensed  
17 wholesale dealer to buy saltwater products from any unlicensed  
18 person under the provisions of this section, except that a  
19 licensed wholesale dealer may buy from another licensed  
20 wholesale dealer. It is unlawful for any licensed wholesale  
21 dealer to buy saltwater products designated as "restricted  
22 species" from any person, firm, or corporation not possessing  
23 a restricted species endorsement on his or her saltwater  
24 products license under the provisions of this section, except  
25 that a licensed wholesale dealer may buy from another licensed  
26 wholesale dealer. The commission ~~Department of Environmental~~  
27 ~~Protection~~ shall be the licensing agency, may contract with  
28 private persons or entities to implement aspects of the  
29 licensing program, and shall establish by rule a marine  
30 fisheries information system in conjunction with the licensing  
31 program to gather fisheries data.

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

6           (c) A saltwater products license is required to  
7 harvest commercial quantities of saltwater products. Any  
8 vessel from which commercial quantities of saltwater products  
9 are harvested must have a commercial vessel registration.

10 Commercial quantities of saltwater products shall be defined  
11 as:

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

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

20           (d)1. In addition to the saltwater products license, a  
21 marine life fishing endorsement is required for the harvest of  
22 marine life species as defined by rule of the Fish and  
23 Wildlife Conservation ~~Marine Fisheries~~ Commission. This  
24 endorsement may be issued only to a person who is at least 16  
25 years of age or older or to a corporation holding a valid  
26 restricted species endorsement.

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

31



1           b. In 1998 persons or corporations holding a marine  
2 life endorsement that was active in the 1997-1998 fiscal year  
3 or an immediate family member of that person must request  
4 renewal of the marine life endorsement before December 31,  
5 1998.

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

10           d. If a person or corporation holding an active marine  
11 life fishing endorsement or a member of that person's  
12 immediate family does not request renewal of the endorsement  
13 before the applicable dates specified in this paragraph, the  
14 commission ~~department~~ shall deactivate that marine life  
15 fishing endorsement.

16           e. In the event of the death or disability of a person  
17 holding an active marine life fishing endorsement, the  
18 endorsement may be transferred by the person to a member of  
19 his or her immediate family or may be renewed by any person so  
20 designated by the executor of the person's estate.

21           f. Persons or corporations who hold saltwater product  
22 licenses with marine life fishing endorsements issued to their  
23 vessel registration numbers and who subsequently replace their  
24 existing vessels with new vessels may transfer the existing  
25 marine life fishing endorsement to the new boat registration  
26 numbers.

27           g. Persons or corporations who hold saltwater product  
28 licenses with marine life fishing endorsements issued to their  
29 name and who subsequently incorporate or unincorporate may  
30 transfer the existing marine life fishing endorsement to the  
31 new corporation or person.

1           h. By July 1, 2000, the Fish and Wildlife Conservation  
2 ~~Marine Fisheries~~ Commission shall prepare a report regarding  
3 options for the establishment of a limited-entry program for  
4 the marine life fishery and submit the report to the Governor,  
5 the President of the Senate, the Speaker of the House of  
6 Representatives, and the chairs of the Senate and House  
7 committees having jurisdiction over marine resources.

8           3. The fee for a marine life fishery endorsement on a  
9 saltwater products license shall be \$75. These license fees  
10 shall be collected and deposited in the Marine Resources  
11 Conservation Trust Fund and used for the purchase and  
12 installation of vessel mooring buoys at coral reef sites and  
13 for research related to marine fisheries.

14           (3) NET LICENSES.--Except for cast nets and bait  
15 seines which are 100 feet in length or less and which have a  
16 mesh that is 3/8 inch or less, all nets used to take  
17 finfish, including, but not limited to, gill nets, trammel  
18 nets, and beach seines, must be licensed or registered. Each  
19 net used to take finfish for commercial purposes, or by a  
20 nonresident, must be licensed under a saltwater products  
21 license issued pursuant to subsection (2) and must bear the  
22 number of such license. A noncommercial resident net  
23 registration must be issued to each net used to take finfish  
24 for noncommercial purposes and may only be issued to residents  
25 of the state. Each net so registered must bear the name of the  
26 person in whose name the net is registered.

27           (4) SPECIAL ACTIVITY LICENSES.--

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

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

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

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

31

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

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

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

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

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

- 30           1. "Person" means an individual.  
31           2. "Resident" means any person who has:

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

4 b. Established a domicile in this state and evidenced  
5 that domicile as provided in s. 222.17.

6 (b) No person shall harvest oysters from the  
7 Apalachicola Bay without a valid Apalachicola Bay oyster  
8 harvesting license issued by the Fish and Wildlife  
9 Conservation Commission ~~department~~. This requirement shall not  
10 apply to anyone harvesting noncommercial quantities of oysters  
11 in accordance with chapter 46-27, Florida Administrative Code,  
12 or to any person less than 18 years old.

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

20 (d) The Fish and Wildlife Conservation Commission  
21 ~~department~~ shall collect an annual fee of \$100 from residents  
22 and \$500 from nonresidents for the issuance of an Apalachicola  
23 Bay oyster harvesting license. The license year shall begin on  
24 July 1 of each year and end on June 30 of the following year.  
25 The license shall be valid only for the licensee. Only bona  
26 fide residents of Florida may obtain a resident license  
27 pursuant to this subsection.

28 (e) Each person who applies for an Apalachicola Bay  
29 oyster harvesting license shall, before receiving the license,  
30 attend an educational seminar of not more than 16 hours  
31 length, developed and conducted jointly by the Apalachicola

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

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

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

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

28 (i) The proceeds from Apalachicola Bay oyster  
29 harvesting license fees shall be deposited in the Marine  
30 Resources Conservation Trust Fund and, less reasonable  
31 administrative costs, shall be used or distributed by the

1 ~~commission department~~ for the following purposes in  
2 Apalachicola Bay:

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

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

18 (6) LICENSE YEAR.--The license year on all licenses  
19 relating to saltwater products dealers, seafood dealers,  
20 aliens, residents, and nonresidents, unless otherwise  
21 provided, shall begin on July 1 of each year and end on June  
22 30 of the next succeeding year. All licenses shall be so  
23 dated. However, if the commission department determines that  
24 it is in the best interest of the state to issue a license  
25 required under this chapter to an individual on the birthday  
26 of the applicant, the commission department may establish by  
27 rule a procedure to do so. This section does not apply to  
28 licenses and permits when their use is confined to an open  
29 season.

30 (7) LICENSES SUBJECT TO INSPECTION; NONTRANSFERABLE;  
31 EXCEPTION.--Licenses of every kind and nature granted under

1 the provisions of the fish and game laws of this state are at  
2 all times subject to inspection by the police officers of this  
3 state and,~~the wildlife~~ officers of the Fish and Wildlife  
4 Conservation Game and Fresh Water Fish Commission,~~and the~~  
5 ~~officers of the Marine Patrol~~. Such licenses are not  
6 transferable unless otherwise provided by law.

7 (8) COLLECTION OF LICENSES, FEES.--Unless otherwise  
8 provided by law, all license taxes or fees provided for in  
9 this chapter shall be collected by the commission ~~department~~  
10 or its duly authorized agents or deputies to be deposited by  
11 the Comptroller in the Marine Resources Conservation Trust  
12 Fund. The commission ~~department~~ may by rule establish a  
13 reasonable processing fee for any free license or permit  
14 required under this chapter.

15 Section 72. Paragraphs (b) and (c) of subsection (2)  
16 and subsections (5), (6), (7), (10), (11), and (13) of section  
17 370.0605, Florida Statutes, 1998 Supplement, are amended to  
18 read:

19 370.0605 Saltwater fishing license required; fees.--

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

21 2. For any person who operates any vessel licensed to  
22 carry no more than 10 customers, or for any person licensed to  
23 operate any vessel carrying 6 or fewer customers, wherein a  
24 fee is paid, either directly or indirectly, for the purpose of  
25 taking or attempting to take marine fish, \$400 per year;  
26 provided any person licensed to operate any vessel carrying 6  
27 or fewer customers but who operates a vessel carrying 4 or  
28 fewer customers, wherein a fee is paid, either directly or  
29 indirectly, for such purposes, \$200 per year. The license must  
30 be kept aboard the vessel at all times.

31



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

7           4. For any pier fixed to the land for the purpose of  
8 taking or attempting to take marine fish therefrom, \$500 per  
9 year. Owners, operators, or custodians of piers have the  
10 discretion to buy the annual \$500 license. Those who elect to  
11 purchase such license must have the license available for  
12 inspection at all times.

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

23           (c) The commission ~~department~~ is authorized to reduce  
24 the fees for licenses under this section for residents of  
25 those states with which the commission ~~department~~ has entered  
26 into reciprocal agreements with respect to such fees.

27           (5) The Fish and Wildlife Conservation ~~Game and Fresh~~  
28 ~~Water Fish~~ Commission may issue temporary fishing licenses,  
29 upon request, to governmental or nonprofit organizations that  
30 sponsor 1-day special events in fishing management areas for  
31 individuals with physical, mental, or emotional disabilities,

1 or for the economically disadvantaged. There shall be no fee  
2 for such temporary license. The temporary license shall be  
3 valid for 1 day and shall designate the date and maximum  
4 number of individuals.

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

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

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

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

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

31

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

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

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

1           (10) The Fish and Wildlife Conservation ~~department,~~  
2 ~~the Game and Fresh Water Fish~~ Commission, or any other law  
3 enforcement agency may make any investigation necessary to  
4 secure information required to carry out and enforce this  
5 section.

6           (11) It is unlawful for any person to make, forge,  
7 counterfeit, or reproduce a saltwater fishing license unless  
8 authorized by the commission ~~department~~. It is unlawful for  
9 any person knowingly to have in his or her possession a  
10 forged, counterfeit, or imitation of such license, unless  
11 possession by such person has been fully authorized by the  
12 commission ~~department~~. Any person who violates this  
13 subsection is guilty of a felony of the third degree,  
14 punishable as provided in s. 775.082, s. 775.083, or s.  
15 775.084.

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

29           Section 73. Paragraph (a) of subsection (1) and  
30 subsections (3) and (8) of section 370.0615, Florida Statutes,  
31 are amended to read:

1           370.0615 Lifetime licenses.--

2           (1) A resident lifetime saltwater fishing license  
3 authorizes the holder to engage in the following noncommercial  
4 activities:

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

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

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

18           Section 74. Section 370.062, Florida Statutes, 1998  
19 Supplement, is amended to read:

20           370.062 Fish and Wildlife Conservation Commission  
21 ~~Department of Environmental Protection~~ license program for  
22 tarpon; fees; penalties.--

23           (1) The Fish and Wildlife Conservation Commission  
24 ~~Department of Environmental Protection~~ shall establish a  
25 license program for the purpose of issuing tags to individuals  
26 desiring to harvest tarpon (*megalops atlantica*) from the  
27 waters of the State of Florida. The tags shall be  
28 nontransferable, except that the ~~Marine Fisheries~~ commission  
29 may allow for a limited number of tags to be purchased by  
30 professional fishing guides for transfer to individuals, and  
31 issued by the commission ~~department~~ in order of receipt of a

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

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

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

22 (4) No individual shall take, kill, or possess any  
23 fish of the species megalops atlantica, commonly known as  
24 tarpon, unless such individual has purchased a tarpon tag and  
25 securely attached it through the lower jaw of the fish. Said  
26 individual shall within 5 days after the landing of the fish  
27 submit a form to the commission department which indicates the  
28 length, weight, and physical condition of the tarpon when  
29 caught; the date and location of where the fish was caught;  
30 and any other pertinent information which may be required by  
31 the commission department. The commission department may

1 refuse to issue new tags to individuals or guides who fail to  
2 provide the required information.

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

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

17 (7) The commission ~~department~~ shall prescribe and  
18 provide suitable forms and tags necessary to carry out the  
19 provisions of this section.

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

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

28 Section 75. Section 370.063, Florida Statutes, is  
29 amended to read:

30 370.063 Special recreational crawfish license.--There  
31 is created a special recreational crawfish license, to be

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

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

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

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

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



1 including the harvest of other recreational harvesters aboard  
2 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

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

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

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

10          ~~(c) Twenty percent to be used by the Marine Fisheries~~  
11 ~~Commission for the purposes of this 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 76. Subsection (2) of section 370.0805,  
16 Florida Statutes, 1998 Supplement, is amended to read:

17           370.0805 Net ban assistance program.--

18           (2) ELIGIBILITY FOR ECONOMIC ASSISTANCE.--The  
19 Department of Labor and Employment Security shall determine  
20 the eligibility of applicants for economic assistance under  
21 this section.

22           (a) Any person who has been convicted of more than two  
23 violations of any rule of the Fish and Wildlife Conservation  
24 ~~Marine Fisheries~~ Commission or of any provision of this  
25 chapter in any single license year since 1991, or of more than  
26 four such violations from the period of 1991 through 1995,  
27 inclusive, shall not be eligible for economic assistance under  
28 this section.

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

1           Section 77. Subsection (3) and paragraphs (e) and (h)  
2 of subsection (4) of section 370.081, Florida Statutes, 1998  
3 Supplement, is amended to read:

4           370.081 Illegal importation or possession of  
5 nonindigenous marine plants and animals; rules and  
6 regulations.--

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

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

15           (e) Each zoological park and aquarium possessing sea  
16 snakes shall post with the department a \$1 million letter of  
17 credit. The letter of credit shall be in favor of the State of  
18 Florida, Fish and Wildlife Conservation Commission Department  
19 ~~of Environmental Protection~~, for use by the commission  
20 ~~department~~ to remove any sea snake accidentally or  
21 intentionally introduced into waters of the state. The letter  
22 of credit shall be written in the form determined by the  
23 commission department. The letter of credit shall provide that  
24 the zoological park and aquarium is responsible for the sea  
25 snakes within that facility and shall be in effect at all  
26 times that the zoological park and aquarium possesses sea  
27 snakes.

28           (h) A zoological park and aquarium possessing sea  
29 snakes shall abide by all statutory and regulatory  
30 requirements of the Fish and Wildlife Conservation Game and  
31 ~~Fresh Water Fish~~ Commission with respect to venomous reptiles.

1           Section 78. Subsections (3), (4), and (5) of section  
2 370.092, Florida Statutes, 1998 Supplement, are amended to  
3 read:

4           370.092 Carriage of proscribed nets across Florida  
5 waters.--

6           (3) Notwithstanding subsections (1) and (2), unless  
7 authorized by rule of the Fish and Wildlife Conservation  
8 ~~Marine Fisheries~~ Commission, it is a major violation under  
9 this section, punishable as provided in subsection (4), for  
10 any person, firm, or corporation to possess any gill or  
11 entangling net, or any seine net larger than 500 square feet  
12 in mesh area, on any airboat or on any other vessel less than  
13 22 feet in length and on any vessel less than 25 feet if  
14 primary power of the vessel is mounted forward of the vessel  
15 center point. Gill or entangling nets shall be as defined in  
16 s. 16, Art. X of the State Constitution, s. 370.093(2)(b), or  
17 in a rule of the Fish and Wildlife Conservation ~~Marine~~  
18 ~~Fisheries~~ Commission implementing s. 16, Art. X of the State  
19 Constitution. Vessel length shall be determined in accordance  
20 with current United States Coast Guard regulations specified  
21 in the Code of Federal Regulations or as titled by the State  
22 of Florida. The Marine Fisheries Commission is directed to  
23 initiate by July 1, 1998, rulemaking to adjust by rule the use  
24 of gear on vessels longer than 22 feet where the primary power  
25 of the vessel is mounted forward of the vessel center point in  
26 order to prevent the illegal use of gill and entangling nets  
27 in state waters and to provide reasonable opportunities for  
28 the use of legal net gear in adjacent federal waters.

29           (4) The Fish and Wildlife Conservation ~~Marine~~  
30 ~~Fisheries~~ Commission shall adopt rules to prohibit the  
31 possession and sale of mullet taken in illegal gill or

1 entangling nets. Violations of such rules shall be punishable  
2 as provided in subsection (4).

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

6 Section 79. Paragraph (a) of subsection (2) and  
7 subsection (6) of section 370.093, Florida Statutes, 1998  
8 Supplement, are amended to read:

9 370.093 Illegal use of nets.--

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

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

25 Section 80. Section 370.1107, Florida Statutes, is  
26 amended to read:

27 370.1107 Definition; possession of certain licensed  
28 traps prohibited; penalties; exceptions; consent.--

29 (1) As used in this section, the term "licensed  
30 saltwater fisheries trap" means any trap required to be  
31 licensed by the Fish and Wildlife Conservation Commission

1 ~~Department of Environmental Protection~~ and authorized pursuant  
2 to this chapter or by the ~~Florida Marine Fisheries~~ commission  
3 for the taking of saltwater products.

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

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

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

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

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

28 (4) The registered owner of the licensed saltwater  
29 fisheries trap shall provide the Fish and Wildlife  
30 Conservation Commission ~~Department of Environmental Protection~~  
31 with the names of any agents, employees, or any other person,

1 firm, company, or association to whom the registered owner has  
2 given consent to possess said licensed saltwater fisheries  
3 trap.

4 Section 81. Section 370.1111, Florida Statutes, is  
5 amended to read:

6 370.1111 Snook; regulation.--

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

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

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

28 (2) The commission ~~department~~ may periodically conduct  
29 competitions to select a designer of the snook stamp. Also,  
30 the commission ~~department~~ may enhance revenues from the sale  
31

1 of snook stamps by issuing special editions for stamp  
2 collectors and other such special purposes.

3 Section 82. Section 370.12, Florida Statutes, 1998  
4 Supplement, is amended to read:

5 370.12 Marine animals; regulation.--

6 (1) PROTECTION OF MARINE TURTLES.--

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

9 (b) The Legislature intends, pursuant to the  
10 provisions of this subsection, to ensure that the Fish and  
11 Wildlife Conservation Commission ~~Department of Environmental~~  
12 ~~Protection~~ has the appropriate authority and resources to  
13 implement its responsibilities under the recovery plans of the  
14 United States Fish and Wildlife Service for the following  
15 species of marine turtle:

16 1. Atlantic loggerhead turtle (*Caretta caretta*  
17 *caretta*).

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

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

20 4. Atlantic hawksbill turtle (*Eretmochelys imbricata*  
21 *imbricata*).

22 5. Atlantic ridley turtle (*Lepidochelys kempfi*).

23 (c)1. Unless otherwise provided by the federal  
24 Endangered Species Act or its implementing regulations, no  
25 person may take, possess, disturb, mutilate, destroy, cause to  
26 be destroyed, sell, offer for sale, transfer, molest, or  
27 harass any marine turtle or its nest or eggs at any time. For  
28 purposes of this subsection, "take" means an act which  
29 actually kills or injures marine turtles, and includes  
30 significant habitat modification or degradation that kills or  
31



1 injures marine turtles by significantly impairing essential  
2 behavioral patterns, such as breeding, feeding, or sheltering.

3 2. Unless otherwise provided by the federal Endangered  
4 Species Act or its implementing regulations, no person, firm,  
5 or corporation may take, kill, disturb, mutilate, molest,  
6 harass, or destroy any marine turtle.

7 3. No person, firm, or corporation may possess any  
8 marine turtle, their nests, eggs, hatchlings, or parts thereof  
9 unless it is in possession of a special permit or loan  
10 agreement from the department enabling the holder to possess a  
11 marine turtle or parts thereof for scientific, educational, or  
12 exhibitional purposes, or for conservation activities such as  
13 relocating nests, eggs, or animals away from construction  
14 sites. Notwithstanding any other provisions of general or  
15 special law to the contrary, the commission ~~department~~ may  
16 issue such authorization to any properly accredited person for  
17 the purpose of marine turtle conservation upon such terms,  
18 conditions, and restrictions as it may prescribe by rule. The  
19 commission ~~department~~ shall have the authority to adopt rules  
20 to permit the possession of marine turtles pursuant to this  
21 paragraph. For the purposes of this subsection, a "properly  
22 accredited person" is defined as:

23 a. Students of colleges or universities whose studies  
24 with saltwater animals are under the direction of their  
25 teacher or professor;

26 b. Scientific or technical faculty of public or  
27 private colleges or universities;

28 c. Scientific or technical employees of private  
29 research institutions and consulting firms;

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

1 e. Members in good standing or recognized and properly  
2 chartered conservation organizations, the Audubon Society, or  
3 the Sierra Club;

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

7 g. Persons without specific affiliations listed above,  
8 but who are recognized by the commission ~~department~~ for their  
9 contributions to marine conservation such as scientific or  
10 technical publications, or through a history of cooperation  
11 with the commission ~~department~~ in conservation programs such  
12 as turtle nesting surveys, or through advanced educational  
13 programs such as high school marine science centers.

14 (d) Any application for a Department of Environmental  
15 Protection ~~department~~ permit or other type of approval for an  
16 activity that affects marine turtles or their nests or habitat  
17 shall be subject to conditions and requirements for marine  
18 turtle protection as part of the permitting or approval  
19 process.

20 (e) The department may condition the nature, timing,  
21 and sequence of construction of permitted activities to  
22 provide protection to nesting marine turtles and hatchlings  
23 and their habitat pursuant to the provisions of s. 161.053(5).  
24 When the department is considering a permit for a beach  
25 restoration, beach renourishment, or inlet sand transfer  
26 project and the applicant has had an active marine turtle nest  
27 relocation program or the applicant has agreed to and has the  
28 ability to administer a program, the department must not  
29 restrict the timing of the project. Where appropriate, the  
30 department, in accordance with the applicable rules of the  
31 Fish and Wildlife Conservation Commission, shall require as a

1 condition of the permit that the applicant relocate and  
2 monitor all turtle nests that would be affected by the beach  
3 restoration, beach renourishment, or sand transfer activities.  
4 Such relocation and monitoring activities shall be conducted  
5 in a manner that ensures successful hatching. This limitation  
6 on the department's authority applies only on the Atlantic  
7 coast of Florida.

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

14 (g) The department shall give special consideration to  
15 beach preservation and beach nourishment projects that restore  
16 habitat of endangered marine turtle species. Nest relocation  
17 shall be considered for all such projects in urbanized areas.  
18 When an applicant for a beach restoration, beach  
19 renourishment, or inlet sand transfer project has had an  
20 active marine turtle nest relocation program or the applicant  
21 has agreed to have and has the ability to administer a  
22 program, the department in issuing a permit for a project must  
23 not restrict the timing of the project. Where appropriate,  
24 the department, in accordance with the applicable rules of the  
25 Fish and Wildlife Conservation Commission, shall require as a  
26 condition of the permit that the applicant relocate and  
27 monitor all turtle nests that would be affected by the beach  
28 restoration, beach renourishment, or sand transfer activities.  
29 Such relocation and monitoring activities shall be conducted  
30 in a manner that ensures successful hatching. This limitation  
31

1 on the department's authority applies only on the Atlantic  
2 coast of Florida.

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

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

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

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

28 (c) Whenever the Fish and Wildlife Conservation  
29 Commission ~~department~~ is satisfied that the interest of  
30 science will be subserved, and that the application for a  
31 permit to possess a manatee or sea cow (*Trichechus manatus*) is

1 for a scientific or propagational purpose and should be  
2 granted, and after concurrence by the United States Department  
3 of the Interior, the Division of Marine Resources may grant to  
4 any person making such application a special permit to possess  
5 a manatee or sea cow, which permit shall specify the exact  
6 number which shall be maintained in captivity.

7 (d) Except as may be authorized by the terms of a  
8 valid state permit issued pursuant to paragraph (c) or by the  
9 terms of a valid federal permit, it is unlawful for any person  
10 at any time, by any means, or in any manner intentionally or  
11 negligently to annoy, molest, harass, or disturb or attempt to  
12 molest, harass, or disturb any manatee; injure or harm or  
13 attempt to injure or harm any manatee; capture or collect or  
14 attempt to capture or collect any manatee; pursue, hunt,  
15 wound, or kill or attempt to pursue, hunt, wound, or kill any  
16 manatee; or possess, literally or constructively, any manatee  
17 or any part of any manatee.

18 (e) Any gun, net, trap, spear, harpoon, boat of any  
19 kind, aircraft, automobile of any kind, other motorized  
20 vehicle, chemical, explosive, electrical equipment, scuba or  
21 other subaquatic gear, or other instrument, device, or  
22 apparatus of any kind or description used in violation of any  
23 provision of paragraph (d) may be forfeited upon conviction.  
24 The foregoing provisions relating to seizure and forfeiture of  
25 vehicles, vessels, equipment, or supplies do not apply when  
26 such vehicles, vessels, equipment, or supplies are owned by,  
27 or titled in the name of, innocent parties; and such  
28 provisions shall not vitiate any valid lien, retain title  
29 contract, or chattel mortgage on such vehicles, vessels,  
30 equipment, or supplies if such lien, retain title contract, or  
31

1 chattel mortgage is property of public record at the time of  
2 the seizure.

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

14 1. In Lee County: the entire Orange River, including  
15 the Tice Florida Power and Light Corporation discharge canal  
16 and adjoining waters of the Caloosahatchee River within 1 mile  
17 of the confluence of the Orange and Caloosahatchee Rivers.

18 2. In Brevard County: those portions of the Indian  
19 River within three-fourths of a mile of the Orlando Utilities  
20 Commission Delespine power plant effluent and the Florida  
21 Power and Light Frontenac power plant effluents.

22 3. In Indian River County: the discharge canals of the  
23 Vero Beach Municipal Power Plant and connecting waters within  
24 1 1/4 miles thereof.

25 4. In St. Lucie County: the discharge of the Henry D.  
26 King Municipal Electric Station and connecting waters within 1  
27 mile thereof.

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

31

1           6. In Broward County: the discharge canal of the  
2 Florida Power and Light Port Everglades power plant and  
3 connecting waters within 1 1/2 miles thereof and the  
4 discharge canal of the Florida Power and Light Fort Lauderdale  
5 power plant and connecting waters within 2 miles thereof. For  
6 purposes of ensuring the physical safety of boaters in a  
7 sometimes turbulent area, the area from the easternmost edge  
8 of the authorized navigation project of the intracoastal  
9 waterway east through the Port Everglades Inlet is excluded  
10 from this regulatory zone.

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

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

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

20           10. In Sarasota County: the Venice Inlet and  
21 connecting waters within 1 mile thereof, including Lyons Bay,  
22 Donna Bay, Roberts Bay, and Hatchett Creek, excluding the  
23 waters of the intracoastal waterway and the right-of-way  
24 bordering the centerline of the intracoastal waterway.

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

31

1           12. In Manatee County: that portion of the Manatee  
2 River east of the west line of section 17, range 19 east,  
3 township 34 south; the Braden River south of the north line  
4 and east of the west line of section 29, range 18 east,  
5 township 34 south; Terra Ceia Bay and River, east of the west  
6 line of sections 26 and 35 of range 17 east, township 33  
7 south, and east of the west line of section 2, range 17 east,  
8 township 34 south; and Bishop Harbor east of the west line of  
9 section 13, range 17 east, township 33 south.

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

13           (g) The Fish and Wildlife Conservation Commission  
14 ~~Department of Environmental Protection~~ shall adopt rules  
15 regulating the operation and speed of motorboat traffic only  
16 where manatee sightings are frequent and it can be generally  
17 assumed that they inhabit these areas on a regular or  
18 continuous basis within that portion of the Indian River  
19 between the St. Lucie Inlet in Martin County and the Jupiter  
20 Inlet in Palm Beach County. In addition, the commission  
21 ~~department~~ shall adopt rules regulating the operation and  
22 speed of motorboat traffic only where manatee sightings are  
23 frequent and it can be generally assumed that they inhabit  
24 these areas on a regular or continuous basis within the  
25 Loxahatchee River in Palm Beach and Martin Counties, including  
26 the north and southwest forks thereof. A limited lane or  
27 corridor providing for reasonable motorboat speeds may be  
28 identified and designated within this area.

29           (h) The commission ~~department~~ shall adopt rules  
30 regulating the operation and speed of motorboat traffic only  
31 where manatee sightings are frequent and it can be generally



1 assumed that they inhabit these areas on a regular or  
2 continuous basis within the Withlacoochee River and its  
3 tributaries in Citrus and Levy Counties. The specific areas  
4 to be regulated include the Withlacoochee River and the U.S.  
5 19 bridge westward to a line between U.S. Coast Guard markers  
6 number 33 and number 34 at the mouth of the river, including  
7 all side channels and coves along that portion of the river;  
8 Bennets' Creek from its beginning to its confluence with the  
9 Withlacoochee River; Bird's Creek from its beginning to its  
10 confluence with the Withlacoochee River; and the two dredged  
11 canal systems on the north side of the Withlacoochee River  
12 southwest of Yankeetown. A limited lane or corridor providing  
13 for reasonable motorboat speeds may be identified and  
14 designated within this area.

15 (i) If any new power plant is constructed or other  
16 source of warm water discharge is discovered within the state  
17 which attracts a concentration of manatees or sea cows, the  
18 Fish and Wildlife Conservation Commission ~~Department of~~  
19 ~~Environmental Protection~~ is directed to adopt rules regulating  
20 the operation and speed of motorboat traffic within the area  
21 of such discharge. Such rules shall designate a zone which is  
22 sufficient in size, and which shall remain in effect for a  
23 sufficient period of time, to protect the manatees or sea  
24 cows.

25 (j) It is the intent of the Legislature through  
26 adoption of this paragraph to allow the Fish and Wildlife  
27 Conservation Commission ~~Department of Environmental Protection~~  
28 to post and regulate boat speeds only where manatee sightings  
29 are frequent and it can be generally assumed that they inhabit  
30 these areas on a regular or continuous basis. It is not the  
31 intent of the Legislature to permit the commission ~~department~~

1 to post and regulate boat speeds generally in the  
2 above-described inlets, bays, rivers, creeks, thereby unduly  
3 interfering with the rights of fishers, boaters, and water  
4 skiers using the areas for recreational and commercial  
5 purposes. Limited lanes or corridors providing for reasonable  
6 motorboat speeds may be identified and designated within these  
7 areas.

8 (k) The commission ~~department~~ shall adopt rules  
9 regulating the operation and speed of motorboat traffic all  
10 year around within Turkey Creek and its tributaries and within  
11 Manatee Cove in Brevard County. The specific areas to be  
12 regulated consist of:

13 1. A body of water which starts at Melbourne-Tillman  
14 Drainage District structure MS-1, section 35, township 28  
15 south, range 37 east, running east to include all natural  
16 waters and tributaries of Turkey Creek, section 26, township  
17 28 south, range 37 east, to the confluence of Turkey Creek and  
18 the Indian River, section 24, township 28 south, range 37  
19 east, including all lagoon waters of the Indian River bordered  
20 on the west by Palm Bay Point, the north by Castaway Point,  
21 the east by the four immediate spoil islands, and the south by  
22 Cape Malabar, thence northward along the shoreline of the  
23 Indian River to Palm Bay Point.

24 2. A triangle-shaped body of water forming a cove  
25 (commonly referred to as Manatee Cove) on the east side of the  
26 Banana River, with northern boundaries beginning and running  
27 parallel to the east-west cement bulkhead located 870 feet  
28 south of SR 520 Relief Bridge in Cocoa Beach and with western  
29 boundaries running in line with the City of Cocoa Beach  
30 channel markers 121 and 127 and all waters east of these  
31 boundaries in section 34, township 24 south, range 37 east;

1 the center coordinates of this cove are 28°20'14" north,  
2 80°35'17" west.

3 (l) The Legislature recognizes that, while the manatee  
4 or sea cow is designated a marine mammal by federal law, many  
5 of the warm water wintering areas are in freshwater springs  
6 and rivers which are under the primary state law enforcement  
7 jurisdiction of the Fish and Wildlife Conservation Commission.  
8 ~~Florida Game and Fresh Water Fish Commission. The law~~  
9 ~~enforcement provisions of this section shall be carried out~~  
10 ~~jointly by the department and the commission, with the~~  
11 ~~department serving as the lead agency. The specific areas of~~  
12 ~~jurisdictional responsibility are to be established between~~  
13 ~~the department and the commission by interagency agreement.~~

14 (m) The commission ~~department~~ shall promulgate  
15 regulations relating to the operation and speed of motor boat  
16 traffic in port waters with due regard to the safety  
17 requirements of such traffic and the navigational hazards  
18 related to the movement of commercial vessels.

19 (n) The commission ~~department~~ may designate by rule  
20 other portions of state waters where manatees are frequently  
21 sighted and it can be assumed that manatees inhabit such  
22 waters periodically or continuously. Upon designation of such  
23 waters, the commission ~~department~~ shall adopt rules to  
24 regulate motorboat speed and operation which are necessary to  
25 protect manatees from harmful collisions with motorboats and  
26 from harassment. The commission ~~department~~ may adopt rules to  
27 protect manatee habitat, such as seagrass beds, within such  
28 waters from destruction by boats or other human activity.  
29 Such rules shall not protect noxious aquatic plants subject to  
30 control under s. 369.20.

31

1           (o) The commission ~~department~~ may designate, by rule,  
2 limited areas as a safe haven for manatees to rest, feed,  
3 reproduce, give birth, or nurse undisturbed by human activity.  
4 Access by motor boat to private residences, boat houses, and  
5 boat docks through these areas by residents, and their  
6 authorized guests, who must cross one of these areas to have  
7 water access to their property is permitted when the motorboat  
8 is operated at idle speed, no wake.

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

- 24           1. A representative of the commission ~~department~~;
- 25           2. A representative of the county;
- 26           3. A representative of the United States Fish and  
27 Wildlife Service;
- 28           4. A representative of a local marine-related  
29 business;
- 30           5. A representative of the Save the Manatee Club;
- 31           6. A local fisher;

- 1           7. An affected property owner; and  
2           8. A representative of the Florida Marine Patrol.

3  
4 If local and state regulations are established for the same  
5 area, the more restrictive regulation shall prevail.

6           (q) The commission ~~department~~ shall evaluate the need  
7 for use of fenders to prevent crushing of manatees between  
8 vessels (100' or larger) and bulkheads or wharves in counties  
9 where manatees have been crushed by such vessels. For areas  
10 in counties where evidence indicates that manatees have been  
11 crushed between vessels and bulkheads or wharves, the  
12 commission ~~department~~ shall:

- 13           1. Adopt rules requiring use of fenders for  
14 construction of future bulkheads or wharves; and  
15           2. Implement a plan and time schedule to require  
16 retrofitting of existing bulkheads or wharves consistent with  
17 port bulkhead or wharf repair or replacement schedules.

18  
19 The fenders shall provide sufficient standoff from the  
20 bulkhead or wharf under maximum operational compression to  
21 ensure that manatees cannot be crushed between the vessel and  
22 the bulkhead or wharf.

23           (r) Any violation of a restricted area established by  
24 this subsection, or established by rule or ordinance pursuant  
25 to this subsection, shall be considered a violation of the  
26 boating laws of this state and shall be charged on a uniform  
27 boating citation as provided in s. 327.74, except as otherwise  
28 provided in paragraph (s). Any person who refuses to post a  
29 bond or accept and sign a uniform boating citation shall, as  
30 provided in s. 327.73(3), be guilty of a misdemeanor of the  
31

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

3 (s) Except as otherwise provided in this paragraph,  
4 any person violating the provisions of this subsection or any  
5 rule or ordinance adopted pursuant to this subsection shall be  
6 guilty of a misdemeanor, punishable as provided in s.  
7 370.021(1)(a) or (b)~~s. 370.021(2)(a) or (b)~~.

8 1. Any person operating a vessel in excess of a posted  
9 speed limit shall be guilty of a civil infraction, punishable  
10 as provided in s. 327.73, except as provided in subparagraph  
11 2.

12 2. This paragraph does not apply to persons violating  
13 restrictions governing "No Entry" zones or "Motorboat  
14 Prohibited" zones, who, if convicted, shall be guilty of a  
15 misdemeanor, punishable as provided in s. 370.021(1)(a) or (b)  
16 ~~s. 370.021(2)(a) or (b)~~, or, if such violation demonstrates  
17 blatant or willful action, may be found guilty of harassment  
18 as described in paragraph (d).

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

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

25 (a) Each fiscal year the Save the Manatee Trust Fund  
26 shall be available to fund an impartial scientific benchmark  
27 census of the manatee population in the state. Weather  
28 permitting, the study shall be conducted annually by the Fish  
29 and Wildlife Conservation Commission ~~Department of~~  
30 ~~Environmental Protection~~ and the results shall be made  
31 available to the President of the Senate, the Speaker of the

1 House of Representatives, and the Governor and Cabinet for use  
2 in the evaluation and development of manatee protection  
3 measures. In addition, the Save the Manatee Trust Fund shall  
4 be available for annual funding of activities of public and  
5 private organizations and those of the commission ~~department~~  
6 intended to provide manatee and marine mammal protection and  
7 recovery effort; manufacture and erection of informational and  
8 regulatory signs; production, publication, and distribution of  
9 educational materials; participation in manatee and marine  
10 mammal research programs, including carcass salvage and other  
11 programs; programs intended to assist the recovery of the  
12 manatee as an endangered species, assist the recovery of the  
13 endangered or threatened marine mammals, and prevent the  
14 endangerment of other species of marine mammals; and other  
15 similar programs intended to protect and enhance the recovery  
16 of the manatee and other species of marine mammals. The  
17 commission ~~department~~ shall annually solicit advisory  
18 recommendations from the Save the Manatee Committee affiliated  
19 with the Save the Manatee Club, as identified and recognized  
20 in Executive Order 85-19, on the use of funds from the Save  
21 the Manatee Trust Fund.

22 (b) Each fiscal year moneys in the Save the Manatee  
23 Trust Fund shall also be used, pursuant to s. 327.28(1)(b), to  
24 reimburse the cost of activities related to manatee  
25 rehabilitation by facilities that rescue, rehabilitate, and  
26 release manatees as authorized pursuant to the Fish and  
27 Wildlife Service of the United States Department of the  
28 Interior. Such facilities must be involved in the actual  
29 rescue and full-time acute care veterinarian-based  
30 rehabilitation of manatees. The cost of activities includes,  
31 but is not limited to, costs associated with expansion,

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

29 (c) By December 1 each year, the Fish and Wildlife  
30 Conservation Commission ~~Department of Environmental Protection~~  
31 shall provide the President of the Senate and the Speaker of



1 the House of Representatives a written report, enumerating the  
2 amounts and purposes for which all proceeds in the Save the  
3 Manatee Trust Fund for the previous fiscal year are expended,  
4 in a manner consistent with those recovery tasks enumerated  
5 within the manatee recovery plan as required by the Endangered  
6 Species Act.

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

10 Section 83. Subsection (1) of section 370.13, Florida  
11 Statutes, 1998 Supplement, is amended to read:

12 370.13 Stone crab; regulation.--

13 (1)(a) It is unlawful for any person, firm, or  
14 corporation to catch or have in his or her possession,  
15 regardless of where taken, for his or her own use or to sell  
16 or offer for sale, any stone crab, or parts thereof, of any  
17 size between May 15 and October 15 of each year, except for  
18 stone crabs, or parts thereof, placed in inventory prior to  
19 May 15 of each year.

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

24 Section 84. Section 370.14, Florida Statutes, 1998  
25 Supplement, is amended to read:

26 370.14 Crawfish; regulation.--

27 (1) It is the intent of the Legislature to maintain  
28 the crawfish industry for the economy of the state and to  
29 conserve the stocks supplying this industry. The provisions  
30 of this act regulating the taking of saltwater crawfish are  
31

1 for the purposes of ensuring and maintaining the highest  
2 possible production of saltwater crawfish.

3 (2)(a) Each trap used for taking or attempting to take  
4 crawfish must have a trap number permanently attached to the  
5 trap and the buoy. This trap number may be issued by the Fish  
6 and Wildlife Conservation Commission ~~Division of Law~~  
7 ~~Enforcement~~ upon the receipt of application by the owner of  
8 the traps and accompanied by the payment of a fee of \$100. The  
9 design of the applications and of the trap number shall be  
10 determined by the commission ~~division~~. However, effective July  
11 1, 1988, and until July 1, 1992, no crawfish trap numbers  
12 issued pursuant to this section except those numbers that were  
13 active during the 1990-1991 fiscal year shall be renewed or  
14 reissued. No new trap numbers shall be issued during this  
15 period. Until July 1, 1992, trap number holders or members of  
16 their immediate family or a person to whom the trap number was  
17 transferred in writing must request renewal of the number  
18 prior to June 30 of each year. If a person holding an active  
19 trap number or a member of the person's immediate family or a  
20 person to whom the trap number was transferred in writing does  
21 not request renewal of the number before the applicable date  
22 as specified above, the commission ~~department~~ may reissue the  
23 number to another applicant in the order of the receipt of the  
24 application for a trap number. Any trap or device used in  
25 taking or attempting to take crawfish, other than a trap with  
26 the trap number attached as prescribed in this paragraph,  
27 shall be seized and destroyed by the commission ~~division~~. The  
28 proceeds of the fees imposed by this paragraph shall be  
29 deposited and used as provided in paragraph (b). The  
30 commission ~~Department of Environmental Protection~~ is

31

1 authorized to promulgate rules and regulations to carry out  
2 the intent of this section.

3 (b) Fees collected pursuant to paragraph (a) shall be  
4 deposited as follows:

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

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

11 (3) The crawfish license must be on board the boat,  
12 and both the license and the harvested crawfish shall be  
13 subject to inspection at all times. Only one license shall be  
14 issued for each boat. The crawfish license number must be  
15 prominently displayed above the topmost portion of the boat so  
16 as to be easily and readily identified.

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

21 (5) Any crawfish licenseholder, upon selling licensed  
22 crawfish traps, shall furnish the commission ~~division~~ notice  
23 of such sale of all or part of his or her interest within 15  
24 days thereof. Any holder of said license shall also notify  
25 the commission ~~division~~ within 15 days if his or her address  
26 no longer conforms to the address appearing on the license and  
27 shall, as a part of such notification, furnish the commission  
28 ~~division~~ with his or her new address.

29 (6) A person who takes more crawfish per boat or per  
30 person than that number set therefor by rule of the Fish and  
31 Wildlife Conservation ~~Marine Fisheries~~ Commission for

1 recreational harvesters within any 24-hour period by any  
2 method other than with traps or similar devices must also pay  
3 a fee of \$100 and obtain a trap number to be displayed on his  
4 or her boat.

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

11 (b) The licensed seafood dealer importing any such  
12 crawfish under the permit shall, 12 hours prior to the time  
13 the seagoing vessel or airplane delivering such imported  
14 crawfish enters the state, notify the commission ~~Division of~~  
15 ~~Law Enforcement~~ as to the seagoing vessel's name or the  
16 airplane's registration number and its captain, location, and  
17 point of destination.

18 (c) At the time the crawfish cargo is delivered to the  
19 permitholder's place of business, the crawfish cargo shall be  
20 weighed and shall be available for inspection by the  
21 commission ~~Department of Environmental Protection~~. A signed  
22 receipt of such quantity in pounds shall be forwarded to the  
23 commission ~~Division of Law Enforcement's local Florida Marine~~  
24 ~~Patrol office~~ within 48 hours after shipment weigh-in  
25 completion. If requested by the commission ~~department~~, the  
26 weigh-in process will be delayed up to 4 hours to allow for a  
27 commission ~~department~~ representative to be present during the  
28 process.

29 (d) Within 48 hours after shipment weigh-in  
30 completion, the permitholder shall submit to the commission  
31 ~~Division of Law Enforcement~~, on forms provided by the

1 commission ~~division~~, a sworn report of the quantity in pounds  
2 of the saltwater crawfish received, which report shall include  
3 the location of said crawfish and a sworn statement that said  
4 crawfish were taken at least 50 miles from Florida's  
5 shoreline. The landing of crawfish or crawfish tails from  
6 which the eggs, swimmerettes, or pleopods have been removed;  
7 the falsification of information as to area from which  
8 crawfish were obtained; or the failure to file the report  
9 called for in this section shall be grounds to revoke the  
10 permit.

11 (e) Each permitholder shall keep throughout the period  
12 of the closed season copies of the bill of sale or invoices  
13 covering each transaction involving crawfish imported under  
14 this permit. Such invoices and bills shall be kept available  
15 at all times for inspection by the commission ~~division~~.

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

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

25 (c) All special permits issued under this subsection  
26 are nontransferable.

27 (9) No common carrier or employee of said carrier may  
28 carry, knowingly receive for carriage, or permit the carriage  
29 of any crawfish of the species *Panulirus argus*, regardless of  
30 where taken, during the closed season, except of the species  
31 *Panulirus argus* lawfully imported from a foreign country for

1 reshipment outside of the territorial limits of the state  
2 under United States Customs bond or in accordance with (7)(a)  
3 ~~paragraph (8)(a)~~.

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

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

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

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

31

1           ~~(12) The 2-day sport season for harvesters of spiny~~  
2 ~~lobster created by the Marine Fisheries Commission pursuant to~~  
3 ~~rule 46-24.005, Florida Administrative Code, is named the "Bob~~  
4 ~~Hector Sport Fishermen's Crawfish Season."~~

5           Section 85. Subsection (2) of section 370.1405,  
6 Florida Statutes, 1998 Supplement, is amended to read:

7           370.1405 Crawfish reports by dealers during closed  
8 season required.--

9           (2) Failure to submit a report as described in  
10 subsection (1) or reporting a greater or lesser amount of  
11 whole crawfish, crawfish tails, or crawfish meat than is  
12 actually in the dealer's possession or name is a major  
13 violation of this chapter, punishable as provided in s.  
14 370.021(1)~~s. 370.021(2)~~, s. 370.07(6)(b), or both. The  
15 department shall seize the entire supply of unreported or  
16 falsely reported whole crawfish, crawfish tails, or crawfish  
17 meat, and shall carry the same before the court for disposal.  
18 The dealer shall post a cash bond in the amount of the fair  
19 value of the entire quantity of unreported or falsely reported  
20 crawfish as determined by the judge. After posting the cash  
21 bond, the dealer shall have 24 hours to transport said  
22 products outside the limits of Florida for sale as provided by  
23 s. 370.061. Otherwise, the product shall be declared a  
24 nuisance and disposed of by the department according to law.

25           Section 86. Section 370.142, Florida Statutes, 1998  
26 Supplement, is amended to read:

27           370.142 Spiny lobster trap certificate program.--

28           (1) INTENT.--Due to rapid growth, the spiny lobster  
29 fishery is experiencing increased congestion and conflict on  
30 the water, excessive mortality of undersized lobsters, a  
31 declining yield per trap, and public concern over petroleum

1 and debris pollution from existing traps. In an effort to  
2 solve these and related problems, the Legislature intends to  
3 develop pursuant to the provisions of this section a spiny  
4 lobster trap certificate program, the principal goal of which  
5 is to stabilize the fishery by reducing the total number of  
6 traps, which should increase the yield per trap and therefore  
7 maintain or increase overall catch levels. The Legislature  
8 seeks to preserve as much flexibility in the program as  
9 possible for the fishery's various constituents and ensure  
10 that any reduction in total trap numbers will be proportioned  
11 equally on a percentage basis among all users of traps in the  
12 fishery.

13 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;  
14 PENALTIES.--The Fish and Wildlife Conservation Commission  
15 ~~Department of Environmental Protection~~ shall establish a trap  
16 certificate program for the spiny lobster fishery of this  
17 state and shall be responsible for its administration and  
18 enforcement as follows:

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

24 1. The Department of Environmental Protection shall  
25 initially allot such certificates to each licenseholder with a  
26 current crawfish trap number who uses traps. The number of  
27 such certificates allotted to each such licenseholder shall be  
28 based on the trap/catch coefficient established pursuant to  
29 trip ticket records generated under the provisions of s.  
30 370.06(2)(a) over a 3-year base period ending June 30, 1991.  
31 The trap/catch coefficient shall be calculated by dividing the



1 sum of the highest reported single license-year landings up to  
2 a maximum of 30,000 pounds for each such licenseholder during  
3 the base period by 700,000. Each such licenseholder shall then  
4 be allotted the number of certificates derived by dividing his  
5 or her highest reported single license-year landings up to a  
6 maximum of 30,000 pounds during the base period by the  
7 trap/catch coefficient. Nevertheless, no licenseholder with a  
8 current crawfish trap number shall be allotted fewer than 10  
9 certificates. However, certificates may only be issued to  
10 individuals; therefore, all licenseholders other than  
11 individual licenseholders shall designate the individual or  
12 individuals to whom their certificates will be allotted and  
13 the number thereof to each, if more than one. After initial  
14 issuance, trap certificates are transferable on a market basis  
15 and may be transferred from one licenseholder to another for a  
16 fair market value agreed upon between the transferor and  
17 transferee. Each such transfer shall, within 72 hours thereof,  
18 be recorded on a notarized form provided for that purpose by  
19 the department and hand delivered or sent by certified mail,  
20 return receipt requested, to the Fish and Wildlife  
21 Conservation Commission ~~department~~ for recordkeeping purposes.  
22 In addition, in order to cover the added administrative costs  
23 of the program and to recover an equitable natural resource  
24 rent for the people of the state, a transfer fee of \$2 per  
25 certificate transferred shall be assessed against the  
26 purchasing licenseholder and sent by money order or cashier's  
27 check with the certificate transfer form. Also, in addition to  
28 the transfer fee, a surcharge of \$5 per certificate  
29 transferred or 25 percent of the actual market value,  
30 whichever is greater, given to the transferor shall be  
31 assessed the first time a certificate is transferred outside

1 the original transferor's immediate family. No transfer of a  
2 certificate shall be effective until the commission ~~department~~  
3 receives the notarized transfer form and the transfer fee,  
4 including any surcharge, is paid. The commission ~~department~~  
5 may establish by rule an amount of equitable rent per trap  
6 certificate that shall be recovered as partial compensation to  
7 the state for the enhanced access to its natural resources. In  
8 determining whether to establish such a rent and, if so, the  
9 amount thereof, the commission ~~department~~ shall consider the  
10 amount of revenues annually generated by certificate fees,  
11 transfer fees, surcharges, trap license fees, and sales taxes,  
12 the demonstrated fair market value of transferred  
13 certificates, and the continued economic viability of the  
14 commercial lobster industry. The proceeds of equitable rent  
15 recovered shall be deposited in the Marine Resources  
16 Conservation Trust Fund and used by the commission ~~department~~  
17 for research, management, and protection of the spiny lobster  
18 fishery and habitat.

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

23           3. The commission ~~department~~ shall maintain records of  
24 all certificates and their transfers and shall annually  
25 provide each licenseholder with a statement of certificates  
26 held.

27           4. The number of trap tags issued annually to each  
28 licenseholder shall not exceed the number of certificates held  
29 by the licenseholder at the time of issuance, and such tags  
30 and a statement of certificates held shall be issued  
31 simultaneously.

1           5. Beginning July 1, 2003, and applicable to the  
2 2003-2004 lobster season and thereafter, it is unlawful for  
3 any person to lease lobster trap tags or certificates.

4           (b) Trap tags.--Each trap used to take or attempt to  
5 take spiny lobsters in state waters or adjacent federal waters  
6 shall, in addition to the crawfish trap number required by s.  
7 370.14(2), have affixed thereto an annual trap tag issued by  
8 the commission ~~department~~. Each such tag shall be made of  
9 durable plastic or similar material and shall, beginning with  
10 those tags issued for the 1993-1994 season based on the number  
11 of certificates held, have stamped thereon the owner's license  
12 number. To facilitate enforcement and recordkeeping, such tags  
13 shall be issued each year in a color different from that of  
14 each of the previous 3 years. A fee of 50 cents per tag issued  
15 other than on the basis of a certificate held shall be  
16 assessed through March 31, 1993. Until 1995, an annual fee of  
17 50 cents per certificate shall be assessed, and thereafter,  
18 until 1998, an annual fee of 75 cents per certificate shall be  
19 assessed upon issuance in order to recover administrative  
20 costs of the tags and the certificate program. Beginning in  
21 1998, the annual certificate fee shall be \$1 per certificate.  
22 Replacement tags for lost or damaged tags may be obtained as  
23 provided by rule of the commission ~~department~~.

24           (c) Prohibitions; penalties.--

25           1. It is unlawful for a person to possess or use a  
26 spiny lobster trap in or on state waters or adjacent federal  
27 waters without having affixed thereto the trap tag required by  
28 this section. It is unlawful for a person to possess or use  
29 any other gear or device designed to attract and enclose or  
30 otherwise aid in the taking of spiny lobster by trapping that  
31

1 is not a trap as defined in rule 46-24.006(2), Florida  
2 Administrative Code.

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

6 3. In addition to any other penalties provided in s.  
7 370.021, a commercial harvester, as defined by rule  
8 46-24.002(1), Florida Administrative Code, who violates the  
9 provisions of this section, or the provisions relating to  
10 traps of chapter 46-24, Florida Administrative Code, shall be  
11 punished as follows:

12 a. If the first violation is for violation of  
13 subparagraph 1. or subparagraph 2., the commission ~~department~~  
14 shall assess an additional civil penalty of up to \$1,000 and  
15 the crawfish trap number issued pursuant to s. 370.14(2) or  
16 (7) may be suspended for the remainder of the current license  
17 year. For all other first violations, the commission  
18 ~~department~~ shall assess an additional civil penalty of up to  
19 \$500.

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

26 c. For a third or subsequent violation of subparagraph  
27 1. or subparagraph 2. which occurs within 36 months of any  
28 previous two such violations, the commission ~~department~~ shall  
29 assess an additional civil penalty of up to \$5,000 and may  
30 suspend the crawfish trap number issued pursuant to s.  
31 370.14(2) or (6)~~(7)~~ for a period of up to 24 months or may

1 revoke the crawfish trap number and, if revoking the crawfish  
2 trap number, may also proceed against the licenseholder's  
3 saltwater products license in accordance with the provisions  
4 of s. 370.021(2)(i)~~s. 370.021(2)(e)~~.

5 d. Any person assessed an additional civil penalty  
6 pursuant to this section shall within 30 calendar days after  
7 notification:

8 (I) Pay the civil penalty to the commission  
9 ~~department~~; or

10 (II) Request an administrative hearing pursuant to the  
11 provisions of s. 120.60.

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

16 4.a. It is unlawful for any person to make, alter,  
17 forge, counterfeit, or reproduce a spiny lobster trap tag or  
18 certificate.

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

22 c. It is unlawful for any person to barter, trade,  
23 sell, supply, agree to supply, aid in supplying, or give away  
24 a spiny lobster trap tag or certificate or to conspire to  
25 barter, trade, sell, supply, aid in supplying, or give away a  
26 spiny lobster trap tag or certificate unless such action is  
27 duly authorized by the commission ~~department~~ as provided in  
28 this chapter or in the rules of the commission ~~department~~.

29 5.a. Any person who violates the provisions of  
30 subparagraph 4., or any person who engages in the commercial  
31 harvest, trapping, or possession of spiny lobster without a

1 | crawfish trap number as required by s. 370.14(2) or (6)~~(7)~~ or  
2 | during any period while such crawfish trap number is under  
3 | suspension or revocation, commits a felony of the third  
4 | degree, punishable as provided in s. 775.082, s. 775.083, or  
5 | s. 775.084.

6 |         b. In addition to any penalty imposed pursuant to  
7 | sub-subparagraph a., the commission ~~department~~ shall levy a  
8 | fine of up to twice the amount of the appropriate surcharge to  
9 | be paid on the fair market value of the transferred  
10 | certificates, as provided in subparagraph (a)1., on any person  
11 | who violates the provisions of sub-subparagraph 4.c.

12 |         6. Any certificates for which the annual certificate  
13 | fee is not paid for a period of 3 years shall be considered  
14 | abandoned and shall revert to the commission ~~department~~.  
15 | During any period of trap reduction, any certificates  
16 | reverting to the commission ~~department~~ shall become  
17 | permanently unavailable and be considered in that amount to be  
18 | reduced during the next license-year period. Otherwise, any  
19 | certificates that revert to the commission ~~department~~ are to  
20 | be reallocated in such manner as provided by the commission  
21 | ~~department~~.

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

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

28 |         (d) No vested rights.--The trap certificate program  
29 | shall not create vested rights in licenseholders whatsoever  
30 | and may be altered or terminated as necessary to protect the  
31 |

1 spiny lobster resource, the participants in the fishery, or  
2 the public interest.

3 (3) TRAP REDUCTION.--The objective of the overall trap  
4 certificate program is to reduce the number of traps used in  
5 the spiny lobster fishery to the lowest number that will  
6 maintain or increase overall catch levels, promote economic  
7 efficiency in the fishery, and conserve natural resources.  
8 Therefore, the Marine Fisheries Commission shall set an  
9 overall trap reduction goal based on maintaining or maximizing  
10 a sustained harvest from the spiny lobster fishery. To reach  
11 that goal, the commission shall, by July 1, 1992, set an  
12 annual trap reduction schedule, not to exceed 10 percent per  
13 year, applicable to all certificateholders until the overall  
14 trap reduction goal is reached. All certificateholders shall  
15 have their certificate holdings reduced by the same percentage  
16 of certificates each year according to the trap reduction  
17 schedule. The department shall then issue the number of trap  
18 tags authorized by the commission, as requested, and a revised  
19 statement of certificates held. Certificateholders may  
20 maintain or increase their total number of certificates held  
21 by purchasing available certificates from within the  
22 authorized total. The Fish and Wildlife Conservation  
23 Commission shall provide for an annual evaluation of the trap  
24 reduction process and shall suspend the annual percentage  
25 reductions for any period deemed necessary by the commission  
26 in order to assess the impact of the trap reduction schedule  
27 on the fishery. The Fish and Wildlife Conservation Commission  
28 ~~commission~~ may then, by rule, resume, terminate, or reverse  
29 the schedule as it deems necessary to protect the spiny  
30 lobster resource and the participants in the fishery.

31

1           (4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS  
2 BOARD.--There is hereby established the Trap Certificate  
3 Technical Advisory and Appeals Board. Such board shall  
4 consider and advise the commission ~~department~~ on disputes and  
5 other problems arising from the implementation of the spiny  
6 lobster trap certificate program. The board may also provide  
7 information to the commission ~~department~~ on the operation of  
8 the trap certificate program.

9           (a) ~~1.~~ The board shall consist of the executive  
10 director ~~secretary~~ of the commission ~~department~~ or designee  
11 and nine other members appointed by the executive director  
12 ~~secretary, after determination of the initial certificate~~  
13 ~~allotments by the department, according to the following~~  
14 ~~criteria, except as otherwise provided in subparagraph 2.:~~

15           1.a. All appointed members shall be  
16 certificateholders, but two shall be holders of fewer than 100  
17 certificates, two shall be holders of at least 100 but no more  
18 than 750 certificates, three shall be holders of more than 750  
19 but not more than 2,000 certificates, and two shall be holders  
20 of more than 2,000 certificates.

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

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

26           ~~2.~~ ~~The secretary of the department may fill any~~  
27 ~~position on the initial board with a member who does not~~  
28 ~~fulfill the requirements of subparagraph 1. if there are not~~  
29 ~~enough qualified individuals available to meet those~~  
30 ~~requirements. However, as soon as enough qualified individuals~~

31



1 ~~are available to meet those requirements, the secretary must~~  
2 ~~replace all nonqualified appointees with qualified appointees.~~

3 (b) The term of each appointed member shall be for 4  
4 years, and any vacancy shall be filled for the balance of the  
5 unexpired term with a person of the qualifications necessary  
6 to maintain the requirements of paragraph (a)~~subparagraph~~

7 ~~(a)i. However, of the initial appointees, three shall serve~~  
8 ~~for terms of 4 years, two shall serve for terms of 3 years,~~  
9 ~~two shall serve for terms of 2 years, and two shall serve for~~  
10 ~~terms of 1 year. There shall be no limitation on successive~~  
11 ~~appointments to the board.~~

12 (c) The executive director ~~secretary~~ of the commission  
13 ~~department~~ or designee shall serve as a member and shall call  
14 the organizational meeting of the board. The board shall  
15 annually elect a chair and a vice chair. There shall be no  
16 limitation on successive terms that may be served by a chair  
17 or vice chair. The board shall meet at the call of its chair,  
18 at the request of a majority of its membership, at the request  
19 of the commission ~~department~~, or at such times as may be  
20 prescribed by its rules. A majority of the board shall  
21 constitute a quorum, and official action of the board shall  
22 require a majority vote of the total membership of the board  
23 present at the meeting.

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

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

28 (f) Upon reaching a decision on any dispute or problem  
29 brought before it, including any decision involving the  
30 allotment of certificates under paragraph (g), the board shall  
31 submit such decision to the executive director ~~secretary~~ of

1 the commission ~~department~~ for final approval. The executive  
2 director ~~secretary~~ of the commission ~~department~~ may alter or  
3 disapprove any decision of the board, with notice thereof  
4 given in writing to the board and to each party in the dispute  
5 explaining the reasons for the disapproval. The action of the  
6 executive director ~~secretary~~ of the commission ~~department~~  
7 constitutes final agency action.

8 (g) In addition to those certificates allotted  
9 pursuant to the provisions of subparagraph (2)(a)1., up to  
10 125,000 certificates may be allotted by the board to settle  
11 disputes or other problems arising from implementation of the  
12 trap certificate program during the 1992-1993 and 1993-1994  
13 license years. Any certificates not allotted by March 31,  
14 1994, shall become permanently unavailable and shall be  
15 considered as part of the 1994-1995 reduction schedule. All  
16 appeals for additional certificates or other disputes must be  
17 filed with the board before October 1, 1993.

18 (h) Any trap certificates issued by the Department of  
19 Environmental Protection as a result of the appeals process  
20 must be added to the existing number of trap certificates for  
21 the purposes of determining the total number of certificates  
22 from which the subsequent season's trap reduction is  
23 calculated.

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

29 (5) DISPOSITION OF FEES AND SURCHARGES.--Transfer fees  
30 and surcharges, annual trap certificate fees, and recreational  
31 tag fees collected pursuant to paragraphs (2)(a) and (b) shall

1 be deposited in the Marine Resources Conservation Trust Fund  
2 and used for administration of the trap certificate program,  
3 research and monitoring of the spiny lobster fishery, and  
4 enforcement and public education activities in support of the  
5 purposes of this section and shall also be for the use of the  
6 Fish and Wildlife Conservation ~~Marine Fisheries~~ Commission in  
7 evaluating the impact of the trap reduction schedule on the  
8 spiny lobster fishery; however, at least 15 percent of the  
9 fees and surcharges collected shall be provided to the  
10 commission for such evaluation.

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

14 Section 87. Subsection (1), (2), and (6) of section  
15 370.1535, Florida Statutes, are amended to read:

16 370.1535 Regulation of shrimp fishing in Tampa Bay;  
17 licensing requirements.--

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

22 (2) The Fish and Wildlife Conservation Commission  
23 ~~Department of Environmental Protection~~ is authorized to issue  
24 a dead shrimp production permit to persons qualified pursuant  
25 to the following criteria:

26 (a) The person has submitted an application designed  
27 by the department for such permit.

28 (b) One permit is required for each vessel used for  
29 dead shrimp production in the waters of Tampa Bay. A permit  
30 shall only be issued to an individual who is the principal  
31 owner of the vessel or of the business entity owning the

1 vessel and utilizing the permit. No more than three permits  
2 shall be issued to any individual.

3 (c) Each application for a permit shall be accompanied  
4 by a fee of \$250 for each resident of the state and \$1,000 for  
5 each nonresident of the state. The proceeds of the fees  
6 collected pursuant to this paragraph shall be deposited into  
7 the Marine Resources Conservation Trust Fund to be used by the  
8 commission ~~department~~ for the purpose of enforcement of marine  
9 resource laws.

10 (d) No person shall be issued a permit or be allowed  
11 to renew a permit if such person is registered for  
12 noncommercial trawling pursuant to s. 370.15(6) or if such  
13 person holds a live bait shrimping license issued pursuant to  
14 s. 370.15(8).

15 (e) Each applicant shall make application prior to  
16 June 30, 1992, and shall hold any other license or  
17 registration required to operate a commercial fishing vessel  
18 in Tampa Bay on the date of application.

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

23 Section 88. Subsections (4) and (5) of section 370.17,  
24 Florida Statutes, are amended to read:

25 370.17 Sponges; regulation.--

26 (4) POWERS OF THE COMMISSION ~~DEPARTMENT~~.--The  
27 commission ~~said department~~ is authorized and empowered to  
28 make, promulgate, and put into effect all rules and  
29 regulations which the commission ~~department~~ may consider and  
30 decide to be necessary to accomplish the purpose of this  
31 chapter for the taking and cultivation of sponges, including

1 the power and authority to determine and fix, in its  
2 discretion, the seasons and period of time within which public  
3 state grounds may be closed to the taking, possessing, buying,  
4 selling, or transporting of sponges from the sponge  
5 cultivation districts herein provided for and to regulate and  
6 prescribe the means and methods to be employed in the  
7 harvesting thereof; however, notice of all rules, regulations,  
8 and orders, and all revisions and amendments thereto,  
9 prescribing closed seasons or prescribing the means and  
10 methods of harvesting sponges adopted by the commission  
11 ~~department~~ shall be published in a newspaper of general  
12 circulation in the conservation district affected within 10  
13 days from the adoption thereof, in addition to any notice  
14 required by chapter 120.

15 (5) COOPERATION WITH UNITED STATES FISH AND WILDLIFE  
16 SERVICE.--The commission ~~department~~ shall cooperate with the  
17 United States Fish and Wildlife Service, under existing  
18 federal laws, rules and regulations, and is authorized to  
19 accept donations, grants and matching funds from said federal  
20 government under such conditions as are reasonable and proper,  
21 for the purposes of carrying out this chapter, and the  
22 commission ~~said department~~ is further authorized to accept any  
23 and all donations including funds and loan of vessels.

24 Section 89. Section 370.31, Florida Statutes, is  
25 amended to read:

26 370.31 Commercial production of sturgeon.--

27 (1) INTENT.--The Legislature finds and declares that  
28 there is a need to encourage the continuation and advancement  
29 of work being done on aquaculture sturgeon production in  
30 keeping with the state's legislative public policy regarding  
31 aquaculture provided in chapter 597. It also finds that it is

1 in the state's economic interest to promote the commercial  
2 production and stock enhancement of sturgeon. It is therefore  
3 the intent of the Legislature to hereby create a Sturgeon  
4 Production Working Group.

5 (2) CREATION.--The Sturgeon Production Working Group  
6 is created within the Fish and Wildlife Conservation  
7 Commission ~~Department of Environmental Protection~~ and shall be  
8 composed of six members as follows:

9 (a) The head of the sturgeon research program or  
10 designee from the University of Florida, Institute of Food and  
11 Agricultural Sciences. Such member shall be appointed by the  
12 University of Florida's Vice President for Agricultural  
13 Affairs.

14 (b) One representative from the Department of  
15 Environmental Protection to be appointed by the Secretary of  
16 Environmental Protection.

17 (c) One representative from the Fish and Wildlife  
18 Conservation ~~Game and Fresh Water Fish~~ Commission to be  
19 appointed by the executive director of the ~~Game and Fresh~~  
20 ~~Water Fish~~ commission.

21 (d) One representative from the Department of  
22 Agriculture and Consumer Services to be appointed by the  
23 Commissioner of Agriculture.

24 (e) Two representatives from the aquaculture industry  
25 to be appointed by the Aquaculture Review Council.

26 (3) MEETINGS; PROCEDURES; RECORDS.--The working group  
27 shall meet at least twice a year and elect, by a quorum, a  
28 chair, vice chair, and secretary. However, the working group  
29 shall call its first meeting within 1 month after October 1,  
30 1996.

31

1           (a) The chair of the working group shall preside at  
2 all meetings and shall call a meeting as often as necessary to  
3 carry out the provisions of this section. To call a meeting,  
4 the chair shall solicit an agreement to meet from at least two  
5 other working group members and then notify any remaining  
6 members of the meeting.

7           (b) The secretary shall keep a complete record of the  
8 proceedings of each meeting, which includes the names of the  
9 members present at each meeting and the actions taken. Such  
10 records shall be kept on file with the Fish and Wildlife  
11 Conservation Commission ~~Department of Environmental Protection~~  
12 with copies filed with the Department of Fisheries and  
13 Aquatics at the University of Florida. The records shall be  
14 public records pursuant to chapter 119.

15           (c) A quorum shall consist of one representative from  
16 the Fish and Wildlife Conservation Commission ~~Department of~~  
17 ~~Environmental Protection~~, one representative from the  
18 Institute of Food and Agricultural Sciences, and at least two  
19 other members.

20           (4) PURPOSE AND RESPONSIBILITIES.--The purpose of the  
21 Sturgeon Production Working Group is to establish a state  
22 sturgeon aquaculture program to promote the commercial  
23 production and stock enhancement of sturgeon in Florida. In  
24 carrying out this purpose, the working group shall:

25           (a) Establish a state sturgeon aquaculture program to  
26 inform public or private interested parties of how to  
27 aquaculturally produce sturgeon for commercial purposes and  
28 for stock enhancement. The program shall:

29           1. Determine how sturgeon can be produced commercially  
30 for its meat and roe in the state.

31

1           2. Determine how sturgeon can be used for stock  
2 enhancement in areas designated by the Fish and Wildlife  
3 Conservation Commission ~~Department of Environmental Protection~~  
4 in consultation with the Sturgeon Production Working Group.

5           (b) Seek federal help and cooperation in obtaining the  
6 appropriate permits to establish the state sturgeon  
7 aquaculture program.

8           (c) Prepare a state sturgeon production and stock  
9 enhancement plan to implement the state sturgeon aquaculture  
10 program. The plan shall include, but not be limited to, the  
11 following:

12           1. Research needed to support the commercial  
13 production of sturgeon for meat and roe and stock enhancement  
14 in the state.

15           2. Studies needed to determine the economic impact on  
16 the state and the best marketing strategies for producing  
17 sturgeon for its meat and roe.

18           3. Permits and other requirements currently needed to  
19 commercially produce sturgeon and enhance sturgeon stock in  
20 the state and a strategy for obtaining such permits or  
21 requirements.

22           4. The timetable for implementation and completion of  
23 the plan's components.

24           5. The implementation date for the state sturgeon  
25 aquaculture program.

26           ~~(d) Prepare a report to be submitted within 1 year~~  
27 ~~after October 1, 1996, to the Governor, the President of the~~  
28 ~~Senate, the Speaker of the House of Representatives, and the~~  
29 ~~chairs of the legislative ways and means, appropriations, and~~  
30 ~~agriculture committees. This report shall include, but not be~~  
31 ~~limited to:~~



1           1. ~~The status of the state sturgeon aquaculture~~  
2 ~~program.~~

3           2. ~~The status of the state sturgeon production and~~  
4 ~~stock enhancement plan.~~

5           3. ~~Other Florida public or private agencies, if any,~~  
6 ~~doing research on sturgeon production.~~

7           4. ~~Any recommendations necessary to carry out the~~  
8 ~~purpose of this section.~~

9           Section 90. Subsections (9), (15), (16), and (17) of  
10 section 372.001, Florida Statutes, are amended to read:

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

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

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

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

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

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

13 Section 91. Section 372.01, Florida Statutes, is  
14 amended to read:

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

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

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

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

31

1           Section 92. Subsections (1) and (2) of section  
2 372.0215, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

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

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

16 Section 93. Subsections (1), (2), and (4) of section  
17 372.0222, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

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

22 Section 94. Subsection (1) of section 372.0225,  
23 Florida Statutes, 1998 Supplement, is amended to read:

24 372.0225 Freshwater organisms.--

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

1 the breeding stock, is directed and charged with the  
2 responsibility of:

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

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

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

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

14 Section 95. Subsections (1) and (3) of section  
15 372.023, Florida Statutes, are amended to read:

16 372.023 J. W. Corbett and Cecil M. Webb Wildlife  
17 Management Areas.--

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

26 (a) To trade, barter, lease, or exchange lands therein  
27 for lands of greater acreage contiguous to said wildlife  
28 management areas.

29 (b) To grant easements for construction and  
30 maintenance of roads, railroads, canals, ditches, dikes and  
31

1 utilities, including but not limited to telephone, telegraph,  
2 oil, gas, electric power, water and sewers.

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

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

15 Section 96. Subsections (2) and (3) of section  
16 372.025, Florida Statutes, are amended to read:

17 372.025 Everglades recreational sites; definitions.--

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

19 (a) "Commission" means the Fish and Wildlife  
20 Conservation ~~Game and Fresh Water Fish~~ Commission.

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

23 (c) "Indian reservations" means lands as designated by  
24 chapter 285.

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

28 (e) "Development of recreational sites" means any  
29 improvements to existing facilities or sites and also such new  
30 selection and improvements as are needed for the various  
31 recreational activities as herein provided.

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

6           Section 97. Section 372.03, Florida Statutes, is  
7 amended to read:

8           372.03 Headquarters of commission.--The Fish and  
9 Wildlife Conservation Game and Fresh Water Fish Commission is  
10 located at the state capital, and, when suitable adequate  
11 office space cannot be provided in the State Capitol Building,  
12 or other buildings owned by the state, the commission may rent  
13 or lease suitable office space in Tallahassee. Said commission  
14 may also rent or lease suitable and adequate space in other  
15 cities and towns of the state for branch or division offices  
16 and headquarters and storerooms for equipment and supplies, as  
17 the business of the commission may require or necessitate,  
18 payment for said rented or leased premises to be made from the  
19 State Game Trust Fund.

20           Section 98. Section 372.051, Florida Statutes, is  
21 amended to read:

22           372.051 Seal of commission; certificate as  
23 evidence.--The Fish and Wildlife Conservation Game and Fresh  
24 Water Fish Commission shall adopt and use a common seal, and a  
25 certificate under the seal of the commission, signed by its  
26 chair and attested by its director shall constitute sufficient  
27 evidence of the action of the commission; and copies of the  
28 minutes of the commission, or any part thereof, or of any  
29 record or paper of said commission, or any part thereof, or of  
30 any rule, regulation, or order of the commission, or any part  
31 thereof, or of any code of rules, regulations or orders of the



1 commission, or any part thereof, certified by the director of  
2 the commission under its seal, shall be admissible in evidence  
3 in all cases and proceedings in all courts, boards, and  
4 commissions of this state without further authentication.

5 Section 99. Section 372.06, Florida Statutes, is  
6 amended to read:

7 372.06 Meetings of the commission.--At least four  
8 meetings of the Fish and Wildlife Conservation ~~Game and Fresh~~  
9 ~~Water Fish~~ Commission shall be held at the state capital no  
10 less frequently than once every 3 months, which meetings shall  
11 be known as the quarterly meetings of the commission; other  
12 meetings may be held at such times and places as may be  
13 decided upon or as provided by rules of the commission, such  
14 meetings to be called by the executive secretary on not less  
15 than 1 week's notice to all members of the commission; or  
16 meetings may be held upon the request in writing of three  
17 members of the commission, at a time and place to be  
18 designated in the request, and notice of such meetings shall  
19 be given at least 1 week in advance thereof to all members of  
20 the commission by the executive secretary. A majority of  
21 ~~Three~~ members shall constitute a quorum at any meeting of the  
22 commission. No action shall be binding when taken up by the  
23 commission, except at a regular or call meeting and duly  
24 recorded in the minutes of said meeting.

25 Section 100. Section 372.07, Florida Statutes, is  
26 amended to read:

27 372.07 Police powers of commission and its agents.--  
28 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
29 ~~Water Fish~~ Commission, the director and the director's  
30 assistants designated by her or him, and each wildlife officer  
31 are constituted peace officers with the power to make arrests

1 for violations of the laws of this state when committed in the  
2 presence of the officer or when committed on lands under the  
3 supervision and management of the commission. The general  
4 laws applicable to arrests by peace officers of this state  
5 shall also be applicable to said director, assistants, and  
6 wildlife officers. Such persons may enter upon any land or  
7 waters of the state for performance of their lawful duties and  
8 may take with them any necessary equipment, and such entry  
9 shall not constitute a trespass.

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

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

20 (b) Execute warrants and search warrants for the  
21 violation of said laws;

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

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

26 (e) Arrest upon probable cause without warrant any  
27 person found in the act of violating any of the provisions of  
28 said laws or, in pursuit immediately following such  
29 violations, to examine any person, boat, conveyance, vehicle,  
30 game bag, game coat, or other receptacle for wild animal life  
31 or freshwater aquatic life, or any camp, tent, cabin, or

1 roster, in the presence of any person stopping at or belonging  
2 to such camp, tent, cabin, or roster, when said officer has  
3 reason to believe, and has exhibited her or his authority and  
4 stated to the suspected person in charge the officer's reason  
5 for believing, that any of the aforesaid laws have been  
6 violated at such camp;

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

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

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

23 Section 101. Section 372.071, Florida Statutes, is  
24 amended to read:

25 372.071 Powers of arrest by agents of Department of  
26 Environmental Protection or Fish and Wildlife Conservation  
27 ~~Game and Fresh Water Fish~~ Commission.--Any certified law  
28 enforcement officer of the Department of Environmental  
29 Protection or the Fish and Wildlife Conservation Game and  
30 ~~Fresh Water Fish~~ Commission, upon receiving information,  
31 relayed to her or him from any law enforcement officer

1 stationed on the ground, on the water, or in the air, that a  
2 driver, operator, or occupant of any vehicle, boat, or airboat  
3 has violated any section of chapter 327, chapter 328, chapter  
4 370, or this chapter, may arrest the driver, operator, or  
5 occupant for violation of said laws when reasonable and proper  
6 identification of the vehicle, boat, or airboat and reasonable  
7 and probable grounds to believe that the driver, operator, or  
8 occupant has committed or is committing any such offense have  
9 been communicated to the arresting officer by the other  
10 officer stationed on the ground, on the water, or in the air.

11 Section 102. Section 372.072, Florida Statutes, is  
12 amended to read:

13 372.072 Endangered and Threatened Species Act.--

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

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

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

30 (a) "Fish and wildlife" means any member of the animal  
31 kingdom, including, but not limited to, any mammal, fish,

1 bird, amphibian, reptile, mollusk, crustacean, arthropod, or  
2 other invertebrate.

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

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

16 (4) INTERAGENCY COORDINATION.--

17 ~~(a)1. The Game and Fresh Water Fish Commission shall~~  
18 ~~be responsible for research and management of freshwater and~~  
19 ~~upland species.~~

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

22 (a)~~(b)~~ Recognizing that citizen awareness is a key  
23 element in the success of this plan, the Fish and Wildlife  
24 Conservation ~~Game and Fresh Water Fish~~ Commission, the  
25 Department of Environmental Protection, and the Office of  
26 Environmental Education of the Department of Education are  
27 encouraged to work together to develop a public education  
28 program with emphasis on, but not limited to, both public and  
29 private schools.

30 (b)~~(c)~~ The Fish and Wildlife Conservation Department  
31 ~~of Environmental Protection, the Marine Fisheries Commission,~~

1 ~~or the Game and Fresh Water Fish~~ Commission, in consultation  
2 with the Department of Agriculture and Consumer Services, the  
3 ~~Department of Commerce,~~ the Department of Community Affairs,  
4 or the Department of Transportation, may establish reduced  
5 speed zones along roads, streets, and highways to protect  
6 endangered species or threatened species.

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

23 Section 103. Section 372.0725, Florida Statutes, is  
24 amended to read:

25 372.0725 Killing or wounding of any species designated  
26 as endangered, threatened, or of special concern; criminal  
27 penalties.--It is unlawful for a person to intentionally kill  
28 or wound any fish or wildlife of a species designated by the  
29 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
30 Commission as endangered, threatened, or of special concern,  
31 or to intentionally destroy the eggs or nest of any such fish

1 or wildlife, except as provided for in the rules of the Fish  
2 and Wildlife Conservation ~~Game and Fresh Water Fish~~  
3 ~~Commission, the Department of Environmental Protection, or the~~  
4 ~~Marine Fisheries~~ Commission. Any person who violates this  
5 provision with regard to an endangered or threatened species  
6 is guilty of a felony of the third degree, punishable as  
7 provided in s. 775.082, s. 775.083, or s. 775.084.

8 Section 104. Subsection (1) of section 372.073,  
9 Florida Statutes, is amended to read:

10 372.073 Endangered and Threatened Species Reward  
11 Program.--

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

26 Section 105. Subsection (1) of section 372.074,  
27 Florida Statutes, is amended to read:

28 372.074 Fish and Wildlife Habitat Program.--

29 (1)(a) There is established within the Fish and  
30 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission the  
31 Fish and Wildlife Habitat Program for the purpose of

1 acquiring, assisting other agencies or local governments in  
2 acquiring, or managing lands important to the conservation of  
3 fish and wildlife.

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

9 (c) Where acquisition pursuant to this section will  
10 result in state ownership of land, title shall be vested in  
11 the Board of Trustees of the Internal Improvement Trust Fund  
12 as required in chapter 253. Land acquisition pursuant to this  
13 section shall be voluntary, negotiated acquisition and, where  
14 title is to be vested in the Board of Trustees of the Internal  
15 Improvement Trust Fund, is subject to the acquisition  
16 procedures of s. 253.025.

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

20 Section 106. Subsection (1), paragraph (c) of  
21 subsection (3), and subsection (4) of section 372.105, Florida  
22 Statutes, are amended to read:

23 372.105 Lifetime Fish and Wildlife Trust Fund.--

24 (1) There is established within the Fish and Wildlife  
25 Conservation ~~Game and Fresh Water Fish~~ Commission the Lifetime  
26 Fish and Wildlife Trust Fund to be used for the purpose of  
27 supporting fish and wildlife conservation programs of the  
28 state in accordance with this section.

29 (3) The fund is declared to constitute a special trust  
30 derived from a contractual relationship between the state and  
31 the members of the public whose investments contribute to the



1 fund. In recognition of such special trust, the following  
2 limitations and restrictions are placed on expenditures from  
3 the funds:

4 (c) No expenditures or disbursements from the interest  
5 income derived from the sale of lifetime licenses shall be  
6 made for any purpose until the respective holders of such  
7 licenses attain the age of 16 years. The Fish and Wildlife  
8 Conservation Game and Fresh Water Fish Commission as  
9 administrator of the fund shall determine actuarially on an  
10 annual basis the amounts of interest income within the fund  
11 which may be disbursed pursuant to this paragraph. The  
12 director shall cause deposits of proceeds from the sale of  
13 lifetime licenses to be identifiable by the ages of the  
14 license recipients.

15 (4) In the event of a future dissolution or  
16 reorganization of the Fish and Wildlife Conservation Game and  
17 Fresh Water Fish Commission, any state agency which succeeds  
18 the commission or assumes its constitutional or statutory  
19 responsibilities shall, through its agency head acting ex  
20 officio, assume the trusteeship of the fund and shall be bound  
21 by all the limitations and restrictions placed by this section  
22 on expenditures from the fund. No repeal or modification of  
23 this chapter or s. 9, Art. IV of the State Constitution shall  
24 alter the fundamental purposes to which the fund may be  
25 applied. No dissolution or reorganization of the Fish and  
26 Wildlife Conservation Game and Fresh Water Fish Commission  
27 shall invalidate any lifetime license issued in accordance  
28 with this section.

29 Section 107. Subsection (1) of section 372.106,  
30 Florida Statutes, is amended to read:

31 372.106 Dedicated License Trust Fund.--

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

6           Section 108. Section 372.12, Florida Statutes, is  
7 amended to read:

8           372.12 Acquisition of state game lands.--The Fish and  
9 Wildlife Conservation Game and Fresh Water Fish Commission,  
10 with the approval of the Governor, may acquire, in the name of  
11 the state, lands and waters suitable for the protection and  
12 propagation of game, fish, nongame birds or fur-bearing  
13 animals, or for hunting purposes, game farms, by purchase,  
14 lease, gift or otherwise to be known as state game lands. The  
15 said commission may erect such buildings and fences as may be  
16 deemed necessary to properly maintain and protect such lands,  
17 or for propagation of game, nongame birds, freshwater fish or  
18 fur-bearing animals. The title of land acquired by purchase,  
19 lease, gift or otherwise, shall be approved by the Department  
20 of Legal Affairs. The deed to such lands shall be deposited  
21 as are deeds to other state lands. No such lands shall be  
22 purchased at a price to exceed \$10 per acre. No property  
23 acquired under this section shall be exempt from state, county  
24 or district taxation.

25           Section 109. Subsection (1) of section 372.121,  
26 Florida Statutes, is amended to read:

27           372.121 Control and management of state game lands.--

28           (1) The Fish and Wildlife Conservation Game and Fresh  
29 Water Fish Commission is authorized to make, adopt,  
30 promulgate, amend, repeal, and enforce all reasonable rules  
31 and regulations necessary for the protection, control,

1 operation, management, or development of lands or waters owned  
2 by, leased by, or otherwise assigned to, the commission for  
3 fish or wildlife management purposes, including but not being  
4 limited to the right of ingress and egress. Before any such  
5 rule or regulation is adopted, other than one relating to wild  
6 animal life or freshwater aquatic life, the commission shall  
7 obtain the consent and agreement, in writing, of the owner, in  
8 the case of privately owned lands or waters, or the owner or  
9 primary custodian, in the case of public lands or waters.

10 Section 110. Subsections (1), (2), and (4) of section  
11 372.16, Florida Statutes, are amended to read:

12 372.16 Private game preserves and farms; penalty.--

13 (1) Any person owning land in this state may, after  
14 having secured a license therefor from the Fish and Wildlife  
15 Conservation ~~Game and Fresh Water Fish~~ Commission, establish,  
16 maintain, and operate within the boundaries thereof, a private  
17 preserve and farm, not exceeding an area of 640 acres, for the  
18 protection, preservation, propagation, rearing, and production  
19 of game birds and animals for private and commercial purposes,  
20 provided that no two game preserves shall join each other or  
21 be connected.

22 (2) All private game preserves or farms established  
23 under the provisions of this section shall be fenced in such  
24 manner that domestic game thereon may not escape and wild game  
25 on surrounding lands may not enter and shall be subject at any  
26 time to inspection by the Fish and Wildlife Conservation ~~Game~~  
27 ~~and Fresh Water Fish~~ Commission, or its conservation officers.  
28 Such private preserve or farm shall be equipped and operated  
29 in such manner as to provide sufficient food and humane  
30 treatment for the game kept thereon. Game reared or produced  
31 on private game preserves and farms shall be considered

1 domestic game and private property and may be sold or disposed  
2 of as such and shall be the subject of larceny. Live game may  
3 be purchased, sold, shipped, and transported for propagation  
4 and restocking purposes only at any time. Such game may be  
5 sold for food purposes only during the open season provided by  
6 law for such game. All game killed must be killed on the  
7 premises of such private game preserve or farm and must be  
8 killed by means other than shooting, except during the open  
9 season. All domestic game sold for food purposes must be  
10 marked or tagged in a manner prescribed by the Fish and  
11 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission;  
12 and the owner or operator of such private game preserve or  
13 farm shall report to the said commission, on blanks to be  
14 furnished by it, each sale or shipment of domestic game, such  
15 reports showing the quantity and kind of game shipped or sold  
16 and to whom sold. Such report shall be made not later than 5  
17 days following such sale or shipment. Game reared or produced  
18 as aforesaid may be served as such by hotels, restaurants, or  
19 other public eating places during the open season provided by  
20 law on such particular species of game, under such regulations  
21 as the commission may prescribe.

22 (4) Any person violating the provisions of this  
23 section shall for the first offense be guilty of a misdemeanor  
24 of the second degree, punishable as provided in s. 775.082 or  
25 s. 775.083, and for a second or subsequent offense shall be  
26 guilty of a misdemeanor of the first degree, punishable as  
27 provided in s. 775.082 or s. 775.083. Any person convicted of  
28 violating the provisions of this section shall forfeit, to the  
29 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
30 Commission, any license or permit issued under the provisions  
31 hereof; and no further license or permit shall be issued to

1 such person for a period of 1 year following such conviction.  
2 Before any private game preserve or farm is established, the  
3 owner or operator shall secure a license from the Fish and  
4 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
5 the fee for which shall be \$5 per year.

6 Section 111. Subsection (1) of section 372.26, Florida  
7 Statutes, is amended to read:

8 372.26 Imported fish.--

9 (1) No person shall import into the state or place in  
10 any of the fresh waters of the state any freshwater fish of  
11 any species without having first obtained a permit from the  
12 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
13 Commission. The commission is authorized to issue or deny such  
14 a permit upon the completion of studies of the species made by  
15 it to determine any detrimental effect the species might have  
16 on the ecology of the state.

17 Section 112. Subsections (1) and (2) of section  
18 372.265, Florida Statutes, are amended to read:

19 372.265 Regulation of foreign animals.--

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

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

30 Section 113. Section 372.27, Florida Statutes, is  
31 amended to read:

1           372.27 Silver Springs and Rainbow Springs, etc.,  
2 closed to all fishing.--It is unlawful for any person to take  
3 any fish within Marion County, from the waters of Rainbow  
4 Springs and Rainbow River (formerly known as Blue Springs and  
5 Blue Springs River) within a radius of 1 mile from the head of  
6 said spring or from the waters of Silver Springs or Silver  
7 Springs Run from the head of said spring to its junction with  
8 the Oklawaha River; provided, that the Fish and Wildlife  
9 Conservation Commission ~~of Game and Fresh Water Fish~~ may  
10 remove or cause to be removed any gar, mud fish or other  
11 predatory fish when in its judgment their removal is  
12 desirable.

13           Section 114. Section 372.31, Florida Statutes, is  
14 amended to read:

15           372.31 Disposition of illegal fishing devices.--  
16           (1) In all cases of arrest and conviction for use of  
17 illegal nets or traps or fishing devices, as provided in this  
18 chapter, such illegal net, trap, or fishing device is declared  
19 to be a nuisance and shall be seized and carried before the  
20 court having jurisdiction of such offense and said court shall  
21 order such illegal trap, net or fishing device forfeited to  
22 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
23 Commission immediately after trial and conviction of the  
24 person in whose possession they were found. When any illegal  
25 net, trap or fishing device is found in the fresh waters of  
26 the state, and the owner of same shall not be known to the  
27 officer finding the same, such officer shall immediately  
28 procure from the county court judge an order forfeiting said  
29 illegal net, trap or fishing device to the Fish and Wildlife  
30 Conservation ~~Game and Fresh Water Fish~~ Commission. The Fish  
31 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission

1 may destroy such illegal net, trap or fishing device, if in  
2 its judgment said net, trap or fishing device is not of value  
3 in the work of the department.

4 (2) When any nets, traps, or fishing devices are found  
5 being used illegally as provided in this chapter, the same  
6 shall be seized and forfeited to the Fish and Wildlife  
7 Conservation ~~Game and Fresh Water Fish~~ Commission as provided  
8 in this chapter.

9 Section 115. Subsection (7) of section 372.57, Florida  
10 Statutes, 1998 Supplement, is amended to read:

11 372.57 Licenses and permits; exemptions; fees.--No  
12 person, except as provided herein, shall take game, freshwater  
13 fish, or fur-bearing animals within this state without having  
14 first obtained a license, permit, or authorization and paid  
15 the fees hereinafter set forth, unless such license is issued  
16 without fee as provided in s. 372.561. Such license, permit,  
17 or authorization shall authorize the person to whom it is  
18 issued to take game, freshwater fish, or fur-bearing animals  
19 in accordance with law and commission rules. Such license,  
20 permit, or authorization is not transferable. Each license or  
21 permit must bear on its face in indelible ink the name of the  
22 person to whom it is issued and other information requested by  
23 the commission. Such license, permit, or authorization issued  
24 by the commission or any agent must be in the personal  
25 possession of the person to whom issued while taking game,  
26 freshwater fish, or fur-bearing animals. The failure of such  
27 person to exhibit such license, permit, or authorization to  
28 the commission or its wildlife officers, when such person is  
29 found taking game, freshwater fish, or fur-bearing animals, is  
30 a violation of law. A positive form of identification is  
31 required when using an authorization, a lifetime license, a

1 5-year license, or when otherwise required by the license or  
2 permit. The lifetime licenses and 5-year licenses provided  
3 herein shall be embossed with the name, date of birth, the  
4 date of issuance, and other pertinent information as deemed  
5 necessary by the commission. A certified copy of the  
6 applicant's birth certificate shall accompany all applications  
7 for a lifetime license for residents 12 years of age and  
8 younger. Each applicant for a license, permit, or  
9 authorization shall provide the applicant's social security  
10 number on the application form. Disclosure of social security  
11 numbers obtained through this requirement shall be limited to  
12 the purpose of administration of the Title IV-D child support  
13 enforcement program and use by the commission, and as  
14 otherwise provided by law.

15 (7) A resident lifetime sportsman's license authorizes  
16 the holder to engage in the following noncommercial  
17 activities:

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

22 (b) All activities authorized by a management area  
23 permit, a muzzle-loading gun permit, a turkey permit, an  
24 archery permit, a Florida waterfowl permit, a snook permit,  
25 and a crawfish permit.

26 Section 116. Subsection (2) of section 372.5714,  
27 Florida Statutes, is amended to read:

28 372.5714 Waterfowl Advisory Council.--

29 (2) The council shall meet at least once a year either  
30 in person or by a telephone conference call, shall elect a  
31 chair annually to preside over its meetings and perform any



1 other duties directed by the council, and shall maintain  
2 minutes of each meeting. All records of council activities  
3 shall be kept on file with the Fish and Wildlife Conservation  
4 ~~Game and Fresh Water Fish~~ Commission and shall be made  
5 available to any interested person. The Fish and Wildlife  
6 Conservation ~~Game and Fresh Water Fish~~ Commission shall  
7 provide such staff support as is necessary to the council to  
8 carry out its duties. Members of the council shall serve  
9 without compensation, but shall be reimbursed for per diem and  
10 travel expenses as provided in s. 112.061 when carrying out  
11 the official business of the council.

12 Section 117. Subsection (3) of section 372.5717,  
13 Florida Statutes, is amended to read:

14 372.5717 Hunter safety course; requirements;  
15 penalty.--

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

23 Section 118. Section 372.5718, Florida Statutes, is  
24 amended to read:

25 372.5718 Hunter safety course for juveniles.--The Fish  
26 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
27 shall develop a hunter safety course for juveniles who are at  
28 least 5 years of age but less than 16 years of age. The course  
29 must include, but is not limited to, instruction in the  
30 competent and safe handling of firearms, conservation, and  
31 hunting ethics. The course must be appropriate for the ages of

1 the students. The course is voluntary and must be offered in  
2 each county in the state at least annually. The course is in  
3 addition to, and not in lieu of, the hunter safety course  
4 prescribed in s. 372.5717.

5 Section 119. Paragraph (e) of subsection (2) of  
6 section 372.574, Florida Statutes, 1998 Supplement, is amended  
7 to read:

8 372.574 Appointment of subagents for the sale of  
9 hunting, fishing, and trapping licenses and permits.--

10 (2) If a tax collector elects not to appoint  
11 subagents, the commission may appoint subagents within that  
12 county. Subagents shall serve at the pleasure of the  
13 commission. The commission may establish, by rule, procedures  
14 for selection of subagents. The following are requirements  
15 for subagents so appointed:

16 (e) A subagent may charge and receive as his or her  
17 compensation 50 cents for each license or permit sold. This  
18 charge is in addition to the sum required by law to be  
19 collected for the sale and issuance of each license or permit.  
20 In addition, no later than July 1, 1997, a subagent fee for  
21 the sale of licenses over the telephone by credit card shall  
22 be established by competitive bid procedures which are  
23 overseen by the Fish and Wildlife Conservation ~~Game and Fresh~~  
24 ~~Water Fish~~ Commission.

25 Section 120. Section 372.651, Florida Statutes, is  
26 amended to read:

27 372.651 Haul seine and trawl permits; freshwater lakes  
28 in excess of 500 square miles; fees.--

29 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
30 ~~Water Fish~~ Commission is authorized to issue permits for each  
31

1 haul seine or trawl used in freshwater lakes in the state  
2 having an area in excess of 500 square miles.

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

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

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

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

9 Section 121. Subsection (1) of section 372.653,  
10 Florida Statutes, is amended to read:

11 372.653 Required tagging of fish; lakes in excess of  
12 500 square miles; tag fee; game fish taken in lakes of 500  
13 square miles or less.--

14 (1)(a) No game fish taken from, or caught in, a lake  
15 in this state the area of which is in excess of 500 square  
16 miles shall be sold for consumption in this state unless it is  
17 tagged in the manner required by the Fish and Wildlife  
18 Conservation ~~Game and Fresh Water Fish~~ Commission. Bass or  
19 pickerel taken by any method other than hook and line shall be  
20 returned immediately to the water. Trawls and haul seines  
21 shall not be operated within 1 mile of rooted aquatic  
22 vegetation.

23 (b) In order that such program of tagging be  
24 self-sufficient, the Fish and Wildlife Conservation ~~Game and~~  
25 ~~Fresh Water Fish~~ Commission is authorized to assess a fee of  
26 not more than 5 cents per tag, payable at the time of delivery  
27 of the tag.

28 Section 122. Subsections (5) and (6) of section  
29 372.66, Florida Statutes, are amended to read:

30 372.66 License required for fur and hide dealers.--

31

1           (5) All agents' licenses shall be applied for by, and  
2 issued to, a resident state dealer or nonresident dealer and  
3 shall show name and residence of such agent and shall be in  
4 possession of such agent at all times when engaged in buying  
5 furs or hides. Application for such licenses shall be made to  
6 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
7 Commission on blanks furnished by it.

8           (6) All dealers and buyers shall forward to the Fish  
9 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
10 each 2 weeks during open season a report showing number and  
11 kind of hides bought and name of trapper from whom bought and  
12 the trapper's license number, or if trapper is exempt from  
13 license under any of the provisions of this chapter, such  
14 report shall show the nature of such exemption. No common  
15 carrier shall knowingly ship or transport or receive for  
16 transportation any hides or furs unless such shipments have  
17 marked thereon name of shipper and the number of her or his  
18 fur-animal license or fur dealer's license.

19           Section 123. Subsection (1) of section 372.661,  
20 Florida Statutes, is amended to read:

21           372.661 Private hunting preserve, license;  
22 exception.--

23           (1) Any person who operates a private hunting preserve  
24 commercially or otherwise shall be required to pay a license  
25 fee of \$25 for each such preserve; provided, however, that  
26 during the open season established for wild game of any  
27 species a private individual may take artificially propagated  
28 game of such species up to the bag limit prescribed for the  
29 particular species without being required to pay the license  
30 fee required by this section; provided further that if any  
31 such individual shall charge a fee for taking such game she or

1 he shall be required to pay the license fee required by this  
2 section and to comply with the rules and regulations of the  
3 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
4 Commission relative to the operation of private hunting  
5 preserves.

6 Section 124. Section 372.662, Florida Statutes, is  
7 amended to read:

8 372.662 Unlawful sale, possession, or transporting of  
9 alligators or alligator skins.--Whenever the sale, possession,  
10 or transporting of alligators or alligator skins is prohibited  
11 by any law of this state, or by the rules, regulations, or  
12 orders of the Fish and Wildlife Conservation ~~Game and Fresh~~  
13 ~~Water Fish~~ Commission adopted pursuant to s. 9, Art. IV of the  
14 State Constitution, the sale, possession, or transporting of  
15 alligators or alligator skins is a misdemeanor of the first  
16 degree, punishable as provided in s. 775.082 or s. 775.083.

17 Section 125. Subsection (1) of section 372.663,  
18 Florida Statutes, is amended to read:

19 372.663 Illegal killing, possessing, or capturing of  
20 alligators or other crocodilia or eggs; confiscation of  
21 equipment.--

22 (1) It is unlawful to intentionally kill, injure,  
23 possess, or capture, or attempt to kill, injure, possess, or  
24 capture, an alligator or other crocodilian, or the eggs of an  
25 alligator or other crocodilian, unless authorized by the rules  
26 of the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
27 ~~Fish~~ Commission. Any person who violates this section is  
28 guilty of a felony of the third degree, punishable as provided  
29 in s. 775.082, s. 775.083, or s. 775.084, in addition to such  
30 other punishment as may be provided by law. Any equipment,  
31 including but not limited to weapons, vehicles, boats, and

1 lines, used by a person in the commission of a violation of  
2 any law, rule, regulation, or order relating to alligators or  
3 other crocodilia or the eggs of alligators or other crocodilia  
4 shall, upon conviction of such person, be confiscated by the  
5 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
6 Commission and disposed of according to rules and regulations  
7 of the commission. The arresting officer shall promptly make  
8 a return of the seizure, describing in detail the property  
9 seized and the facts and circumstances under which it was  
10 seized, including the names of all persons known to the  
11 officer who have an interest in the property.

12 Section 126. Section 372.664, Florida Statutes, is  
13 amended to read:

14 372.664 Prima facie evidence of intent to violate laws  
15 protecting alligators.--Except as otherwise provided by rule  
16 of the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
17 ~~Fish~~ Commission for the purpose of the limited collection of  
18 alligators in designated areas, the display or use of a light  
19 in a place where alligators might be known to inhabit in a  
20 manner capable of disclosing the presence of alligators,  
21 together with the possession of firearms, spear guns, gigs,  
22 and harpoons customarily used for the taking of alligators,  
23 during the period between 1 hour after sunset and 1 hour  
24 before sunrise shall be prima facie evidence of an intent to  
25 violate the provisions of law regarding the protection of  
26 alligators.

27 Section 127. Subsection (2) of section 372.6645,  
28 Florida Statutes, is amended to read:

29 372.6645 Unlawful to sell alligator products;  
30 penalty.--

31

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

6           Section 128. Subsections (1) and (2) of section  
7 372.667, Florida Statutes, are amended to read:

8           372.667 Feeding or enticement of alligators or  
9 crocodiles unlawful; penalty.--

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

14          (a) Those persons feeding alligators or crocodiles  
15 maintained in protected captivity for educational, scientific,  
16 commercial, or recreational purposes.

17          (b) Fish and Wildlife Conservation ~~Game and Fresh~~  
18 ~~Water Fish~~ Commission personnel, persons licensed or otherwise  
19 authorized by the commission, or county or municipal animal  
20 control personnel when relocating alligators or crocodiles by  
21 baiting or enticement.

22          (2) For the purposes of this section, the term  
23 "maintained in protected captivity" means held in captivity  
24 under a permit issued by the Fish and Wildlife Conservation  
25 ~~Game and Fresh Water Fish~~ Commission pursuant to s. 372.921 or  
26 s. 372.922.

27          Section 129. Subsection (1) of section 372.6672,  
28 Florida Statutes, 1998 Supplement, is amended to read:

29          372.6672 Alligator management and trapping program  
30 implementation; commission authority.--

31

1           (1) In any alligator management and trapping program  
2 that the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
3 ~~Fish~~ Commission shall establish, the commission shall have the  
4 authority to adopt all rules necessary for full and complete  
5 implementation of such alligator management and trapping  
6 program, and, in order to ensure its lawful, safe, and  
7 efficient operation in accordance therewith, may:

8           (a) Regulate the marketing and sale of alligators,  
9 their hides, eggs, meat, and byproducts, including the  
10 development and maintenance of a state-sanctioned sale.

11           (b) Regulate the handling and processing of  
12 alligators, their eggs, hides, meat, and byproducts, for the  
13 lawful, safe, and sanitary handling and processing of same.

14           (c) Regulate commercial alligator farming facilities  
15 and operations for the captive propagation and rearing of  
16 alligators and their eggs.

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

20           1. All grading-related services to be provided  
21 pursuant to this section;

22           2. Criteria for qualifications of persons to serve as  
23 hide-graders for grading services to be provided pursuant to  
24 this section; and

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

27           (e) Provide sales-related services by contract  
28 pursuant to state-sanctioned sales if rules governing such  
29 services are first promulgated by the commission.  
30  
31



1           Section 130. Subsections (1) and (3) of section  
2 372.672, Florida Statutes, 1998 Supplement, are amended to  
3 read:

4           372.672 Florida Panther Research and Management Trust  
5 Fund.--

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

10           (3) The Fish and Wildlife Conservation ~~Game and Fresh~~  
11 ~~Water Fish~~ Commission is authorized to receive donations for  
12 deposit into the Florida Panther Research and Management Trust  
13 Fund.

14           Section 131. Section 372.673, Florida Statutes, is  
15 amended to read:

16           372.673 Florida Panther Technical Advisory Council.--

17           (1) The Florida Panther Technical Advisory Council is  
18 established within the Fish and Wildlife Conservation ~~Game and~~  
19 ~~Fresh Water Fish~~ Commission. The council shall be appointed  
20 by the Governor and shall consist of seven members with  
21 technical knowledge and expertise in the research and  
22 management of large mammals.

23           (a) Two members shall represent state or federal  
24 agencies responsible for management of endangered species; two  
25 members, who must have specific experience in the research and  
26 management of large felines or large mammals, shall be  
27 appointed from universities, colleges, or associated  
28 institutions; and three members, with similar expertise, shall  
29 be appointed from the public at large.

30           (b) As soon as practicable after July 1, 1983, one  
31 member representing a state or federal agency and one member

1 appointed from a university, college, or associated  
2 institution shall be appointed for terms ending August 1,  
3 1985, and the remaining members shall be appointed for terms  
4 ending August 1, 1987. Thereafter, all appointments shall be  
5 for 4-year terms. If a vacancy occurs, a member shall be  
6 appointed for the remainder of the unexpired term. A member  
7 whose term has expired shall continue sitting on the council  
8 with full rights until a replacement has been appointed.

9 (c) Council members shall be reimbursed pursuant to s.  
10 112.061 but shall receive no additional compensation or  
11 honorarium.

12 (2) The purposes of the council are:

13 (a) To serve in an advisory capacity to the Fish and  
14 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
15 Commission on technical matters of relevance to the Florida  
16 panther recovery program, and to recommend specific actions  
17 that should be taken to accomplish the purposes of this act.

18 (b) To review and comment on research and management  
19 programs and practices to identify potential harm to the  
20 Florida panther population.

21 (c) To provide a forum for technical review and  
22 discussion of the status and development of the Florida  
23 panther recovery program.

24 Section 132. Subsections (1), (2), and (7) of section  
25 372.674, Florida Statutes, 1998 Supplement, are amended to  
26 read:

27 372.674 Environmental education.--

28 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
29 ~~Water Fish~~ Commission may establish programs and activities to  
30 develop and distribute environmental education materials that  
31 will assist the public in understanding and appreciating

1 Florida's environment and problems and issues facing our  
2 state's unique and fragile ecological systems. Such programs  
3 shall assist school teachers, state administrators, and others  
4 in the essential mission to preserve the capability to sustain  
5 the functions of our lands, water, wildlife habitats, and  
6 other natural resources in the most healthful, enjoyable, and  
7 productive manner.

8 (2) There is created within the Fish and Wildlife  
9 Conservation ~~Game and Fresh Water Fish~~ Commission the Advisory  
10 Council on Environmental Education. The council is to have up  
11 to 10 members appointed by the commission and is to be chaired  
12 by the commission's executive director or his or her designee.  
13 At a minimum, the council must include a representative of the  
14 Department of Education and a representative of the Department  
15 of Environmental Protection.

16 (7) The Fish and Wildlife Conservation ~~Game and Fresh~~  
17 ~~Water Fish~~ Commission shall review the recommended list of  
18 projects to be funded from the Florida Panther Research and  
19 Management Trust Fund and the Save the Manatee Trust Fund by  
20 August of each year and make a final determination of projects  
21 to receive grants from available appropriations by the  
22 Legislature. The commission shall act upon the recommended  
23 list within 45 days after receipt of the list.

24 Section 133. Section 372.70, Florida Statutes, is  
25 amended to read:

26 372.70 Prosecutions.--The prosecuting officers of the  
27 several courts of criminal jurisdiction of this state shall  
28 investigate and prosecute all violations of the laws relating  
29 to game, freshwater fish, nongame birds and fur-bearing  
30 animals which may be brought to their attention by the Fish  
31 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission

1 or its conservation officers, or which may otherwise come to  
2 their knowledge.

3 Section 134. Subsection (1) of section 372.701,  
4 Florida Statutes, is amended to read:

5 372.701 Arrest by officers of the Fish and Wildlife  
6 Conservation ~~Game and Fresh Water Fish~~ Commission;  
7 recognizance; cash bond; citation.--

8 (1) In all cases of arrest by officers of the Fish and  
9 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission and  
10 the Department of Environmental Protection, the person  
11 arrested shall be delivered forthwith by said officer to the  
12 sheriff of the county, or shall obtain from such person  
13 arrested a recognizance or, if deemed necessary, a cash bond  
14 or other sufficient security conditioned for her or his  
15 appearance before the proper tribunal of such county to answer  
16 the charge for which the person has been arrested.

17 Section 135. Section 372.7015, Florida Statutes, is  
18 amended to read:

19 372.7015 Illegal killing, taking, possessing, or  
20 selling wildlife or game; fines; disposition of fines.--In  
21 addition to any other penalty provided by law, any person who  
22 violates the criminal provisions of this chapter and rules  
23 adopted pursuant to this chapter by illegally killing, taking,  
24 possessing, or selling game or fur-bearing animals as defined  
25 in s. 372.001(3) or (4) in or out of season while violating  
26 chapter 810 shall pay a fine of \$250 for each such violation,  
27 plus court costs and any restitution ordered by the court. All  
28 fines collected under this section shall be deposited into the  
29 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
30 Commission's State Game Trust Fund.

31

1           Section 136. Subsection (1) of section 372.7016,  
2 Florida Statutes, is amended to read:

3           372.7016 Voluntary Authorized Hunter Identification  
4 Program.--

5           (1) There is created the "Voluntary Authorized Hunter  
6 Identification Program" to assist landowners and law  
7 enforcement officials in better controlling trespass and  
8 illegal or unauthorized hunting. Landowners wishing to  
9 participate in the program shall:

10           (a) Annually notify the sheriff's office in the county  
11 in which the land is situated and the respective area  
12 supervisor of the Fish and Wildlife Conservation ~~Game and~~  
13 ~~Fresh Water Fish~~ Commission by letter of their desire to  
14 participate in the program, and provide a description of their  
15 property which they wish to have in the program by township,  
16 range, section, partial section, or other geographical  
17 description.

18           (b) Provide a means of identifying authorized hunters  
19 as provided in subsection (2).

20           Section 137. Section 372.72, Florida Statutes, is  
21 amended to read:

22           372.72 Disposition of fines, penalties, and  
23 forfeitures.--

24           (2) All moneys collected from fines, penalties, or  
25 forfeitures of bail of persons convicted of violations of  
26 rules, regulations, or orders of the Fish and Wildlife  
27 Conservation ~~Game and Fresh Water Fish~~ Commission concerning  
28 endangered or threatened species or of violation of s.  
29 372.662, s. 372.663, s. 372.667, or s. 372.671 shall be  
30 deposited in the Nongame Wildlife Trust Fund.

31

1           Section 138. Section 372.73, Florida Statutes, is  
2 amended to read:

3           372.73 Confiscation and disposition of illegally taken  
4 game.--All game and freshwater fish seized under the authority  
5 of this chapter shall, upon conviction of the offender or  
6 sooner if the court so orders, be forfeited and given to some  
7 hospital or charitable institution and receipt therefor sent  
8 to the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
9 ~~Fish~~ Commission. All furs or hides or fur-bearing animals  
10 seized under the authority of this chapter shall, upon  
11 conviction of the offender, be forfeited and sent to the  
12 commission, which shall sell the same and deposit the proceeds  
13 of such sale to the credit of the State Game Trust Fund or  
14 into the commission's Federal Law Enforcement Trust Fund as  
15 provided in s. 372.107, as applicable. If any such hides or  
16 furs are seized and the offender is unknown, the court shall  
17 order such hides or furs sent to the Fish and Wildlife  
18 Conservation ~~Game and Fresh Water Fish~~ Commission, which shall  
19 sell such hides and furs and deposit the proceeds of such sale  
20 to the credit of the State Game Trust Fund or into the  
21 commission's Federal Law Enforcement Trust Fund as provided in  
22 s. 372.107, as applicable.

23           Section 139. Section 372.74, Florida Statutes, is  
24 amended to read:

25           372.74 Cooperative agreements with U. S. Forest  
26 Service; penalty.--The Fish and Wildlife Conservation ~~Game and~~  
27 ~~Fresh Water Fish~~ Commission is authorized and empowered:

28           (1) To enter into cooperative agreements with the  
29 United States Forest Service for the development of game,  
30 bird, fish, reptile or fur-bearing animal management and  
31 demonstration projects on and in the Osceola National Forest

1 in Columbia and Baker Counties, and in the Ocala National  
2 Forest in Marion, Lake, and Putnam Counties and in the  
3 Apalachicola National Forest in Liberty County. Provided,  
4 however, that no such cooperative agreements shall become  
5 effective in any county concerned until confirmed by the board  
6 of county commissioners of such county expressed through  
7 appropriate resolution.

8 (2) In cooperation with the United States Forest  
9 Service, to make, adopt, promulgate, amend and repeal rules  
10 and regulations, consistent with law, for the further or  
11 better control of hunting, fishing, and control of wildlife in  
12 the above National Forests or parts thereof; to shorten  
13 seasons and reduce bag limits, or shorten or close seasons on  
14 any species of game, bird, fish, reptile, or fur-bearing  
15 animal within the limits prescribed by the Florida law, in the  
16 above enumerated National Forests or parts thereof, when it  
17 shall find after investigation that such action is necessary  
18 to assure the maintenance of an adequate supply of wildlife.

19 (3) To fix a charge not to exceed \$5, for persons 18  
20 years of age and over, and not to exceed \$2 for persons under  
21 the age of 18 years, over and above the license fee for  
22 hunting now required by law. This additional fee is to apply  
23 only on areas covered by above cooperative agreements. The  
24 proceeds from this additional license fee shall be used in the  
25 development, propagation of wildlife and protection of the  
26 areas covered by the cooperative agreements as the commission  
27 and the United States Forest Service may deem proper. Nothing  
28 in this section shall be construed as authorizing the  
29 commission to change any penalty prescribed by law or to  
30 change the amount of general license fees or the general  
31 authority conferred by licenses prescribed by law.

1           (4) In addition to the requirements of chapter 120,  
2 notice of the making, adoption, and promulgation of the above  
3 rules and regulations shall be given by posting said notices,  
4 or copies of the rules and regulations, in the offices of the  
5 county judges and in the post offices within the area to be  
6 affected and within 10 miles thereof. In addition to the  
7 posting of said notices, as aforesaid, copies of said notices  
8 or of said rules and regulations shall also be published in  
9 newspapers published at the county seats of Baker, Columbia,  
10 Marion, Lake, Putnam, and Liberty Counties, or so many thereof  
11 as have newspapers, once not more than 35 nor less than 28  
12 days and once not more than 21 nor less than 14 days prior to  
13 the opening of the state hunting season in said areas. Any  
14 person violating any rules or regulations promulgated by the  
15 commission to cover these areas under cooperative agreements  
16 between the Fish and Wildlife Conservation Commission ~~State~~  
17 ~~Commission of Game and Fresh Water Fish~~ and the United States  
18 Forest Service, none of which shall be in conflict with the  
19 laws of Florida, shall be guilty of a misdemeanor of the  
20 second degree, punishable as provided in s. 775.082 or s.  
21 775.083.

22           Section 140. Section 372.76, Florida Statutes, is  
23 amended to read:

24           372.76 Search and seizure authorized and limited.--The  
25 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
26 Commission and its conservation officers shall have authority  
27 when they have reasonable and probable cause to believe that  
28 the provisions of this chapter have been violated, to board  
29 any vessel, boat, or vehicle or to enter any fishhouse or  
30 warehouse or other building, exclusive of residence, in which  
31 game, hides, fur-bearing animals, fish, or fish nets are kept



1 and to search for and seize any such game, hides, fur-bearing  
2 animals, fish, or fish nets had or held therein in violation  
3 of law. Provided, however, that no search without warrant  
4 shall be made under any of the provisions of this chapter,  
5 unless the officer making such search has such information  
6 from a reliable source as would lead a prudent and cautious  
7 person to believe that some provision of this chapter is being  
8 violated.

9 Section 141. Subsection (1) of section 372.761,  
10 Florida Statutes, is amended to read:

11 372.761 Issuance of warrant for search of private  
12 dwelling.--

13 (1) A search warrant may be issued on application by a  
14 commissioned officer of the Fish and Wildlife Conservation  
15 ~~Game and Fresh Water Fish~~ Commission to search any private  
16 dwelling occupied as such when it is being used for the  
17 unlawful sale or purchase of wildlife or freshwater fish being  
18 unlawfully kept therein. The term "private dwelling" shall be  
19 construed to include the room or rooms used and occupied, not  
20 transiently but solely as a residence, in an apartment house,  
21 hotel, boardinghouse, or lodginghouse. No warrant for the  
22 search of any private dwelling shall be issued except upon  
23 probable cause supported by sworn affidavit of some creditable  
24 witness that she or he has reason to believe that the said  
25 conditions exist, which affidavit shall set forth the facts on  
26 which such reason for belief is based.

27 Section 142. Subsections (1) and (2) of section  
28 372.77, Florida Statutes, are amended to read:

29 372.77 Assent to provisions of Act of Congress of  
30 September 2, 1937.--

31

1           (1) The state hereby assents to the provisions of the  
2 Act of Congress entitled "An Act to provide that the United  
3 States shall aid the States in Wildlife Restoration Projects,  
4 and for other purposes," approved September 2, 1937 (Pub. L.  
5 No. 415, 75th Congress), and the Fish and Wildlife  
6 Conservation Game and Fresh Water Fish Commission is hereby  
7 authorized, empowered, and directed to perform such acts as  
8 may be necessary to the conduct and establishment of  
9 cooperative wildlife restoration projects, as defined in said  
10 Act of Congress, in compliance with said act and rules and  
11 regulations promulgated by the Secretary of Agriculture  
12 thereunder.

13           (2) From and after the passage of this section it  
14 shall be unlawful to divert any funds accruing to the state  
15 from license fees paid by hunters for any purpose other than  
16 the administration of the Fish and Wildlife Conservation Game  
17 and Fresh Water Fish Commission of the state.

18           Section 143. Section 372.7701, Florida Statutes, is  
19 amended to read:

20           372.7701 Assent to federal acts.--

21           (1) The state hereby assents to the provisions of the  
22 Federal Aid in Fish Restoration Act of August 9, 1950, as  
23 amended. The Fish and Wildlife Conservation ~~Department of~~  
24 ~~Environmental Protection and the Game and Fresh Water Fish~~  
25 Commission shall ~~work cooperatively and~~ perform such  
26 activities as are necessary to conduct wildlife and sportfish  
27 restoration projects, as defined in such Act of Congress and  
28 in compliance with the act and rules adopted thereunder by the  
29 United States Department of the Interior. Furthermore, the  
30 commission ~~Department of Environmental Protection~~ shall  
31 develop and implement programs to manage, protect, restore and

1 conserve marine mammals and the marine fishery, and ~~the Game~~  
2 ~~and Fresh Water Fish Commission~~ shall develop and implement  
3 similar programs for wild animal life and freshwater aquatic  
4 life.

5 (2) Revenues from fees paid by hunters and sport  
6 fishers may not be diverted to purposes other than the  
7 administration of fish and wildlife programs by the Fish and  
8 Wildlife Conservation ~~Department of Environmental Protection~~  
9 ~~and the Game and Fresh Water Fish~~ Commission. Administration  
10 of the state fish and wildlife programs includes only those  
11 functions of fish and wildlife management as are the  
12 responsibility of and under the authority of the Fish and  
13 Wildlife Conservation ~~Department of Environmental Protection~~  
14 ~~and the Game and Fresh Water Fish~~ Commission.

15 (3) This section shall be construed in harmony with s.  
16 372.77.

17 Section 144. Subsection (2) of section 372.771,  
18 Florida Statutes, is amended to read:

19 372.771 Federal conservation of fish and wildlife;  
20 limited jurisdiction.--

21 (2) The United States may exercise concurrent  
22 jurisdiction over lands so acquired and carry out the intent  
23 and purpose of the authority except that the existing laws of  
24 Florida relating to the Department of Environmental Protection  
25 or the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
26 ~~Fish~~ Commission shall prevail relating to any area under their  
27 supervision.

28 Section 145. Subsection (1) of section 372.85, Florida  
29 Statutes, is amended to read:

30 372.85 Contaminating fresh waters.--

31

1           (1) It shall be unlawful for any person or persons,  
2 firm or corporation to cause any dyestuff, coal tar, oil,  
3 sawdust, poison or deleterious substances to be thrown, run or  
4 drained into any of the fresh running waters of this state in  
5 quantities sufficient to injure, stupefy, or kill fish which  
6 may inhabit the same at or below the point where any such  
7 substances are discharged, or caused to flow or be thrown into  
8 such waters; provided, that it shall not be a violation of  
9 this section for any person, firm or corporation engaged in  
10 any mining industry to cause any water handled or used in any  
11 branch of such industry to be discharged on the surface of  
12 land where such industry or branch thereof is being carried on  
13 under such precautionary measures as shall be approved by the  
14 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
15 Commission.

16           Section 146. Section 372.86, Florida Statutes, is  
17 amended to read:

18           372.86 Possessing, exhibiting poisonous or venomous  
19 reptile; license required.--No person, firm, or corporation  
20 shall keep, possess or exhibit any poisonous or venomous  
21 reptile without first having obtained a special permit or  
22 license therefor from the Fish and Wildlife Conservation  
23 ~~Florida Game and Fresh Water Fish~~ Commission as herein  
24 provided.

25           Section 147. Section 372.87, Florida Statutes, is  
26 amended to read:

27           372.87 License fee; renewal, revocation.--The Fish and  
28 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
29 Commission is hereby authorized and empowered to issue a  
30 license or permit for the keeping, possessing or exhibiting of  
31 poisonous or venomous reptiles, upon payment of an annual fee

1 of \$5 and upon assurance that all of the provisions of ss.  
2 372.86-372.91 and such other reasonable rules and regulations  
3 as said commission may prescribe will be fully complied with  
4 in all respects. Such permit may be revoked by the Fish and  
5 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
6 Commission upon violation of any of the provisions of ss.  
7 372.86-372.91 or upon violation of any of the rules and  
8 regulations prescribed by said commission relating to the  
9 keeping, possessing and exhibiting of any poisonous and  
10 venomous reptiles. Such permits or licenses shall be for an  
11 annual period to be prescribed by the said commission and  
12 shall be renewable from year to year upon the payment of said  
13 \$5 fee and shall be subject to the same conditions,  
14 limitations and restrictions as herein set forth.

15 Section 148. Section 372.88, Florida Statutes, is  
16 amended to read:

17 372.88 Bond required, amount.--No person, party, firm,  
18 or corporation shall exhibit to the public either with or  
19 without charge, or admission fee any poisonous or venomous  
20 reptile without having first posted a good and sufficient bond  
21 in writing in the penal sum of \$1,000 payable to the Governor  
22 of the state, and the Governor's successors in office,  
23 conditioned that such exhibitor will indemnify and save  
24 harmless all persons from injury or damage from such poisonous  
25 or venomous reptiles so exhibited and shall fully comply with  
26 all laws of the state and all rules and regulations of the  
27 Fish and Wildlife Conservation ~~Florida Game and Fresh Water~~  
28 ~~Fish~~ Commission governing the keeping, possessing, or  
29 exhibiting of poisonous or venomous reptiles; provided,  
30 however, that the aggregate liability of the surety for all  
31 such injuries or damages shall, in no event, exceed the penal

1 sum of said bond. The surety for said bond must be a surety  
2 company authorized to do business under the laws of the state  
3 or in lieu of such a surety, cash in the sum of \$1,000 may be  
4 posted with the said commission to ensure compliance with the  
5 conditions of said bond.

6 Section 149. Section 372.89, Florida Statutes, is  
7 amended to read:

8 372.89 Safe housing required.--All persons, firms, or  
9 corporations licensed under this law to keep, possess or  
10 exhibit poisonous or venomous reptiles shall provide safe,  
11 secure and proper housing for said reptiles in cases, cages,  
12 pits or enclosures. It shall be unlawful for any person, firm  
13 or corporation, whether licensed hereunder or not, to keep,  
14 possess or exhibit any poisonous or venomous reptiles in any  
15 manner not approved as safe, secure and proper by the Fish and  
16 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
17 Commission.

18 Section 150. Section 372.901, Florida Statutes, is  
19 amended to read:

20 372.901 Inspection.--Poisonous or venomous reptiles,  
21 held in captivity, shall be subject to inspection by an  
22 inspecting officer from the Fish and Wildlife Conservation  
23 ~~Florida Game and Fresh Water Fish~~ Commission. The inspecting  
24 officer shall determine whether the said reptiles are  
25 securely, properly and safely penned. In the event that the  
26 reptiles are not safely penned, the inspecting officer shall  
27 report the situation in writing to the person or firm owning  
28 the said reptiles. Failure of the owner or exhibitor to  
29 correct the situation within 30 days after such written notice  
30 shall be grounds for revocation of the license or permit of  
31 said owner or exhibitor.

1           Section 151. Section 372.911, Florida Statutes, is  
2 amended to read:

3           372.911 Rewards.--The Fish and Wildlife Conservation  
4 ~~Game and Fresh Water Fish~~ Commission is authorized to offer  
5 rewards in amounts of up to \$500 to any person furnishing  
6 information leading to the arrest and conviction of any person  
7 who has inflicted or attempted to inflict bodily injury upon  
8 any wildlife officer engaged in the enforcement of the  
9 provisions of this chapter or the rules and regulations of the  
10 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
11 Commission.

12           Section 152. Subsection (3) of section 372.912,  
13 Florida Statutes, is amended to read:

14           372.912 Organized poisonous reptile hunts.--

15           (3) All organized poisonous reptile hunts in the state  
16 shall be registered with the Fish and Wildlife Conservation  
17 ~~Game and Fresh Water Fish~~ Commission and be subject to  
18 reasonable rules and regulations promulgated by said  
19 commission.

20           Section 153. Section 372.92, Florida Statutes, is  
21 amended to read:

22           372.92 Rules and regulations.--The Fish and Wildlife  
23 Conservation ~~Florida Game and Fresh Water Fish~~ Commission may  
24 prescribe such other rules and regulations as it may deem  
25 necessary to prevent the escape of poisonous and venomous  
26 reptiles, either in connection of construction of such cages  
27 or otherwise to carry out the intent of ss. 372.86-372.91.

28           Section 154. Subsections (1), (2), (3), and (4) of  
29 section 372.921, Florida Statutes, 1998 Supplement, are  
30 amended to read:

31           372.921 Exhibition of wildlife.--

1           (1) In order to provide humane treatment and sanitary  
2 surroundings for wild animals kept in captivity, no person,  
3 firm, corporation, or association shall have, or be in  
4 possession of, in captivity for the purpose of public display  
5 with or without charge or for public sale any wildlife,  
6 specifically birds, mammals, and reptiles, whether indigenous  
7 to Florida or not, without having first secured a permit from  
8 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
9 Commission authorizing such person, firm, or corporation to  
10 have in its possession in captivity the species and number of  
11 wildlife specified within such permit; however, this section  
12 does not apply to any wildlife not protected by law and the  
13 regulations of the Fish and Wildlife Conservation ~~Game and~~  
14 ~~Fresh Water Fish~~ Commission.

15           (2) The fees to be paid for the issuance of permits  
16 required by subsection (1) shall be as follows:

17           (a) For not more than 10 individual specimens in the  
18 aggregate of all species, the sum of \$5 per annum.

19           (b) For over 10 individual specimens in the aggregate  
20 of all species, the sum of \$25 per annum.

21  
22 The fees prescribed by this section shall be submitted to the  
23 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
24 Commission with the application for permit required by  
25 subsection (1) and shall be deposited in the State Game Fund.

26           (3) An applicant for a permit shall be required to  
27 include in her or his application a statement showing the  
28 place, number, and species of wildlife to be held in captivity  
29 by the applicant and shall be required upon request by the  
30 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
31 Commission to show when, where, and in what manner she or he



1 came into possession of any wildlife acquired subsequent to  
2 the effective date of this act. The source of acquisition of  
3 such wildlife shall not be divulged by the commission except  
4 in connection with a violation of this section or a regulation  
5 of the commission in which information as to source of  
6 wildlife is required as evidence in the prosecution of such  
7 violation.

8 (4) Permits issued pursuant to this section and places  
9 where wildlife is kept or held in captivity shall be subject  
10 to inspection by officers of the Fish and Wildlife  
11 Conservation ~~Game and Fresh Water Fish~~ Commission at all  
12 times. The commission shall have the power to release or  
13 confiscate any specimens of any wildlife, specifically birds,  
14 mammals, or reptiles, whether indigenous to the state or not,  
15 when it is found that conditions under which they are being  
16 confined are unsanitary, or unsafe to the public in any  
17 manner, or that the species of wildlife are being maltreated,  
18 mistreated, or neglected or kept in any manner contrary to the  
19 provisions of chapter 828, any such permit to the contrary  
20 notwithstanding. Before any such wildlife is confiscated or  
21 released under the authority of this section, the owner  
22 thereof shall have been advised in writing of the existence of  
23 such unsatisfactory conditions; the owner shall have been  
24 given 30 days in which to correct such conditions; the owner  
25 shall have failed to correct such conditions; the owner shall  
26 have had an opportunity for a proceeding pursuant to chapter  
27 120; and the commission shall have ordered such confiscation  
28 or release after careful consideration of all evidence in the  
29 particular case in question. The final order of the  
30 commission shall constitute final agency action.

31

1           Section 155. Subsection (1) of section 372.922,  
2 Florida Statutes, 1998 Supplement, is amended to read:

3           372.922 Personal possession of wildlife.--

4           (1) It is unlawful for any person or persons to  
5 possess any wildlife as defined in this act, whether  
6 indigenous to Florida or not, until she or he has obtained a  
7 permit as provided by this section from the Fish and Wildlife  
8 Conservation Game and Fresh Water Fish Commission.

9           Section 156. Section 372.97, Florida Statutes, is  
10 amended to read:

11           372.97 Jim Woodruff Dam; reciprocity agreements.--The  
12 Fish and Wildlife Conservation Game and Fresh Water Fish  
13 Commission of the state is hereby authorized to enter into an  
14 agreement of the reciprocity with the game and fish  
15 commissioners or the appropriate officials or departments of  
16 the State of Georgia and the State of Alabama relative to the  
17 taking of game and freshwater fish from the waters of the lake  
18 created by the Jim Woodruff Dam by permitting reciprocal  
19 license privileges.

20           Section 157. Section 372.971, Florida Statutes, is  
21 amended to read:

22           372.971 St. Mary's River; 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 reciprocity with the game and fish commissioner  
26 or the appropriate officials or departments of the State of  
27 Georgia relative to the taking of game and freshwater fish  
28 from the waters of the St. Mary's River by permitting  
29 reciprocal agreement license privileges.

30           Section 158. Section 372.98, Florida Statutes, is  
31 amended to read:

1           372.98 Possession of nutria; license; inspection;  
2 penalty for violation.--

3           (1) No person shall release, permit to be released, or  
4 be responsible for the release of, within the state, any  
5 animal of the species myocastor coypu and known commonly in  
6 Florida and referred to herein as nutria.

7           (2) No person shall have in her or his possession for  
8 sale or otherwise any nutria until such person has obtained a  
9 license as provided herein. The fee for such license shall be  
10 \$25 per year. Application for such license shall be made with  
11 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
12 Commission on forms providing therefor.

13           (3) All persons licensed under this law to keep,  
14 possess or exhibit nutria shall provide safe, secure and  
15 proper housing for said nutria which will adequately safeguard  
16 against the escape of any nutria. Requirements for the  
17 construction of such pens or housing shall be as prescribed by  
18 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
19 Commission.

20           (4) All premises upon which nutria are kept shall be  
21 subject to inspection by authorized representatives of the  
22 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
23 Commission. Such officers shall determine whether the said  
24 nutria are securely, properly and safely housed. In the event  
25 the said nutria are not securely, properly and safely housed,  
26 the inspecting officer shall so advise in writing the person  
27 owning said nutria. Failure of the owner to provide within 30  
28 days after such written notice secure, proper, and safe  
29 housing as prescribed by the Fish and Wildlife Conservation  
30 ~~Game and Fresh Water Fish~~ Commission shall be grounds for  
31

1 revocation of the license herein provided and confiscation and  
2 disposal of the said nutria as a public nuisance.

3 (5) Any person violating any provision of this section  
4 or any rule and regulation of the Fish and Wildlife  
5 Conservation Game and Fresh Water Fish Commission pursuant  
6 hereto shall be guilty of a misdemeanor of the second degree,  
7 punishable as provided in s. 775.082 or s. 775.083.

8 Section 159. Section 372.981, Florida Statutes, is  
9 amended to read:

10 372.981 Regulation of importation of caiman.--The Fish  
11 and Wildlife Conservation Game and Fresh Water Fish Commission  
12 shall promulgate regulations to control the importation of  
13 caiman.

14 Section 160. Subsections (1), (3), and (4) of section  
15 372.99, Florida Statutes, are amended to read:

16 372.99 Illegal taking and possession of deer and wild  
17 turkey; evidence; penalty.--

18 (1) Whoever takes or kills any deer or wild turkey, or  
19 possesses a freshly killed deer or wild turkey, during the  
20 closed season prescribed by law or by the rules and  
21 regulations of the Fish and Wildlife Conservation Game and  
22 Fresh Water Fish Commission, or whoever takes or attempts to  
23 take any deer or wild turkey by the use of gun and light in or  
24 out of closed season, is guilty of a misdemeanor of the first  
25 degree, punishable as provided in s. 775.082 or s. 775.083,  
26 and shall forfeit any license or permit issued to her or him  
27 under the provisions of this chapter. No license shall be  
28 issued to such person for a period of 3 years following any  
29 such violation on the first offense. Any person guilty of a  
30 second or subsequent violation shall be permanently ineligible  
31 for issuance of a license or permit thereafter.

1           (3) Whoever takes or kills any doe deer; fawn or baby  
2 deer; or deer, whether male or female, which does not have one  
3 or more antlers at least 5 inches in length, except as  
4 provided by law or the rules of the Fish and Wildlife  
5 Conservation Game and Fresh Water Fish Commission, during the  
6 open season prescribed by the rules of the commission, is  
7 guilty of a misdemeanor of the first degree, punishable as  
8 provided in s. 775.082 or s. 775.083, and may be required to  
9 forfeit any license or permit issued to such person for a  
10 period of 3 years following any such violation on the first  
11 offense. Any person guilty of a second or subsequent  
12 violation shall be permanently ineligible for issuance of a  
13 license or permit thereafter.

14           (4) Any person who cultivates agricultural crops may  
15 apply to the Fish and Wildlife Conservation Game and Fresh  
16 Water Fish Commission for a permit to take or kill deer on  
17 land which that person is currently cultivating. When said  
18 person can show, to the satisfaction of the Fish and Wildlife  
19 Conservation Game and Fresh Water Fish Commission, that such  
20 taking or killing of deer is justified because of damage to  
21 the person's crops caused by deer, the Fish and Wildlife  
22 Conservation Game and Fresh Water Fish Commission may issue a  
23 limited permit to the applicant to take or kill deer without  
24 being in violation of subsection (1) or subsection (3).

25           Section 161. Subsections (1) and (3) of section  
26 372.9901, Florida Statutes, 1998 Supplement, are amended to  
27 read:

28           372.9901 Seizure of illegal devices; disposition;  
29 appraisal; forfeiture.--

30           (1) Any vehicle, vessel, animal, gun, light, or other  
31 hunting device used in the commission of an offense prohibited

1 by s. 372.99, shall be seized by the arresting officer, who  
2 shall promptly make return of the seizure and deliver the  
3 property to the Director of the Fish and Wildlife Conservation  
4 ~~Game and Fresh Water Fish~~ Commission. The return shall  
5 describe the property seized and recite in detail the facts  
6 and circumstances under which it was seized, together with the  
7 reason that the property was subject to seizure. The return  
8 shall also contain the names of all persons known to the  
9 officer to be interested in the property.

10 (3) Upon conviction of the violator, the property, if  
11 owned by the person convicted, shall be forfeited to the state  
12 under the procedure set forth in ss. 372.312 through 372.318,  
13 where not inconsistent with this section. All amounts received  
14 from the sale or other disposition of the property shall be  
15 paid into the State Game Trust Fund or into the commission's  
16 Federal Law Enforcement Trust Fund as provided in s. 372.107,  
17 as applicable. If the property is not sold or converted, it  
18 shall be delivered to the director of the Fish and Wildlife  
19 Conservation ~~Game and Fresh Water Fish~~ Commission.

20 Section 162. Subsection (1) of section 372.9903,  
21 Florida Statutes, is amended to read:

22 372.9903 Illegal possession or transportation of  
23 freshwater game fish in commercial quantities; penalty.--

24 (1) Whoever possesses, moves, or transports any black  
25 bass, bream, speckled perch, or other freshwater game fish in  
26 commercial quantities in violation of law or the rules of the  
27 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
28 Commission shall be guilty of a misdemeanor of the first  
29 degree, punishable as provided in s. 775.082 or s. 775.083.

30  
31

1           Section 163. Subsections (1) and (3) of section  
2 372.9904, Florida Statutes, 1998 Supplement, are amended to  
3 read:

4           372.9904 Seizure of illegal devices; disposition;  
5 appraisal; forfeiture.--

6           (1) Any vehicle, vessel, or other transportation  
7 device used in the commission of the offense prohibited by s.  
8 372.9903, except a vehicle, vessel, or other transportation  
9 device duly registered as a common carrier and operated in  
10 lawful transaction of business as such carrier, shall be  
11 seized by the arresting officer, who shall promptly make  
12 return of the seizure and deliver the property to the director  
13 of the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
14 ~~Fish~~ Commission. The return shall describe the property  
15 seized and recite in detail the facts and circumstances under  
16 which it was seized, together with the reason that the  
17 property was subject to seizure. The return shall also  
18 contain the names of all persons known to the officer to be  
19 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. 372.312-372.318, when not  
23 inconsistent with this section. All amounts received from the  
24 sale or other disposition of the property shall be paid into  
25 the State Game Trust Fund or into the commission's Federal Law  
26 Enforcement Trust Fund as provided in s. 372.107, as  
27 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 164. Section 372.9906, Florida Statutes, is  
31 amended to read:

1           372.9906 Wildlife Law Enforcement Program; creation;  
2 purposes.--There is established within the Fish and Wildlife  
3 Conservation Game and Fresh Water Fish Commission the Wildlife  
4 Law Enforcement Program. The commission may establish and  
5 operate law enforcement programs that relate to the  
6 conservation, enhancement, and regulation of wildlife and  
7 freshwater aquatic resources of the state and to conduct  
8 programs to educate the public about the enforcement of laws  
9 and regulations relating to the wildlife and freshwater  
10 aquatic resources of the state. Moneys that accrue to the  
11 program by law and moneys donated to the program must be  
12 deposited into the State Game Trust Fund.

13           Section 165. Subsection (2) of section 372.991,  
14 Florida Statutes, is amended to read:

15           372.991 Nongame Wildlife Trust Fund.--

16           (2)(a) There is established within the Fish and  
17 Wildlife Conservation Game and Fresh Water Fish Commission the  
18 Nongame Wildlife Trust Fund. The fund shall be credited with  
19 moneys collected pursuant to ss. 319.32(3) and 320.02(8).  
20 Additional funds may be provided from legislative  
21 appropriations and by donations from interested individuals  
22 and organizations. The commission shall designate an  
23 identifiable unit to administer the trust fund.

24           (b) Proceeds from the trust fund shall be used for the  
25 following purposes:

26           1. Documentation of population trends of nongame  
27 wildlife and assessment of wildlife habitat, in coordination  
28 with the database of Florida natural areas inventory.

29           2. Establishment of effective conservation,  
30 management, and regulatory programs for nongame wildlife of  
31 the state.



1           3. Public education programs.

2           Section 166. Subsection (1) of section 372.992,  
3 Florida Statutes, is amended to read:

4           372.992 Nongame Wildlife Advisory Council.--

5           (1) There is created the Nongame Wildlife Advisory  
6 Council, which shall consist of the following 11 members  
7 appointed by the Governor: one representative each from the  
8 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
9 Commission, the Department of Environmental Protection, and  
10 the United States Fish and Wildlife Services; the director of  
11 the Florida Museum of Natural History or her or his designee;  
12 one representative from a professional wildlife organization;  
13 one representative from a private wildlife institution; one  
14 representative from a Florida university or college who has  
15 expertise in nongame biology; one representative of business  
16 interests from a private consulting firm who has expertise in  
17 nongame biology; one representative of a statewide  
18 organization of landowner interests; and two members from  
19 conservation organizations. All appointments shall be for  
20 4-year terms. Members shall be eligible for reappointment.

21           Section 167. Subsection (2) of section 372.995,  
22 Florida Statutes, is amended to read:

23           372.995 Release of balloons.--

24           (2) It is unlawful for any person, firm, or  
25 corporation to intentionally release, organize the release, or  
26 intentionally cause to be released within a 24-hour period 10  
27 or more balloons inflated with a gas that is lighter than air  
28 except for:

29           (a) Balloons released by a person on behalf of a  
30 governmental agency or pursuant to a governmental contract for  
31 scientific or meteorological purposes;

1 (b) Hot air balloons that are recovered after  
2 launching;

3 (c) Balloons released indoors; or

4 (d) Balloons that are either biodegradable or  
5 photodegradable, as determined by rule of the Fish and  
6 Wildlife Conservation ~~Marine Fisheries~~ Commission, and which  
7 are closed by a hand-tied knot in the stem of the balloon  
8 without string, ribbon, or other attachments. In the event  
9 that any balloons are released pursuant to the exemption  
10 established in this paragraph, the party responsible for the  
11 release shall make available to any law enforcement officer  
12 evidence of the biodegradability or photodegradability of said  
13 balloons in the form of a certificate executed by the  
14 manufacturer. Failure to provide said evidence shall be prima  
15 facie evidence of a violation of this act.

16 Section 168. Subsections (1), (2), and (3) of section  
17 373.1965, Florida Statutes, are amended to read:

18 373.1965 Kissimmee River Valley and Taylor  
19 Creek-Nubbins Slough Basin; coordinating council on  
20 restoration; project implementation.--

21 (1) There is created the Coordinating Council on the  
22 Restoration of the Kissimmee River Valley and Taylor  
23 Creek-Nubbins Slough Basin. The council shall be composed of  
24 the Executive Director of the Fish and Wildlife Conservation  
25 ~~Florida Game and Fresh Water Fish~~ Commission, the Executive  
26 Director of the Central and Southern Florida Flood Control  
27 District, and the commissioner of the Department of  
28 Agriculture and Consumer Services, or their designees, and the  
29 secretary of the Department of Environmental Protection, who  
30 shall serve as chair.

31

1           (2) In recognition of the complete findings of the  
2 Special Project to Prevent the Eutrophication of Lake  
3 Okeechobee, the council shall develop measures which are to be  
4 taken by the Department of Environmental Protection, the Fish  
5 and Wildlife Conservation ~~Game and Fresh Water Fish~~  
6 Commission, and the Central and Southern Florida Flood Control  
7 District to restore the water quality of the Kissimmee River  
8 Valley and Taylor Creek-Nubbins Slough Basin. Such measures  
9 shall be designed to minimize and ultimately remove the  
10 threats to the agricultural industry, the wildlife, and the  
11 people of central and southern Florida, posed by land uses and  
12 water management practices which cause the degradation of  
13 water quality in such area and shall be designed to alleviate  
14 excessive nutrient loading from the Taylor Creek-Nubbins  
15 Slough Basin. In developing such measures, the council shall  
16 seek to:

17           (a) Conserve and improve ground and surface water  
18 supplies throughout the region.

19           (b) Improve the quality of water for all beneficial  
20 purposes throughout the region, and in Lake Okeechobee.

21           (c) Restore the natural seasonal water level  
22 fluctuations in the lakes of the Kissimmee River and in its  
23 natural flood plains and marshlands.

24           (d) Re-create conditions favorable to increases in  
25 production of wetland vegetation, native aquatic life, and  
26 wetland wildlife.

27           (e) Protect presently developed areas from unnatural  
28 floods, to the extent that such protection is now achievable.

29           (f) Utilize the natural and free energies of the river  
30 system to the greatest extent possible, so as to hold to a  
31

1 minimum all recurring annual needs of petroleum energy  
2 supplies.

3 (g) Provide for the effective enforcement of existing  
4 laws designed to prevent excessive nutrient loading of area  
5 waters.

6 (3) The Department of Environmental Protection, the  
7 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
8 Commission, and the Central and Southern Florida Flood Control  
9 District shall each implement and enforce those measures  
10 developed by the council which are within its jurisdiction.  
11 The secretary of the Department of Environmental Protection  
12 shall be responsible for the overall supervision of the  
13 enforcement of such measures.

14 Section 169. Subsections (1), (2), and (5) of section  
15 373.453, Florida Statutes, are amended to read:

16 373.453 Surface water improvement and management plans  
17 and programs.--

18 (1)(a) Each water management district, in cooperation  
19 with the department, the Department of Agriculture and  
20 Consumer Services, the Department of Community Affairs, the  
21 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
22 Commission, and local governments shall prepare and maintain a  
23 list which shall prioritize water bodies of regional or  
24 statewide significance within each water management district.  
25 The list shall be reviewed and updated every 3 years. The list  
26 shall be based on criteria adopted by rule of the department  
27 and shall assign priorities to the water bodies based on their  
28 need for protection and restoration.

29 (b) Criteria developed by the department shall  
30 include, but need not be limited to, consideration of  
31 violations of water quality standards occurring in the water

1 body, the amounts of nutrients entering the water body and the  
2 water body's trophic state, the existence of or need for a  
3 continuous aquatic weed control program in the water body, the  
4 biological condition of the water body, reduced fish and  
5 wildlife values, and threats to agricultural and urban water  
6 supplies and public recreational opportunities.

7 (c) In developing their respective priority lists,  
8 water management districts shall give consideration to the  
9 following priority areas:

10 1. The South Florida Water Management District shall  
11 give priority to the restoration needs of Lake Okeechobee,  
12 Biscayne Bay, and the Indian River Lagoon system and their  
13 tributaries.

14 2. The Southwest Florida Water Management District  
15 shall give priority to the restoration needs of Tampa Bay and  
16 its tributaries.

17 3. The St. Johns River Water Management District shall  
18 give priority to the restoration needs of Lake Apopka, the  
19 Lower St. Johns River, and the Indian River Lagoon system and  
20 their tributaries.

21 (2) Once the priority lists are approved by the  
22 department, the water management districts, in cooperation  
23 with the department, the Fish and Wildlife Conservation ~~Game~~  
24 ~~and Fresh Water Fish~~ Commission, the Department of Community  
25 Affairs, the Department of Agriculture and Consumer Services,  
26 and local governments, shall develop surface water improvement  
27 and management plans for the water bodies based on the  
28 priority lists. The department shall establish a uniform  
29 format for such plans and a schedule for reviewing and  
30 updating the plans. These plans shall include, but not be  
31 limited to:

1 (a) A description of the water body system, its  
2 historical and current uses, its hydrology, and a history of  
3 the conditions which have led to the need for restoration or  
4 protection;

5 (b) An identification of all governmental units that  
6 have jurisdiction over the water body and its drainage basin  
7 within the approved surface water improvement and management  
8 plan area, including local, regional, state, and federal  
9 units;

10 (c) A description of land uses within the drainage  
11 basin within the approved surface water improvement and  
12 management plan area and those of important tributaries, point  
13 and nonpoint sources of pollution, and permitted discharge  
14 activities;

15 (d) A list of the owners of point and nonpoint sources  
16 of water pollution that are discharged into each water body  
17 and tributary thereto and that adversely affect the public  
18 interest, including separate lists of those sources that are:

- 19 1. Operating without a permit;
- 20 2. Operating with a temporary operating permit; and
- 21 3. Presently violating effluent limits or water  
22 quality standards.

23  
24 The plan shall also include recommendations and schedules for  
25 bringing all sources into compliance with state standards when  
26 not contrary to the public interest. This paragraph does not  
27 authorize any existing or future violation of any applicable  
28 statute, regulation, or permit requirement, and does not  
29 diminish the authority of the department or the water  
30 management district;

31

1           (e) A description of strategies and potential  
2 strategies for restoring or protecting the water body to Class  
3 III or better;

4           (f) A listing of studies that are being or have been  
5 prepared for the water body;

6           (g) A description of the research and feasibility  
7 studies which will be performed to determine the particular  
8 strategy or strategies to restore or protect the water body;

9           (h) A description of the measures needed to manage and  
10 maintain the water body once it has been restored and to  
11 prevent future degradation;

12           (i) A schedule for restoration and protection of the  
13 water body; and

14           (j) An estimate of the funding needed to carry out the  
15 restoration or protection strategies.

16           (5) The governing board of each water management  
17 district is encouraged to appoint advisory committees as  
18 necessary to assist in formulating and evaluating strategies  
19 for water body protection and restoration activities and to  
20 increase public awareness and intergovernmental cooperation.  
21 Such committees should include representatives of the Fish and  
22 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
23 the Department of Agriculture and Consumer Services,  
24 appropriate local governments, federal agencies, existing  
25 advisory councils for the subject water body, and  
26 representatives of the public who use the water body.

27           Section 170. Subsections (1) and (3) of section  
28 373.455, Florida Statutes, are amended to read:

29           373.455 Review of surface water improvement and  
30 management plans.--

31

1           (1) At least 60 days prior to consideration by the  
2 governing board pursuant to s. 373.456(1) of its surface water  
3 improvement and management plan, a water management district  
4 shall transmit its proposed plan to the department, the  
5 Department of Agriculture and Consumer Services, the Fish and  
6 Wildlife Conservation Game and Fresh Water Fish Commission,  
7 the Department of Community Affairs, and local governments.

8           (3) The Fish and Wildlife Conservation Game and Fresh  
9 Water Fish Commission shall review each proposed surface water  
10 improvement and management plan to determine the effects of  
11 the plan on wild animal life and fresh water aquatic life and  
12 their habitats. If the commission determines that the plan  
13 has adverse effects on these resources and that such adverse  
14 effects exceed the beneficial effects on these resources, the  
15 commission shall recommend modifications of or additions to  
16 the plan to the district governing board at the time it  
17 considers the plan pursuant to s. 373.456(1), or any  
18 modifications or additions which would result in additional  
19 beneficial effects on wild animal life or fresh water aquatic  
20 life or their habitats.

21           Section 171. Subsection (2) of section 373.4595,  
22 Florida Statutes, is amended to read:

23           373.4595 Lake Okeechobee improvement and management.--

24           (2) DIVERSIONS; LAKE OKEECHOBEE TECHNICAL ADVISORY  
25 COUNCIL.--

26           (a) The Legislature finds that efforts to reduce  
27 nutrient levels in Lake Okeechobee have resulted in diversions  
28 of nutrient-laden waters to other environmentally sensitive  
29 areas, which diversions have resulted in adverse environmental  
30 effects. The Legislature also finds that both the agriculture  
31 industry and the environmental community are committed to



1 protecting Lake Okeechobee and these environmentally sensitive  
2 areas from further harm and that this crisis must be addressed  
3 immediately. Therefore:

4           1. The South Florida Water Management District shall  
5 not divert waters to the Indian River estuary, the  
6 Caloosahatchee River or its estuary, or the Everglades  
7 National Park, in such a way that the state water quality  
8 standards are violated, that the nutrients in such diverted  
9 waters adversely affect indigenous vegetation communities or  
10 wildlife, or that fresh waters diverted to the Caloosahatchee  
11 or Indian River estuaries adversely affect the estuarine  
12 vegetation or wildlife, unless the receiving waters will  
13 biologically benefit by the diversion. However, diversion is  
14 permitted when an emergency is declared by the water  
15 management district, if the Secretary of Environmental  
16 Protection concurs.

17           2. The South Florida Water Management district may  
18 divert waters to other areas, including Lake Hicpochee, unless  
19 otherwise provided by law. However, the district shall monitor  
20 the effects of such diversions to determine the extent of  
21 adverse or positive environmental effects on indigenous  
22 vegetation and wildlife. The results of the monitoring shall  
23 be reported to the Lake Okeechobee Technical Advisory Council.  
24 If the monitoring of such diversions reveals continuing  
25 adverse environmental effects, the district shall make  
26 recommendations to the Legislature by July 1, 1988, on how to  
27 cease the diversions.

28           (b)1. There is hereby created a Lake Okeechobee  
29 Technical Advisory Council. Council members shall be experts  
30 in the fields of botany, wildlife biology, aquatic biology,  
31 water quality chemistry, or hydrology and shall consist of:

- 1           a. Three members appointed by the Governor;
- 2           b. Three members appointed by the Speaker of the House
- 3 of Representatives;
- 4           c. Three members appointed by the President of the
- 5 Senate;
- 6           d. One member from the Institute of Food and
- 7 Agricultural Sciences, University of Florida, appointed by the
- 8 President of the University of Florida; and
- 9           e. One member from the College of Natural Sciences,
- 10 University of South Florida, appointed by the President of the
- 11 University of South Florida.

12

13 Members shall be appointed not later than July 15, 1987.

14           2. The purpose of the council shall be to investigate

15 the adverse effects of past diversions of water and potential

16 effects of future diversions on indigenous wildlife and

17 vegetation and to report to the Legislature, no later than

18 March 1, 1988, with findings and recommendations proposing

19 permanent solutions to eliminate such adverse effects.

20           3. The South Florida Water Management District shall

21 provide staff and assistance to the council. The Department of

22 Environmental Protection, the Fish and Wildlife Conservation

23 ~~Game and Fresh Water Fish~~ Commission, and the district shall

24 cooperate with the council.

25           4. The council shall meet not less than once every 2

26 months at the call of the chair, or at the call of four other

27 members of the council. The council shall elect from its

28 members a chair and vice chair and such other officers as the

29 council deems necessary. The council may establish other

30 procedures for the conduct of its business.

31

1           5. The members of the council are not entitled to  
2 compensation but are eligible for per diem and travel expenses  
3 pursuant to s. 112.061.

4           Section 172. Paragraph (b) of subsection (1) of  
5 section 373.465, Florida Statutes, 1998 Supplement, is amended  
6 to read:

7           373.465 Lake Panasoffkee Restoration Council.--There  
8 is created within the Southwest Florida Water Management  
9 District the Lake Panasoffkee Restoration Council.

10           (1)

11           (b) The council advisory group to the council shall  
12 consist of: one representative each from the Southwest Florida  
13 Water Management District, the Florida Department of  
14 Environmental Protection, the Florida Department of  
15 Transportation, the Fish and Wildlife Conservation ~~Florida~~  
16 ~~Game and Fresh Water Fish~~ Commission, the Withlacoochee River  
17 Basin Board, and the United States Army Corps of Engineers, to  
18 be appointed by their respective agencies, all of whom must  
19 have training in biology or another scientific discipline.

20           Section 173. Subsections (1) and (2) of section  
21 373.466, Florida Statutes, 1998 Supplement, are amended to  
22 read:

23           373.466 Lake Panasoffkee restoration program.--

24           (1) The Southwest Florida Water Management District,  
25 in conjunction with the Department of Environmental  
26 Protection, the Fish and Wildlife Conservation ~~Florida Game~~  
27 ~~and Fresh Water Fish~~ Commission, the Sumter County Commission,  
28 and the Lake Panasoffkee Restoration Council, shall review  
29 existing restoration proposals to determine which ones are the  
30 most environmentally sound and economically feasible methods

31

1 of improving the fisheries and natural systems of Lake  
2 Panasoffkee.

3 (2) The Southwest Florida Water Management District,  
4 in consultation and by agreement with the Department of  
5 Environmental Protection, the Fish and Wildlife Conservation  
6 ~~Game and Fresh Water Fish~~ Commission, and pertinent local  
7 governments, shall develop tasks to be undertaken by those  
8 entities necessary to initiate the Lake Panasoffkee  
9 restoration program recommended by the Lake Panasoffkee  
10 Restoration Council. These agencies shall:

11 (a) Evaluate different methodologies for removing the  
12 extensive tussocks and build-up of organic matter along the  
13 shoreline and of the aquatic vegetation in the lake; and

14 (b) Conduct any additional studies as recommended by  
15 the Lake Panasoffkee Restoration Council.

16 Section 174. Subsection (1) of section 373.591,  
17 Florida Statutes, 1998 Supplement, is amended to read:

18 373.591 Management review teams.--

19 (1) To determine whether conservation, preservation,  
20 and recreation lands titled in the name of the water  
21 management districts are being managed for the purposes for  
22 which they were acquired and in accordance with land  
23 management objectives, the water management districts shall  
24 establish land management review teams to conduct periodic  
25 management reviews. The land management review teams shall be  
26 composed of the following members:

27 (a) One individual from the county or local community  
28 in which the parcel is located.

29 (b) One employee of the water management district.

30 (c) A private land manager mutually agreeable to the  
31 governmental agency representatives.

1 (d) A member of the local soil and water conservation  
2 district board of supervisors.

3 (e) One individual from the Fish and Wildlife  
4 Conservation Game and Fresh Water Fish Commission.

5 (f) One individual from the Department of  
6 Environmental Protection.

7 (g) One individual representing a conservation  
8 organization.

9 (h) One individual from the Department of Agriculture  
10 and Consumer Services' Division of Forestry.

11 Section 175. Subsection (1) of section 375.021,  
12 Florida Statutes, is amended to read:

13 375.021 Comprehensive multipurpose outdoor recreation  
14 plan.--

15 (1) The department is given the responsibility,  
16 authority, and power to develop and execute a comprehensive  
17 multipurpose outdoor recreation plan for this state with the  
18 cooperation of the Department of Agriculture and Consumer  
19 Services, the Department of Transportation, the Fish and  
20 Wildlife Conservation Game and Fresh Water Fish Commission,  
21 the Department of Commerce, and the water management  
22 districts.

23 Section 176. Section 375.311, Florida Statutes, is  
24 amended to read:

25 375.311 Legislative intent.--To protect and manage  
26 Florida's wildlife environment on lands conveyed for  
27 recreational purposes by private owners and public custodians,  
28 the Legislature hereby intends that the Fish and Wildlife  
29 Conservation Game and Fresh Water Fish Commission shall  
30 regulate motor vehicle access and traffic control on Florida's  
31 public lands.

1           Section 177. Subsection (3) of section 375.312,  
2 Florida Statutes, is amended to read:

3           375.312 Definitions.--As used in this act, unless the  
4 context requires otherwise:

5           (3) "Commission" means the Fish and Wildlife  
6 Conservation ~~Florida Game and Fresh Water Fish~~ Commission.

7           Section 178. Subsections (6) and (8) of section  
8 376.121, Florida Statutes, are amended to read:

9           376.121 Liability for damage to natural  
10 resources.--The Legislature finds that extensive damage to the  
11 state's natural resources is the likely result of a pollutant  
12 discharge and that it is essential that the state adequately  
13 assess and recover the cost of such damage from responsible  
14 parties. It is the state's goal to recover the costs of  
15 restoration from the responsible parties and to restore  
16 damaged natural resources to their pre-discharge condition. In  
17 many instances, however, restoration is not technically  
18 feasible. In such instances, the state has the responsibility  
19 to its citizens to recover the cost of all damage to natural  
20 resources. To ensure that the public does not bear a  
21 substantial loss as a result of the destruction of natural  
22 resources, the procedures set out in this section shall be  
23 used to assess the cost of damage to such resources. Natural  
24 resources include coastal waters, wetlands, estuaries, tidal  
25 flats, beaches, lands adjoining the seacoasts of the state,  
26 and all living things except human beings. The Legislature  
27 recognizes the difficulty historically encountered in  
28 calculating the value of damaged natural resources. The value  
29 of certain qualities of the state's natural resources is not  
30 readily quantifiable, yet the resources and their qualities  
31 have an intrinsic value to the residents of the state, and any

1 damage to natural resources and their qualities should not be  
2 dismissed as nonrecoverable merely because of the difficulty  
3 in quantifying their value. In order to avoid unnecessary  
4 speculation and expenditure of limited resources to determine  
5 these values, the Legislature hereby establishes a schedule  
6 for compensation for damage to the state's natural resources  
7 and the quality of said resources.

8 (6) It is understood that a pollutant will, by its  
9 very nature, result in damage to the flora and fauna of the  
10 waters of the state and the adjoining land. Therefore,  
11 compensation for such resources, which is difficult to  
12 calculate, is included in the compensation schedule. Not  
13 included, however, in this base figure is compensation for the  
14 death of endangered or threatened species directly  
15 attributable to the pollutant discharged. Compensation for the  
16 death of any animal designated by rule as endangered by the  
17 Fish and Wildlife Conservation ~~Florida Game and Fresh Water~~  
18 ~~Fish~~ Commission is \$10,000. Compensation for the death of any  
19 animal designated by rule as threatened by the Fish and  
20 Wildlife Conservation ~~Florida Game and Fresh Water~~ ~~Fish~~  
21 Commission is \$5,000. These amounts are not intended to  
22 reflect the actual value of said endangered or threatened  
23 species, but are included for the purposes of this section.

24 (8) When assessing the amount of damages to natural  
25 resources, the department shall be assisted, if requested by  
26 the department, by representatives of other state agencies and  
27 local governments that would enhance the department's damage  
28 assessment. The Fish and Wildlife Conservation ~~Game and Fresh~~  
29 ~~Water~~ ~~Fish~~ Commission shall assist the department in the  
30 assessment of damages to wildlife impacted by a pollutant

31

1 discharge and shall assist the department in recovering the  
2 costs of such damages.

3 Section 179. Subsection (1) of section 378.011,  
4 Florida Statutes, is amended to read:

5 378.011 Land Use Advisory Committee.--

6 (1) There is hereby created a Land Use Advisory  
7 Committee which shall be composed of the following:

8 (a) One member from the Bureau of Geology of the  
9 Division of Resource Management of the Department of  
10 Environmental Protection, who shall serve as chair, to be  
11 appointed by the executive director of said department;

12 (b) One member from the Executive Office of the  
13 Governor, to be appointed by the Governor;

14 (c) One member from the Tampa Bay Regional Planning  
15 Council, one member from the Central Florida Regional Planning  
16 Council, and one member from the North Central Florida  
17 Regional Planning Council, to be appointed by the respective  
18 directors of said regional planning councils;

19 (d) One member to represent the Board of County  
20 Commissioners of Polk County, one member to represent the  
21 Board of County Commissioners of Hillsborough County, and one  
22 member to represent the Board of County Commissioners of  
23 Hamilton County, to be appointed by the chairs of said boards;

24 (e) One member from the Fish and Wildlife Conservation  
25 ~~Game and Fresh Water Fish~~ Commission, to be appointed by the  
26 Executive Director of said commission; and

27 (f) Two members of the public, to be appointed by the  
28 Governor.

29 Section 180. Subsection (5) of section 378.036,  
30 Florida Statutes, is amended to read:

31



1           378.036 Land acquisitions financed by Nonmandatory  
2 Land Reclamation Trust Fund moneys.--

3           (5) By July 1, 1986, the department, in cooperation  
4 with the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
5 ~~Fish~~ Commission, shall develop a list identifying those  
6 nonmandatory lands which have been or may be naturally  
7 reclaimed and which the state may seek to acquire through  
8 purchase or donation for hunting, fishing, or other outdoor  
9 recreational purposes or for wildlife habitat restoration.  
10 The list shall separately indicate which of the nonmandatory  
11 lands are eligible lands.

12           Section 181. Subsection (2) of section 378.409,  
13 Florida Statutes, is amended to read:

14           378.409 Civil liability.--

15           (2) In assessing damages for animal, plant, or aquatic  
16 life, the value shall be determined in accordance with the  
17 tables of values established by the Fish and Wildlife  
18 Conservation ~~Game and Fresh Water Fish~~ Commission and the  
19 department.

20           Section 182. Subsections (3) and (6) of section  
21 380.061, Florida Statutes, 1998 Supplement, are amended to  
22 read:

23           380.061 The Florida Quality Developments program.--

24           (3)(a) To be eligible for designation under this  
25 program, the developer shall comply with each of the following  
26 requirements which is applicable to the site of a qualified  
27 development:

28           1. Have donated or entered into a binding commitment  
29 to donate the fee or a lesser interest sufficient to protect,  
30 in perpetuity, the natural attributes of the types of land  
31 listed below. In lieu of the above requirement, the developer

1 may enter into a binding commitment which runs with the land  
2 to set aside such areas on the property, in perpetuity, as  
3 open space to be retained in a natural condition or as  
4 otherwise permitted under this subparagraph. Under the  
5 requirements of this subparagraph, the developer may reserve  
6 the right to use such areas for the purpose of passive  
7 recreation that is consistent with the purposes for which the  
8 land was preserved.

9 a. Those wetlands and water bodies throughout the  
10 state as would be delineated if the provisions of s.  
11 373.4145(1)(b) were applied. The developer may use such areas  
12 for the purpose of site access, provided other routes of  
13 access are unavailable or impracticable; may use such areas  
14 for the purpose of stormwater or domestic sewage management  
15 and other necessary utilities to the extent that such uses are  
16 permitted pursuant to chapter 403; or may redesign or alter  
17 wetlands and water bodies within the jurisdiction of the  
18 Department of Environmental Protection which have been  
19 artificially created, if the redesign or alteration is done so  
20 as to produce a more naturally functioning system.

21 b. Active beach or primary and, where appropriate,  
22 secondary dunes, to maintain the integrity of the dune system  
23 and adequate public accessways to the beach. However, the  
24 developer may retain the right to construct and maintain  
25 elevated walkways over the dunes to provide access to the  
26 beach.

27 c. Known archaeological sites determined to be of  
28 significance by the Division of Historical Resources of the  
29 Department of State.

30 d. Areas known to be important to animal species  
31 designated as endangered or threatened animal species by the

1 United States Fish and Wildlife Service or by the Fish and  
2 Wildlife Conservation Florida Game and Fresh Water Fish  
3 Commission, for reproduction, feeding, or nesting; for  
4 traveling between such areas used for reproduction, feeding,  
5 or nesting; or for escape from predation.

6 e. Areas known to contain plant species designated as  
7 endangered plant species by the Department of Agriculture and  
8 Consumer Services.

9 2. Produce, or dispose of, no substances designated as  
10 hazardous or toxic substances by the United States  
11 Environmental Protection Agency or by the Department of  
12 Environmental Protection or the Department of Agriculture and  
13 Consumer Services. This subparagraph is not intended to apply  
14 to the production of these substances in nonsignificant  
15 amounts as would occur through household use or incidental use  
16 by businesses.

17 3. Participate in a downtown reuse or redevelopment  
18 program to improve and rehabilitate a declining downtown area.

19 4. Incorporate no dredge and fill activities in, and  
20 no stormwater discharge into, waters designated as Class II,  
21 aquatic preserves, or Outstanding Florida Waters, except as  
22 activities in those waters are permitted pursuant to s.  
23 403.813(2) and the developer demonstrates that those  
24 activities meet the standards under Class II waters,  
25 Outstanding Florida Waters, or aquatic preserves, as  
26 applicable.

27 5. Include open space, recreation areas, Xeriscape as  
28 defined in s. 373.185, and energy conservation and minimize  
29 impermeable surfaces as appropriate to the location and type  
30 of project.

31

1           6. Provide for construction and maintenance of all  
2 onsite infrastructure necessary to support the project and  
3 enter into a binding commitment with local government to  
4 provide an appropriate fair-share contribution toward the  
5 offsite impacts which the development will impose on publicly  
6 funded facilities and services, except offsite transportation,  
7 and condition or phase the commencement of development to  
8 ensure that public facilities and services, except offsite  
9 transportation, will be available concurrent with the impacts  
10 of the development. For the purposes of offsite transportation  
11 impacts, the developer shall comply, at a minimum, with the  
12 standards of the state land planning agency's  
13 development-of-regional-impact transportation rule, the  
14 approved strategic regional policy plan, any applicable  
15 regional planning council transportation rule, and the  
16 approved local government comprehensive plan and land  
17 development regulations adopted pursuant to part II of chapter  
18 163.

19           7. Design and construct the development in a manner  
20 that is consistent with the adopted state plan, the applicable  
21 strategic regional policy plan, and the applicable adopted  
22 local government comprehensive plan.

23           (b) In addition to the foregoing requirements, the  
24 developer shall plan and design his or her development in a  
25 manner which includes the needs of the people in this state as  
26 identified in the state comprehensive plan and the quality of  
27 life of the people who will live and work in or near the  
28 development. The developer is encouraged to plan and design  
29 his or her development in an innovative manner. These planning  
30 and design features may include, but are not limited to, such  
31 things as affordable housing, care for the elderly, urban

1 renewal or redevelopment, mass transit, the protection and  
2 preservation of wetlands outside the jurisdiction of the  
3 Department of Environmental Protection or of uplands as  
4 wildlife habitat, provision for the recycling of solid waste,  
5 provision for onsite child care, enhancement of emergency  
6 management capabilities, the preservation of areas known to be  
7 primary habitat for significant populations of species of  
8 special concern designated by the Fish and Wildlife  
9 Conservation Florida Game and Fresh Water Fish Commission, or  
10 community economic development. These additional amenities  
11 will be considered in determining whether the development  
12 qualifies for designation under this program.

13           (6)(a) In the event that the development is not  
14 designated under subsection (5), the developer may appeal that  
15 determination to the Quality Developments Review Board. The  
16 board shall consist of the secretary of the state land  
17 planning agency, the Secretary of Environmental Protection and  
18 a member designated by the secretary, the Secretary of  
19 Transportation, the executive director of the Fish and  
20 Wildlife Conservation Florida Game and Fresh Water Fish  
21 Commission, the executive director of the appropriate water  
22 management district created pursuant to chapter 373, and the  
23 chief executive officer of the appropriate local government.  
24 When there is a significant historical or archaeological site  
25 within the boundaries of a development which is appealed to  
26 the board, the director of the Division of Historical  
27 Resources of the Department of State shall also sit on the  
28 board. The staff of the state land planning agency shall serve  
29 as staff to the board.

30  
31

1 (b) The board shall meet once each quarter of the  
2 year. However, a meeting may be waived if no appeals are  
3 pending.

4 (c) On appeal, the sole issue shall be whether the  
5 development meets the statutory criteria for designation under  
6 this program. An affirmative vote of at least five members of  
7 the board, including the affirmative vote of the chief  
8 executive officer of the appropriate local government, shall  
9 be necessary to designate the development by the board.

10 (d) The state land planning agency shall adopt  
11 procedural rules for consideration of appeals under this  
12 subsection.

13 Section 183. Section 388.45, Florida Statutes, is  
14 amended to read:

15 388.45 Threat to public health; emergency  
16 declarations.--The State Health Officer has the authority to  
17 declare that a threat to public health exists when the  
18 Department of Health discovers in the human or surrogate  
19 population the occurrence of an infectious disease that can be  
20 transmitted from arthropods to humans. The State Health  
21 Officer must immediately notify the Commissioner of  
22 Agriculture of the declaration of this threat to public  
23 health. The Commissioner of Agriculture is authorized to issue  
24 an emergency declaration based on the State Health Officer's  
25 declaration of a threat to the public health or based on other  
26 threats to animal health. Each declaration must contain the  
27 geographical boundaries and the duration of the declaration.  
28 The State Health Officer shall order such human medical  
29 preventive treatment and the Commissioner of Agriculture shall  
30 order such ameliorative arthropod control measures as are  
31 necessary to prevent the spread of disease, notwithstanding

1 contrary provisions of this chapter or the rules adopted under  
2 this chapter. Within 24 hours after a declaration of a threat  
3 to the public health, the State Health Officer must also  
4 notify the agency heads of the Department of Environmental  
5 Protection and the Fish and Wildlife Conservation ~~Game and~~  
6 ~~Fresh Water Fish~~ Commission of the declaration. Within 24  
7 hours after an emergency declaration based on the public  
8 health declaration or based on other threats to animal health,  
9 the Commissioner of Agriculture must notify the agency heads  
10 of the Department of Environmental Protection and the Fish and  
11 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission of  
12 the declaration. Within 24 hours after an emergency  
13 declaration based on other threats to animal health, the  
14 Commissioner of Agriculture must also notify the agency head  
15 of the Department of Health of the declaration.

16 Section 184. Subsection (2) of section 388.46, Florida  
17 Statutes, is amended to read:

18 388.46 Florida Coordinating Council on Mosquito  
19 Control; establishment; membership; organization;  
20 responsibilities.--

21 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.--

22 (a) Membership.--The Florida Coordinating Council on  
23 Mosquito Control shall be comprised of the following  
24 representatives or their authorized designees:

25 1. The Secretary of Environmental Protection and the  
26 Secretary of Health;

27 2. The executive director of the Fish and Wildlife  
28 Conservation ~~Game and Fresh Water Fish~~ Commission;

29 3. The state epidemiologist;

30 4. The Commissioner of Agriculture; and

31 5. Representatives from:

1           a. The University of Florida, Institute of Food and  
2 Agricultural Sciences, Florida Medical Entomological Research  
3 Laboratory;

4           b. Florida Agricultural and Mechanical University;

5           c. The United States Environmental Protection Agency;

6           d. The United States Department of Agriculture,  
7 Insects Affecting Man Laboratory;

8           e. The United States Fish and Wildlife Service;

9           f. Two mosquito control directors to be nominated by  
10 the Florida Mosquito Control Association, two representatives  
11 of Florida environmental groups, and two private citizens who  
12 are property owners whose lands are regularly subject to  
13 mosquito control operations, to be appointed to 4-year terms  
14 by the Commissioner of Agriculture; and

15           g. The Board of Trustees of the Internal Improvement  
16 Trust Fund.

17           (b) Organization.--The council shall be chaired by the  
18 Commissioner of Agriculture or the commissioner's authorized  
19 designee. A majority of the membership of the council shall  
20 constitute a quorum for the conduct of business. The chair  
21 shall be responsible for recording and distributing to the  
22 members a summary of the proceedings of all council meetings.  
23 The council shall meet at least three times each year, or as  
24 needed. The council may designate subcommittees from time to  
25 time to assist in carrying out its responsibilities, provided  
26 that the Subcommittee on Managed Marshes shall be the first  
27 subcommittee appointed by the council. The subcommittee shall  
28 continue to provide technical assistance and guidance on  
29 mosquito impoundment management plans and develop and review  
30 research proposals for mosquito source reduction techniques.

31           (c) Responsibilities.--The council shall:



1           1. Develop and implement guidelines to assist the  
2 department in resolving disputes arising over the control of  
3 arthropods on publicly owned lands.

4           2. Identify and recommend to Florida Agricultural and  
5 Mechanical University research priorities for arthropod  
6 control practices and technologies.

7           3. Develop and recommend to the department a request  
8 for proposal process for arthropod control research.

9           4. Identify potential funding sources for research or  
10 implementation projects and evaluate and prioritize proposals  
11 upon request by the funding source.

12           5. Prepare and present reports, as needed, on  
13 arthropod control activities in the state to the Pesticide  
14 Review Council, the Florida Coastal Management Program  
15 Interagency Management Committee, and other governmental  
16 organizations, as appropriate.

17           Section 185. Subsection (5) of section 403.0752,  
18 Florida Statutes, is amended to read:

19           403.0752 Ecosystem management agreements.--

20           (5) The Secretary of Community Affairs, the Secretary  
21 of Transportation, the Commissioner of Agriculture, the  
22 Executive Director of the Fish and Wildlife Conservation Game  
23 ~~and Fresh Water Fish~~ Commission, and the executive directors  
24 of the water management districts are authorized to  
25 participate in the development of ecosystem management  
26 agreements with regulated entities and other governmental  
27 agencies as necessary to effectuate the provisions of this  
28 section. Local governments are encouraged to participate in  
29 ecosystem management agreements.

30           Section 186. Subsection (4) of section 403.0885,  
31 Florida Statutes, 1998 Supplement, is amended to read:

1           403.0885 Establishment of federally approved state  
2 National Pollutant Discharge Elimination System (NPDES)  
3 Program.--

4           (4) The department shall respond, in writing, to any  
5 written comments on a pending application for a state NPDES  
6 permit which the department receives from the executive  
7 director, or his or her designee, of the Fish and Wildlife  
8 Conservation Game and Fresh Water Fish Commission on matters  
9 within the commenting agency's jurisdiction. The department's  
10 response shall not constitute agency action for purposes of  
11 ss. 120.569 and 120.57 or other provisions of chapter 120.

12           Section 187. Subsection (2) of section 403.413,  
13 Florida Statutes, is amended to read:

14           403.413 Florida Litter Law.--

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

16           (a) "Litter" means any garbage; rubbish; trash;  
17 refuse; can; bottle; box; container; paper; tobacco product;  
18 tire; appliance; mechanical equipment or part; building or  
19 construction material; tool; machinery; wood; motor vehicle or  
20 motor vehicle part; vessel; aircraft; farm machinery or  
21 equipment; sludge from a waste treatment facility, water  
22 supply treatment plant, or air pollution control facility; or  
23 substance in any form resulting from domestic, industrial,  
24 commercial, mining, agricultural, or governmental operations.

25           (b) "Person" means any individual, firm, sole  
26 proprietorship, partnership, corporation, or unincorporated  
27 association.

28           (c) "Law enforcement officer" means any officer of the  
29 Florida Highway Patrol, a county sheriff's department, a  
30 municipal law enforcement department, a law enforcement  
31 department of any other political subdivision, the department,

1 or the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
2 ~~Fish~~ Commission. In addition, and solely for the purposes of  
3 this section, "law enforcement officer" means any employee of  
4 a county or municipal park or recreation department designated  
5 by the department head as a litter enforcement officer.

6 (d) "Aircraft" means a motor vehicle or other vehicle  
7 that is used or designed to fly but does not include a  
8 parachute or any other device used primarily as safety  
9 equipment.

10 (e) "Commercial purpose" means for the purpose of  
11 economic gain.

12 (f) "Commercial vehicle" means a vehicle that is owned  
13 or used by a business, corporation, association, partnership,  
14 or sole proprietorship or any other entity conducting business  
15 for a commercial purpose.

16 (g) "Dump" means to dump, throw, discard, place,  
17 deposit, or dispose of.

18 (h) "Motor vehicle" means an automobile, motorcycle,  
19 truck, trailer, semitrailer, truck tractor, or semitrailer  
20 combination or any other vehicle that is powered by a motor.

21 (i) "Vessel" means a boat, barge, or airboat or any  
22 other vehicle used for transportation on water.

23 Section 188. Subsection (2) of section 403.507,  
24 Florida Statutes, is amended to read:

25 403.507 Preliminary statements of issues, reports, and  
26 studies.--

27 (2)(a) The following agencies shall prepare reports as  
28 provided below and shall submit them to the department and the  
29 applicant within 150 days after distribution of the complete  
30 application:

31

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 189. 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 190. 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 191. 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

1           Section 192. Paragraph (a) of subsection (4) of  
2 section 403.527, Florida Statutes, is amended to read:

3           403.527 Notice, proceedings, parties, participants.--

4           (4)(a) Parties to the proceeding shall be:

5           1. The applicant.

6           2. The department.

7           3. The commission.

8           4. The Department of Community Affairs.

9           5. The Fish and Wildlife Conservation ~~Game and Fresh~~  
10 ~~Water Fish~~ Commission.

11           6. Each water management district in the jurisdiction  
12 of which the proposed transmission line or corridor is to be  
13 located.

14           7. The local government.

15           8. The regional planning council.

16           Section 193. Paragraph (c) of subsection (1) of  
17 section 403.5365, Florida Statutes, is amended to read:

18           403.5365 Fees; disposition.--The department shall  
19 charge the applicant the following fees, as appropriate, which  
20 shall be paid into the Florida Permit Fee Trust Fund:

21           (1) An application fee of \$100,000, plus \$750 per mile  
22 for each mile of corridor in which the transmission line  
23 right-of-way is proposed to be located within an existing  
24 electrical transmission line right-of-way or within any  
25 existing right-of-way for any road, highway, railroad, or  
26 other aboveground linear facility, or \$1,000 per mile for each  
27 mile of transmission line corridor proposed to be located  
28 outside such existing right-of-way.

29           (c) Upon written request with proper itemized  
30 accounting within 90 days after final agency action by the  
31 board or withdrawal of the application, the department shall

1 reimburse the expenses and costs of the Department of  
2 Community Affairs, the Fish and Wildlife Conservation ~~Game and~~  
3 ~~Fresh Water Fish~~ Commission, the water management district,  
4 regional planning council, and local government in the  
5 jurisdiction of which the transmission line is to be located.  
6 Such reimbursement shall be authorized for the preparation of  
7 any studies required of the agencies by this act, and for  
8 agency travel and per diem to attend any hearing held pursuant  
9 to this act, and for the local government to participate in  
10 the proceedings. In the event the amount available for  
11 allocation is insufficient to provide for complete  
12 reimbursement to the agencies, reimbursement shall be on a  
13 prorated basis.

14 Section 194. Subsection (3) of section 403.7841,  
15 Florida Statutes, is amended to read:

16 403.7841 Application for certification.--

17 (3) Within 7 days after filing the application with  
18 the department, the applicant shall provide two copies of the  
19 application as filed to each of the following: the Department  
20 of Community Affairs, the water management district which has  
21 jurisdiction over the area wherein the proposed project is to  
22 be located, the Department of Transportation, the Fish and  
23 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
24 the Department of Health and Rehabilitative Services, the  
25 Department of Agriculture and Consumer Services, and the local  
26 governmental entities which have jurisdiction.

27 Section 195. Subsection (1) of section 403.786,  
28 Florida Statutes, is amended to read:

29 403.786 Report and studies.--

30 (1) The Department of Community Affairs, the water  
31 management district which has jurisdiction over the area

1 wherein the proposed project is to be located, the Department  
2 of Transportation, the Fish and Wildlife Conservation Game and  
3 ~~Fresh Water Fish~~ Commission, the Department of Health and  
4 Rehabilitative Services, the Department of Agriculture and  
5 Consumer Services, and each local government which has  
6 jurisdiction shall each submit a report of matters within  
7 their jurisdiction to the department within 90 days after  
8 their receipt of the application. Any other agency may submit  
9 comments relating to matters within its jurisdiction to the  
10 department within 90 days after the filing of the application  
11 with the Division of Administrative Hearings.

12 Section 196. Paragraph (a) of subsection (4) of  
13 section 403.787, Florida Statutes, is amended to read:

14 403.787 Notice, proceedings, parties, participants.--

15 (4)(a) Parties to the proceeding shall be:

16 1. The applicant.

17 2. The department.

18 3. The Department of Community Affairs.

19 4. The Fish and Wildlife Conservation Game and Fresh  
20 ~~Water Fish~~ Commission.

21 5. Each water management district in the jurisdiction  
22 of which the proposed project is to be located.

23 6. Any affected local government.

24 Section 197. Subsection (6) of section 403.9325,  
25 Florida Statutes, is amended to read:

26 403.9325 Definitions.--For the purposes of ss.

27 403.9321-403.9333, the term:

28 (6) "Public lands set aside for conservation or  
29 preservation" means:

30 (a) Conservation and recreation lands under chapter  
31 259;

- 1 (b) State and national parks;
- 2 (c) State and national reserves and preserves, except  
3 as provided in s. 403.9326(3);
- 4 (d) State and national wilderness areas;
- 5 (e) National wildlife refuges (only those lands under  
6 Federal Government ownership);
- 7 (f) Lands acquired through the Water Management Lands  
8 Trust Fund, Save Our Rivers Program;
- 9 (g) Lands acquired under the Save Our Coast program;
- 10 (h) Lands acquired under the environmentally  
11 endangered lands bond program;
- 12 (i) Public lands designated as conservation or  
13 preservation under a local government comprehensive plan;
- 14 (j) Lands purchased by a water management district,  
15 the Fish and Wildlife Conservation ~~Florida Game and Fresh~~  
16 ~~Water Fish~~ Commission, or any other state agency for  
17 conservation or preservation purposes;
- 18 (k) Public lands encumbered by a conservation easement  
19 that does not provide for the trimming of mangroves; and
- 20 (l) Public lands designated as critical wildlife areas  
21 by the Fish and Wildlife Conservation ~~Florida Game and Fresh~~  
22 ~~Water Fish~~ Commission.
- 23 Section 198. Paragraph (a) of subsection (2) of  
24 section 403.941, Florida Statutes, is amended to read:
- 25 403.941 Preliminary statements of issues, reports, and  
26 studies.--
- 27 (2)(a) The affected agencies shall prepare reports as  
28 provided in this paragraph and shall submit them to the  
29 department and the applicant within 60 days after the  
30 application is determined sufficient:
- 31

1           1. The department shall prepare a report as to the  
2 impact of each proposed natural gas transmission pipeline or  
3 corridor as it relates to matters within its jurisdiction.

4           2. Each water management district in the jurisdiction  
5 of which a proposed natural gas transmission pipeline or  
6 corridor is to be located shall prepare a report as to the  
7 impact on water resources and other matters within its  
8 jurisdiction.

9           3. The Department of Community Affairs shall prepare a  
10 report containing recommendations which address the impact  
11 upon the public of the proposed natural gas transmission  
12 pipeline or corridor, based on the degree to which the  
13 proposed natural gas transmission pipeline or corridor is  
14 consistent with the applicable portions of the state  
15 comprehensive plan and other matters within its jurisdiction.  
16 The Department of Community Affairs may also comment on the  
17 consistency of the proposed natural gas transmission pipeline  
18 or corridor with applicable strategic regional policy plans or  
19 local comprehensive plans and land development regulations.

20           4. The Fish and Wildlife Conservation ~~Game and Fresh~~  
21 ~~Water Fish~~ Commission shall prepare a report as to the impact  
22 of each proposed natural gas transmission pipeline or corridor  
23 on fish and wildlife resources and other matters within its  
24 jurisdiction.

25           5. Each local government in which the natural gas  
26 transmission pipeline or natural gas transmission pipeline  
27 corridor will be located shall prepare a report as to the  
28 impact of each proposed natural gas transmission pipeline or  
29 corridor on matters within its jurisdiction, including the  
30 consistency of the proposed natural gas transmission pipeline  
31 or corridor with all applicable local ordinances, regulations,

1 standards, or criteria that apply to the proposed natural gas  
2 transmission pipeline or corridor, including local  
3 comprehensive plans, zoning regulations, land development  
4 regulations, and any applicable local environmental  
5 regulations adopted pursuant to s. 403.182 or by other means.  
6 No change by the responsible local government or local agency  
7 in local comprehensive plans, zoning ordinances, or other  
8 regulations made after the date required for the filing of the  
9 local government's report required by this section shall be  
10 applicable to the certification of the proposed natural gas  
11 transmission pipeline or corridor unless the certification is  
12 denied or the application is withdrawn.

13         6. Each regional planning council in which the natural  
14 gas transmission pipeline or natural gas transmission pipeline  
15 corridor will be located shall present a report containing  
16 recommendations that address the impact upon the public of the  
17 proposed natural gas transmission pipeline or corridor, based  
18 on the degree to which the natural gas transmission pipeline  
19 or corridor is consistent with the applicable provisions of  
20 the strategic regional policy plan adopted pursuant to chapter  
21 186 and other impacts of each proposed natural gas  
22 transmission pipeline or corridor on matters within its  
23 jurisdiction.

24         7. The Department of Transportation shall prepare a  
25 report on the effect of the natural gas transmission pipeline  
26 or natural gas transmission pipeline corridor on matters  
27 within its jurisdiction, including roadway crossings by the  
28 pipeline. The report shall contain at a minimum:

29         a. A report by the applicant to the department stating  
30 that all requirements of the department's utilities  
31

1 accommodation guide have been or will be met in regard to the  
2 proposed pipeline or pipeline corridor; and

3 b. A statement by the department as to the adequacy of  
4 the report to the department by the applicant.

5 8. The Department of State, Division of Historical  
6 Resources, shall prepare a report on the impact of the natural  
7 gas transmission pipeline or natural gas transmission pipeline  
8 corridor on matters within its jurisdiction.

9 9. The commission shall prepare a report addressing  
10 matters within its jurisdiction. The commission's report shall  
11 include its determination of need issued pursuant to s.  
12 403.9422.

13 Section 199. Paragraph (a) of subsection (4) of  
14 section 403.9411, Florida Statutes, is amended to read:

15 403.9411 Notice; proceedings; parties and  
16 participants.--

17 (4)(a) Parties to the proceeding shall be:

18 1. The applicant.

19 2. The department.

20 3. The commission.

21 4. The Department of Community Affairs.

22 5. The Fish and Wildlife Conservation ~~Game and Fresh~~  
23 ~~Water Fish~~ Commission.

24 6. Each water management district in the jurisdiction  
25 of which the proposed natural gas transmission pipeline or  
26 corridor is to be located.

27 7. The local government.

28 8. The regional planning council.

29 9. The Department of Transportation.

30 10. The Department of State, Division of Historical  
31 Resources.



1           Section 200. Subsection (2) of section 403.961,  
2 Florida Statutes, is amended to read:

3           403.961 Statements of issues and reports; written  
4 analyses.--

5           (2) Each of the following agencies shall prepare a  
6 report as to matters within its jurisdiction expected to be  
7 affected by the proposed project, which report shall be  
8 submitted to the applicant, the Department of Commerce, the  
9 Department of Environmental Protection, the affected local  
10 governments, and all other affected agencies, no later than 65  
11 days after the date the application is determined to be  
12 sufficient:

13           (a) The Department of Transportation.

14           (b) The Department of Community Affairs.

15           (c) The Fish and Wildlife Conservation ~~Game and Fresh~~  
16 ~~Water Fish~~ Commission.

17           (d) Each water management district having jurisdiction  
18 over any proposed site or installation.

19           (e) Each regional planning council having jurisdiction  
20 over any proposed site or installation.

21           (f) Any other agency, if requested by the Department  
22 of Commerce, shall also prepare reports as to matters within  
23 that agency's jurisdiction expected to be affected by the  
24 proposed project.

25           Section 201. Paragraph (b) of subsection (1) of  
26 section 403.962, Florida Statutes, is amended to read:

27           403.962 Certification hearing; cancellation;  
28 parties.--

29           (1) The assigned administrative law judge shall  
30 conduct a certification hearing in the county of the proposed  
31 site no later than 150 days after the application for project

1 certification is deemed to be sufficient or an applicant has  
2 requested that its application be processed on the basis of  
3 information already submitted. All proceedings are governed  
4 by chapter 120 except as modified by this act. The hearing  
5 shall only be conducted in the event that a hearing is  
6 requested by the applicant, an affected agency, a person  
7 having a substantial interest which is affected by the  
8 proposed certification, a qualified organization, or an  
9 affected person who files a petition pursuant to s.  
10 403.9615(4). In determining whether a hearing shall be  
11 conducted, the following procedures shall apply:

12 (b) The following agencies shall be entitled to  
13 request the conduct of a certification hearing under this  
14 section:

- 15 1. The Department of Environmental Protection.
- 16 2. The Fish and Wildlife Conservation ~~Game and Fresh~~  
17 ~~Water Fish~~ Commission.
- 18 3. The Department of Community Affairs.
- 19 4. The Department of Transportation.
- 20 5. Any water management district having jurisdiction  
21 over a site or installation associated with the proposed  
22 project.
- 23 6. Any local government having jurisdiction over a  
24 site or installation associated with the proposed project.

25 Section 202. Paragraph (c) of subsection (2) of  
26 section 403.972, Florida Statutes, is amended to read:

27 403.972 Fees; disposition.--The Department of Commerce  
28 shall charge the following fees, as appropriate, which shall  
29 be paid into the Department of Commerce Economic Development  
30 Trust Fund:

31

1           (2) An application fee, which shall not exceed  
2 \$150,000. The fee shall be fixed by rule on a sliding scale  
3 related to the proposed project size and the number and size  
4 of local governments in whose jurisdiction the project is  
5 located.

6           (c) Upon written request with proper itemized  
7 accounting within 90 days after final agency action or  
8 withdrawal of the application, the Department of Commerce  
9 shall reimburse the Department of Environmental Protection,  
10 the Department of Community Affairs, the Fish and Wildlife  
11 Conservation Game and Fresh Water Fish Commission, and any  
12 water management district created pursuant to chapter 373,  
13 regional planning council, and affected local governments in  
14 the jurisdiction of which the proposed project is to be  
15 located, and any other agency from which the Department of  
16 Commerce requests special reports pursuant to s. 403.961(2)(f)  
17 or with which the Department of Commerce contracts for field  
18 services associated with the monitoring, construction, and  
19 operation of the facility. Such reimbursement shall be  
20 authorized for the preparation of any reports or studies or  
21 the conduct of any compliance monitoring required of the  
22 agencies by this act, and for agency travel and per diem to  
23 attend any hearing held pursuant to this act, and for local  
24 governments to participate in the proceedings. In the event  
25 the amount available for allocation is insufficient to provide  
26 for complete reimbursement to the agencies, reimbursement  
27 shall be on a prorated basis.

28           Section 203. Subsection (4) of section 403.973,  
29 Florida Statutes, is amended to read:

30           403.973 Expedited permitting; comprehensive plan  
31 amendments.--

1           (4) The regional teams shall be established through  
2 the execution of memoranda of agreement between the office and  
3 the respective heads of the Departments of Environmental  
4 Protection, Community Affairs, Transportation, Agriculture and  
5 Consumer Services, the Fish and Wildlife Conservation ~~Game and~~  
6 ~~Fresh Water Fish~~ Commission, appropriate regional planning  
7 councils, appropriate water management districts, and  
8 voluntarily participating municipalities and counties. The  
9 memoranda of agreement should also accommodate participation  
10 in this expedited process by other local governments and  
11 federal agencies as circumstances warrant.

12           Section 204. Paragraph (b) of subsection (1) of  
13 section 487.0615, Florida Statutes, is amended to read:

14           487.0615 Pesticide Review Council.--

15           (1)

16           (b) The council shall consist of 11 scientific members  
17 as follows: a scientific representative from the Department of  
18 Agriculture and Consumer Services, a scientific representative  
19 from the Department of Environmental Protection, a scientific  
20 representative from the Department of Health and  
21 Rehabilitative Services, and a scientific representative from  
22 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
23 Commission, each to be appointed by the respective agency; the  
24 dean of research of the Institute of Food and Agricultural  
25 Sciences of the University of Florida; and six members to be  
26 appointed by the Governor. The six members to be appointed by  
27 the Governor must be a pesticide industry representative, a  
28 representative of an environmental group, a hydrologist, a  
29 toxicologist, a scientific representative from one of the five  
30 water management districts rotated among the five districts,  
31 and a grower representative from a list of three persons

1 nominated by the statewide grower associations. Each member  
2 shall be appointed for a term of 4 years and shall serve until  
3 a successor is appointed. A vacancy shall be filled for the  
4 remainder of the unexpired term.

5 Section 205. Subsection (4) of section 581.186,  
6 Florida Statutes, is amended to read:

7 581.186 Endangered Plant Advisory Council;  
8 organization; meetings; powers and duties.--

9 (4) COOPERATION.--The Division of Plant Industry, the  
10 Department of Environmental Protection, the Department of  
11 Transportation, and the Fish and Wildlife Conservation ~~Game~~  
12 ~~and Fresh Water Fish~~ Commission shall cooperate with the  
13 council whenever necessary to aid it in carrying out its  
14 duties under this section.

15 Section 206. Subsection (3) of section 585.21, Florida  
16 Statutes, is amended to read:

17 585.21 Sale of biological products.--  
18 (3) Any biological product for animals which is used  
19 or proposed to be used in a field test in this state must be  
20 approved for such use by the department. Before issuing  
21 approval, the department shall consult with the Fish and  
22 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission if  
23 wildlife are involved and the Department of Health and  
24 Rehabilitative Services if the disease may affect humans.

25 Section 207. Paragraph (c) of subsection (1) of  
26 section 597.003, Florida Statutes, is amended to read:

27 597.003 Powers and duties of Department of Agriculture  
28 and Consumer Services.--

29 (1) The department is hereby designated as the lead  
30 agency in encouraging the development of aquaculture in the  
31

1 state and shall have and exercise the following functions,  
2 powers, and duties with regard to aquaculture:

3 (c) Develop memorandums of agreement, as needed, with  
4 the Department of Environmental Protection, the Fish and  
5 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
6 Commission, the Florida Sea Grant Program, and other groups as  
7 provided in the state aquaculture plan.

8 Section 208. Subsections (4) and (5) of section  
9 597.004, Florida Statutes, 1998 Supplement, are amended to  
10 read:

11 597.004 Aquaculture certificate of registration.--

12 (4) IDENTIFICATION OF AQUACULTURE

13 PRODUCTS.--Aquaculture products shall be identified while  
14 possessed, processed, transported, or sold as provided in this  
15 subsection, except those subject to the requirements of  
16 chapter 372 and the rules of the Fish and Wildlife  
17 Conservation Commission ~~Game and Fresh Water Fish Commission~~  
18 as they relate to alligators only.

19 (a) Aquaculture products shall be identified by an  
20 aquaculture certificate of registration number from harvest to  
21 point of sale. Any person who possesses aquaculture products  
22 must show, by appropriate receipt, bill of sale, bill of  
23 lading, or other such manifest where the product originated.

24 (b) Marine aquaculture products shall be transported  
25 in containers that separate such product from wild stocks, and  
26 shall be identified by tags or labels that are securely  
27 attached and clearly displayed.

28 (c) Each aquaculture registrant who sells food  
29 products labeled as "aquaculture or farm raised" must have  
30 such products containerized and clearly labeled in accordance  
31 with s. 500.11. Label information must include the name,

1 address, and aquaculture certification number. This  
2 requirement is designed to segregate the identity of wild and  
3 aquaculture products.

4 (5) SALE OF AQUACULTURE PRODUCTS.--

5 (a) Aquaculture products, except shellfish, snook,  
6 spotted sea trout, red drum, and freshwater aquatic species  
7 identified in chapter 372 and rules of the Fish and Wildlife  
8 Conservation Commission ~~Game and Fresh Water Fish Commission~~,  
9 may be sold without restriction so long as product origin can  
10 be identified.

11 (b) Aquaculture shellfish must be sold and handled in  
12 accordance with shellfish handling regulations of the  
13 commission ~~Department of Environmental Protection~~ established  
14 to protect public health.

15 Section 209. Subsection (1) of section 597.006,  
16 Florida Statutes, is amended to read:

17 597.006 Aquaculture Interagency Coordinating  
18 Council.--

19 (1) CREATION.--The Legislature finds and declares that  
20 there is a need for interagency coordination with regard to  
21 aquaculture by the following agencies: the Department of  
22 Agriculture and Consumer Services, the Department of Commerce,  
23 the Department of Community Affairs, the Department of  
24 Environmental Protection, the Department of Labor and  
25 Employment Security, the Fish and Wildlife Conservation ~~Marine~~  
26 ~~Fisheries Commission, the Game and Fresh Water Fish~~  
27 Commission, the statewide consortium of universities under the  
28 Florida Institute of Oceanography, Florida Agricultural and  
29 Mechanical University, the Institute of Food and Agricultural  
30 Sciences at the University of Florida, the Florida Sea Grant  
31 Program, and each water management district. It is therefore

1 the intent of the Legislature to hereby create an Aquaculture  
2 Interagency Coordinating Council to act as an advisory body as  
3 defined in s. 20.03(9).

4 Section 210. Paragraph (a) of subsection (1) of  
5 section 784.07, Florida Statutes, 1998 Supplement, is amended  
6 to read:

7 784.07 Assault or battery of law enforcement officers,  
8 firefighters, emergency medical care providers, public transit  
9 employees or agents, or other specified officers;  
10 reclassification of offenses; minimum sentences.--

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

12 (a) "Law enforcement officer" includes a law  
13 enforcement officer, a correctional officer, a correctional  
14 probation officer, a part-time law enforcement officer, a  
15 part-time correctional officer, an auxiliary law enforcement  
16 officer, and an auxiliary correctional officer, as those terms  
17 are respectively defined in s. 943.10, and any county  
18 probation officer; employee or agent of the Department of  
19 Corrections who supervises or provides services to inmates;  
20 officer of the Parole Commission; and law enforcement  
21 personnel of the Fish and Wildlife Conservation ~~Game and Fresh~~  
22 ~~Water Fish~~ Commission, the Department of Environmental  
23 Protection, or the Department of Law Enforcement.

24 Section 211. Subsection (2) of section 790.06, Florida  
25 Statutes, 1998 Supplement, is amended to read:

26 790.06 License to carry concealed weapon or firearm.--

27 (2) The Department of State shall issue a license if  
28 the applicant:

29 (a) Is a resident of the United States or is a  
30 consular security official of a foreign government that  
31 maintains diplomatic relations and treaties of commerce,



1 friendship, and navigation with the United States and is  
2 certified as such by the foreign government and by the  
3 appropriate embassy in this country;

4 (b) Is 21 years of age or older;

5 (c) Does not suffer from a physical infirmity which  
6 prevents the safe handling of a weapon or firearm;

7 (d) Is not ineligible to possess a firearm pursuant to  
8 s. 790.23 by virtue of having been convicted of a felony;

9 (e) Has not been committed for the abuse of a  
10 controlled substance or been found guilty of a crime under the  
11 provisions of chapter 893 or similar laws of any other state  
12 relating to controlled substances within a 3-year period  
13 immediately preceding the date on which the application is  
14 submitted;

15 (f) Does not chronically and habitually use alcoholic  
16 beverages or other substances to the extent that his or her  
17 normal faculties are impaired. It shall be presumed that an  
18 applicant chronically and habitually uses alcoholic beverages  
19 or other substances to the extent that his or her normal  
20 faculties are impaired if the applicant has been committed  
21 under chapter 397 or under the provisions of former chapter  
22 396 or has been convicted under s. 790.151 or has been deemed  
23 a habitual offender under s. 856.011(3), or has had two or  
24 more convictions under s. 316.193 or similar laws of any other  
25 state, within the 3-year period immediately preceding the date  
26 on which the application is submitted;

27 (g) Desires a legal means to carry a concealed weapon  
28 or firearm for lawful self-defense;

29 (h) Demonstrates competence with a firearm by any one  
30 of the following:

31

- 1           1. Completion of any hunter education or hunter safety  
2 course approved by the Fish and Wildlife Conservation ~~Game and~~  
3 ~~Fresh Water Fish~~ Commission or a similar agency of another  
4 state;
- 5           2. Completion of any National Rifle Association  
6 firearms safety or training course;
- 7           3. Completion of any firearms safety or training  
8 course or class available to the general public offered by a  
9 law enforcement, junior college, college, or private or public  
10 institution or organization or firearms training school,  
11 utilizing instructors certified by the National Rifle  
12 Association, Criminal Justice Standards and Training  
13 Commission, or the Department of State;
- 14           4. Completion of any law enforcement firearms safety  
15 or training course or class offered for security guards,  
16 investigators, special deputies, or any division or  
17 subdivision of law enforcement or security enforcement;
- 18           5. Presents evidence of equivalent experience with a  
19 firearm through participation in organized shooting  
20 competition or military service;
- 21           6. Is licensed or has been licensed to carry a firearm  
22 in this state or a county or municipality of this state,  
23 unless such license has been revoked for cause; or
- 24           7. Completion of any firearms training or safety  
25 course or class conducted by a state-certified or National  
26 Rifle Association certified firearms instructor;
- 27
- 28 A photocopy of a certificate of completion of any of the  
29 courses or classes; or an affidavit from the instructor,  
30 school, club, organization, or group that conducted or taught  
31 said course or class attesting to the completion of the course

1 or class by the applicant; or a copy of any document which  
2 shows completion of the course or class or evidences  
3 participation in firearms competition shall constitute  
4 evidence of qualification under this paragraph; any person who  
5 conducts a course pursuant to subparagraph 2., subparagraph  
6 3., or subparagraph 7., or who, as an instructor, attests to  
7 the completion of such courses, must maintain records  
8 certifying that he or she observed the student safely handle  
9 and discharge the firearm;

10 (i) Has not been adjudicated an incapacitated person  
11 under s. 744.331, or similar laws of any other state, unless 5  
12 years have elapsed since the applicant's restoration to  
13 capacity by court order;

14 (j) Has not been committed to a mental institution  
15 under chapter 394, or similar laws of any other state, unless  
16 the applicant produces a certificate from a licensed  
17 psychiatrist that he or she has not suffered from disability  
18 for at least 5 years prior to the date of submission of the  
19 application;

20 (k) Has not had adjudication of guilt withheld or  
21 imposition of sentence suspended on any felony or misdemeanor  
22 crime of domestic violence unless 3 years have elapsed since  
23 probation or any other conditions set by the court have been  
24 fulfilled, or the record has been sealed or expunged; and

25 (l) Has not been issued an injunction that is  
26 currently in force and effect and that restrains the applicant  
27 from committing acts of domestic violence or acts of repeat  
28 violence.

29 Section 212. Subsection (1) of section 790.15, Florida  
30 Statutes, is amended to read:

31 790.15 Discharging firearm in public.--

1           (1) Except as provided in subsection (2) or subsection  
2 (3), any person who knowingly discharges a firearm in any  
3 public place or on the right-of-way of any paved public road,  
4 highway, or street or whosoever knowingly discharges any  
5 firearm over the right-of-way of any paved public road,  
6 highway, or street or over any occupied premises is guilty of  
7 a misdemeanor of the first degree, punishable as provided in  
8 s. 775.082 or s. 775.083. This section does not apply to a  
9 person lawfully defending life or property or performing  
10 official duties requiring the discharge of a firearm or to a  
11 person discharging a firearm on public roads or properties  
12 expressly approved for hunting by the Fish and Wildlife  
13 Conservation ~~Game and Fresh Water Fish~~ Commission or Division  
14 of Forestry.

15           Section 213. Paragraph (b) of subsection (6) of  
16 section 828.122, Florida Statutes, is amended to read:

17           828.122 Fighting or baiting animals; offenses;  
18 penalties.--

19           (6) The provisions of subsection (3) and paragraph  
20 (4)(b) shall not apply to:

21           (b) Any person using animals to pursue or take  
22 wildlife or to participate in any hunting regulated or subject  
23 to being regulated by the rules and regulations of the Fish  
24 and Wildlife Conservation ~~Game and Fresh Water Fish~~  
25 Commission.

26           Section 214. Subsection (1) of section 832.06, Florida  
27 Statutes, is amended to read:

28           832.06 Prosecution for worthless checks given tax  
29 collector for licenses or taxes; refunds.--

30           (1) Whenever any person, firm, or corporation violates  
31 the provisions of s. 832.05 by drawing, making, uttering,

1 issuing, or delivering to any county tax collector any check,  
2 draft, or other written order on any bank or depository for  
3 the payment of money or its equivalent for any tag, title,  
4 lien, tax (except ad valorem taxes), penalty, or fee relative  
5 to a boat, airplane, or motor vehicle; any occupational  
6 license, beverage license, or sales or use tax; or any hunting  
7 or fishing license, the county tax collector, after the  
8 exercise of due diligence to locate the person, firm, or  
9 corporation which drew, made, uttered, issued, or delivered  
10 the check, draft, or other written order for the payment of  
11 money, or to collect the same by the exercise of due diligence  
12 and prudence, shall swear out a complaint in the proper court  
13 against the person, firm, or corporation for the issuance of  
14 the worthless check or draft. If the state attorney cannot  
15 sign the information due to lack of proof, as determined by  
16 the state attorney in good faith, for a prima facie case in  
17 court, he or she shall issue a certificate so stating to the  
18 tax collector. If payment of the dishonored check, draft, or  
19 other written order, together with court costs expended, is  
20 not received in full by the county tax collector within 30  
21 days after service of the warrant, 30 days after conviction,  
22 or 60 days after the collector swears out the complaint or  
23 receives the certificate of the state attorney, whichever is  
24 first, the county tax collector shall make a written report to  
25 this effect to the Department of Highway Safety and Motor  
26 Vehicles relative to airplanes and motor vehicles, to the  
27 Department of Environmental Protection relative to boats, to  
28 the Department of Revenue relative to occupational licenses  
29 and the sales and use tax, to the Division of Alcoholic  
30 Beverages and Tobacco of the Department of Business and  
31 Professional Regulation relative to beverage licenses, or to

1 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
2 Commission relative to hunting and fishing licenses,  
3 containing a statement of the amount remaining unpaid on the  
4 worthless check or draft. If the information is not signed,  
5 the certificate of the state attorney is issued, and the  
6 written report of the amount remaining unpaid is made, the  
7 county tax collector may request the sum be forthwith refunded  
8 by the appropriate governmental entity, agency, or department.  
9 If a warrant has been issued and served, he or she shall  
10 certify to that effect, together with the court costs and  
11 amount remaining unpaid on the check. The county tax collector  
12 may request that the sum of money certified by him or her be  
13 forthwith refunded by the Department of Highway Safety and  
14 Motor Vehicles, the Department of Environmental Protection,  
15 the Department of Revenue, the Division of Alcoholic Beverages  
16 and Tobacco of the Department of Business and Professional  
17 Regulation, or the Fish and Wildlife Conservation ~~Game and~~  
18 ~~Fresh Water Fish~~ Commission to the county tax collector.  
19 Within 30 days after receipt of the request, the Department of  
20 Highway Safety and Motor Vehicles, the Department of  
21 Environmental Protection, the Department of Revenue, the  
22 Division of Alcoholic Beverages and Tobacco of the Department  
23 of Business and Professional Regulation, or the Fish and  
24 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
25 upon being satisfied as to the correctness of the certificate  
26 of the tax collector, or the report, shall refund to the  
27 county tax collector the sums of money so certified or  
28 reported. If any officer of any court issuing the warrant is  
29 unable to serve it within 60 days after the issuance and  
30 delivery of it to the officer for service, the officer shall  
31 make a written return to the county tax collector to this

1 effect. Thereafter, the county tax collector may certify that  
2 the warrant has been issued and that service has not been had  
3 upon the defendant and further certify the amount of the  
4 worthless check or draft and the amount of court costs  
5 expended by the county tax collector, and the county tax  
6 collector may file the certificate with the Department of  
7 Highway Safety and Motor Vehicles relative to motor vehicles  
8 and airplanes, with the Department of Environmental Protection  
9 relative to boats, with the Department of Revenue relative to  
10 occupational licenses and the sales and use tax, with the  
11 Division of Alcoholic Beverages and Tobacco of the Department  
12 of Business and Professional Regulation relative to beverage  
13 licenses, or with the Fish and Wildlife Conservation ~~Game and~~  
14 ~~Fresh Water Fish~~ Commission relative to hunting and fishing  
15 licenses, together with a request that the sums of money so  
16 certified be forthwith refunded by the Department of Highway  
17 Safety and Motor Vehicles, the Department of Environmental  
18 Protection, the Department of Revenue, the Division of  
19 Alcoholic Beverages and Tobacco of the Department of Business  
20 and Professional Regulation, or the Fish and Wildlife  
21 Conservation ~~Game and Fresh Water Fish~~ Commission to the  
22 county tax collector, and within 30 days after receipt of the  
23 request, the Department of Highway Safety and Motor Vehicles,  
24 the Department of Environmental Protection, the Department of  
25 Revenue, the Division of Alcoholic Beverages and Tobacco of  
26 the Department of Business and Professional Regulation, or the  
27 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
28 Commission, upon being satisfied as to the correctness of the  
29 certificate, shall refund the sums of money so certified to  
30 the county tax collector.

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1           Section 215. Section 843.08, Florida Statutes, is  
2 amended to read:

3           843.08 Falsely personating officer, etc.--A person who  
4 falsely assumes or pretends to be a sheriff, officer of the  
5 Florida Highway Patrol, officer of the Fish and Wildlife  
6 Conservation Game and Fresh Water Fish Commission, officer of  
7 the Department of Environmental Protection, officer of the  
8 Department of Transportation, officer of the Department of  
9 Corrections, correctional probation officer, deputy sheriff,  
10 state attorney or assistant state attorney, statewide  
11 prosecutor or assistant statewide prosecutor, state attorney  
12 investigator, coroner, police officer, lottery special agent  
13 or lottery investigator, beverage enforcement agent, or  
14 watchman, or any member of the Parole Commission and any  
15 administrative aide or supervisor employed by the commission,  
16 or any personnel or representative of the Department of Law  
17 Enforcement, and takes upon himself or herself to act as such,  
18 or to require any other person to aid or assist him or her in  
19 a matter pertaining to the duty of any such officer, commits a  
20 felony of the third degree, punishable as provided in s.  
21 775.082, s. 775.083, or s. 775.084; however, a person who  
22 falsely personates any such officer during the course of the  
23 commission of a felony commits a felony of the second degree,  
24 punishable as provided in s. 775.082, s. 775.083, or s.  
25 775.084; except that if the commission of the felony results  
26 in the death or personal injury of another human being, the  
27 person commits a felony of the first degree, punishable as  
28 provided in s. 775.082, s. 775.083, or s. 775.084.

29           Section 216. Section 870.04, Florida Statutes, is  
30 amended to read:

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1           870.04 Specified officers to disperse riotous  
2 assembly.--If any number of persons, whether armed or not, are  
3 unlawfully, riotously or tumultuously assembled in any county,  
4 city or municipality, the sheriff or the sheriff's deputies,  
5 or the mayor, or any commissioner, council member, alderman or  
6 police officer of the said city or municipality, or any  
7 officer or member of the Florida Highway Patrol, or any  
8 officer or agent of the Fish and Wildlife Conservation Game  
9 ~~and Fresh Water Fish~~ Commission, Department of Environmental  
10 Protection, or beverage enforcement agent, any personnel or  
11 representatives of the Department of Law Enforcement or its  
12 successor, or any other peace officer, shall go among the  
13 persons so assembled, or as near to them as may be with  
14 safety, and shall in the name of the state command all the  
15 persons so assembled immediately and peaceably to disperse;  
16 and if such persons do not thereupon immediately and peaceably  
17 disperse, said officers shall command the assistance of all  
18 such persons in seizing, arresting and securing such persons  
19 in custody; and if any person present being so commanded to  
20 aid and assist in seizing and securing such rioter or persons  
21 so unlawfully assembled, or in suppressing such riot or  
22 unlawful assembly, refuses or neglects to obey such command,  
23 or, when required by such officers to depart from the place,  
24 refuses and neglects to do so, the person shall be deemed one  
25 of the rioters or persons unlawfully assembled, and may be  
26 prosecuted and punished accordingly.

27           Section 217. Section 943.1728, Florida Statutes, is  
28 amended to read:

29           943.1728 Basic skills training relating to the  
30 protection of archaeological sites.--The commission shall  
31 establish standards for instruction of law enforcement

1 officers in the subject of skills relating to the protection  
2 of archaeological sites and artifacts. In developing such  
3 standards and skills, the commission shall consult with  
4 representatives of the following agencies: the Division of  
5 Historical Resources of the Department of State, the Fish and  
6 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
7 and the Department of Environmental Protection. The commission  
8 shall develop the standards for training in any of the  
9 following: basic recruit courses, advanced and specialized  
10 courses, or other appropriate training courses as determined  
11 by the commission.

12 Section 218. Sections 370.025, 370.026, 370.027,  
13 372.021, 372.061, and 403.261, Florida Statutes, are repealed.

14 Section 219. This act shall take effect July 1, 1999.  
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 SB 864

4 The committee substitute provides that portions of the  
5 Division of Law Enforcement of the Department of Environmental  
6 Protection relating to the Bureau of Park Patrol, the Bureau  
7 of Emergency Response, and the Office of Investigations are  
8 not transferred to the Fish and Wildlife Conservation  
9 Commission, but shall remain within the department's Division  
10 of Law Enforcement.

11 In addition, the committee substitute makes numerous technical  
12 changes to revise the Florida Statutes to eliminate references  
13 to the Game and Fresh Water Fish Commission and the Marine  
14 Fisheries Commission because these organizations will no  
15 longer exist after July 1, 1999, and to conform to the  
16 provisions of this act. However, some of the conforming  
17 changes are more than mere technical changes:

- 18 - Section 6 incorporates the Department of Environmental  
19 Protection's police powers in its organizational  
20 statute.
- 21 - Section 8 increases funding for the Aquatic Plant  
22 Control Trust Fund by \$1.25 million in each fiscal year.
- 23 - Section 9 amends the procedures for disposing of lands  
24 acquired for conservation purposes to conform with  
25 Revision 5 to the State Constitution.
- 26 - Section 10 moves the Marine Resources Conservation Trust  
27 Fund from the Department of Environmental Protection to  
28 the new Fish and Wildlife Conservation Commission.
- 29 - Section 11 provides that up to 12.5 percent of saltwater  
30 fishing license fees may be used for administration of  
31 the licensing program and for information and education.
- Section 12 transfers special activity licenses,  
harvesting, and gear regulation for oysters and  
shellfish from the Department of Environmental  
Protection to the Fish and Wildlife Conservation  
Commission. The department maintains its role in  
approving lease applications and collecting lease fees.
- Section 13 transfers certain activities related to  
aquaculture from the Department of Environmental  
Protection to the Fish and Wildlife Conservation  
Commission. These activities mainly relate to stock  
enhancement projects and the new commission's role in  
working with the Department of Agriculture and Consumer  
Services to encourage and promote aquaculture.
- Section 14 provides that proceeds from property  
forfeited to the Department of Environmental Protection  
under the Florida Contraband Forfeiture Act shall be  
deposited into the Forfeited Property Trust Fund.
- Section 218 repeals the following sections: s. 370.025,  
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**CODING:**Words ~~stricken~~ are deletions; words underlined are additions.

1 F.S., which provides policies for the Marine Fisheries  
2 Commission; s. 370.026, F.S., which provides for the  
3 creation of the Marine Fisheries Commission; s. 370.027,  
4 F.S., which provides rulemaking authority; s. 372.021,  
5 F.S., which provides for the powers of the Game and  
6 Fresh Water Fish Commission; s. 372.061, F.S., which  
7 provides for the meetings of the Game and Fresh Water  
8 Fish Commission; and s.403.261, F.S., which provides for  
9 the repeal of rulemaking jurisdiction over air and water  
10 pollution.  
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