

By the Committees on Fiscal Policy and Natural Resources

309-1987-99

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; providing for a
19 transition advisory committee to determine the
20 appropriate number of support service personnel
21 to be transferred; amending s. 206.606, F.S.;
22 revising the distribution of funds; amending s.
23 259.101, F.S.; providing for the sale of
24 conservation lands; amending s. 370.0603, F.S.;
25 establishing the Marine Resources Conservation
26 Trust Fund in the Fish and Wildlife
27 Conservation Commission; amending s. 370.0608,
28 F.S.; revising the use of license fees by the
29 Fish and Wildlife Conservation Commission;
30 amending s. 370.16; transferring certain
31 activities related to oysters and shellfish to

1 the Fish and Wildlife Conservation Commission;
2 amending s. 370.26, F.S.; transferring certain
3 activities related to aquaculture to the Fish
4 and Wildlife Conservation Commission; amending
5 s. 932.7055, F.S.; providing for funds to be
6 deposited into the Forfeited Property Trust
7 Fund; amending ss. 20.055, 23.21, 120.52,
8 120.81, 163.3244, 186.003, 186.005, 229.8058,
9 240.155, 252.365, 253.05, 253.45, 253.75,
10 253.7829, 253.787, 255.502, 258.157, 258.397,
11 258.501, 259.035, 259.036, 282.1095, 282.404,
12 285.09, 285.10, 288.021, 288.975, 316.640,
13 320.08058, 327.02, 327.25, 327.26, 327.28,
14 327.30, 327.35215, 327.395, 327.41, 327.43,
15 327.46, 327.48, 327.70, 327.71, 327.731,
16 327.74, 327.803, 327.804, 327.90, 328.01,
17 339.281, 341.352, 369.20, 369.22, 369.25,
18 370.01, 370.021, 370.028, 370.06, 370.0605,
19 370.0615, 370.062, 370.063, 370.0805, 370.081,
20 370.092, 370.093, 370.1107, 370.1111, 370.12,
21 370.13, 370.14, 370.1405, 370.142, 370.1535,
22 370.17, 370.31, 372.001, 372.01, 372.0215,
23 372.0222, 372.0225, 372.023, 372.025, 372.03,
24 372.051, 372.06, 372.07, 372.071, 372.072,
25 372.0725, 372.073, 372.074, 372.105, 372.106,
26 372.12, 372.121, 372.16, 372.26, 372.265,
27 372.27, 372.31, 372.57, 372.5714, 372.5717,
28 372.5718, 372.574, 372.651, 372.653, 372.66,
29 372.661, 372.662, 372.663, 372.664, 372.6645,
30 372.667, 372.6672, 372.672, 372.673, 372.674,
31 372.70, 372.701, 372.7015, 372.7016, 372.72,

1 372.73, 372.74, 372.76, 372.761, 372.77,
2 372.7701, 372.771, 372.85, 372.86, 372.87,
3 372.88, 372.89, 372.901, 372.911, 372.912,
4 372.92, 372.921, 372.922, 372.97, 372.971,
5 372.98, 372.981, 372.99, 372.9901, 372.9903,
6 372.9904, 372.9906, 372.991, 372.992, 372.995,
7 373.453, 373.455, 373.4595, 373.465, 373.466,
8 373.591, 375.021, 375.311, 375.312, 376.121,
9 378.011, 378.036, 378.409, 380.061, 388.45,
10 388.46, 403.0752, 403.0885, 403.413, 403.507,
11 403.508, 403.518, 403.526, 403.527, 403.5365,
12 403.7841, 403.786, 403.787, 403.9325, 403.941,
13 403.9411, 403.961, 403.962, 403.972, 403.973,
14 487.0615, 581.186, 585.21, 597.003, 597.004,
15 597.006, 784.07, 790.06, 790.15, 828.122,
16 832.06, 843.08, 870.04, 943.1728, F.S.;
17 conforming provisions to the State Constitution
18 and this act; repealing s. 370.0205, F.S.,
19 which provides for the use of citizen support
20 organizations; repealing s. 370.025, F.S.,
21 which provides policies for the Marine
22 Fisheries Commission; repealing s. 370.026,
23 F.S., which provides for the creation of the
24 Marine Fisheries Commission; repealing s.
25 370.027, 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.
31 373.1965, F.S., which creates the Coordinating

1 Council on the Restoration of the Kissimmee
2 River Valley and Taylor Creek-Nubbins Slough
3 Basin; repealing s. 373.197, F.S., which
4 provides direction for the Kissimmee River
5 Valley and Taylor Creek-Nubbins Slough Basin
6 restoration project; repealing s. 403.261,
7 F.S., which provides for the repeal of
8 rulemaking jurisdiction over air and water
9 pollution; creating s. 403.0611, F.S.;
10 providing for the use of citizen support
11 organizations; creating s. 406.0613, F.S.;
12 providing authorization for publications;
13 creating s. 403.0614, F.S.; providing for the
14 administration of Department of Environmental
15 Protection grant programs; amending ss.
16 161.031, 161.36, 252.937, 309.01, 370.023,
17 370.03, 370.0607, 370.0609, 370.061, 370.07,
18 370.071, 370.08, 370.0821, 370.10, 370.103,
19 370.135, 370.143, 370.15, 370.151, 370.153,
20 370.1603, 370.172, 370.18, 370.19, 370.20,
21 370.21, 372.107, 376.15, 823.11, F.S.;
22 conforming provisions to the State Constitution
23 and this act; authorizing the executive Office
24 of the Governor to transfer funds when
25 necessary because of the reorganization made by
26 this act, after prior consultation with
27 specified legislative committees; providing an
28 effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

1 Section 1. Section 20.325, Florida Statutes, is
2 amended to read:

3 20.325 Fish and Wildlife Conservation ~~Game and Fresh~~
4 ~~Water Fish~~ Commission.--The Legislature, recognizing the Fish
5 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission
6 as being specifically provided for and authorized by the State
7 Constitution under s. 9, Art. IV, grants rights and privileges
8 to the commission, as contemplated by s. 6, Art. IV of the
9 State Constitution, equal to those of departments established
10 under this chapter, while preserving its constitutional
11 designation and title as a commission.

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

16 (2) The following divisions are established within the
17 commission:

- 18 (a) Division of Administrative Services.
- 19 (b) Division of Law Enforcement.
- 20 (c) Division of Freshwater Fisheries.
- 21 (d) Division of Wildlife.
- 22 (e) Division of Marine Resources.

23 (3) The commission shall appoint an executive director
24 who shall be subject to confirmation by the Florida Senate and
25 upon approval shall serve at the pleasure of the commission.
26 ~~The powers, duties, and functions of the commission shall be~~
27 ~~as prescribed by law.~~

28 Section 2. The powers, duties, functions, and
29 jurisdiction as set forth in statutes in effect on March 1,
30 1998, and staff, equipment, and fund balances of the Marine
31 Fisheries Commission assigned to the Board of Trustees of the

1 Internal Improvement Trust Fund are transferred by a type two
2 transfer, as defined in section 20.06, Florida Statutes, to
3 the Fish and Wildlife Conservation Commission.

4 Section 3. The powers, duties, functions, staff,
5 equipment, and fund balances of the Game and Fresh Water Fish
6 Commission are transferred by a type two transfer, as defined
7 in section 20.06, Florida Statutes, to the Fish and Wildlife
8 Conservation Commission.

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

21 Section 5. The powers, duties, functions, staff,
22 equipment, facilities, and fund balances of the Department of
23 Environmental Protection, Division of Law Enforcement, related
24 to the Office of Enforcement Planning and Policy Coordination,
25 Bureau of Administrative Support, Bureau of Operational
26 Support, and the Bureau of Environmental Law Enforcement, are
27 transferred by a type two transfer to the Fish and Wildlife
28 Conservation Commission, except for those powers, duties,
29 functions, staff, equipment, facilities, and fund balances of
30 the Bureau relating to the Florida Park Patrol, the Bureau of
31 Emergency Response, and the Office of Investigations, which

1 shall remain in the department's Division of Law Enforcement.
2 No duties or responsibilities relating to boating safety
3 matters shall remain in the Department of Environmental
4 Protection.

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

10 20.255 Department of Environmental Protection.--There
11 is created a Department of Environmental Protection.

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

14 (a) Division of Administrative and Technical Services.

15 (b) Division of Air Resource Management.

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

17 (d) Division of Law Enforcement.

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

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

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

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

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

26

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

31

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

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

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

30 (b) Photograph, microphotograph, or reproduce such
31 records and documents on film, as authorized and directed by

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

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

29 Section 7. The Secretary of the Department of
30 Environmental Protection and the Executive Director of the
31 Fish and Wildlife Conservation Commission shall each appoint

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

21 Section 8. Subsection (1) of section 206.606, Florida
22 Statutes, 1998 Supplement, is amended to read:

23 206.606 Distribution of certain proceeds.--

24 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
25 206.87(1)(e) shall be deposited in the Fuel Tax Collection
26 Trust Fund created by s. 206.875. Such moneys, exclusive of
27 the service charges imposed by s. 215.20, and exclusive of
28 refunds granted pursuant to s. 206.41, shall be distributed
29 monthly to the State Transportation Trust Fund, except that:

30 (a) \$7.55 million shall be transferred to the
31 Department of Environmental Protection in each fiscal year

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

19 (b) \$1.25 million shall be transferred to the State
20 Game Trust Fund in the Fish and Wildlife Conservation Game and
21 ~~Fresh Water Fish~~ Commission in each fiscal year. The
22 transfers must be made in equal monthly amounts beginning on
23 July 1 of each fiscal year, ~~and must be used for recreational~~
24 ~~boating activities of a type consistent with projects eligible~~
25 ~~for funding under the Florida Boating Improvement Program~~
26 ~~administered by the Department of Environmental Protection,~~
27 ~~and freshwater fisheries management and research.~~

28 (c) 0.65 percent of moneys collected pursuant to s.
29 206.41(1)(g) shall be transferred to the Agricultural
30 Emergency Eradication Trust Fund.

31

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

4 259.101 Florida Preservation 2000 Act.--

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

25 (f) Two and nine-tenths percent to the Fish and
26 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission to
27 fund the acquisition of inholdings and additions to lands
28 managed by the commission which are important to the
29 conservation of fish and wildlife.

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31

1 Local governments may use federal grants or loans, private
2 donations, or environmental mitigation funds, including
3 environmental mitigation funds required pursuant to s.
4 338.250, for any part or all of any local match required for
5 the purposes described in this subsection. Bond proceeds
6 allocated pursuant to paragraph (c) may be used to purchase
7 lands on the priority lists developed pursuant to s. 259.035.
8 Title to lands purchased pursuant to paragraphs (a), (d), (e),
9 (f), and (g) shall be vested in the Board of Trustees of the
10 Internal Improvement Trust Fund, except that title to lands,
11 or rights or interests therein, acquired by either the
12 Southwest Florida Water Management District or the St. Johns
13 River Water Management District in furtherance of the Green
14 Swamp Land Authority's mission pursuant to s. 380.0677(3),
15 shall be vested in the district where the acquisition project
16 is located. Title to lands purchased pursuant to paragraph
17 (c) may be vested in the Board of Trustees of the Internal
18 Improvement Trust Fund, except that title to lands, or rights
19 or interests therein, acquired by either the Southwest Florida
20 Water Management District or the St. Johns River Water
21 Management District in furtherance of the Green Swamp Land
22 Authority's mission pursuant to s. 380.0677(3), shall be
23 vested in the district where the acquisition project is
24 located. This subsection is repealed effective October 1,
25 2000. Prior to repeal, the Legislature shall review the
26 provisions scheduled for repeal and shall determine whether to
27 reenact or modify the provisions or to take no action.

28 (6) DISPOSITION OF LANDS.--

29 (a) Any lands acquired pursuant to paragraph (3)(a),
30 paragraph (3)(c), paragraph (3)(d), paragraph (3)(e),
31 paragraph (3)(f), or paragraph (3)(g), if title to such lands

1 is vested in the Board of Trustees of the Internal Improvement
2 Trust Fund, may be disposed of by the Board of Trustees of the
3 Internal Improvement Trust Fund in accordance with the
4 provisions and procedures set forth in s. 253.034(6)~~s.~~
5 ~~253.034(5)~~, and lands acquired pursuant to paragraph (3)(b)
6 may be disposed of by the owning water management district in
7 accordance with the procedures and provisions set forth in ss.
8 373.056 and 373.089 provided such disposition also shall
9 satisfy the requirements of paragraphs (b) and (c).

10 (b) Land acquired for conservation purposes may be
11 disposed of only after the Board of Trustees of the Internal
12 Improvement Trust Fund or, in the case of water management
13 district lands, the owning water management district governing
14 board makes a determination that preservation of the land is
15 no longer necessary for conservation purposes and only upon a
16 two-thirds vote of the appropriate governing board. Following
17 a determination by the governing board that the land is no
18 longer needed for conservation purposes, the governing board
19 must also make a determination that the land is of no further
20 benefit to the public, as required by s. 253.034(6), or that
21 the land is surplus land under s. 373.089. Any lands eligible
22 for disposal under these procedures also may be exchanged for
23 other lands described in the same paragraph of subsection (3)
24 as the lands disposed of.~~Before land can be determined to be~~
25 ~~of no further benefit to the public as required by s.~~
26 ~~253.034(5), or to be no longer required for its purposes under~~
27 ~~s. 373.056(4), whichever may be applicable, there shall first~~
28 ~~be a determination by the Board of Trustees of the Internal~~
29 ~~Improvement Trust Fund, or, in the case of water management~~
30 ~~district lands, by the owning water management district, that~~
31 ~~such land no longer needs to be preserved in furtherance of~~

1 ~~the intent of the Florida Preservation 2000 Act. Any lands~~
2 ~~eligible to be disposed of under this procedure also may be~~
3 ~~used to acquire other lands through an exchange of lands,~~
4 ~~provided such lands obtained in an exchange are described in~~
5 ~~the same paragraph of subsection (3) as the lands disposed.~~

6 (c) Notwithstanding paragraphs (a) and (b), no such
7 disposition of land shall be made if such disposition would
8 have the effect of causing all or any portion of the interest
9 on any revenue bonds issued to fund the Florida Preservation
10 2000 Act to lose their exclusion from gross income for
11 purposes of federal income taxation. Any revenue derived from
12 the disposal of such lands may not be used for any purpose
13 except for deposit into the Florida Preservation 2000 Trust
14 Fund for recredit to the share held under subsection (3), in
15 which such disposed land is described.

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

18 370.0603 Marine Resources Conservation Trust Fund;
19 purposes.--

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

26 (a) Funding for marine research.

27 (b) Funding for fishery enhancement, including, but
28 not limited to, fishery statistics development, artificial
29 reefs, and fish hatcheries.

30 (c) Funding for marine law enforcement.

31

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

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

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

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

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

13 Section 11. Section 370.0608, Florida Statutes, 1998
14 Supplement, is amended to read:

15 370.0608 Deposit of license fees; allocation of
16 federal funds.--

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

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

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

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

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

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

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

8 (d)~~d~~. Not less than 30 percent of the total fees
9 collected, for fishery enhancement, including, but not limited
10 to, fishery statistics development, artificial reefs, and fish
11 hatcheries.

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

27 (3)~~(2)~~ ~~The Department of Environmental Protection and~~
28 ~~the Game and Fresh Water Fish Commission shall develop and~~
29 ~~maintain a memorandum of understanding to provide for the~~
30 ~~equitable allocation of federal aid available to Florida~~
31 ~~pursuant to the Sport Fish Restoration Administration Funds.~~

1 ~~Funds available from the Wallop-Breaux Aquatic Resources Trust~~
2 ~~Fund shall be distributed between the department and the~~
3 ~~commission in proportion to the numbers of resident fresh and~~
4 ~~saltwater anglers as determined by the most current data on~~
5 ~~license sales.~~ Unless otherwise provided by federal law, the
6 department and the commission, at a minimum, shall provide the
7 following:

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

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

14 ~~(4)(3)~~ All license fees collected pursuant to s.
15 370.0605 shall be transferred to the Marine Resources
16 Conservation Trust Fund within 7 days following the last
17 business day of the week in which the license fees were
18 received by the commission. One-fifth of the total proceeds
19 derived from the sale of 5-year licenses and replacement
20 5-year licenses, and all interest derived therefrom, shall be
21 available for appropriation annually.

22 Section 12. Section 370.16, Florida Statutes, 1998
23 Supplement, is amended to read:

24 370.16 Oysters and shellfish; regulation.--

25 (1) LEASE, APPLICATION FORM; NOTICE TO RIPARIAN OWNER;
26 LANDS LEASED TO BE COMPACT.--When any qualified person desires
27 to lease a part of the bottom or bed of any of the water of
28 this state, for the purpose of growing oysters or clams, as
29 provided for in this section, he or she shall present to the
30 Department of Environmental Protection ~~Division of Marine~~
31 ~~Resources~~ a written application setting forth the name and

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

1 render the bottoms desirable or undesirable for the purpose of
2 oyster or clam cultivation.

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

15 (3) EXECUTION OF LEASES; LESSEE TO STAKE OFF
16 BOUNDARIES; PENALTY FOR FAILURE TO COMPLY WITH
17 REGULATIONS.--As soon as the survey has been made and the plat
18 or map thereof filed with the Department of Environmental
19 Protection ~~Division of Marine Resources~~ and the cost thereof
20 paid by the applicant, the department ~~division~~ may execute in
21 duplicate a lease of the water bottoms to the applicant. One
22 duplicate, with a plat or map of the water bottoms so leased,
23 shall be delivered to the applicant, and the other, with a
24 plat or map of the bottom so leased, shall be retained by the
25 department ~~division~~ and registered in a lease book which shall
26 be kept exclusively for that purpose by the department
27 ~~division~~; thereafter the lessees shall enjoy the exclusive use
28 of the lands and all oysters and clams, shell, and cultch
29 grown or placed thereon shall be the exclusive property of
30 such lessee as long as he or she shall comply with the
31 provisions of this chapter. The department ~~division~~ shall

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

22 (4) LEASES IN PERPETUITY; RENT; STIPULATIONS; TAXES;
23 CULTIVATION, ETC.--

24 (a) All leases made under the provisions of this
25 chapter shall begin on the day executed and continue in
26 perpetuity under such restrictions as shall herein be stated.
27 The rent for the first 10 years shall be \$5 per acre, or any
28 fraction of an acre, per year. The actual rate charged for
29 all leases shall consist of the minimum rate of \$15 per acre,
30 or any fraction of an acre, per year and shall be adjusted on
31 January 1, 1995, and every 5 years thereafter, based upon the

1 5-year average change in the Consumer Price Index. However,
2 the rent for any lease currently in effect shall not be
3 increased during the first 10 years of said lease. This rent
4 shall be paid in advance at the time of signing the lease up
5 to January 1 following, and annually thereafter in advance on
6 or before January 1, whether the lease be held by the original
7 lessee or by an heir, assignee, or transferee.

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

28 (c) Moneys in the fund that are not needed currently
29 for cleanup and rehabilitation of abandoned or vacated lease
30 sites shall be deposited with the Treasurer to the credit of
31 the fund and may be invested in such manner as is provided for

1 by statute. Interest received on such investment shall be
2 credited to the fund.

3 (d) Funds from receipts from the surcharge within the
4 Marine Resources Conservation Trust Fund from the surcharge
5 established by paragraph (b) shall be disbursed for the
6 following purposes and no others:

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

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

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

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

21 (e) Effective cultivation shall consist of the growing
22 of the oysters or clams in a density suitable for commercial
23 harvesting over the amount of bottom prescribed by law. This
24 commercial density shall be accomplished by the planting of
25 seed oysters, shell, and cultch of various descriptions. The
26 Department of Environmental Protection ~~Division of Marine~~
27 ~~Resources~~ may stipulate in each individual lease contract the
28 types, shape, depth, size, and height of cultch materials on
29 lease bottoms according to the individual shape, depth,
30 location, and type of bottom of the proposed lease. Each
31 tenant leasing from the state water bottoms under the

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

15 (f) These stipulations will apply to all leases
16 granted after the passing of this section. All leases
17 existing prior to the passing of this section will operate
18 under the law which was in effect when the leases were
19 granted.

20 (g) When evidence is gathered by the department and
21 such evidence conclusively shows a lack of effective
22 cultivation, the department may revoke leases and return the
23 bottoms in question to the public domain.

24 (h) The department has the authority to adopt rules
25 and regulations pertaining to the water column over shellfish
26 leases. All cultch materials in place 6 months after the
27 formal adoption and publication of rules and regulations
28 establishing standards for cultch materials on shellfish
29 leases which do not comply with such rules and regulations may
30 be declared a nuisance by the department. The department
31 shall have the authority to direct the lessee to remove such

1 cultch in violation of this section. The department may
2 cancel a lease upon the refusal by the lessee violating such
3 rules and regulations to remove unlawful cultch materials, and
4 all improvements, cultch, marketable oysters, and shell shall
5 become the property of the state. The department shall have
6 the authority to retain, dispose of, or remove such materials
7 in the best interest of the state.

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

18 (6) LEASES TRANSFERABLE, ETC.--The leases shall be
19 inheritable and transferable, in whole or in part, and shall
20 also be subject to mortgage, pledge, or hypothecation and
21 shall be subject to seizure and sale for debts as any other
22 property, rights, and credits in this state, and this
23 provision shall also apply to all buildings, betterments, and
24 improvements thereon. Leases granted under this section cannot
25 be transferred, by sale or barter, in whole or in part,
26 without the written, express acquiescence of the Department of
27 Environmental Protection Division of Marine Resources, and
28 such a transferee shall pay a \$50 transfer fee before
29 department division acquiescence may be given. No lease or
30 part of a lease may be transferred by sale or barter until the
31 lease has been in existence at least 2 years and has been

1 cultivated according to the statutory standards found in
2 paragraph (4)(e), except as otherwise provided by regulation
3 adopted by the department ~~Division of Marine Resources~~. No
4 such inheritance or transfer shall be valid or of any force or
5 effect whatever unless evidenced by an authentic act,
6 judgment, or proper judicial deed, registered in the office of
7 the department ~~division~~ in a book to be provided for said
8 purpose. The department ~~division~~ shall keep proper indexes so
9 that all original leases and all subsequent changes and
10 transfers can be easily and accurately ascertained.

11 (7) PAYMENT OF RENT; FORFEITURE FOR NONPAYMENT;
12 NOTICE, ETC.--All leases shall stipulate for the payment of
13 the annual rent in advance on or before January 1 of each
14 year, and the further stipulation that the failure of the
15 tenant to pay the rent punctually on or before that day, or
16 within 30 days thereafter shall ipso facto, and upon demand,
17 terminate and cancel said lease and forfeit to the state all
18 the works, improvements, betterments, oysters, and clams on
19 the leased water bottoms, and authorize the Department of
20 Environmental Protection ~~Division of Marine Resources~~ to at
21 once enter on said water bottom and take possession thereof,
22 and such water bottom shall then be open for lease as herein
23 provided; and the department ~~division~~ shall within 10 days
24 thereafter enter such termination, cancellation, and
25 forfeiture on its books and shall give such public notice
26 thereof, and of the fact that the water bottoms are open to
27 lease, as it shall deem proper; provided, that the department
28 ~~division~~ may, in its discretion, waive such termination,
29 cancellation, and forfeiture when the rent due, with 10
30 percent additional, and all costs and expenses growing out of
31 such failure to pay, be tendered to it within 60 days after

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

25 (8) CANCELLATION OF LEASES TO NATURAL REEFS.--Any
26 person, within 6 months from and after the execution of any
27 lease to water bottoms, may file a petition with the
28 Department of Environmental Protection ~~Division of Marine~~
29 ~~Resources~~ for the purpose of determining whether a natural
30 oyster or clam reef having an area of not less than 100 square
31 yards existed within the leased area on the date of the lease,

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

28 (9) WHEN NATURAL REEFS MAY BE INCLUDED IN LEASE.--When
29 an application for oyster or clam bedding grounds is filed and
30 upon survey of such bedding ground, it should develop that the
31 area applied for contains natural oyster or clam reefs or beds

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

28 (10) SETTLEMENT OF BOUNDARY DISPUTES; REVIEW.--The
29 Department of Environmental Protection ~~Division of Marine~~
30 ~~Resources~~ shall determine and settle all disputes as to
31 boundaries between lessees of bedding grounds. The department

1 ~~division~~ shall, in all cases, be the judge as to whether any
2 particular bottom is or is not a natural reef or whether it is
3 suitable for bedding oysters or clams.

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

24 (12) PROTECTION OF OYSTER AND CLAM REEFS AND
25 SHELLFISH.--

26 (a) The Department of Environmental Protection
27 ~~Division of Marine Resources~~ shall improve, enlarge, and
28 protect the natural oyster and clam reefs of this state to the
29 extent it may deem advisable and the means at its disposal
30 will permit.

31

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

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

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

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

27 (a) The Fish and Wildlife Conservation Commission
28 ~~Marine Fisheries Commission~~ shall consider setting the
29 shellfish harvesting seasons in the Apalachicola Bay as
30 follows:
31

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

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

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

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

18 2. Whether the new harvesting schedule enhances the
19 enforcement of shellfish harvesting laws in the bay.

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

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

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

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

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

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

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

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

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

1 | circumstances may a dredge or scrape be used without a
2 | commission ~~Marine Patrol~~ officer present.

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

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

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

25 | (16) FISHING FOR RELAYING OR TRANSPLANTING PURPOSES.--

26 | (a) Designation of areas for the taking of oysters and
27 | clams to be planted on leases, grants, and public areas is to
28 | be made by qualified personnel of the Fish and Wildlife
29 | Conservation Commission ~~Division of Marine Resources~~. Oysters,
30 | clams, and mussels may be taken for relaying or transplanting
31 | at any time during the year so long as, in the opinion of the

1 commission ~~division~~, the public health will not be endangered.
2 The amount of oysters, clams, and mussels to be obtained for
3 relaying or transplanting, the area relayed or transplanted
4 to, and relaying or transplanting time periods will be
5 established in each case by the commission ~~division~~.

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

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

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

29 (18) FALSE RETURNS AS TO OYSTERS OR CLAMS
30 HANDLED.--Each packer, canner, corporation, firm, commission
31 person, or dealer in fish shall, on the first day of each

1 month, make a return under oath to the Fish and Wildlife
2 Conservation Commission ~~Division of Marine Resources~~, as to
3 the number of oysters, clams, and shellfish purchased, caught,
4 or handled during the preceding month. Whoever is found
5 guilty of making any false affidavit to any such report is
6 guilty of perjury and punished as provided by law, and any
7 person who fails to make such report shall be punished by a
8 fine not exceeding \$500 or by imprisonment in the county jail
9 not exceeding 6 months.

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

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

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

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

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

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

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

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

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

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

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

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

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

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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 Land Acquisition ~~Marine Resources~~
13 ~~Conservation~~ Trust Fund for 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.

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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, into the Marine Resources
22 Conservation Trust Fund as provided in s. 370.061, or into the
23 commission's Federal Law Enforcement Trust Fund as provided in
24 s. 372.107, as applicable.

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

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

1 | thereof and elsewhere throughout the state wherever the public
2 | has a right to travel by motor vehicle.

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

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

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

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

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

31 |

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 or the State Game 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 Game and Fresh Water Fish Commission, the money shall~~
12 ~~be deposited into the State Game Trust Fund.~~

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

15 327.395 Boating safety identification cards.--

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

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

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

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

31

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 commission
5 ~~Division of Marine Resources~~, accompanied by a map locating
6 the 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 Fish and Wildlife Conservation Commission ~~Division of~~
14 ~~Marine Resources~~.

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

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

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

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

30
31

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

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

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

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

17 327.46 Restricted areas.--

18 (1) The commission ~~department~~ shall have the authority
19 for establishing, by rule, restricted areas on the waters of
20 the state for any purpose deemed necessary for the safety of
21 the public, including, but not limited to, boat speeds and
22 boat traffic where such restrictions are deemed necessary
23 based on boating accidents, visibility, tides, congestion, or
24 other navigational hazards. Each such restricted area shall
25 be developed in consultation and coordination with the
26 governing body of the county or municipality in which the
27 restricted area is located and, where required, with the
28 United States Army Corps of Engineers. Restricted areas shall
29 be established in accordance with procedures under chapter
30 120.

31

1 Section 54. Section 327.48, Florida Statutes, is
2 amended to read:

3 327.48 Regattas, races, marine parades, tournaments,
4 or exhibitions.--Any person directing the holding of a
5 regatta, tournament, or marine parade or exhibition shall
6 secure a permit from the Coast Guard when such event is held
7 in navigable waters of the United States. A person directing
8 any such affair in any county shall notify the sheriff of the
9 county, or the Fish and Wildlife Conservation Commission ~~Game~~
10 ~~and Fresh Water Fish Commission, or the department~~ at least 15
11 days prior to any event in order that appropriate arrangements
12 for safety and navigation may be assured. Any person or
13 organization sponsoring a regatta or boat race, marine parade,
14 tournament, or exhibition shall be responsible for providing
15 adequate protection to the participants, spectators, and other
16 users of the water.

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

19 327.70 Enforcement of this chapter and chapter 328.--

20 (1) This chapter and chapter 328 shall be enforced by
21 the Division of Law Enforcement of the Fish and Wildlife
22 Conservation ~~department and its officers, the Game and Fresh~~
23 ~~Water Fish~~ Commission and its officers, the sheriffs of the
24 various counties and their deputies, and any other authorized
25 law enforcement officer, all of whom may order the removal of
26 vessels deemed to be an interference or a hazard to public
27 safety, enforce the provisions of this chapter and chapter
28 328, or cause any inspections to be made of all vessels in
29 accordance with this chapter and chapter 328.

30 (3) The Fish and Wildlife Conservation Commission
31 ~~department~~ or any other law enforcement agency may make any

1 investigation necessary to secure information required to
2 carry out and enforce the provisions of this chapter and
3 chapter 328.

4 Section 56. Section 327.71, Florida Statutes, is
5 amended to read:

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

13 Section 57. Subsections (1) and (3) of section
14 327.731, Florida Statutes, 1998 Supplement, are amended to
15 read:

16 327.731 Mandatory education for violators.--

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

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

31

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

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

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

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

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

21 327.74 Uniform boating citations.--

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

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

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

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

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

24 Section 59. Section 327.803, Florida Statutes, are
25 amended to read:

26 327.803 Boating Advisory Council.--

27 (1) The Boating Advisory Council is created within the
28 Fish and Wildlife Conservation Commission ~~Department of~~
29 ~~Environmental Protection~~ and shall be composed of 15 ~~16~~
30 members. The initial members shall be appointed before August
31 1, 1994, and must include:

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 Division of
6 Law Enforcement of the Fish and Wildlife Conservation
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. Section 370.01, Florida Statutes, 1998
22 Supplement, is amended to read:

23 370.01 Definitions.--In construing these statutes,
24 where the context does not clearly indicate otherwise, the
25 word, phrase, or term:

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

31

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

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

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

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

16 (6)~~(5)~~ "Common carrier" shall include any person,
17 firm, or corporation, who undertakes for hire, as a regular
18 business, to transport persons or commodities from place to
19 place offering his or her services to all such as may choose
20 to employ the common carrier and pay his or her charges.

21 (7)~~(6)~~ "Coon oysters" are oysters found growing in
22 bunches along the shore between high-water mark and low-water
23 mark.

24 (8)~~(7)~~ "Department" shall mean the Department of
25 Environmental Protection.

26 (9)~~(8)~~ "Erosion control," "beach preservation," and
27 "hurricane protection" shall include any activity, work,
28 program, project, or other thing deemed necessary by the
29 ~~Division of Marine Resources of the~~ Department of
30 Environmental Protection to effectively preserve, protect,
31

1 restore, rehabilitate, stabilize, and improve the beaches and
2 shores of this state, as defined above.

3 (10)~~(9)~~ "Exhibit" means to present or display upon
4 request.

5 (11)~~(10)~~ "Finfish" means any member of the classes
6 Agnatha, Chondrichthyes, or Osteichthyes.

7 (12)~~(11)~~ "Food fish" shall include mullet, trout,
8 redfish, sheepshead, pompano, mackerel, bluefish, red snapper,
9 grouper, black drum, jack crevalle, and all other fish
10 generally used for human consumption.

11 (13)~~(12)~~ "Guide" shall include any person engaged in
12 the business of guiding hunters or hunting parties, fishers or
13 fishing parties, for compensation.

14 (14)~~(13)~~ "Marine fish" means any saltwater species of
15 finfish of the classes Agnatha, Chondrichthyes, and
16 Osteichthyes, and marine invertebrates in the classes
17 Gastropoda, Bivalvia, and Crustacea, or the phylum
18 Echinodermota, but does not include nonliving shells or
19 Echinoderms.

20 (15)~~(14)~~ A "natural oyster or clam reef" or "bed" or
21 "bar" shall be considered and defined as an area containing
22 not less than 100 square yards of the bottom where oysters or
23 clams are found in a stratum.

24 (16)~~(15)~~ "Nonresident alien" shall mean those
25 individuals from other nations who can provide documentation
26 from the Immigration and Naturalization Service evidencing
27 permanent residency status in the United States. For the
28 purposes of this chapter, a "nonresident alien" shall be
29 considered a "nonresident."

30 (17)~~(16)~~ "Open season" shall be that portion of the
31 year wherein the laws of Florida for the preservation of fish

1 and game permit the taking of particular species of game or
2 varieties of fish.

3 (18)~~(17)~~ "Reef bunch oysters" are oysters found
4 growing on the bars or reefs in the open bay and exposed to
5 the air between high and low tide.

6 19~~(18)~~ "Resident" or "resident of Florida" includes
7 citizens of the United States who have continuously resided in
8 this state, next preceding the making of their application for
9 hunting, fishing, or other license, for the following period
10 of time, to wit: For 1 year in the state and 6 months in the
11 county when applied to all fish and game laws not related to
12 freshwater fish and game.

13 (20)~~(19)~~ "Resident alien" shall mean those persons who
14 have continuously resided in this state for at least 1 year
15 and 6 months in the county and can provide documentation from
16 the Immigration and Naturalization Service evidencing
17 permanent residency status in the United States. For the
18 purposes of this chapter, a "resident alien" shall be
19 considered a "resident."

20 (21)~~(20)~~ "Restricted species" means any species of
21 saltwater products ~~for~~ which the state by law, or the Fish and
22 Wildlife Conservation ~~Marine Fisheries~~ Commission by rule, has
23 found it necessary to so designate. The term includes a
24 species of saltwater products designated by the commission as
25 restricted within a geographical area or during a particular
26 time period of each year. Designation as a restricted species
27 does not confer the authority to sell a species pursuant to s.
28 370.06 if the law or rule prohibits the sale of the species.

29 (22)~~(21)~~ "Salt water," except where otherwise provided
30 by law, shall be all of the territorial waters of Florida
31 excluding all lakes, rivers, canals, and other waterways of

1 Florida from such point or points where the fresh and salt
2 waters commingle to such an extent as to become unpalatable
3 because of the saline content, or from such point or points as
4 may be fixed for conservation purposes by the Fish and
5 Wildlife Conservation ~~Division of Marine Resources of the~~
6 ~~Department of Environmental Protection and the Game and Fresh~~
7 ~~Water Fish~~ Commission, with the consent and advice of the
8 board of county commissioners of the county or counties to be
9 affected.

10 (23)~~(22)~~ "Saltwater fish" shall include all classes of
11 pisces, shellfish, sponges, and crustacea indigenous to salt
12 water.

13 (24)~~(23)~~ "Saltwater license privileges," except where
14 otherwise provided by law, means any license, endorsement,
15 certificate, or permit issued pursuant to this chapter.

16 (25)~~(24)~~ "Saltwater products" means any species of
17 saltwater fish, marine plant, or echinoderm, except shells,
18 and salted, cured, canned, or smoked seafood.

19 (26)~~(25)~~ "Shellfish" shall include oysters, clams, and
20 whelks.

21 (27)~~(26)~~ "Transport" shall include shipping,
22 transporting, carrying, importing, exporting, receiving or
23 delivering for shipment, transportation or carriage or export.

24 Section 69. Section 370.021, Florida Statutes, 1998
25 Supplement, is amended to read:

26 370.021 Administration; rules, publications, records;
27 penalties; injunctions.--

28 ~~(1) RULES.--The Department of Environmental Protection~~
29 ~~has authority to adopt rules pursuant to ss. 120.536(1) and~~
30 ~~120.54 to implement provisions of law conferring powers or~~
31 ~~duties upon it. The director of each division shall submit to~~

1 ~~the department suggested rules and regulations for that~~
2 ~~division. Any person violating or otherwise failing to comply~~
3 ~~with any of the rules and regulations adopted as aforesaid is~~
4 ~~guilty of a misdemeanor of the second degree, punishable as~~
5 ~~provided in s. 775.082 or s. 775.083, unless otherwise~~
6 ~~provided by law.~~

7 (1)~~(2)~~ PENALTIES.--Unless otherwise provided by law,
8 any person, firm, or corporation who is convicted for
9 violating any provision of this chapter, ~~any rule of the~~
10 ~~department adopted pursuant to this chapter,~~ or any rule of
11 the Fish and Wildlife Conservation Marine Fisheries Commission
12 adopted pursuant to this chapter, shall be punished:

13 (a) Upon a first conviction, by imprisonment for a
14 period of not more than 60 days or by a fine of not less than
15 \$100 nor more than \$500, or by both such fine and
16 imprisonment.

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

21 (2)~~(3)~~ MAJOR VIOLATIONS.--In addition to the penalties
22 provided in paragraphs (1)(a) and (b)~~(2)(a) and (b)~~, the
23 court shall assess additional penalties against any person,
24 firm, or corporation convicted of major violations as follows:

25 (a) For a violation involving more than 100 illegal
26 blue crabs, crawfish, or stone crabs, an additional penalty of
27 \$10 for each illegal blue crab, crawfish, stone crab, or part
28 thereof.

29 (b) For a violation involving the taking or harvesting
30 of shrimp from a nursery or other prohibited area, an
31

1 additional penalty of \$10 for each pound of illegal shrimp or
2 part thereof.

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

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

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

- 13 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 14 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
- 15 3. Common snook (*Centropomus undecimalis*);
- 16 4. Atlantic loggerhead turtle (*Caretta caretta*
17 *caretta*);
- 18 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 19 6. Leatherback turtle (*Dermochelys coriacea*);
- 20 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
21 *imbricata*);
- 22 8. Atlantic ridley turtle (*Lepidochelys kemp*); or
- 23 9. West Indian manatee (*Trichechus manatus*
24 *latirostris*),

25
26 an additional penalty of \$100 for each unit of marine life or
27 part thereof.

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

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

5 (h) The proceeds from the penalties assessed pursuant
6 to this subsection shall be deposited into the Marine
7 Resources Conservation Trust Fund to be used for marine
8 fisheries research or into the commission's ~~department's~~
9 Federal Law Enforcement Trust Fund as provided in s. 372.107
10 ~~s. 20.2553~~, as applicable.

11 (i) Permits issued to any person, firm, or corporation
12 by the commission ~~department~~ to take or harvest saltwater
13 products, or any license issued pursuant to s. 370.06 or s.
14 370.07 may be suspended or revoked by the commission
15 ~~department~~, pursuant to the provisions and procedures of s.
16 120.60, for any major violation prescribed in this subsection:

17 1. Upon a second conviction for a violation which
18 occurs within 12 months after a prior violation, for up to 60
19 days.

20 2. Upon a third conviction for a violation which
21 occurs within 24 months after a prior violation, for up to 180
22 days.

23 3. Upon a fourth conviction for a violation which
24 occurs within 36 months after a prior violation, for a period
25 of 6 months to 3 years.

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

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

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

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

31

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

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

16
17 Notwithstanding the provisions of s. 948.01, no court may
18 suspend, defer, or withhold adjudication of guilt or
19 imposition of sentence for any major violation prescribed in
20 this subsection.

21 ~~(3)~~(4) PENALTIES FOR USE OF ILLEGAL NETS.--

22 (a) It shall be a major violation pursuant to
23 subsection (3) and shall be punished as provided below for any
24 person, firm, or corporation to be simultaneously in
25 possession of any species of mullet in excess of the
26 recreational daily bag limit and any gill or other entangling
27 net as defined in s. 16(c), Art. X of the State Constitution.
28 Simultaneous possession under this provision shall include
29 possession of mullet and gill or other entangling nets on
30 separate vessels or vehicles where such vessels or vehicles
31 are operated in coordination with one another including

1 vessels towed behind a main vessel. This subsection does not
2 prohibit a resident of this state from transporting on land,
3 from Alabama to this state, a commercial quantity of mullet
4 together with a gill net if:

5 1. The person possesses a valid commercial fishing
6 license that is issued by the State of Alabama and that allows
7 the person to use a gill net to legally harvest mullet in
8 commercial quantities from Alabama waters.

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

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

18 4. The mullet being transported are totally removed
19 from any net also being transported.

20 (b) In addition to being subject to the other
21 penalties provided in this chapter, any violation of s. 16,
22 Art. X of the State Constitution, paragraph (b), or any rules
23 of the Fish and Wildlife Conservation ~~Marine Fisheries~~
24 Commission which implement the gear prohibitions and
25 restrictions specified therein shall be considered a major
26 violation; and any person, firm, or corporation receiving any
27 judicial disposition other than acquittal or dismissal of such
28 violation shall be subject to the following additional
29 penalties:

30 1. For a first major violation within a 7-year period,
31 a civil penalty of \$2,500 and suspension of all saltwater

1 products license privileges for 90 calendar days following
2 final disposition shall be imposed.

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

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

15

16 A court may suspend, defer, or withhold adjudication of guilt
17 or imposition of sentence only for any first violation of s.
18 16, Art. X of the State Constitution, or any rule or statute
19 implementing its restrictions, determined by a court only
20 after consideration of competent evidence of mitigating
21 circumstances to be a nonflagrant or minor violation of those
22 restrictions upon the use of nets. Any violation of s. 16,
23 Art. X of the State Constitution, or any rule or statute
24 implementing its restrictions, occurring within a 7-year
25 period commencing upon the conclusion of any judicial
26 proceeding resulting in any outcome other than acquittal shall
27 be punished as a second, third, or subsequent violation
28 accordingly.

29 (c) During the period of suspension or revocation of
30 saltwater license privileges under this subsection, the
31 licensee may not participate in the taking or harvesting or

1 attempt the taking or harvesting of saltwater products from
2 any vessel within the waters of the state, or any other
3 activity requiring a license, permit, or certificate issued
4 pursuant to this chapter. Any person who violates this
5 paragraph is:

6 1. Upon a first or second conviction, to be punished
7 as provided by paragraph(1)(a)~~(2)(a)~~or paragraph(1)(b)
8 ~~(2)(b)~~.

9 2. Upon a third or subsequent conviction, guilty of a
10 felony of the third degree, punishable as provided in s.
11 775.082, s. 775.083, or s. 775.084.

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

21 1. Vessels subject to this reinstatement period shall
22 be restricted to the corridors established by commission
23 ~~department~~ rule.

24 2. A violation of the reinstatement period provisions
25 shall be punishable pursuant to paragraphs(1)(a) and (b)
26 ~~(2)(a)~~ and ~~(b)~~.

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

29 (4)~~(5)~~ ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS
30 INVOLVING CERTAIN FINFISH.--It shall be a major violation
31 pursuant to this section and punishable pursuant to paragraph

1 ~~(3)(b)(4)(b)~~ for any person to be in possession of any
2 species of trout, snook, or redfish which is three fish in
3 excess of the recreational or commercial daily bag limit.
4 (5)~~(6)~~ BUYING SALTWATER PRODUCTS FROM UNLICENSED
5 SELLER.--In addition to being subject to other penalties
6 provided in this chapter, any violation of s. 370.06 or s.
7 370.07, or rules of the commission ~~department~~ implementing s.
8 370.06 or s. 370.07, involving buying saltwater products from
9 an unlicensed person, firm, or corporation, shall be a major
10 violation, and the commission ~~department~~ may assess the
11 following penalties:
12 (a) For a first violation, the commission ~~department~~
13 may assess a civil penalty of up to \$2,500 and may suspend the
14 wholesale or ~~and/or~~ retail dealer's license privileges for up
15 to 90 calendar days.
16 (b) For a second violation occurring within 12 months
17 of a prior violation, the commission ~~department~~ may assess a
18 civil penalty of up to \$5,000 and may suspend the wholesale or
19 ~~and/or~~ retail dealer's license privileges for up to 180
20 calendar days.
21 (c) For a third or subsequent violation occurring
22 within a 24-month period, the commission ~~department~~ shall
23 assess a civil penalty of \$5,000 and shall suspend the
24 wholesale or ~~and/or~~ retail dealer's license privileges for up
25 to 24 months.
26
27 Any proceeds from the civil penalties assessed pursuant to
28 this subsection shall be deposited into the Marine Resources
29 Conservation Trust Fund and shall be used as follows: 40
30 percent for administration and processing purposes and 60
31 percent for law enforcement purposes.

1 (6)~~(7)~~ RULES; ADMISSIBILITY AS EVIDENCE.--Rules and
2 regulations shall be admitted as evidence in the courts of the
3 state when accompanied by an affidavit from the executive
4 director ~~secretary~~ of the commission ~~department~~ certifying
5 that the rule or regulation has been lawfully adopted,
6 promulgated, and published; and such affidavit shall be prima
7 facie evidence of proper adoption, promulgation, and
8 publication of the rule or regulation.

9 (7)~~(8)~~ PUBLICATIONS BY COMMISSION ~~DEPARTMENT~~.--The
10 Fish and Wildlife Conservation Commission ~~department through~~
11 ~~the Division of Administration and Technical Services~~ is given
12 authority, from time to time in its discretion, to cause the
13 statutory laws under its jurisdiction, together with any rules
14 and regulations promulgated by it, to be published in pamphlet
15 form for free distribution in this state. The commission
16 ~~department~~ is authorized to make charges for technical and
17 educational publications and mimeographed material of use for
18 educational or reference purposes. Such charges shall be made
19 at the discretion of the commission ~~Division of Administration~~
20 ~~and Technical Services~~. Such charges may be sufficient to
21 cover cost of preparation, printing, publishing, and
22 distribution. All moneys received for publications shall be
23 deposited into the fund from which the cost of the publication
24 was paid. The commission ~~department~~ is further authorized to
25 enter into agreements with persons, firms, corporations,
26 governmental agencies, and other institutions whereby
27 publications may be exchanged reciprocally in lieu of payments
28 for said publications.

29 (8)~~(9)~~ POWERS OF OFFICERS.--

30 (a) ~~The department may designate such employees of the~~
31 ~~several divisions, as it may deem necessary in its discretion,~~

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

1 enforcement officer may at any time seize or take possession
2 of any saltwater products or contraband which have been
3 unlawfully caught, taken, or processed or which are unlawfully
4 possessed or transported in violation of any of the laws of
5 this state or any rule or regulation of the commission
6 ~~department~~. Such law enforcement officers may arrest any
7 person in the act of violating any of the provisions of this
8 law, the rules or regulations of the commission department,
9 ~~the provisions of chapter 253 and the rules and regulations~~
10 ~~promulgated thereunder~~, or any of the laws of this state. It
11 is hereby declared unlawful for any person to resist such
12 arrest or in any manner interfere, either by abetting or
13 assisting such resistance or otherwise interfering, with any
14 such law enforcement officer while engaged in the performance
15 of the duties imposed upon him or her by law or regulation of
16 the commission department.

17 (b) The Legislature finds that the checking and
18 inspection of saltwater products aboard vessels is critical to
19 good fishery management and conservation and that, because
20 almost all saltwater products are either iced or cooled in
21 closed areas or containers, the enforcement of seasons, size
22 limits, and bag limits can only be effective when inspection
23 of saltwater products so stored is immediate and routine.
24 Therefore, in addition to the authority granted in paragraph
25 (a), a law enforcement officer of the commission department
26 who has probable cause to believe that the vessel has been
27 used for fishing prior to the inspection shall have full
28 authority to open and inspect all containers or areas where
29 saltwater products are normally kept aboard vessels while such
30 vessels are on the water, such as refrigerated or iced
31 locations, coolers, fish boxes, and bait wells, but

1 specifically excluding such containers that are located in
2 sleeping or living areas of the vessel.

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

20 (9)~~(11)~~ RETENTION, DESTRUCTION, AND REPRODUCTION OF
21 RECORDS.--Records and documents of the Fish and Wildlife
22 Conservation Commission ~~Department of Environmental Protection~~
23 created in compliance with and in the implementation of this
24 chapter or former chapter 371 shall be retained by the
25 commission ~~department~~ as specified in record retention
26 schedules established under the general provisions of chapters
27 119 and 257. Such records retained by the Department of
28 Environmental Protection on July 1, 1999, shall be transferred
29 to the commission. Further, the commission ~~department~~ is
30 authorized to:

31

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

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

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

31

1 (10)~~(12)~~ COURTS OF EQUITY MAY ENJOIN.--Courts of
2 equity in this state have jurisdiction to enforce the
3 conservation laws of this state by injunction.

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

12 (11)~~(14)~~ REVOCATION OF LICENSES.--Any person licensed
13 under this chapter who has been convicted of taking
14 aquaculture species raised at a certified facility shall have
15 his or her license revoked for 5 years by the Fish and
16 Wildlife Conservation Commission ~~Department of Environmental~~
17 ~~Protection~~ pursuant to the provisions and procedures of s.
18 120.60.

19 Section 70. Section 370.028, Florida Statutes, 1998
20 Supplement, is amended to read:

21 370.028 Enforcement of commission rules; penalties for
22 violation of rule.--Rules of the Fish and Wildlife
23 Conservation ~~department and the Marine Fisheries~~ Commission
24 shall be enforced by any law enforcement officer certified
25 pursuant to s. 943.13. Any person who violates or otherwise
26 fails to comply with any rule adopted by the commission shall
27 be punished pursuant to s. 370.021(1)~~s. 370.021(2)~~.

28 Section 71. Section 370.06, Florida Statutes, 1998
29 Supplement, is amended to read:

30 370.06 Licenses.--
31

1 (1) LICENSE ON PURSE SEINES.--There is levied, in
2 addition to any other taxes thereon, an annual license tax of
3 \$25 upon each purse seine used in the waters of this state.
4 This license fee shall be collected in the manner provided in
5 this section.

6 (2) SALTWATER PRODUCTS LICENSE.--

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

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

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

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

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

27 c. A copy of the applicable federal income tax return,
28 including Form 1099 attachments, verifying income earned from
29 the sale of saltwater products;

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

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

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

16 2. Exceptions from income requirements shall be as
17 follows:

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

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

24 c. Upon the sale of a used commercial fishing vessel
25 owned by a person, firm, or corporation possessing or eligible
26 for a restricted species endorsement, the purchaser of such
27 vessel shall be exempted from the qualifying income
28 requirement for the purpose of obtaining a restricted species
29 endorsement for a period of 1 year after purchase of the
30 vessel.

31

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

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

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

16 g. Any resident who is certified to be totally and
17 permanently disabled by a verified written statement, based
18 upon the criteria for permanent total disability in chapter
19 440 from a physician licensed in this state, by any branch of
20 the United States Armed Services, by the Social Security
21 Administration, or by the United States Department of Veterans
22 Affairs or its predecessor, or any resident who holds a valid
23 identification card issued by the Department of Veterans'
24 Affairs pursuant to s. 295.17, shall be exempted from the
25 income requirements if he or she also has held a saltwater
26 products license for at least 3 of the last 5 license years
27 prior to the date of the disability. A Disability Award Notice
28 issued by the United States Social Security Administration is
29 not sufficient certification for a resident to obtain the
30 income exemption unless the notice certifies that the resident
31 is totally and permanently disabled.

1
2 At least one saltwater products license bearing a restricted
3 species endorsement shall be aboard any vessel harvesting
4 restricted species in excess of any bag limit or when fishing
5 under a commercial quota or in commercial quantities, and such
6 vessel shall have a commercial vessel registration. This
7 subsection does not apply to any person, firm, or corporation
8 licensed under s. 370.07(1)(a)1. or (b) for activities
9 pursuant to such licenses. A saltwater products license may be
10 issued in the name of an individual or a valid boat
11 registration number. Such license is not transferable. A decal
12 shall be issued with each saltwater products license issued to
13 a valid boat registration number. The saltwater products
14 license decal shall be the same color as the vessel
15 registration decal issued each year pursuant to s. 327.11(5)
16 and shall indicate the period of time such license is valid.
17 The saltwater products license decal shall be placed beside
18 the vessel registration decal and, in the case of an
19 undocumented vessel, shall be placed so that the vessel
20 registration decal lies between the vessel registration number
21 and the saltwater products license decal. Any saltwater
22 products license decal for a previous year shall be removed
23 from a vessel operating on the waters of the state. A resident
24 shall pay an annual license fee of \$50 for a saltwater
25 products license issued in the name of an individual or \$100
26 for a saltwater products license issued to a valid boat
27 registration number. A nonresident shall pay an annual license
28 fee of \$200 for a saltwater products license issued in the
29 name of an individual or \$400 for a saltwater products license
30 issued to a valid boat registration number. An alien shall pay
31 an annual license fee of \$300 for a saltwater products license

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

28 (b) Any person who sells, offers for sale, barter, or
29 exchanges for merchandise saltwater products must have a
30 method of catch preservation which meets the requirements and
31

1 standards of the seafood quality control code promulgated by
2 the commission ~~Department of Environmental Protection~~.

3 (c) A saltwater products license is required to
4 harvest commercial quantities of saltwater products. Any
5 vessel from which commercial quantities of saltwater products
6 are harvested must have a commercial vessel registration.
7 Commercial quantities of saltwater products shall be defined
8 as:

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

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

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

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

28 b. In 1998 persons or corporations holding a marine
29 life endorsement that was active in the 1997-1998 fiscal year
30 or an immediate family member of that person must request
31

1 renewal of the marine life endorsement before December 31,
2 1998.

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

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

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

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

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

29 h. By July 1, 2000, the Fish and Wildlife Conservation
30 ~~Marine Fisheries~~ Commission shall prepare a report regarding
31 options for the establishment of a limited-entry program for

1 the marine life fishery and submit the report to the Governor,
2 the President of the Senate, the Speaker of the House of
3 Representatives, and the chairs of the Senate and House
4 committees having jurisdiction over marine resources.

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

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

24 (4) SPECIAL ACTIVITY LICENSES.--

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

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

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

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

28 (d) The conditions and specific management practices
29 established in this section may be incorporated into permits
30 and authorizations issued pursuant to chapter 253, chapter
31 373, chapter 403, or this chapter, when incorporating such

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

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

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

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

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

- 26 1. "Person" means an individual.
- 27 2. "Resident" means any person who has:
 - 28 a. Continuously resided in this state for 6 months
 - 29 immediately preceding the making of his or her application for
 - 30 an Apalachicola Bay oyster harvesting license; or

31

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

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

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

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

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

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

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

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

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

25 (i) The proceeds from Apalachicola Bay oyster
26 harvesting license fees shall be deposited in the Marine
27 Resources Conservation Trust Fund and, less reasonable
28 administrative costs, shall be used or distributed by the
29 commission ~~department~~ for the following purposes in
30 Apalachicola Bay:

- 31 1. Relaying and transplanting live oysters.

1 2. Shell planting to construct or rehabilitate oyster
2 bars.

3 3. Education programs for licensed oyster harvesters
4 on oyster biology, aquaculture, boating and water safety,
5 sanitation, resource conservation, small business management,
6 marketing, and other relevant subjects.

7 4. Research directed toward the enhancement of oyster
8 production in the bay and the water management needs of the
9 bay.

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

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

27 (7) LICENSES SUBJECT TO INSPECTION; NONTRANSFERABLE;
28 EXCEPTION.--Licenses of every kind and nature granted under
29 the provisions of the fish and game laws of this state are at
30 all times subject to inspection by the police officers of this
31 state and, ~~the wildlife~~ officers of the Fish and Wildlife

1 ~~Conservation Game and Fresh Water Fish~~ Commission, ~~and the~~
2 ~~officers of the Marine Patrol~~. Such licenses are not
3 transferable unless otherwise provided by law.

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

12 Section 72. Section 370.0605, Florida Statutes, 1998
13 Supplement, is amended to read:

14 370.0605 Saltwater fishing license required; fees.--

15 (1)(a) No person, except as provided in this section,
16 may take, attempt to take, or possess any marine fish for
17 noncommercial purposes unless the person has been issued an
18 authorization, or has obtained a license pursuant to paragraph
19 (2)(a) and any required permits under ss. 370.1111 and 370.14,
20 nor may any person operate any vessel wherein a fee is paid
21 either directly or indirectly for the purpose of taking,
22 attempting to take, or possessing any marine fish for
23 noncommercial purposes, unless he or she has been issued an
24 authorization or has obtained a license for each vessel for
25 that purpose and has paid the license fee pursuant to
26 subparagraphs (2)(b)1. and 2. for such vessel. One-year
27 licenses must be dated when issued and remain valid for 12
28 months after the date of issuance. Each license must bear on
29 its face, in indelible ink, the name of the person to whom it
30 is issued and other information required by the department,
31 and, if the license is issued to the owner, operator, or

1 | custodian of a vessel, the vessel registration number or
2 | federal documentation number must be included. Licenses,
3 | permits, and authorizations are not transferable.

4 | (b) Any required license, permit, or authorization
5 | must be in the personal possession of the person taking,
6 | attempting to take, or possessing marine fish or in the
7 | possession of the person operating any vessel wherein a fee is
8 | paid, either directly or indirectly, for the purpose of taking
9 | or attempting to take marine fish for noncommercial purposes
10 | and must be exhibited to any authorized law enforcement
11 | officer upon his or her request. A positive form of
12 | identification is required when using an authorization.

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

17 | 2. A resident 5-year license which was purchased by a
18 | resident of this state who subsequently resides in another
19 | state will be honored for activities authorized by the
20 | license.

21 | 3. A positive form of identification is required when
22 | using a 5-year license.

23 | (2) Saltwater fishing license fees are as follows:

24 | (a)1. For a resident of the state, \$12 for a 1-year
25 | license.

26 | 2. For a resident of the state, \$60 for 5 consecutive
27 | years from the date of purchase.

28 | 3. For a nonresident of the state, \$5 for a 3-day
29 | license, \$15 for a 7-day license, and \$30 for a 1-year
30 | license.

31 |

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

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

8 2. For any person who operates any vessel licensed to
9 carry no more than 10 customers, or for any person licensed to
10 operate any vessel carrying 6 or fewer customers, wherein a
11 fee is paid, either directly or indirectly, for the purpose of
12 taking or attempting to take marine fish, \$400 per year;
13 provided any person licensed to operate any vessel carrying 6
14 or fewer customers but who operates a vessel carrying 4 or
15 fewer customers, wherein a fee is paid, either directly or
16 indirectly, for such purposes, \$200 per year. The license must
17 be kept aboard the vessel at all times.

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

24 4. For any pier fixed to the land for the purpose of
25 taking or attempting to take marine fish therefrom, \$500 per
26 year. Owners, operators, or custodians of piers have the
27 discretion to buy the annual \$500 license. Those who elect to
28 purchase such license must have the license available for
29 inspection at all times.

30 5. For a recreational vessel not for hire and for
31 which no fee is paid either directly or indirectly by guests,

1 for the purpose of taking or attempting to take marine fish
2 noncommercially, \$2,000 per year. The license may be purchased
3 at the option of the vessel owner and must be kept aboard the
4 vessel at all times. A log of species taken and the date the
5 species were taken shall be maintained and a copy of the log
6 filed with the Department of Environmental Protection at the
7 time of renewal of the license.

8 (c) The department is authorized to reduce the fees
9 for licenses under this section for residents of those states
10 with which the department has entered into reciprocal
11 agreements with respect to such fees.

12 (d) License fees paid pursuant to this subsection are
13 nonrefundable and may not be used as credit toward any other
14 license fee required by this chapter. No other license fee
15 paid pursuant to this chapter shall be used as credit towards
16 the license fees required by this subsection. The owner,
17 operator, or custodian of a vessel the operator of which has
18 been licensed pursuant to subsection (1) must maintain and
19 report such statistical data as required by, and in a manner
20 set forth in, the rules of the commission ~~department~~.

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

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

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

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

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

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

30 (f) Any resident who is a member of the Armed Forces
31 of the United States, who is not stationed in this state, when

1 fishing while home on leave for 30 days or less, upon
2 submission of orders.

3 (g) Any person who has been accepted by the Department
4 of Health and Rehabilitative Services for developmental
5 services or any licensed provider of services to the State of
6 Florida through contract with the Department of Health and
7 Rehabilitative Services, where such service involves the need,
8 normally, for possession of a saltwater fishing license and
9 such service is provided as part of a court-decided
10 rehabilitation program involving training in Florida's aquatic
11 resources.

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

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

16 (j) Any Florida resident who is fishing for mullet in
17 fresh water and has a valid Florida freshwater fishing
18 license.

19 (k) Any Florida resident fishing for a saltwater
20 species in fresh water from land or from a structure fixed to
21 the land.

22 (4) A saltwater fishing license must be issued,
23 without license fee, to any resident who is certified to be
24 totally and permanently disabled by the verified written
25 statement which is based upon the criteria for permanent total
26 disability in chapter 440 of a physician licensed in this
27 state, by any branch of the United States Armed Services, by
28 the Social Security Administration, or by the United States
29 Department of Veterans Affairs or its predecessor or who holds
30 a valid identification card issued by the Department of
31 Veterans' Affairs pursuant to s. 295.17. A Disability Award

1 Notice issued by the United States Social Security
2 Administration is not sufficient certification for obtaining a
3 permanent fishing license under this section unless the notice
4 certifies a resident is totally and permanently disabled. Any
5 license issued after January 1, 1997, expires after 5 years
6 and must be reissued, upon request, every 5 years thereafter.

7 (5) The Game and Fresh Water Fish Commission may issue
8 temporary fishing licenses, upon request, to governmental or
9 nonprofit organizations that sponsor 1-day special events in
10 fishing management areas for individuals with physical,
11 mental, or emotional disabilities, or for the economically
12 disadvantaged. There shall be no fee for such temporary
13 license. The temporary license shall be valid for 1 day and
14 shall designate the date and maximum number of individuals.

15 (6)(a) The Game and Fresh Water Fish Commission, all
16 county tax collectors, or any appointed subagent may sell
17 licenses and permits and collect fees pursuant to this
18 section.

19 (b) The commission is the issuing department for the
20 purpose of issuing licenses and permits and collecting fees
21 pursuant to this section.

22 (c) In addition to the license and permit fee
23 collected, the sum of \$1.50 shall be charged for each license.
24 Such charge shall be for the purpose of, and the source from
25 which is subtracted, all administrative costs of issuance,
26 including, but not limited to, printing, distribution, and
27 credit card fees. Tax collectors may retain \$1.50 for each
28 license sold.

29 (d)1. Each county tax collector shall maintain records
30 of all such licenses, permits, and stamps that are sold,
31 voided, stolen, or lost. Licenses and permits must be issued

1 and reported, and fees must be remitted, in accordance with
2 the procedures established in chapter 372.

3 2. Not later than August 15 of each year, each county
4 tax collector shall submit to the Game and Fresh Water Fish
5 Commission all unissued stamps for the previous fiscal year
6 along with a written audit report, on forms prescribed or
7 approved by the Game and Freshwater Fish Commission, as to the
8 numbers of the unissued stamps.

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

19 ~~(7)(a) Each county tax collector, as issuing agent for~~
20 ~~the department, shall submit to the department by January 31,~~
21 ~~1997, a report of the sale of, and payment for, all licenses~~
22 ~~and permits sold between June 1, 1996, and December 31, 1996.~~

23 ~~(b) By March 15, 1997, each county tax collector shall~~
24 ~~provide the department with a written report, on forms~~
25 ~~provided by the department, of the audit numbers of all~~
26 ~~unissued licenses and permits for the period of June 1, 1996,~~
27 ~~to December 31, 1996. Within 30 days after the submission of~~
28 ~~the annual audit report, each county tax collector shall~~
29 ~~provide the department with a written audit report of~~
30 ~~unissued, sold, and voided licenses, permits, and stamps,~~
31 ~~together with a certified reconciliation statement prepared by~~

1 ~~a certified public accountant. Concurrent with the submission~~
2 ~~of the certification, the county tax collector shall remit to~~
3 ~~the department the monetary value of all licenses, permits,~~
4 ~~and stamps that are unaccounted for. Each tax collector is~~
5 ~~also responsible for fees for all licenses, permits, and~~
6 ~~stamps distributed by him or her to subagents, sold by him or~~
7 ~~her, or reported by him or her as lost.~~

8 ~~(7)(a) Each county tax collector, as issuing agent for~~
9 ~~the department, shall submit to the department by January 31,~~
10 ~~1997, a report of the sale of, and payment for, all licenses~~
11 ~~and permits sold between June 1, 1996, and December 31, 1996.~~

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

28 ~~(7)(8)~~ (8) A person may not alter or change in any manner,
29 or loan or transfer to another, any license issued pursuant to
30 this section, nor may any person other than the person to whom
31 it is issued use the license.

1 ~~(8)(9)~~ It is unlawful for any person to knowingly and
2 willfully enter false information on, or allow or cause false
3 information to be entered on or shown upon, any license issued
4 pursuant to this section in order to avoid prosecution or to
5 assist another to avoid prosecution or for any other wrongful
6 purpose.

7 ~~(9)(10)~~ The Fish and Wildlife Conservation ~~department,~~
8 ~~the Game and Fresh Water Fish~~ Commission, or any other law
9 enforcement agency may make any investigation necessary to
10 secure information required to carry out and enforce this
11 section.

12 ~~(10)(11)~~ It is unlawful for any person to make, forge,
13 counterfeit, or reproduce a saltwater fishing license unless
14 authorized by the commission ~~department~~. It is unlawful for
15 any person knowingly to have in his or her possession a
16 forged, counterfeit, or imitation of such license, unless
17 possession by such person has been fully authorized by the
18 commission ~~department~~. Any person who violates this
19 subsection is guilty of a felony of the third degree,
20 punishable as provided in s. 775.082, s. 775.083, or s.
21 775.084.

22 ~~(11)(12)~~(a) Any person cited for a violation of the
23 license requirements of subsection (1) or the stamp
24 requirements of s. 370.1111(1)(a) or s. 370.14(11)(a) is
25 guilty of a noncriminal infraction, shall be cited for such an
26 infraction, and shall be cited to appear before the county
27 court. The civil penalty for any such infraction is \$50, in
28 addition to the cost of the amount of the annual license fee
29 or stamp involved in the infraction, except as otherwise
30 provided in this section. The civil penalty for any other
31

1 noncriminal infraction shall be \$50, except as otherwise
2 provided in this section.

3 (b) Any person cited for an infraction under this
4 section may:

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

7 2. Sign and accept a citation indicating a promise to
8 appear before the county court.

9
10 The officer may indicate on the citation the time and location
11 of the scheduled hearing and shall indicate the applicable
12 civil penalty.

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

17 (d) Any person charged with a noncriminal infraction
18 under this section may:

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

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

23
24 If the person cited follows either procedure prescribed in
25 this paragraph, he or she has admitted the infraction and
26 waives his or her right to a hearing on the issue of
27 commission of the infraction. Such admission may not be used
28 as evidence in any other proceedings.

29 (e) Any person who elects to appear before the county
30 court or who is required so to appear waives the limitations
31 of the civil penalty specified in paragraph (a). The court,

1 after a hearing, shall make a determination as to whether an
2 infraction has been committed. If the commission of an
3 infraction is proved, the court may impose a civil penalty not
4 to exceed \$500.

5 (f) At a hearing under this subsection, the commission
6 of a charged infraction must be proved beyond a reasonable
7 doubt.

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

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

16 (12)~~(13)~~ The Fish and Wildlife Conservation ~~department~~
17 ~~or the Game and Fresh Water Fish~~ Commission may designate by
18 rule no more than 2 consecutive or nonconsecutive days in each
19 year as "Disabled Angler Fishing Days." Notwithstanding any
20 other provision of this chapter, any disabled person may take
21 marine fish for noncommercial purposes on a Disabled Angler
22 Fishing Day without obtaining or possessing a license or
23 paying a license fee as prescribed in this section. A
24 disabled person who takes marine fish on a Disabled Angler
25 Fishing Day without obtaining a license or paying a fee must
26 comply with all laws and regulations governing holders of a
27 license and all other conditions and limitations regulating
28 the taking of marine 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 Fish and Wildlife Conservation Commission
13 ~~Department of Environmental Protection~~ may adopt rules to
14 carry out the purpose and intent of the special recreational
15 lobster license program.

16 Section 76. Subsection (2) of section 370.0805,
17 Florida Statutes, 1998 Supplement, is amended to read:

18 370.0805 Net ban assistance program.--

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

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

30
31

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

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

7 370.081 Illegal importation or possession of
8 nonindigenous marine plants and animals; rules and
9 regulations.--

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

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

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

31

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

5 Section 78. Subsections (3), (4), and (5) of section
6 370.092, Florida Statutes, 1998 Supplement, are amended to
7 read:

8 370.092 Carriage of proscribed nets across Florida
9 waters.--

10 (3) Notwithstanding subsections (1) and (2), unless
11 authorized by rule of the Fish and Wildlife Conservation
12 ~~Marine Fisheries~~ Commission, it is a major violation under
13 this section, punishable as provided in subsection (4), for
14 any person, firm, or corporation to possess any gill or
15 entangling net, or any seine net larger than 500 square feet
16 in mesh area, on any airboat or on any other vessel less than
17 22 feet in length and on any vessel less than 25 feet if
18 primary power of the vessel is mounted forward of the vessel
19 center point. Gill or entangling nets shall be as defined in
20 s. 16, Art. X of the State Constitution, s. 370.093(2)(b), or
21 in a rule of the Fish and Wildlife Conservation ~~Marine~~
22 ~~Fisheries~~ Commission implementing s. 16, Art. X of the State
23 Constitution. Vessel length shall be determined in accordance
24 with current United States Coast Guard regulations specified
25 in the Code of Federal Regulations or as titled by the State
26 of Florida. The Marine Fisheries Commission is directed to
27 initiate by July 1, 1998, rulemaking to adjust by rule the use
28 of gear on vessels longer than 22 feet where the primary power
29 of the vessel is mounted forward of the vessel center point in
30 order to prevent the illegal use of gill and entangling nets
31

1 in state waters and to provide reasonable opportunities for
2 the use of legal net gear in adjacent federal waters.

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

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

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

14 370.093 Illegal use of nets.--

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

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

30 Section 80. Section 370.1107, Florida Statutes, is
31 amended to read:

1 370.1107 Definition; possession of certain licensed
2 traps prohibited; penalties; exceptions; consent.--

3 (1) As used in this section, the term "licensed
4 saltwater fisheries trap" means any trap required to be
5 licensed by the Fish and Wildlife Conservation Commission
6 ~~Department of Environmental Protection~~ and authorized pursuant
7 to this chapter or by the ~~Florida Marine Fisheries~~ commission
8 for the taking of saltwater products.

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

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

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

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

24 (3) This section shall not apply to the agents or
25 employees of the registered owner of the licensed saltwater
26 fisheries trap or to a person, firm, corporation or
27 association who has the written consent from the owner of the
28 licensed saltwater fisheries trap, to possess such licensed
29 saltwater fisheries trap, or to agents or employees of the
30 Fish and Wildlife Conservation Commission ~~Department of~~

31

1 ~~Environmental Protection~~ who are engaged in the removal of
2 traps during the closed season.

3 (4) The registered owner of the licensed saltwater
4 fisheries trap shall provide the Fish and Wildlife
5 Conservation Commission ~~Department of Environmental Protection~~
6 with the names of any agents, employees, or any other person,
7 firm, company, or association to whom the registered owner has
8 given consent to possess said licensed saltwater fisheries
9 trap.

10 Section 81. Section 370.1111, Florida Statutes, is
11 amended to read:

12 370.1111 Snook; regulation.--

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

23 (b) The intent of paragraph (a) is to expand research
24 and management to increase snook populations in the state
25 without detracting from other programs. Moneys generated from
26 snook permits shall be used exclusively for programs to
27 benefit snook populations.

28 (c) All permit fees collected by the Fish and Wildlife
29 Conservation ~~Game and Fresh Water Fish~~ Commission shall be
30 transferred to the Marine Resources Conservation Trust Fund
31 within 7 days following the last business day of the week in

1 which the fees were received by the Fish and Wildlife
2 Conservation Game and Fresh Water Fish Commission.

3 (2) The commission ~~department~~ may periodically conduct
4 competitions to select a designer of the snook stamp. Also,
5 the commission ~~department~~ may enhance revenues from the sale
6 of snook stamps by issuing special editions for stamp
7 collectors and other such special purposes.

8 Section 82. Section 370.12, Florida Statutes, 1998
9 Supplement, is amended to read:

10 370.12 Marine animals; regulation.--

11 (1) PROTECTION OF MARINE TURTLES.--

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

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

21 1. Atlantic loggerhead turtle (*Caretta caretta*
22 *caretta*).

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

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

25 4. Atlantic hawksbill turtle (*Eretmochelys imbricata*
26 *imbricata*).

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

28 (c)1. Unless otherwise provided by the federal
29 Endangered Species Act or its implementing regulations, no
30 person may take, possess, disturb, mutilate, destroy, cause to
31 be destroyed, sell, offer for sale, transfer, molest, or

1 harass any marine turtle or its nest or eggs at any time. For
2 purposes of this subsection, "take" means an act which
3 actually kills or injures marine turtles, and includes
4 significant habitat modification or degradation that kills or
5 injures marine turtles by significantly impairing essential
6 behavioral patterns, such as breeding, feeding, or sheltering.

7 2. Unless otherwise provided by the federal Endangered
8 Species Act or its implementing regulations, no person, firm,
9 or corporation may take, kill, disturb, mutilate, molest,
10 harass, or destroy any marine turtle.

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

27 a. Students of colleges or universities whose studies
28 with saltwater animals are under the direction of their
29 teacher or professor;

30 b. Scientific or technical faculty of public or
31 private colleges or universities;

1 c. Scientific or technical employees of private
2 research institutions and consulting firms;

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

5 e. Members in good standing or recognized and properly
6 chartered conservation organizations, the Audubon Society, or
7 the Sierra Club;

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

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

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

24 (e) The Department of Environmental Protection may
25 condition the nature, timing, and sequence of construction of
26 permitted activities to provide protection to nesting marine
27 turtles and hatchlings and their habitat pursuant to the
28 provisions of s. 161.053(5). When the department is
29 considering a permit for a beach restoration, beach
30 renourishment, or inlet sand transfer project and the
31 applicant has had an active marine turtle nest relocation

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

13 (f) The Department of Environmental Protection shall
14 recommend denial of a permit application if the activity would
15 result in a "take" as defined in this subsection, unless, as
16 provided for in the federal Endangered Species Act and its
17 implementing regulations, such taking is incidental to, and
18 not the purpose of, the carrying out of an otherwise lawful
19 activity.

20 (g) The Department of Environmental Protection shall
21 give special consideration to beach preservation and beach
22 nourishment projects that restore habitat of endangered marine
23 turtle species. Nest relocation shall be considered for all
24 such projects in urbanized areas. When an applicant for a
25 beach restoration, beach renourishment, or inlet sand transfer
26 project has had an active marine turtle nest relocation
27 program or the applicant has agreed to have and has the
28 ability to administer a program, the department in issuing a
29 permit for a project must not restrict the timing of the
30 project. Where appropriate, the department, in accordance
31 with the applicable rules of the Fish and Wildlife

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

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

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

29 (a) This subsection shall be known and may be cited as
30 the "Florida Manatee Sanctuary Act."
31

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

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

15 (d) Except as may be authorized by the terms of a
16 valid state permit issued pursuant to paragraph (c) or by the
17 terms of a valid federal permit, it is unlawful for any person
18 at any time, by any means, or in any manner intentionally or
19 negligently to annoy, molest, harass, or disturb or attempt to
20 molest, harass, or disturb any manatee; injure or harm or
21 attempt to injure or harm any manatee; capture or collect or
22 attempt to capture or collect any manatee; pursue, hunt,
23 wound, or kill or attempt to pursue, hunt, wound, or kill any
24 manatee; or possess, literally or constructively, any manatee
25 or any part of any manatee.

26 (e) Any gun, net, trap, spear, harpoon, boat of any
27 kind, aircraft, automobile of any kind, other motorized
28 vehicle, chemical, explosive, electrical equipment, scuba or
29 other subaquatic gear, or other instrument, device, or
30 apparatus of any kind or description used in violation of any
31 provision of paragraph (d) may be forfeited upon conviction.

1 The foregoing provisions relating to seizure and forfeiture of
2 vehicles, vessels, equipment, or supplies do not apply when
3 such vehicles, vessels, equipment, or supplies are owned by,
4 or titled in the name of, innocent parties; and such
5 provisions shall not vitiate any valid lien, retain title
6 contract, or chattel mortgage on such vehicles, vessels,
7 equipment, or supplies if such lien, retain title contract, or
8 chattel mortgage is property of public record at the time of
9 the seizure.

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

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

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

30
31

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

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

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

10 6. In Broward County: the discharge canal of the
11 Florida Power and Light Port Everglades power plant and
12 connecting waters within 1 1/2 miles thereof and the
13 discharge canal of the Florida Power and Light Fort Lauderdale
14 power plant and connecting waters within 2 miles thereof. For
15 purposes of ensuring the physical safety of boaters in a
16 sometimes turbulent area, the area from the easternmost edge
17 of the authorized navigation project of the intracoastal
18 waterway east through the Port Everglades Inlet is excluded
19 from this regulatory zone.

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

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

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

29 10. In Sarasota County: the Venice Inlet and
30 connecting waters within 1 mile thereof, including Lyons Bay,
31 Donna Bay, Roberts Bay, and Hatchett Creek, excluding the

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

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

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

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

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

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

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

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

1 sufficient period of time, to protect the manatees or sea
2 cows.

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

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

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

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

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

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

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

29 (n) The commission ~~department~~ may designate by rule
30 other portions of state waters where manatees are frequently
31 sighted and it can be assumed that manatees inhabit such

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

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

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

31

1 regarding the ordinance. The manatee protection committee must
2 be comprised of:

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

13
14 If local and state regulations are established for the same
15 area, the more restrictive regulation shall prevail.

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

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

28
29 The fenders shall provide sufficient standoff from the
30 bulkhead or wharf under maximum operational compression to
31

1 ensure that manatees cannot be crushed between the vessel and
2 the bulkhead or wharf.

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

13 (s) Except as otherwise provided in this paragraph,
14 any person violating the provisions of this subsection or any
15 rule or ordinance adopted pursuant to this subsection shall be
16 guilty of a misdemeanor, punishable as provided in s.
17 370.021(1)(a) or (b)~~s. 370.021(2)(a) or (b)~~.

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

22 2. This paragraph does not apply to persons violating
23 restrictions governing "No Entry" zones or "Motorboat
24 Prohibited" zones, who, if convicted, shall be guilty of a
25 misdemeanor, punishable as provided in s. 370.021(1)(a) or (b)
26 ~~s. 370.021(2)(a) or (b)~~, or, if such violation demonstrates
27 blatant or willful action, may be found guilty of harassment
28 as described in paragraph (d).

29 (3) PROTECTION OF MAMMALIAN DOLPHINS (PORPOISES).--It
30 is unlawful to catch, attempt to catch, molest, injure, kill,
31 or annoy, or otherwise interfere with the normal activity and

1 well-being of, mammalian dolphins (porpoises), except as may
2 be authorized as a federal permit.

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

4 (a) Each fiscal year the Save the Manatee Trust Fund
5 shall be available to fund an impartial scientific benchmark
6 census of the manatee population in the state. Weather
7 permitting, the study shall be conducted annually by the Fish
8 and Wildlife Conservation Commission ~~Department of~~
9 ~~Environmental Protection~~ and the results shall be made
10 available to the President of the Senate, the Speaker of the
11 House of Representatives, and the Governor and Cabinet for use
12 in the evaluation and development of manatee protection
13 measures. In addition, the Save the Manatee Trust Fund shall
14 be available for annual funding of activities of public and
15 private organizations and those of the commission ~~department~~
16 intended to provide manatee and marine mammal protection and
17 recovery effort; manufacture and erection of informational and
18 regulatory signs; production, publication, and distribution of
19 educational materials; participation in manatee and marine
20 mammal research programs, including carcass salvage and other
21 programs; programs intended to assist the recovery of the
22 manatee as an endangered species, assist the recovery of the
23 endangered or threatened marine mammals, and prevent the
24 endangerment of other species of marine mammals; and other
25 similar programs intended to protect and enhance the recovery
26 of the manatee and other species of marine mammals. The
27 commission ~~department~~ shall annually solicit advisory
28 recommendations from the Save the Manatee Committee affiliated
29 with the Save the Manatee Club, as identified and recognized
30 in Executive Order 85-19, on the use of funds from the Save
31 the Manatee Trust Fund.

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

1 shall inspect each marketing exhibit at least once each year
2 to ensure the quality of the exhibit and promotional material.
3 Each facility that receives funds for manatee rehabilitation
4 shall annually provide the commission ~~department~~ a written
5 report, within 30 days after the close of the state fiscal
6 year, documenting the efforts and effectiveness of the
7 facility's promotional activities.

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

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

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

22 370.13 Stone crab; regulation.--

23 (1)(a) It is unlawful for any person, firm, or
24 corporation to catch or have in his or her possession,
25 regardless of where taken, for his or her own use or to sell
26 or offer for sale, any stone crab, or parts thereof, of any
27 size between May 15 and October 15 of each year, except for
28 stone crabs, or parts thereof, placed in inventory prior to
29 May 15 of each year.

30 (b) "Stone crab" means the species *Menippe mercenaria*
31 or any other species of the family Xanthidae as the Fish and

1 Wildlife Conservation ~~Marine Fisheries~~ Commission may define
2 by rule.

3 Section 84. Section 370.14, Florida Statutes, 1998
4 Supplement, is amended to read:

5 370.14 Crawfish; regulation.--

6 (1) It is the intent of the Legislature to maintain
7 the crawfish industry for the economy of the state and to
8 conserve the stocks supplying this industry. The provisions
9 of this act regulating the taking of saltwater crawfish are
10 for the purposes of ensuring and maintaining the highest
11 possible production of saltwater crawfish.

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

1 number to another applicant in the order of the receipt of the
2 application for a trap number. Any trap or device used in
3 taking or attempting to take crawfish, other than a trap with
4 the trap number attached as prescribed in this paragraph,
5 shall be seized and destroyed by the commission ~~division~~. The
6 proceeds of the fees imposed by this paragraph shall be
7 deposited and used as provided in paragraph (b). The
8 commission ~~Department of Environmental Protection~~ is
9 authorized to promulgate rules and regulations to carry out
10 the intent of this section.

11 (b) Fees collected pursuant to paragraph (a) shall be
12 deposited as follows:

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

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

19 (3) The crawfish license must be on board the boat,
20 and both the license and the harvested crawfish shall be
21 subject to inspection at all times. Only one license shall be
22 issued for each boat. The crawfish license number must be
23 prominently displayed above the topmost portion of the boat so
24 as to be easily and readily identified.

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

29 (5) Any crawfish licenseholder, upon selling licensed
30 crawfish traps, shall furnish the commission ~~division~~ notice
31 of such sale of all or part of his or her interest within 15

1 days thereof. Any holder of said license shall also notify
2 the commission ~~division~~ within 15 days if his or her address
3 no longer conforms to the address appearing on the license and
4 shall, as a part of such notification, furnish the commission
5 ~~division~~ with his or her new address.

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

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

19 (b) The licensed seafood dealer importing any such
20 crawfish under the permit shall, 12 hours prior to the time
21 the seagoing vessel or airplane delivering such imported
22 crawfish enters the state, notify the commission ~~Division of~~
23 ~~Law Enforcement~~ as to the seagoing vessel's name or the
24 airplane's registration number and its captain, location, and
25 point of destination.

26 (c) At the time the crawfish cargo is delivered to the
27 permitholder's place of business, the crawfish cargo shall be
28 weighed and shall be available for inspection by the
29 commission ~~Department of Environmental Protection~~. A signed
30 receipt of such quantity in pounds shall be forwarded to the
31 commission ~~Division of Law Enforcement's local Florida Marine~~

1 ~~Patrol office~~ within 48 hours after shipment weigh-in
2 completion. If requested by the commission department, the
3 weigh-in process will be delayed up to 4 hours to allow for a
4 commission department representative to be present during the
5 process.

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

19 (e) Each permitholder shall keep throughout the period
20 of the closed season copies of the bill of sale or invoices
21 covering each transaction involving crawfish imported under
22 this permit. Such invoices and bills shall be kept available
23 at all times for inspection by the commission division.

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

28 (b) A special permit must be obtained by any airplane
29 or seagoing vessel other than a common carrier used to
30 transport saltwater crawfish or crawfish tails for purchase by
31

1 licensed seafood dealers for purposes as provided herein upon
2 the payment of \$50.

3 (c) All special permits issued under this subsection
4 are nontransferable.

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

13 (10)(a) In addition to licenses required by s.
14 370.0605, any person who takes and possesses any crawfish for
15 recreational purposes from any waters of the state must have a
16 crawfish permit. The permit remains valid for 12 months after
17 the date of issuance. The cost of each crawfish permit shall
18 be \$2. Each crawfish permit issued pursuant to this section
19 shall be valid only during the times established by law for
20 the taking of crawfish. The Fish and Wildlife Conservation
21 ~~Game and Fresh Water Fish~~ Commission, any tax collector, or
22 any subagent may sell the permit and collect the fees
23 therefor.

24 (b) The intent of paragraph (a) is to expand research
25 and management to increase crawfish populations in the state
26 without detracting from other programs. Moneys generated from
27 crawfish permits shall be used exclusively for programs to
28 benefit crawfish populations.

29 (c) All permit fees collected by the Fish and Wildlife
30 Conservation ~~Game and Fresh Water Fish~~ Commission shall be
31 transferred to the Marine Resources Conservation Trust Fund

1 within 7 days following the last business day of the week in
2 which the fees were received by the Fish and Wildlife
3 Conservation Game and Fresh Water Fish Commission.

4 (11) The commission ~~department~~ may conduct
5 competitions to periodically select a designer of the crawfish
6 stamp. Also, the commission ~~department~~ may enhance revenues
7 from the sale of crawfish stamps by issuing special editions
8 for stamp collectors and other such special purposes.

9 ~~(12) The 2-day sport season for harvesters of spiny~~
10 ~~lobster created by the Marine Fisheries Commission pursuant to~~
11 ~~rule 46-24.005, Florida Administrative Code, is named the "Bob~~
12 ~~Hector Sport Fishermen's Crawfish Season."~~

13 Section 85. Subsection (2) of section 370.1405,
14 Florida Statutes, 1998 Supplement, is amended to read:

15 370.1405 Crawfish reports by dealers during closed
16 season required.--

17 (2) Failure to submit a report as described in
18 subsection (1) or reporting a greater or lesser amount of
19 whole crawfish, crawfish tails, or crawfish meat than is
20 actually in the dealer's possession or name is a major
21 violation of this chapter, punishable as provided in s.
22 370.021(1)~~s. 370.021(2)~~, s. 370.07(6)(b), or both. The
23 commission ~~department~~ shall seize the entire supply of
24 unreported or falsely reported whole crawfish, crawfish tails,
25 or crawfish meat, and shall carry the same before the court
26 for disposal. The dealer shall post a cash bond in the amount
27 of the fair value of the entire quantity of unreported or
28 falsely reported crawfish as determined by the judge. After
29 posting the cash bond, the dealer shall have 24 hours to
30 transport said products outside the limits of Florida for sale
31 as provided by s. 370.061. Otherwise, the product shall be

1 declared a nuisance and disposed of by the commission
2 ~~department~~ according to law.

3 Section 86. Section 370.142, Florida Statutes, 1998
4 Supplement, is amended to read:

5 370.142 Spiny lobster trap certificate program.--

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

22 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
23 PENALTIES.--The Fish and Wildlife Conservation Commission
24 ~~Department of Environmental Protection~~ shall establish a trap
25 certificate program for the spiny lobster fishery of this
26 state and shall be responsible for its administration and
27 enforcement as follows:

28 (a) Transferable trap certificates.--Each holder of a
29 saltwater products license who uses traps for taking or
30 attempting to take spiny lobsters shall be required to have a
31

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

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

29 2. No person, firm, corporation, or other business
30 entity may control, directly or indirectly, more than 1.5
31

1 percent of the total available certificates in any license
2 year.

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

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

12 5. Beginning July 1, 2003, and applicable to the
13 2003-2004 lobster season and thereafter, it is unlawful for
14 any person to lease lobster trap tags or certificates.

15 (b) Trap tags.--Each trap used to take or attempt to
16 take spiny lobsters in state waters or adjacent federal waters
17 shall, in addition to the crawfish trap number required by s.
18 370.14(2), have affixed thereto an annual trap tag issued by
19 the commission ~~department~~. Each such tag shall be made of
20 durable plastic or similar material and shall, beginning with
21 those tags issued for the 1993-1994 season based on the number
22 of certificates held, have stamped thereon the owner's license
23 number. To facilitate enforcement and recordkeeping, such tags
24 shall be issued each year in a color different from that of
25 each of the previous 3 years. A fee of 50 cents per tag issued
26 other than on the basis of a certificate held shall be
27 assessed through March 31, 1993. Until 1995, an annual fee of
28 50 cents per certificate shall be assessed, and thereafter,
29 until 1998, an annual fee of 75 cents per certificate shall be
30 assessed upon issuance in order to recover administrative
31 costs of the tags and the certificate program. Beginning in

1 1998, the annual certificate fee shall be \$1 per certificate.
2 Replacement tags for lost or damaged tags may be obtained as
3 provided by rule of the commission ~~department~~.

4 (c) Prohibitions; penalties.--

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

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

16 3. In addition to any other penalties provided in s.
17 370.021, a commercial harvester, as defined by rule
18 46-24.002(1), Florida Administrative Code, who violates the
19 provisions of this section, or the provisions relating to
20 traps of chapter 46-24, Florida Administrative Code, shall be
21 punished as follows:

22 a. If the first violation is for violation of
23 subparagraph 1. or subparagraph 2., the commission ~~department~~
24 shall assess an additional civil penalty of up to \$1,000 and
25 the crawfish trap number issued pursuant to s. 370.14(2) or
26 (7) may be suspended for the remainder of the current license
27 year. For all other first violations, the commission
28 ~~department~~ shall assess an additional civil penalty of up to
29 \$500.

30 b. For a second violation of subparagraph 1. or
31 subparagraph 2. which occurs within 24 months of any previous

1 such violation, the commission ~~department~~ shall assess an
2 additional civil penalty of up to \$2,000 and the crawfish trap
3 number issued pursuant to s. 370.14(2) or (6) ~~(7)~~ may be
4 suspended for the remainder of the current license year.

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

15 d. Any person assessed an additional civil penalty
16 pursuant to this section shall within 30 calendar days after
17 notification:

18 (I) Pay the civil penalty to the commission
19 ~~department~~; or

20 (II) Request an administrative hearing pursuant to the
21 provisions of s. 120.60.

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

26 4.a. It is unlawful for any person to make, alter,
27 forge, counterfeit, or reproduce a spiny lobster trap tag or
28 certificate.

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

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

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

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

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

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

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

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

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

1 within the authorized total. The Fish and Wildlife
2 Conservation Commission shall provide for an annual evaluation
3 of the trap reduction process and shall suspend the annual
4 percentage reductions for any period deemed necessary by the
5 commission in order to assess the impact of the trap reduction
6 schedule on the fishery. The Fish and Wildlife Conservation
7 Commission ~~commission~~ may then, by rule, resume, terminate, or
8 reverse the schedule as it deems necessary to protect the
9 spiny lobster resource and the participants in the fishery.

10 (4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS
11 BOARD.--There is hereby established the Trap Certificate
12 Technical Advisory and Appeals Board. Such board shall
13 consider and advise the commission ~~department~~ on disputes and
14 other problems arising from the implementation of the spiny
15 lobster trap certificate program. The board may also provide
16 information to the commission ~~department~~ on the operation of
17 the trap certificate program.

18 (a)~~1.~~ The board shall consist of the executive
19 director ~~secretary~~ of the commission ~~department~~ or designee
20 and nine other members appointed by the executive director
21 ~~secretary, after determination of the initial certificate~~
22 ~~allotments by the department, according to the following~~
23 ~~criteria, except as otherwise provided in subparagraph 2.:~~

24 1.a. All appointed members shall be
25 certificateholders, but two shall be holders of fewer than 100
26 certificates, two shall be holders of at least 100 but no more
27 than 750 certificates, three shall be holders of more than 750
28 but not more than 2,000 certificates, and two shall be holders
29 of more than 2,000 certificates.

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

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

6 ~~2. The secretary of the department may fill any~~
7 ~~position on the initial board with a member who does not~~
8 ~~fulfill the requirements of subparagraph 1. if there are not~~
9 ~~enough qualified individuals available to meet those~~
10 ~~requirements. However, as soon as enough qualified individuals~~
11 ~~are available to meet those requirements, the secretary must~~
12 ~~replace all nonqualified appointees with qualified appointees.~~

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

22 (c) The executive director ~~secretary~~ of the commission
23 ~~department~~ or designee shall serve as a member and shall call
24 the organizational meeting of the board. The board shall
25 annually elect a chair and a vice chair. There shall be no
26 limitation on successive terms that may be served by a chair
27 or vice chair. The board shall meet at the call of its chair,
28 at the request of a majority of its membership, at the request
29 of the commission department, or at such times as may be
30 prescribed by its rules. A majority of the board shall
31 constitute a quorum, and official action of the board shall

1 require a majority vote of the total membership of the board
2 present at the meeting.

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

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

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

18 (g) In addition to those certificates allotted
19 pursuant to the provisions of subparagraph (2)(a)1., up to
20 125,000 certificates may be allotted by the board to settle
21 disputes or other problems arising from implementation of the
22 trap certificate program during the 1992-1993 and 1993-1994
23 license years. Any certificates not allotted by March 31,
24 1994, shall become permanently unavailable and shall be
25 considered as part of the 1994-1995 reduction schedule. All
26 appeals for additional certificates or other disputes must be
27 filed with the board before October 1, 1993.

28 (h) Any trap certificates issued by the Department of of
29 Environmental Protection as a result of the appeals process
30 must be added to the existing number of trap certificates for
31 the purposes of determining the total number of certificates

1 from which the subsequent season's trap reduction is
2 calculated.

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

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

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

24 Section 87. Subsection (1), (2), and (6) of section
25 370.1535, Florida Statutes, are amended to read:

26 370.1535 Regulation of shrimp fishing in Tampa Bay;
27 licensing requirements.--

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

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

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

7 (b) One permit is required for each vessel used for
8 dead shrimp production in the waters of Tampa Bay. A permit
9 shall only be issued to an individual who is the principal
10 owner of the vessel or of the business entity owning the
11 vessel and utilizing the permit. No more than three permits
12 shall be issued to any individual.

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

20 (d) No person shall be issued a permit or be allowed
21 to renew a permit if such person is registered for
22 noncommercial trawling pursuant to s. 370.15(6) or if such
23 person holds a live bait shrimping license issued pursuant to
24 s. 370.15(8).

25 (e) Each applicant shall make application prior to
26 June 30, 1992, and shall hold any other license or
27 registration required to operate a commercial fishing vessel
28 in Tampa Bay on the date of application.

29 (6) Each person harvesting shrimp in Tampa Bay
30 pursuant to the permit required by this section shall comply
31

1 with all rules of the Fish and Wildlife Conservation ~~Marine~~
2 ~~Fisheries~~ Commission regulating such harvest.

3 Section 88. Subsections (4) and (5) of section 370.17,
4 Florida Statutes, are amended to read:

5 370.17 Sponges; regulation.--

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

26 (5) COOPERATION WITH UNITED STATES FISH AND WILDLIFE
27 SERVICE.--The commission ~~department~~ shall cooperate with the
28 United States Fish and Wildlife Service, under existing
29 federal laws, rules and regulations, and is authorized to
30 accept donations, grants and matching funds from said federal
31 government under such conditions as are reasonable and proper,

1 for the purposes of carrying out this chapter, and the
2 commission ~~said department~~ is further authorized to accept any
3 and all donations including funds and loan of vessels.

4 Section 89. Section 370.31, Florida Statutes, is
5 amended to read:

6 370.31 Commercial production of sturgeon.--

7 (1) INTENT.--The Legislature finds and declares that
8 there is a need to encourage the continuation and advancement
9 of work being done on aquaculture sturgeon production in
10 keeping with the state's legislative public policy regarding
11 aquaculture provided in chapter 597. It also finds that it is
12 in the state's economic interest to promote the commercial
13 production and stock enhancement of sturgeon. It is therefore
14 the intent of the Legislature to hereby create a Sturgeon
15 Production Working Group.

16 (2) CREATION.--The Sturgeon Production Working Group
17 is created within the Fish and Wildlife Conservation
18 Commission ~~Department of Environmental Protection~~ and shall be
19 composed of six members as follows:

20 (a) The head of the sturgeon research program or
21 designee from the University of Florida, Institute of Food and
22 Agricultural Sciences. Such member shall be appointed by the
23 University of Florida's Vice President for Agricultural
24 Affairs.

25 (b) One representative from the Department of
26 Environmental Protection to be appointed by the Secretary of
27 Environmental Protection.

28 (c) One representative from the Fish and Wildlife
29 Conservation ~~Game and Fresh Water Fish~~ Commission to be
30 appointed by the executive director of the ~~Game and Fresh~~
31 ~~Water Fish~~ commission.

1 (d) One representative from the Department of
2 Agriculture and Consumer Services to be appointed by the
3 Commissioner of Agriculture.

4 (e) Two representatives from the aquaculture industry
5 to be appointed by the Aquaculture Review Council.

6 (3) MEETINGS; PROCEDURES; RECORDS.--The working group
7 shall meet at least twice a year and elect, by a quorum, a
8 chair, vice chair, and secretary. However, the working group
9 shall call its first meeting within 1 month after October 1,
10 1996.

11 (a) The chair of the working group shall preside at
12 all meetings and shall call a meeting as often as necessary to
13 carry out the provisions of this section. To call a meeting,
14 the chair shall solicit an agreement to meet from at least two
15 other working group members and then notify any remaining
16 members of the meeting.

17 (b) The secretary shall keep a complete record of the
18 proceedings of each meeting, which includes the names of the
19 members present at each meeting and the actions taken. Such
20 records shall be kept on file with the Fish and Wildlife
21 Conservation Commission ~~Department of Environmental Protection~~
22 with copies filed with the Department of Fisheries and
23 Aquatics at the University of Florida. The records shall be
24 public records pursuant to chapter 119.

25 (c) A quorum shall consist of one representative from
26 the Fish and Wildlife Conservation Commission ~~Department of~~
27 ~~Environmental Protection~~, one representative from the
28 Institute of Food and Agricultural Sciences, and at least two
29 other members.

30 (4) PURPOSE AND RESPONSIBILITIES.--The purpose of the
31 Sturgeon Production Working Group is to establish a state

1 sturgeon aquaculture program to promote the commercial
2 production and stock enhancement of sturgeon in Florida. In
3 carrying out this purpose, the working group shall:

4 (a) Establish a state sturgeon aquaculture program to
5 inform public or private interested parties of how to
6 aquaculturally produce sturgeon for commercial purposes and
7 for stock enhancement. The program shall:

8 1. Determine how sturgeon can be produced commercially
9 for its meat and roe in the state.

10 2. Determine how sturgeon can be used for stock
11 enhancement in areas designated by the Fish and Wildlife
12 Conservation Commission ~~Department of Environmental Protection~~
13 in consultation with the Sturgeon Production Working Group.

14 (b) Seek federal help and cooperation in obtaining the
15 appropriate permits to establish the state sturgeon
16 aquaculture program.

17 (c) Prepare a state sturgeon production and stock
18 enhancement plan to implement the state sturgeon aquaculture
19 program. The plan shall include, but not be limited to, the
20 following:

21 1. Research needed to support the commercial
22 production of sturgeon for meat and roe and stock enhancement
23 in the state.

24 2. Studies needed to determine the economic impact on
25 the state and the best marketing strategies for producing
26 sturgeon for its meat and roe.

27 3. Permits and other requirements currently needed to
28 commercially produce sturgeon and enhance sturgeon stock in
29 the state and a strategy for obtaining such permits or
30 requirements.

31

1 4. The timetable for implementation and completion of
2 the plan's components.

3 5. The implementation date for the state sturgeon
4 aquaculture program.

5 ~~(d) Prepare a report to be submitted within 1 year~~
6 ~~after October 1, 1996, to the Governor, the President of the~~
7 ~~Senate, the Speaker of the House of Representatives, and the~~
8 ~~chairs of the legislative ways and means, appropriations, and~~
9 ~~agriculture committees. This report shall include, but not be~~
10 ~~limited to:~~

11 ~~1. The status of the state sturgeon aquaculture~~
12 ~~program.~~

13 ~~2. The status of the state sturgeon production and~~
14 ~~stock enhancement plan.~~

15 ~~3. Other Florida public or private agencies, if any,~~
16 ~~doing research on sturgeon production.~~

17 ~~4. Any recommendations necessary to carry out the~~
18 ~~purpose of this section.~~

19 Section 90. Subsections (9), (15), (16), and (17) of
20 section 372.001, Florida Statutes, are amended to read:

21 372.001 Definitions.--In construing these statutes,
22 when applied to saltwater and freshwater fish, shellfish,
23 crustacea, sponges, wild birds, and wild animals, where the
24 context permits, the word, phrase, or term:

25 (9) "Fresh water," except where otherwise provided by
26 law, includes all lakes, rivers, canals, and other waterways
27 of Florida, to such point or points where the fresh and salt
28 waters commingle to such an extent as to become unpalatable
29 and unfit for human consumption, because of the saline
30 content, or to such point or points as may be fixed by the
31 Fish and Wildlife Conservation Game and Fresh Water Fish

1 Commission, by and with the consent of the board of county
2 commissioners of the county or counties to be affected by such
3 order. The Steinhatchee River shall be considered fresh water
4 from its source to mouth.

5 (15) "Fish management area" is a pond, lake, or other
6 water within a county or within several counties designated to
7 improve fishing for public use and established and
8 specifically circumscribed for authorized management by the
9 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
10 Commission and the board of county commissioners of the county
11 in which such waters lie under agreement between the
12 commission and an owner with approval by the board of county
13 commissioners or under agreement with the board of county
14 commissioners for use of public waters in the county in which
15 such waters lie.

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

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

23 Section 91. Section 372.01, Florida Statutes, is
24 amended to read:

25 372.01 Fish and Wildlife Conservation ~~Game and Fresh~~
26 ~~Water Fish~~ Commission.--

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

31

1 (2) Members so appointed shall annually select one of
2 their members as chair. Such chair may be removed at any time
3 for sufficient cause, by the affirmative vote of the majority
4 of the members of the commission. In case the said office of
5 chair becomes vacant by removal or otherwise, the same may be
6 filled for the unexpired term at any time by the commission
7 from its members.

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

11 Section 92. Subsections (1) and (2) of section
12 372.0215, Florida Statutes, are amended to read:

13 372.0215 Citizen support organizations; use of state
14 property; audit.--

15 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
16 ~~Water Fish~~ Commission may authorize the establishment of
17 citizen support organizations to provide assistance, funding,
18 and promotional support for the programs of the commission.
19 For purposes of this section, the term "citizen support
20 organization" means an organization which:

21 (a) Is a corporation not for profit incorporated
22 pursuant to the provisions of chapter 617 and approved by the
23 Department of State;

24 (b) Is organized and operated to conduct programs and
25 activities; raise funds; request and receive grants, gifts,
26 and bequests of money; acquire, receive, hold, invest, and
27 administer in its own name securities, funds, or real or
28 personal property; and make expenditures for the benefit of
29 the commission or an individual program unit of the
30 commission; except that such organization may not receive
31 funds from the commission or the Florida Marine Research

1 Institute by grant, gift, or contract unless specifically
2 authorized by the Legislature.

3 (c) The commission has determined acts in a manner
4 that is consistent with the goals of the commission and the
5 best interests of the state.

6 (d) Is approved in writing by the commission to
7 operate for the benefit of the commission. Such approval must
8 be stated in a letter of agreement from the executive director
9 of the commission.

10 (2)(a) The Fish and Wildlife Conservation Commission
11 ~~Game and Fresh Water Fish Commission~~ may permit a citizen
12 support organization to use commission property, facilities,
13 and personnel free of charge. A citizen support organization
14 may use commission property, facilities, and personnel if such
15 use is consistent with the approved purpose of that citizen
16 support organization and if such use does not unreasonably
17 interfere with the general public's use of commission
18 property, facilities, and personnel for established purposes.

19 (b) The commission may prescribe conditions upon the
20 use by a citizen support organization of commission property,
21 facilities, or personnel.

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

27 Section 93. Subsections (1), (2), and (4) of section
28 372.0222, Florida Statutes, are amended to read:

29 372.0222 Private publication agreements; advertising;
30 costs of production.--

31

1 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
2 ~~Water Fish~~ Commission may enter into agreements to secure the
3 private publication of public information brochures,
4 pamphlets, audiotapes, videotapes, and related materials for
5 distribution without charge to the public and, in furtherance
6 thereof, is authorized to:

7 (a) Enter into agreements with private vendors for the
8 publication or production of such public information
9 materials, whereby the costs of publication or production will
10 be borne in whole or in part by the vendor or the vendor shall
11 provide additional compensation in return for the right of the
12 vendor to select, sell, and place advertising which publicizes
13 products or services related to and harmonious with the
14 subject matter of the publication.

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

18 (2) The Fish and Wildlife Conservation ~~Game and Fresh~~
19 ~~Water Fish~~ Commission may sell advertising in the Florida
20 Wildlife Magazine to offset the cost of publication and
21 distribution of the magazine.

22 (4) The Fish and Wildlife Conservation ~~Game and Fresh~~
23 ~~Water Fish~~ Commission may enter into agreements with private
24 vendors for vendor advertisement for the purpose of offsetting
25 expenses relating to license issuance, and, in furtherance
26 thereof, is authorized to:

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

29 (b) Require that any advertising of any kind
30 contracted pursuant to this section shall include a statement
31 providing that the advertising does not constitute an

1 endorsement by the state or commission of the products or
2 services to be so advertised.

3 Section 94. Section 372.0225, Florida Statutes, 1998
4 Supplement, is amended to read:

5 372.0225 Freshwater organisms.--

6 (1) The Division of Freshwater Fisheries of the Fish
7 and Wildlife Conservation ~~Game and Fresh Water Fish~~
8 Commission, in order to manage the promotion, marketing, and
9 quality control of all freshwater organisms produced in
10 Florida and utilized commercially so that such organisms shall
11 be used to produce the optimum sustained yield consistent with
12 the protection of the breeding stock, is directed and charged
13 with the responsibility of:

14 (a) Providing for the regulation of the promotion,
15 marketing, and quality control of freshwater organisms
16 produced in Florida and utilized commercially.

17 (b) Regulating the processing of commercial freshwater
18 organisms on the water or on the shore.

19 (c) Providing documentation standards and statistical
20 record requirements with respect to commercial freshwater
21 organism catches.

22 (d) Conducting scientific, economic, and other studies
23 and research on all freshwater organisms produced in the state
24 and used commercially.

25 (2) The responsibility with which the Division of
26 Freshwater Fisheries is charged under subsection (1) shall in
27 no way supersede or duplicate the responsibilities of the
28 Department of Agriculture and Consumer Services under chapter
29 500, the Florida Food Safety Act, and the rules adopted under
30 that chapter.

31

1 Section 95. Subsections (1) and (3) of section
2 372.023, Florida Statutes, are amended to read:

3 372.023 J. W. Corbett and Cecil M. Webb Wildlife
4 Management Areas.--

5 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
6 ~~Water Fish~~ Commission of this state is neither authorized nor
7 empowered to do the following as to the J. W. Corbett Wildlife
8 Management Area in Palm Beach County or the Cecil M. Webb
9 Wildlife Management Area without the approval of the Board of
10 Trustees of the Internal Improvement Trust Fund that such
11 action is in the best interest of orderly and economical
12 development of said area, viz.:

13 (a) To trade, barter, lease, or exchange lands therein
14 for lands of greater acreage contiguous to said wildlife
15 management areas.

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

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

24 (3) Moneys received from the sale of lands within
25 either wildlife management area, less reasonable expenses
26 incident to the sale, shall be used by the Fish and Wildlife
27 Conservation ~~Game and Fresh Water Fish~~ Commission to acquire
28 acreage contiguous to the wildlife management area or lands of
29 equal wildlife value. The sale shall be made directly to the
30 state, notwithstanding the procedures of ss. 270.08 and 270.09
31 to the contrary.

1 Section 96. Subsections (2) and (3) of section
2 372.025, Florida Statutes, are amended to read:

3 372.025 Everglades recreational sites; definitions.--

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

5 (a) "Commission" means the Fish and Wildlife
6 Conservation Game and Fresh Water Fish Commission.

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

9 (c) "Indian reservations" means lands as designated by
10 chapter 285.

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

14 (e) "Development of recreational sites" means any
15 improvements to existing facilities or sites and also such new
16 selection and improvements as are needed for the various
17 recreational activities as herein provided.

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

23 Section 97. Section 372.03, Florida Statutes, is
24 amended to read:

25 372.03 Headquarters of commission.--The Fish and
26 Wildlife Conservation Game and Fresh Water Fish Commission is
27 located at the state capital, and, when suitable adequate
28 office space cannot be provided in the State Capitol Building,
29 or other buildings owned by the state, the commission may rent
30 or lease suitable office space in Tallahassee. Said commission
31 may also rent or lease suitable and adequate space in other

1 cities and towns of the state for branch or division offices
2 and headquarters and storerooms for equipment and supplies, as
3 the business of the commission may require or necessitate,
4 payment for said rented or leased premises to be made from the
5 State Game Trust Fund.

6 Section 98. Section 372.051, Florida Statutes, is
7 amended to read:

8 372.051 Seal of commission; certificate as
9 evidence.--The Fish and Wildlife Conservation ~~Game and Fresh~~
10 ~~Water-Fish~~ Commission shall adopt and use a common seal, and a
11 certificate under the seal of the commission, signed by its
12 chair and attested by its director shall constitute sufficient
13 evidence of the action of the commission; and copies of the
14 minutes of the commission, or any part thereof, or of any
15 record or paper of said commission, or any part thereof, or of
16 any rule, regulation, or order of the commission, or any part
17 thereof, or of any code of rules, regulations or orders of the
18 commission, or any part thereof, certified by the director of
19 the commission under its seal, shall be admissible in evidence
20 in all cases and proceedings in all courts, boards, and
21 commissions of this state without further authentication.

22 Section 99. Section 372.06, Florida Statutes, is
23 amended to read:

24 372.06 Meetings of the commission.--At least four
25 meetings of the Fish and Wildlife Conservation ~~Game and Fresh~~
26 ~~Water-Fish~~ Commission shall be held at the state capital no
27 less frequently than once every 3 months, which meetings shall
28 be known as the quarterly meetings of the commission; other
29 meetings may be held at such times and places as may be
30 decided upon or as provided by rules of the commission, such
31 meetings to be called by the executive secretary on not less

1 than 1 week's notice to all members of the commission; or
2 meetings may be held upon the request in writing of three
3 members of the commission, at a time and place to be
4 designated in the request, and notice of such meetings shall
5 be given at least 1 week in advance thereof to all members of
6 the commission by the executive secretary. A majority of
7 ~~Three~~ members shall constitute a quorum at any meeting of the
8 commission. No action shall be binding when taken up by the
9 commission, except at a regular or call meeting and duly
10 recorded in the minutes of said meeting.

11 Section 100. Section 372.07, Florida Statutes, is
12 amended to read:

13 372.07 Police powers of commission and its agents.--

14 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
15 ~~Water Fish~~ Commission, the director and the director's
16 assistants designated by her or him, and each wildlife officer
17 are constituted peace officers with the power to make arrests
18 for violations of the laws of this state when committed in the
19 presence of the officer or when committed on lands under the
20 supervision and management of the commission. The general
21 laws applicable to arrests by peace officers of this state
22 shall also be applicable to said director, assistants, and
23 wildlife officers. Such persons may enter upon any land or
24 waters of the state for performance of their lawful duties and
25 may take with them any necessary equipment, and such entry
26 shall not constitute a trespass.

27 (2) Said officers shall have power and authority to
28 enforce throughout the state all laws relating to game,
29 nongame birds, freshwater fish, and fur-bearing animals and
30 all rules and regulations of the Fish and Wildlife
31 Conservation ~~Game and Fresh Water Fish~~ Commission relating to

1 wild animal life and freshwater aquatic life, and in
2 connection with said laws, rules, and regulations, in the
3 enforcement thereof and in the performance of their duties
4 thereunder, to:

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

6 (b) Execute warrants and search warrants for the
7 violation of said laws;

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

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

12 (e) Arrest upon probable cause without warrant any
13 person found in the act of violating any of the provisions of
14 said laws or, in pursuit immediately following such
15 violations, to examine any person, boat, conveyance, vehicle,
16 game bag, game coat, or other receptacle for wild animal life
17 or freshwater aquatic life, or any camp, tent, cabin, or
18 roster, in the presence of any person stopping at or belonging
19 to such camp, tent, cabin, or roster, when said officer has
20 reason to believe, and has exhibited her or his authority and
21 stated to the suspected person in charge the officer's reason
22 for believing, that any of the aforesaid laws have been
23 violated at such camp;

24 (f) Secure and execute search warrants and in
25 pursuance thereof to enter any building, enclosure, or car and
26 to break open, when found necessary, any apartment, chest,
27 locker, box, trunk, crate, basket, bag, package, or container
28 and examine the contents thereof;

29 (g) Seize and take possession of all wild animal life
30 or freshwater aquatic life taken or in possession or under
31

1 control of, or shipped or about to be shipped by, any person
2 at any time in any manner contrary to said laws.

3 (3) It is unlawful for any person to resist an arrest
4 authorized by this section or in any manner to interfere,
5 either by abetting, assisting such resistance, or otherwise
6 interfering with said director, assistants, or wildlife
7 officers while engaged in the performance of the duties
8 imposed upon them by law or regulation of the Fish and
9 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission.

10 Section 101. Section 372.071, Florida Statutes, is
11 amended to read:

12 372.071 Powers of arrest by agents of Department of
13 Environmental Protection or Fish and Wildlife Conservation
14 ~~Game and Fresh Water Fish~~ Commission.--Any certified law
15 enforcement officer of the Department of Environmental
16 Protection or the Fish and Wildlife Conservation ~~Game and~~
17 ~~Fresh Water Fish~~ Commission, upon receiving information,
18 relayed to her or him from any law enforcement officer
19 stationed on the ground, on the water, or in the air, that a
20 driver, operator, or occupant of any vehicle, boat, or airboat
21 has violated any section of chapter 327, chapter 328, chapter
22 370, or this chapter, may arrest the driver, operator, or
23 occupant for violation of said laws when reasonable and proper
24 identification of the vehicle, boat, or airboat and reasonable
25 and probable grounds to believe that the driver, operator, or
26 occupant has committed or is committing any such offense have
27 been communicated to the arresting officer by the other
28 officer stationed on the ground, on the water, or in the air.

29 Section 102. Section 372.072, Florida Statutes, is
30 amended to read:

31 372.072 Endangered and Threatened Species Act.--

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

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

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

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

21 (b) "Endangered species" means any species of fish and
22 wildlife naturally occurring in Florida, whose prospects of
23 survival are in jeopardy due to modification or loss of
24 habitat; overutilization for commercial, sporting, scientific,
25 or educational purposes; disease; predation; inadequacy of
26 regulatory mechanisms; or other natural or manmade factors
27 affecting its continued existence.

28 (c) "Threatened species" means any species of fish and
29 wildlife naturally occurring in Florida which may not be in
30 immediate danger of extinction, but which exists in such small
31 populations as to become endangered if it is subjected to

1 increased stress as a result of further modification of its
2 environment.

3 (4) INTERAGENCY COORDINATION.--

4 ~~(a)1. The Game and Fresh Water Fish Commission shall~~
5 ~~be responsible for research and management of freshwater and~~
6 ~~upland species.~~

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

9 (a)~~(b)~~ Recognizing that citizen awareness is a key
10 element in the success of this plan, the Fish and Wildlife
11 Conservation Game and Fresh Water Fish Commission, the
12 Department of Environmental Protection, and the Office of
13 Environmental Education of the Department of Education are
14 encouraged to work together to develop a public education
15 program with emphasis on, but not limited to, both public and
16 private schools.

17 (b)~~(c)~~ The Fish and Wildlife Conservation Department
18 ~~of Environmental Protection, the Marine Fisheries Commission,~~
19 ~~or the Game and Fresh Water Fish~~ Commission, in consultation
20 with the Department of Agriculture and Consumer Services, the
21 ~~Department of Commerce, the~~ Department of Community Affairs,
22 or the Department of Transportation, may establish reduced
23 speed zones along roads, streets, and highways to protect
24 endangered species or threatened species.

25 (5) ANNUAL REPORT.--The Executive Director of the Fish
26 and Wildlife Conservation Commission ~~Director of the Game and~~
27 ~~Fresh Water Fish Commission, in consultation with the~~
28 ~~Secretary of Environmental Protection,~~ shall, at least 30 days
29 prior to each annual session of the Legislature, transmit to
30 the Governor and Cabinet, the President of the Senate, the
31 Speaker of the House of Representatives, and the chairs of the

1 appropriate Senate and House committees, a revised and updated
2 plan for management and conservation of endangered and
3 threatened species, including criteria for research and
4 management priorities; a description of the educational
5 program; statewide policies pertaining to protection of
6 endangered and threatened species; additional legislation
7 which may be required; and the recommended level of funding
8 for the following year, along with a progress report and
9 budget request.

10 Section 103. Section 372.0725, Florida Statutes, is
11 amended to read:

12 372.0725 Killing or wounding of any species designated
13 as endangered, threatened, or of special concern; criminal
14 penalties.--It is unlawful for a person to intentionally kill
15 or wound any fish or wildlife of a species designated by the
16 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
17 Commission as endangered, threatened, or of special concern,
18 or to intentionally destroy the eggs or nest of any such fish
19 or wildlife, except as provided for in the rules of the Fish
20 and Wildlife Conservation ~~Game and Fresh Water Fish~~
21 ~~Commission, the Department of Environmental Protection, or the~~
22 ~~Marine Fisheries~~ Commission. Any person who violates this
23 provision with regard to an endangered or threatened species
24 is guilty of a felony of the third degree, punishable as
25 provided in s. 775.082, s. 775.083, or s. 775.084.

26 Section 104. Subsection (1) of section 372.073,
27 Florida Statutes, is amended to read:

28 372.073 Endangered and Threatened Species Reward
29 Program.--

30 (1) There is established within the Fish and Wildlife
31 Conservation ~~Game and Fresh Water Fish~~ Commission the

1 Endangered and Threatened Species Reward Program, to be funded
2 from the Nongame Wildlife Trust Fund. The commission may post
3 rewards to persons responsible for providing information
4 leading to the arrest and conviction of persons illegally
5 killing or wounding or wrongfully possessing any of the
6 endangered and threatened species listed on the official
7 Florida list of such species maintained by the commission or
8 the arrest and conviction of persons who violate s. 372.667 or
9 s. 372.671. Additional funds may be provided by donations from
10 interested individuals and organizations. The reward program
11 is to be administered by the commission. The commission shall
12 establish a schedule of rewards.

13 Section 105. Subsection (1) of section 372.074,
14 Florida Statutes, is amended to read:

15 372.074 Fish and Wildlife Habitat Program.--

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

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

27 (c) Where acquisition pursuant to this section will
28 result in state ownership of land, title shall be vested in
29 the Board of Trustees of the Internal Improvement Trust Fund
30 as required in chapter 253. Land acquisition pursuant to this
31 section shall be voluntary, negotiated acquisition and, where

1 title is to be vested in the Board of Trustees of the Internal
2 Improvement Trust Fund, is subject to the acquisition
3 procedures of s. 253.025.

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

7 Section 106. Subsection (1), paragraph (c) of
8 subsection (3), and subsection (4) of section 372.105, Florida
9 Statutes, are amended to read:

10 372.105 Lifetime Fish and Wildlife Trust Fund.--

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

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

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

1 lifetime licenses to be identifiable by the ages of the
2 license recipients.

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

17 Section 107. Subsection (1) of section 372.106,
18 Florida Statutes, is amended to read:

19 372.106 Dedicated License Trust Fund.--

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

25 Section 108. Section 372.12, Florida Statutes, is
26 amended to read:

27 372.12 Acquisition of state game lands.--The Fish and
28 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
29 with the approval of the Governor, may acquire, in the name of
30 the state, lands and waters suitable for the protection and
31 propagation of game, fish, nongame birds or fur-bearing

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

13 Section 109. Subsection (1) of section 372.121,
14 Florida Statutes, is amended to read:

15 372.121 Control and management of state game lands.--

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

29 Section 110. Subsections (1), (2), and (4) of section
30 372.16, Florida Statutes, are amended to read:

31 372.16 Private game preserves and farms; penalty.--

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

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

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

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

25 Section 111. Subsection (1) of section 372.26, Florida
26 Statutes, is amended to read:

27 372.26 Imported fish.--

28 (1) No person shall import into the state or place in
29 any of the fresh waters of the state any freshwater fish of
30 any species without having first obtained a permit from the
31 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~

1 Commission. The commission is authorized to issue or deny such
2 a permit upon the completion of studies of the species made by
3 it to determine any detrimental effect the species might have
4 on the ecology of the state.

5 Section 112. Subsections (1) and (2) of section
6 372.265, Florida Statutes, are amended to read:

7 372.265 Regulation of foreign animals.--

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

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

18 Section 113. Section 372.27, Florida Statutes, is
19 amended to read:

20 372.27 Silver Springs and Rainbow Springs, etc.,
21 closed to all fishing.--It is unlawful for any person to take
22 any fish within Marion County, from the waters of Rainbow
23 Springs and Rainbow River (formerly known as Blue Springs and
24 Blue Springs River) within a radius of 1 mile from the head of
25 said spring or from the waters of Silver Springs or Silver
26 Springs Run from the head of said spring to its junction with
27 the Oklawaha River; provided, that the Fish and Wildlife
28 Conservation Commission of ~~Game and Fresh Water Fish~~
29 remove or cause to be removed any gar, mud fish or other
30 predatory fish when in its judgment their removal is
31 desirable.

1 Section 114. Section 372.31, Florida Statutes, is
2 amended to read:

3 372.31 Disposition of illegal fishing devices.--

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

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

28 Section 115. Subsection (7) of section 372.57, Florida
29 Statutes, 1998 Supplement, is amended to read:

30 372.57 Licenses and permits; exemptions; fees.--No
31 person, except as provided herein, shall take game, freshwater

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

1 enforcement program and use by the commission, and as
2 otherwise provided by law.

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

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

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

14 Section 116. Subsection (2) of section 372.5714,
15 Florida Statutes, is amended to read:

16 372.5714 Waterfowl Advisory Council.--

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

31

1 Section 117. Subsection (3) of section 372.5717,
2 Florida Statutes, is amended to read:

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

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

12 Section 118. Section 372.5718, Florida Statutes, is
13 amended to read:

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

25 Section 119. Paragraph (e) of subsection (2) of
26 section 372.574, Florida Statutes, 1998 Supplement, is amended
27 to read:

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

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

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

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

14 Section 120. Section 372.651, Florida Statutes, is
15 amended to read:

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

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

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

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

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

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

28 Section 121. Subsection (1) of section 372.653,
29 Florida Statutes, is amended to read:

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1 372.653 Required tagging of fish; lakes in excess of
2 500 square miles; tag fee; game fish taken in lakes of 500
3 square miles or less.--

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

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

18 Section 122. Subsections (5) and (6) of section
19 372.66, Florida Statutes, are amended to read:

20 372.66 License required for fur and hide dealers.--

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

28 (6) All dealers and buyers shall forward to the Fish
29 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission
30 each 2 weeks during open season a report showing number and
31 kind of hides bought and name of trapper from whom bought and

1 the trapper's license number, or if trapper is exempt from
2 license under any of the provisions of this chapter, such
3 report shall show the nature of such exemption. No common
4 carrier shall knowingly ship or transport or receive for
5 transportation any hides or furs unless such shipments have
6 marked thereon name of shipper and the number of her or his
7 fur-animal license or fur dealer's license.

8 Section 123. Subsection (1) of section 372.661,
9 Florida Statutes, is amended to read:

10 372.661 Private hunting preserve, license;
11 exception.--

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

26 Section 124. Section 372.662, Florida Statutes, is
27 amended to read:

28 372.662 Unlawful sale, possession, or transporting of
29 alligators or alligator skins.--Whenever the sale, possession,
30 or transporting of alligators or alligator skins is prohibited
31 by any law of this state, or by the rules, regulations, or

1 orders of the Fish and Wildlife Conservation ~~Game and Fresh~~
2 ~~Water Fish~~ Commission adopted pursuant to s. 9, Art. IV of the
3 State Constitution, the sale, possession, or transporting of
4 alligators or alligator skins is a misdemeanor of the first
5 degree, punishable as provided in s. 775.082 or s. 775.083.

6 Section 125. Subsection (1) of section 372.663,
7 Florida Statutes, is amended to read:

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

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

1 Section 126. Section 372.664, Florida Statutes, is
2 amended to read:

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

16 Section 127. Subsection (2) of section 372.6645,
17 Florida Statutes, is amended to read:

18 372.6645 Unlawful to sell alligator products;
19 penalty.--

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

25 Section 128. Subsections (1) and (2) of section
26 372.667, Florida Statutes, are amended to read:

27 372.667 Feeding or enticement of alligators or
28 crocodiles unlawful; penalty.--

29 (1) No person shall intentionally feed, or entice with
30 feed, any wild American alligator (*Alligator mississippiensis*)
31

1 or American crocodile (*Crocodylus acutus*). However, the
2 provisions of this section shall not apply to:

3 (a) Those persons feeding alligators or crocodiles
4 maintained in protected captivity for educational, scientific,
5 commercial, or recreational purposes.

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

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

16 Section 129. Subsection (1) of section 372.6672,
17 Florida Statutes, 1998 Supplement, is amended to read:

18 372.6672 Alligator management and trapping program
19 implementation; commission authority.--

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

27 (a) Regulate the marketing and sale of alligators,
28 their hides, eggs, meat, and byproducts, including the
29 development and maintenance of a state-sanctioned sale.

30
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1 (b) Regulate the handling and processing of
2 alligators, their eggs, hides, meat, and byproducts, for the
3 lawful, safe, and sanitary handling and processing of same.

4 (c) Regulate commercial alligator farming facilities
5 and operations for the captive propagation and rearing of
6 alligators and their eggs.

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

10 1. All grading-related services to be provided
11 pursuant to this section;

12 2. Criteria for qualifications of persons to serve as
13 hide-graders for grading services to be provided pursuant to
14 this section; and

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

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

20 Section 130. Subsections (1) and (3) of section
21 372.672, Florida Statutes, 1998 Supplement, are amended to
22 read:

23 372.672 Florida Panther Research and Management Trust
24 Fund.--

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

29 (3) The Fish and Wildlife Conservation ~~Game and Fresh~~
30 ~~Water Fish~~ Commission is authorized to receive donations for
31

1 deposit into the Florida Panther Research and Management Trust
2 Fund.

3 Section 131. Section 372.673, Florida Statutes, is
4 amended to read:

5 372.673 Florida Panther Technical Advisory Council.--

6 (1) The Florida Panther Technical Advisory Council is
7 established within the Fish and Wildlife Conservation ~~Game and~~
8 ~~Fresh Water Fish~~ Commission. The council shall be appointed
9 by the Governor and shall consist of seven members with
10 technical knowledge and expertise in the research and
11 management of large mammals.

12 (a) Two members shall represent state or federal
13 agencies responsible for management of endangered species; two
14 members, who must have specific experience in the research and
15 management of large felines or large mammals, shall be
16 appointed from universities, colleges, or associated
17 institutions; and three members, with similar expertise, shall
18 be appointed from the public at large.

19 (b) As soon as practicable after July 1, 1983, one
20 member representing a state or federal agency and one member
21 appointed from a university, college, or associated
22 institution shall be appointed for terms ending August 1,
23 1985, and the remaining members shall be appointed for terms
24 ending August 1, 1987. Thereafter, all appointments shall be
25 for 4-year terms. If a vacancy occurs, a member shall be
26 appointed for the remainder of the unexpired term. A member
27 whose term has expired shall continue sitting on the council
28 with full rights until a replacement has been appointed.

29 (c) Council members shall be reimbursed pursuant to s.
30 112.061 but shall receive no additional compensation or
31 honorarium.

1 (2) The purposes of the council are:

2 (a) To serve in an advisory capacity to the Fish and
3 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
4 Commission on technical matters of relevance to the Florida
5 panther recovery program, and to recommend specific actions
6 that should be taken to accomplish the purposes of this act.

7 (b) To review and comment on research and management
8 programs and practices to identify potential harm to the
9 Florida panther population.

10 (c) To provide a forum for technical review and
11 discussion of the status and development of the Florida
12 panther recovery program.

13 Section 132. Subsections (1), (2), and (7) of section
14 372.674, Florida Statutes, 1998 Supplement, are amended to
15 read:

16 372.674 Environmental education.--

17 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
18 ~~Water Fish~~ Commission may establish programs and activities to
19 develop and distribute environmental education materials that
20 will assist the public in understanding and appreciating
21 Florida's environment and problems and issues facing our
22 state's unique and fragile ecological systems. Such programs
23 shall assist school teachers, state administrators, and others
24 in the essential mission to preserve the capability to sustain
25 the functions of our lands, water, wildlife habitats, and
26 other natural resources in the most healthful, enjoyable, and
27 productive manner.

28 (2) There is created within the Fish and Wildlife
29 Conservation ~~Game and Fresh Water Fish~~ Commission the Advisory
30 Council on Environmental Education. The council is to have up
31 to 10 members appointed by the commission and is to be chaired

1 by the commission's executive director or his or her designee.
2 At a minimum, the council must include a representative of the
3 Department of Education and a representative of the Department
4 of Environmental Protection.

5 (7) The Fish and Wildlife Conservation ~~Game and Fresh~~
6 ~~Water Fish~~ Commission shall review the recommended list of
7 projects to be funded from the Florida Panther Research and
8 Management Trust Fund and the Save the Manatee Trust Fund by
9 August of each year and make a final determination of projects
10 to receive grants from available appropriations by the
11 Legislature. The commission shall act upon the recommended
12 list within 45 days after receipt of the list.

13 Section 133. Section 372.70, Florida Statutes, is
14 amended to read:

15 372.70 Prosecutions.--The prosecuting officers of the
16 several courts of criminal jurisdiction of this state shall
17 investigate and prosecute all violations of the laws relating
18 to game, freshwater fish, nongame birds and fur-bearing
19 animals which may be brought to their attention by the Fish
20 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission
21 or its conservation officers, or which may otherwise come to
22 their knowledge.

23 Section 134. Subsection (1) of section 372.701,
24 Florida Statutes, is amended to read:

25 372.701 Arrest by officers of the Fish and Wildlife
26 Conservation ~~Game and Fresh Water Fish~~ Commission;
27 recognizance; cash bond; citation.--

28 (1) In all cases of arrest by officers of the Fish and
29 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission and
30 the Department of Environmental Protection, the person
31 arrested shall be delivered forthwith by said officer to the

1 sheriff of the county, or shall obtain from such person
2 arrested a recognizance or, if deemed necessary, a cash bond
3 or other sufficient security conditioned for her or his
4 appearance before the proper tribunal of such county to answer
5 the charge for which the person has been arrested.

6 Section 135. Section 372.7015, Florida Statutes, is
7 amended to read:

8 372.7015 Illegal killing, taking, possessing, or
9 selling wildlife or game; fines; disposition of fines.--In
10 addition to any other penalty provided by law, any person who
11 violates the criminal provisions of this chapter and rules
12 adopted pursuant to this chapter by illegally killing, taking,
13 possessing, or selling game or fur-bearing animals as defined
14 in s. 372.001(3) or (4) in or out of season while violating
15 chapter 810 shall pay a fine of \$250 for each such violation,
16 plus court costs and any restitution ordered by the court. All
17 fines collected under this section shall be deposited into the
18 Fish and Wildlife Conservation Game and Fresh Water Fish
19 Commission's State Game Trust Fund.

20 Section 136. Subsection (1) of section 372.7016,
21 Florida Statutes, is amended to read:

22 372.7016 Voluntary Authorized Hunter Identification
23 Program.--

24 (1) There is created the "Voluntary Authorized Hunter
25 Identification Program" to assist landowners and law
26 enforcement officials in better controlling trespass and
27 illegal or unauthorized hunting. Landowners wishing to
28 participate in the program shall:

29 (a) Annually notify the sheriff's office in the county
30 in which the land is situated and the respective area
31 supervisor of the Fish and Wildlife Conservation Game and

1 ~~Fresh Water Fish~~ Commission by letter of their desire to
2 participate in the program, and provide a description of their
3 property which they wish to have in the program by township,
4 range, section, partial section, or other geographical
5 description.

6 (b) Provide a means of identifying authorized hunters
7 as provided in subsection (2).

8 Section 137. Section 372.72, Florida Statutes, is
9 amended to read:

10 372.72 Disposition of fines, penalties, and
11 forfeitures.--

12 (2) All moneys collected from fines, penalties, or
13 forfeitures of bail of persons convicted of violations of
14 rules, regulations, or orders of the Fish and Wildlife
15 Conservation Game and Fresh Water Fish Commission concerning
16 endangered or threatened species or of violation of s.
17 372.662, s. 372.663, s. 372.667, or s. 372.671 shall be
18 deposited in the Nongame Wildlife Trust Fund.

19 Section 138. Section 372.73, Florida Statutes, is
20 amended to read:

21 372.73 Confiscation and disposition of illegally taken
22 game.--All game and freshwater fish seized under the authority
23 of this chapter shall, upon conviction of the offender or
24 sooner if the court so orders, be forfeited and given to some
25 hospital or charitable institution and receipt therefor sent
26 to the Fish and Wildlife Conservation Game and Fresh Water
27 Fish Commission. All furs or hides or fur-bearing animals
28 seized under the authority of this chapter shall, upon
29 conviction of the offender, be forfeited and sent to the
30 commission, which shall sell the same and deposit the proceeds
31 of such sale to the credit of the State Game Trust Fund or

1 into the commission's Federal Law Enforcement Trust Fund as
2 provided in s. 372.107, as applicable. If any such hides or
3 furs are seized and the offender is unknown, the court shall
4 order such hides or furs sent to the Fish and Wildlife
5 Conservation Game and Fresh Water Fish Commission, which shall
6 sell such hides and furs and deposit the proceeds of such sale
7 to the credit of the State Game Trust Fund or into the
8 commission's Federal Law Enforcement Trust Fund as provided in
9 s. 372.107, as applicable.

10 Section 139. Section 372.74, Florida Statutes, is
11 amended to read:

12 372.74 Cooperative agreements with U. S. Forest
13 Service; penalty.--The Fish and Wildlife Conservation Game and
14 Fresh Water Fish Commission is authorized and empowered:

15 (1) To enter into cooperative agreements with the
16 United States Forest Service for the development of game,
17 bird, fish, reptile or fur-bearing animal management and
18 demonstration projects on and in the Osceola National Forest
19 in Columbia and Baker Counties, and in the Ocala National
20 Forest in Marion, Lake, and Putnam Counties and in the
21 Apalachicola National Forest in Liberty County. Provided,
22 however, that no such cooperative agreements shall become
23 effective in any county concerned until confirmed by the board
24 of county commissioners of such county expressed through
25 appropriate resolution.

26 (2) In cooperation with the United States Forest
27 Service, to make, adopt, promulgate, amend and repeal rules
28 and regulations, consistent with law, for the further or
29 better control of hunting, fishing, and control of wildlife in
30 the above National Forests or parts thereof; to shorten
31 seasons and reduce bag limits, or shorten or close seasons on

1 any species of game, bird, fish, reptile, or fur-bearing
2 animal within the limits prescribed by the Florida law, in the
3 above enumerated National Forests or parts thereof, when it
4 shall find after investigation that such action is necessary
5 to assure the maintenance of an adequate supply of wildlife.

6 (3) To fix a charge not to exceed \$5, for persons 18
7 years of age and over, and not to exceed \$2 for persons under
8 the age of 18 years, over and above the license fee for
9 hunting now required by law. This additional fee is to apply
10 only on areas covered by above cooperative agreements. The
11 proceeds from this additional license fee shall be used in the
12 development, propagation of wildlife and protection of the
13 areas covered by the cooperative agreements as the commission
14 and the United States Forest Service may deem proper. Nothing
15 in this section shall be construed as authorizing the
16 commission to change any penalty prescribed by law or to
17 change the amount of general license fees or the general
18 authority conferred by licenses prescribed by law.

19 (4) In addition to the requirements of chapter 120,
20 notice of the making, adoption, and promulgation of the above
21 rules and regulations shall be given by posting said notices,
22 or copies of the rules and regulations, in the offices of the
23 county judges and in the post offices within the area to be
24 affected and within 10 miles thereof. In addition to the
25 posting of said notices, as aforesaid, copies of said notices
26 or of said rules and regulations shall also be published in
27 newspapers published at the county seats of Baker, Columbia,
28 Marion, Lake, Putnam, and Liberty Counties, or so many thereof
29 as have newspapers, once not more than 35 nor less than 28
30 days and once not more than 21 nor less than 14 days prior to
31 the opening of the state hunting season in said areas. Any

1 person violating any rules or regulations promulgated by the
2 commission to cover these areas under cooperative agreements
3 between the Fish and Wildlife Conservation Commission ~~State~~
4 ~~Commission of Game and Fresh Water Fish~~ and the United States
5 Forest Service, none of which shall be in conflict with the
6 laws of Florida, shall be guilty of a misdemeanor of the
7 second degree, punishable as provided in s. 775.082 or s.
8 775.083.

9 Section 140. Section 372.76, Florida Statutes, is
10 amended to read:

11 372.76 Search and seizure authorized and limited.--The
12 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
13 Commission and its conservation officers shall have authority
14 when they have reasonable and probable cause to believe that
15 the provisions of this chapter have been violated, to board
16 any vessel, boat, or vehicle or to enter any fishhouse or
17 warehouse or other building, exclusive of residence, in which
18 game, hides, fur-bearing animals, fish, or fish nets are kept
19 and to search for and seize any such game, hides, fur-bearing
20 animals, fish, or fish nets had or held therein in violation
21 of law. Provided, however, that no search without warrant
22 shall be made under any of the provisions of this chapter,
23 unless the officer making such search has such information
24 from a reliable source as would lead a prudent and cautious
25 person to believe that some provision of this chapter is being
26 violated.

27 Section 141. Subsection (1) of section 372.761,
28 Florida Statutes, is amended to read:

29 372.761 Issuance of warrant for search of private
30 dwelling.--

31

1 (1) A search warrant may be issued on application by a
2 commissioned officer of the Fish and Wildlife Conservation
3 ~~Game and Fresh Water Fish~~ Commission to search any private
4 dwelling occupied as such when it is being used for the
5 unlawful sale or purchase of wildlife or freshwater fish being
6 unlawfully kept therein. The term "private dwelling" shall be
7 construed to include the room or rooms used and occupied, not
8 transiently but solely as a residence, in an apartment house,
9 hotel, boardinghouse, or lodginghouse. No warrant for the
10 search of any private dwelling shall be issued except upon
11 probable cause supported by sworn affidavit of some creditable
12 witness that she or he has reason to believe that the said
13 conditions exist, which affidavit shall set forth the facts on
14 which such reason for belief is based.

15 Section 142. Subsections (1) and (2) of section
16 372.77, Florida Statutes, are amended to read:

17 372.77 Assent to provisions of Act of Congress of
18 September 2, 1937.--

19 (1) The state hereby assents to the provisions of the
20 Act of Congress entitled "An Act to provide that the United
21 States shall aid the States in Wildlife Restoration Projects,
22 and for other purposes," approved September 2, 1937 (Pub. L.
23 No. 415, 75th Congress), and the Fish and Wildlife
24 Conservation ~~Game and Fresh Water Fish~~ Commission is hereby
25 authorized, empowered, and directed to perform such acts as
26 may be necessary to the conduct and establishment of
27 cooperative wildlife restoration projects, as defined in said
28 Act of Congress, in compliance with said act and rules and
29 regulations promulgated by the Secretary of Agriculture
30 thereunder.

31

1 (2) From and after the passage of this section it
2 shall be unlawful to divert any funds accruing to the state
3 from license fees paid by hunters for any purpose other than
4 the administration of the Fish and Wildlife Conservation Game
5 ~~and Fresh Water Fish~~ Commission of the state.

6 Section 143. Section 372.7701, Florida Statutes, is
7 amended to read:

8 372.7701 Assent to federal acts.--

9 (1) The state hereby assents to the provisions of the
10 Federal Aid in Fish Restoration Act of August 9, 1950, as
11 amended. The Fish and Wildlife Conservation Department of
12 ~~Environmental Protection and the Game and Fresh Water Fish~~
13 Commission shall ~~work cooperatively and~~ perform such
14 activities as are necessary to conduct wildlife and sportfish
15 restoration projects, as defined in such Act of Congress and
16 in compliance with the act and rules adopted thereunder by the
17 United States Department of the Interior. Furthermore, the
18 commission Department of Environmental Protection shall
19 develop and implement programs to manage, protect, restore and
20 conserve marine mammals and the marine fishery, and ~~the Game~~
21 ~~and Fresh Water Fish Commission~~ shall develop and implement
22 similar programs for wild animal life and freshwater aquatic
23 life.

24 (2) Revenues from fees paid by hunters and sport
25 fishers may not be diverted to purposes other than the
26 administration of fish and wildlife programs by the Fish and
27 Wildlife Conservation Department of Environmental Protection
28 ~~and the Game and Fresh Water Fish~~ Commission. Administration
29 of the state fish and wildlife programs includes only those
30 functions of fish and wildlife management as are the
31 responsibility of and under the authority of the Fish and

1 Wildlife Conservation ~~Department of Environmental Protection~~
2 ~~and the Game and Fresh Water Fish~~ Commission.

3 (3) This section shall be construed in harmony with s.
4 372.77.

5 Section 144. Subsection (2) of section 372.771,
6 Florida Statutes, is amended to read:

7 372.771 Federal conservation of fish and wildlife;
8 limited jurisdiction.--

9 (2) The United States may exercise concurrent
10 jurisdiction over lands so acquired and carry out the intent
11 and purpose of the authority except that the existing laws of
12 Florida relating to the Department of Environmental Protection
13 or the Fish and Wildlife Conservation ~~Game and Fresh Water~~
14 ~~Fish~~ Commission shall prevail relating to any area under their
15 supervision.

16 Section 145. Subsection (1) of section 372.85, Florida
17 Statutes, is amended to read:

18 372.85 Contaminating fresh waters.--

19 (1) It shall be unlawful for any person or persons,
20 firm or corporation to cause any dyestuff, coal tar, oil,
21 sawdust, poison or deleterious substances to be thrown, run or
22 drained into any of the fresh running waters of this state in
23 quantities sufficient to injure, stupefy, or kill fish which
24 may inhabit the same at or below the point where any such
25 substances are discharged, or caused to flow or be thrown into
26 such waters; provided, that it shall not be a violation of
27 this section for any person, firm or corporation engaged in
28 any mining industry to cause any water handled or used in any
29 branch of such industry to be discharged on the surface of
30 land where such industry or branch thereof is being carried on
31 under such precautionary measures as shall be approved by the

1 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
2 Commission.

3 Section 146. Section 372.86, Florida Statutes, is
4 amended to read:

5 372.86 Possessing, exhibiting poisonous or venomous
6 reptile; license required.--No person, firm, or corporation
7 shall keep, possess or exhibit any poisonous or venomous
8 reptile without first having obtained a special permit or
9 license therefor from the Fish and Wildlife Conservation
10 ~~Florida Game and Fresh Water Fish~~ Commission as herein
11 provided.

12 Section 147. Section 372.87, Florida Statutes, is
13 amended to read:

14 372.87 License fee; renewal, revocation.--The Fish and
15 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
16 Commission is hereby authorized and empowered to issue a
17 license or permit for the keeping, possessing or exhibiting of
18 poisonous or venomous reptiles, upon payment of an annual fee
19 of \$5 and upon assurance that all of the provisions of ss.
20 372.86-372.91 and such other reasonable rules and regulations
21 as said commission may prescribe will be fully complied with
22 in all respects. Such permit may be revoked by the Fish and
23 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
24 Commission upon violation of any of the provisions of ss.
25 372.86-372.91 or upon violation of any of the rules and
26 regulations prescribed by said commission relating to the
27 keeping, possessing and exhibiting of any poisonous and
28 venomous reptiles. Such permits or licenses shall be for an
29 annual period to be prescribed by the said commission and
30 shall be renewable from year to year upon the payment of said
31

1 \$5 fee and shall be subject to the same conditions,
2 limitations and restrictions as herein set forth.

3 Section 148. Section 372.88, Florida Statutes, is
4 amended to read:

5 372.88 Bond required, amount.--No person, party, firm,
6 or corporation shall exhibit to the public either with or
7 without charge, or admission fee any poisonous or venomous
8 reptile without having first posted a good and sufficient bond
9 in writing in the penal sum of \$1,000 payable to the Governor
10 of the state, and the Governor's successors in office,
11 conditioned that such exhibitor will indemnify and save
12 harmless all persons from injury or damage from such poisonous
13 or venomous reptiles so exhibited and shall fully comply with
14 all laws of the state and all rules and regulations of the
15 Fish and Wildlife Conservation ~~Florida Game and Fresh Water~~
16 ~~Fish~~ Commission governing the keeping, possessing, or
17 exhibiting of poisonous or venomous reptiles; provided,
18 however, that the aggregate liability of the surety for all
19 such injuries or damages shall, in no event, exceed the penal
20 sum of said bond. The surety for said bond must be a surety
21 company authorized to do business under the laws of the state
22 or in lieu of such a surety, cash in the sum of \$1,000 may be
23 posted with the said commission to ensure compliance with the
24 conditions of said bond.

25 Section 149. Section 372.89, Florida Statutes, is
26 amended to read:

27 372.89 Safe housing required.--All persons, firms, or
28 corporations licensed under this law to keep, possess or
29 exhibit poisonous or venomous reptiles shall provide safe,
30 secure and proper housing for said reptiles in cases, cages,
31 pits or enclosures. It shall be unlawful for any person, firm

1 or corporation, whether licensed hereunder or not, to keep,
2 possess or exhibit any poisonous or venomous reptiles in any
3 manner not approved as safe, secure and proper by the Fish and
4 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
5 Commission.

6 Section 150. Section 372.901, Florida Statutes, is
7 amended to read:

8 372.901 Inspection.--Poisonous or venomous reptiles,
9 held in captivity, shall be subject to inspection by an
10 inspecting officer from the Fish and Wildlife Conservation
11 ~~Florida Game and Fresh Water Fish~~ Commission. The inspecting
12 officer shall determine whether the said reptiles are
13 securely, properly and safely penned. In the event that the
14 reptiles are not safely penned, the inspecting officer shall
15 report the situation in writing to the person or firm owning
16 the said reptiles. Failure of the owner or exhibitor to
17 correct the situation within 30 days after such written notice
18 shall be grounds for revocation of the license or permit of
19 said owner or exhibitor.

20 Section 151. Section 372.911, Florida Statutes, is
21 amended to read:

22 372.911 Rewards.--The Fish and Wildlife Conservation
23 ~~Game and Fresh Water Fish~~ Commission is authorized to offer
24 rewards in amounts of up to \$500 to any person furnishing
25 information leading to the arrest and conviction of any person
26 who has inflicted or attempted to inflict bodily injury upon
27 any wildlife officer engaged in the enforcement of the
28 provisions of this chapter or the rules and regulations of the
29 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
30 Commission.

31

1 Section 152. Subsection (3) of section 372.912,
2 Florida Statutes, is amended to read:

3 372.912 Organized poisonous reptile hunts.--

4 (3) All organized poisonous reptile hunts in the state
5 shall be registered with the Fish and Wildlife Conservation
6 ~~Game and Fresh Water Fish~~ Commission and be subject to
7 reasonable rules and regulations promulgated by said
8 commission.

9 Section 153. Section 372.92, Florida Statutes, is
10 amended to read:

11 372.92 Rules and regulations.--The Fish and Wildlife
12 Conservation ~~Florida Game and Fresh Water Fish~~ Commission may
13 prescribe such other rules and regulations as it may deem
14 necessary to prevent the escape of poisonous and venomous
15 reptiles, either in connection of construction of such cages
16 or otherwise to carry out the intent of ss. 372.86-372.91.

17 Section 154. Subsections (1), (2), (3), and (4) of
18 section 372.921, Florida Statutes, 1998 Supplement, are
19 amended to read:

20 372.921 Exhibition of wildlife.--

21 (1) In order to provide humane treatment and sanitary
22 surroundings for wild animals kept in captivity, no person,
23 firm, corporation, or association shall have, or be in
24 possession of, in captivity for the purpose of public display
25 with or without charge or for public sale any wildlife,
26 specifically birds, mammals, and reptiles, whether indigenous
27 to Florida or not, without having first secured a permit from
28 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
29 Commission authorizing such person, firm, or corporation to
30 have in its possession in captivity the species and number of
31 wildlife specified within such permit; however, this section

1 does not apply to any wildlife not protected by law and the
2 regulations of the Fish and Wildlife Conservation ~~Game and~~
3 ~~Fresh Water Fish~~ Commission.

4 (2) The fees to be paid for the issuance of permits
5 required by subsection (1) shall be as follows:

6 (a) For not more than 10 individual specimens in the
7 aggregate of all species, the sum of \$5 per annum.

8 (b) For over 10 individual specimens in the aggregate
9 of all species, the sum of \$25 per annum.

10

11 The fees prescribed by this section shall be submitted to the
12 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
13 Commission with the application for permit required by
14 subsection (1) and shall be deposited in the State Game Fund.

15 (3) An applicant for a permit shall be required to
16 include in her or his application a statement showing the
17 place, number, and species of wildlife to be held in captivity
18 by the applicant and shall be required upon request by the
19 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
20 Commission to show when, where, and in what manner she or he
21 came into possession of any wildlife acquired subsequent to
22 the effective date of this act. The source of acquisition of
23 such wildlife shall not be divulged by the commission except
24 in connection with a violation of this section or a regulation
25 of the commission in which information as to source of
26 wildlife is required as evidence in the prosecution of such
27 violation.

28 (4) Permits issued pursuant to this section and places
29 where wildlife is kept or held in captivity shall be subject
30 to inspection by officers of the Fish and Wildlife
31 Conservation ~~Game and Fresh Water Fish~~ Commission at all

1 times. The commission shall have the power to release or
2 confiscate any specimens of any wildlife, specifically birds,
3 mammals, or reptiles, whether indigenous to the state or not,
4 when it is found that conditions under which they are being
5 confined are unsanitary, or unsafe to the public in any
6 manner, or that the species of wildlife are being maltreated,
7 mistreated, or neglected or kept in any manner contrary to the
8 provisions of chapter 828, any such permit to the contrary
9 notwithstanding. Before any such wildlife is confiscated or
10 released under the authority of this section, the owner
11 thereof shall have been advised in writing of the existence of
12 such unsatisfactory conditions; the owner shall have been
13 given 30 days in which to correct such conditions; the owner
14 shall have failed to correct such conditions; the owner shall
15 have had an opportunity for a proceeding pursuant to chapter
16 120; and the commission shall have ordered such confiscation
17 or release after careful consideration of all evidence in the
18 particular case in question. The final order of the
19 commission shall constitute final agency action.

20 Section 155. Subsection (1) of section 372.922,
21 Florida Statutes, 1998 Supplement, is amended to read:

22 372.922 Personal possession of wildlife.--

23 (1) It is unlawful for any person or persons to
24 possess any wildlife as defined in this act, whether
25 indigenous to Florida or not, until she or he has obtained a
26 permit as provided by this section from the Fish and Wildlife
27 Conservation Game and Fresh Water Fish Commission.

28 Section 156. Section 372.97, Florida Statutes, is
29 amended to read:

30 372.97 Jim Woodruff Dam; reciprocity agreements.--The
31 Fish and Wildlife Conservation Game and Fresh Water Fish

1 Commission of the state is hereby authorized to enter into an
2 agreement of the reciprocity with the game and fish
3 commissioners or the appropriate officials or departments of
4 the State of Georgia and the State of Alabama relative to the
5 taking of game and freshwater fish from the waters of the lake
6 created by the Jim Woodruff Dam by permitting reciprocal
7 license privileges.

8 Section 157. Section 372.971, Florida Statutes, is
9 amended to read:

10 372.971 St. Mary's River; reciprocity agreements.--The
11 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~

12 Commission of the state is hereby authorized to enter into an
13 agreement of reciprocity with the game and fish commissioner
14 or the appropriate officials or departments of the State of
15 Georgia relative to the taking of game and freshwater fish
16 from the waters of the St. Mary's River by permitting
17 reciprocal agreement license privileges.

18 Section 158. Section 372.98, Florida Statutes, is
19 amended to read:

20 372.98 Possession of nutria; license; inspection;
21 penalty for violation.--

22 (1) No person shall release, permit to be released, or
23 be responsible for the release of, within the state, any
24 animal of the species myocastor coypu and known commonly in
25 Florida and referred to herein as nutria.

26 (2) No person shall have in her or his possession for
27 sale or otherwise any nutria until such person has obtained a
28 license as provided herein. The fee for such license shall be
29 \$25 per year. Application for such license shall be made with
30 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
31 Commission on forms providing therefor.

1 (3) All persons licensed under this law to keep,
2 possess or exhibit nutria shall provide safe, secure and
3 proper housing for said nutria which will adequately safeguard
4 against the escape of any nutria. Requirements for the
5 construction of such pens or housing shall be as prescribed by
6 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
7 Commission.

8 (4) All premises upon which nutria are kept shall be
9 subject to inspection by authorized representatives of the
10 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
11 Commission. Such officers shall determine whether the said
12 nutria are securely, properly and safely housed. In the event
13 the said nutria are not securely, properly and safely housed,
14 the inspecting officer shall so advise in writing the person
15 owning said nutria. Failure of the owner to provide within 30
16 days after such written notice secure, proper, and safe
17 housing as prescribed by the Fish and Wildlife Conservation
18 ~~Game and Fresh Water Fish~~ Commission shall be grounds for
19 revocation of the license herein provided and confiscation and
20 disposal of the said nutria as a public nuisance.

21 (5) Any person violating any provision of this section
22 or any rule and regulation of the Fish and Wildlife
23 Conservation ~~Game and Fresh Water Fish~~ Commission pursuant
24 hereto shall be guilty of a misdemeanor of the second degree,
25 punishable as provided in s. 775.082 or s. 775.083.

26 Section 159. Section 372.981, Florida Statutes, is
27 amended to read:

28 372.981 Regulation of importation of caiman.--The Fish
29 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission
30 shall promulgate regulations to control the importation of
31 caiman.

1 Section 160. Subsections (1), (3), and (4) of section
2 372.99, Florida Statutes, are amended to read:

3 372.99 Illegal taking and possession of deer and wild
4 turkey; evidence; penalty.--

5 (1) Whoever takes or kills any deer or wild turkey, or
6 possesses a freshly killed deer or wild turkey, during the
7 closed season prescribed by law or by the rules and
8 regulations of the Fish and Wildlife Conservation ~~Game and~~
9 ~~Fresh Water Fish~~ Commission, or whoever takes or attempts to
10 take any deer or wild turkey by the use of gun and light in or
11 out of closed season, is guilty of a misdemeanor of the first
12 degree, punishable as provided in s. 775.082 or s. 775.083,
13 and shall forfeit any license or permit issued to her or him
14 under the provisions of this chapter. No license shall be
15 issued to such person for a period of 3 years following any
16 such violation on the first offense. Any person guilty of a
17 second or subsequent violation shall be permanently ineligible
18 for issuance of a license or permit thereafter.

19 (3) Whoever takes or kills any doe deer; fawn or baby
20 deer; or deer, whether male or female, which does not have one
21 or more antlers at least 5 inches in length, except as
22 provided by law or the rules of the Fish and Wildlife
23 Conservation ~~Game and Fresh Water Fish~~ Commission, during the
24 open season prescribed by the rules of the commission, is
25 guilty of a misdemeanor of the first degree, punishable as
26 provided in s. 775.082 or s. 775.083, and may be required to
27 forfeit any license or permit issued to such person for a
28 period of 3 years following any such violation on the first
29 offense. Any person guilty of a second or subsequent
30 violation shall be permanently ineligible for issuance of a
31 license or permit thereafter.

1 (4) Any person who cultivates agricultural crops may
2 apply to the Fish and Wildlife Conservation ~~Game and Fresh~~
3 ~~Water Fish~~ Commission for a permit to take or kill deer on
4 land which that person is currently cultivating. When said
5 person can show, to the satisfaction of the Fish and Wildlife
6 Conservation ~~Game and Fresh Water Fish~~ Commission, that such
7 taking or killing of deer is justified because of damage to
8 the person's crops caused by deer, the Fish and Wildlife
9 Conservation ~~Game and Fresh Water Fish~~ Commission may issue a
10 limited permit to the applicant to take or kill deer without
11 being in violation of subsection (1) or subsection (3).

12 Section 161. Subsections (1) and (3) of section
13 372.9901, Florida Statutes, 1998 Supplement, are amended to
14 read:

15 372.9901 Seizure of illegal devices; disposition;
16 appraisal; forfeiture.--

17 (1) Any vehicle, vessel, animal, gun, light, or other
18 hunting device used in the commission of an offense prohibited
19 by s. 372.99, shall be seized by the arresting officer, who
20 shall promptly make return of the seizure and deliver the
21 property to the Director of the Fish and Wildlife Conservation
22 ~~Game and Fresh Water Fish~~ Commission. The return shall
23 describe the property seized and recite in detail the facts
24 and circumstances under which it was seized, together with the
25 reason that the property was subject to seizure. The return
26 shall also contain the names of all persons known to the
27 officer to be interested in the property.

28 (3) Upon conviction of the violator, the property, if
29 owned by the person convicted, shall be forfeited to the state
30 under the procedure set forth in ss. 372.312 through 372.318,
31 where not inconsistent with this section. All amounts received

1 from the sale or other disposition of the property shall be
2 paid into the State Game Trust Fund or into the commission's
3 Federal Law Enforcement Trust Fund as provided in s. 372.107,
4 as applicable. If the property is not sold or converted, it
5 shall be delivered to the director of the Fish and Wildlife
6 Conservation ~~Game and Fresh Water Fish~~ Commission.

7 Section 162. Subsection (1) of section 372.9903,
8 Florida Statutes, is amended to read:

9 372.9903 Illegal possession or transportation of
10 freshwater game fish in commercial quantities; penalty.--

11 (1) Whoever possesses, moves, or transports any black
12 bass, bream, speckled perch, or other freshwater game fish in
13 commercial quantities in violation of law or the rules of the
14 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
15 Commission shall be guilty of a misdemeanor of the first
16 degree, punishable as provided in s. 775.082 or s. 775.083.

17 Section 163. Subsections (1) and (3) of section
18 372.9904, Florida Statutes, 1998 Supplement, are amended to
19 read:

20 372.9904 Seizure of illegal devices; disposition;
21 appraisal; forfeiture.--

22 (1) Any vehicle, vessel, or other transportation
23 device used in the commission of the offense prohibited by s.
24 372.9903, except a vehicle, vessel, or other transportation
25 device duly registered as a common carrier and operated in
26 lawful transaction of business as such carrier, shall be
27 seized by the arresting officer, who shall promptly make
28 return of the seizure and deliver the property to the director
29 of the Fish and Wildlife Conservation ~~Game and Fresh Water~~
30 ~~Fish~~ Commission. The return shall describe the property
31 seized and recite in detail the facts and circumstances under

1 | which it was seized, together with the reason that the
2 | property was subject to seizure. The return shall also
3 | contain the names of all persons known to the officer to be
4 | interested in the property.

5 | (3) Upon conviction of the violator, the property, if
6 | owned by the person convicted, shall be forfeited to the state
7 | under the procedure set forth in ss. 372.312-372.318, when not
8 | inconsistent with this section. All amounts received from the
9 | sale or other disposition of the property shall be paid into
10 | the State Game Trust Fund or into the commission's Federal Law
11 | Enforcement Trust Fund as provided in s. 372.107, as
12 | applicable. If the property is not sold or converted, it
13 | shall be delivered to the director of the Fish and Wildlife
14 | Conservation Game and Fresh Water Fish Commission.

15 | Section 164. Section 372.9906, Florida Statutes, is
16 | amended to read:

17 | 372.9906 Wildlife Law Enforcement Program; creation;
18 | purposes.--There is established within the Fish and Wildlife
19 | Conservation Game and Fresh Water Fish Commission the Wildlife
20 | Law Enforcement Program. The commission may establish and
21 | operate law enforcement programs that relate to the
22 | conservation, enhancement, and regulation of wildlife and
23 | freshwater aquatic resources of the state and to conduct
24 | programs to educate the public about the enforcement of laws
25 | and regulations relating to the wildlife and freshwater
26 | aquatic resources of the state. Moneys that accrue to the
27 | program by law and moneys donated to the program must be
28 | deposited into the State Game Trust Fund.

29 | Section 165. Subsection (2) of section 372.991,
30 | Florida Statutes, is amended to read:

31 | 372.991 Nongame Wildlife Trust Fund.--

1 (2)(a) There is established within the Fish and
2 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission the
3 Nongame Wildlife Trust Fund. The fund shall be credited with
4 moneys collected pursuant to ss. 319.32(3) and 320.02(8).
5 Additional funds may be provided from legislative
6 appropriations and by donations from interested individuals
7 and organizations. The commission shall designate an
8 identifiable unit to administer the trust fund.

9 (b) Proceeds from the trust fund shall be used for the
10 following purposes:

11 1. Documentation of population trends of nongame
12 wildlife and assessment of wildlife habitat, in coordination
13 with the database of Florida natural areas inventory.

14 2. Establishment of effective conservation,
15 management, and regulatory programs for nongame wildlife of
16 the state.

17 3. Public education programs.

18 Section 166. Subsection (1) of section 372.992,
19 Florida Statutes, is amended to read:

20 372.992 Nongame Wildlife Advisory Council.--

21 (1) There is created the Nongame Wildlife Advisory
22 Council, which shall consist of the following 11 members
23 appointed by the Governor: one representative each from the
24 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
25 Commission, the Department of Environmental Protection, and
26 the United States Fish and Wildlife Services; the director of
27 the Florida Museum of Natural History or her or his designee;
28 one representative from a professional wildlife organization;
29 one representative from a private wildlife institution; one
30 representative from a Florida university or college who has
31 expertise in nongame biology; one representative of business

1 interests from a private consulting firm who has expertise in
2 nongame biology; one representative of a statewide
3 organization of landowner interests; and two members from
4 conservation organizations. All appointments shall be for
5 4-year terms. Members shall be eligible for reappointment.

6 Section 167. Subsection (2) of section 372.995,
7 Florida Statutes, is amended to read:

8 372.995 Release of balloons.--

9 (2) It is unlawful for any person, firm, or
10 corporation to intentionally release, organize the release, or
11 intentionally cause to be released within a 24-hour period 10
12 or more balloons inflated with a gas that is lighter than air
13 except for:

14 (a) Balloons released by a person on behalf of a
15 governmental agency or pursuant to a governmental contract for
16 scientific or meteorological purposes;

17 (b) Hot air balloons that are recovered after
18 launching;

19 (c) Balloons released indoors; or

20 (d) Balloons that are either biodegradable or
21 photodegradable, as determined by rule of the Fish and
22 Wildlife Conservation ~~Marine Fisheries~~ Commission, and which
23 are closed by a hand-tied knot in the stem of the balloon
24 without string, ribbon, or other attachments. In the event
25 that any balloons are released pursuant to the exemption
26 established in this paragraph, the party responsible for the
27 release shall make available to any law enforcement officer
28 evidence of the biodegradability or photodegradability of said
29 balloons in the form of a certificate executed by the
30 manufacturer. Failure to provide said evidence shall be prima
31 facie evidence of a violation of this act.

1 Section 168. Subsections (1), (2), and (5) of section
2 373.453, Florida Statutes, are amended to read:

3 373.453 Surface water improvement and management plans
4 and programs.--

5 (1)(a) Each water management district, in cooperation
6 with the department, the Department of Agriculture and
7 Consumer Services, the Department of Community Affairs, the
8 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
9 Commission, and local governments shall prepare and maintain a
10 list which shall prioritize water bodies of regional or
11 statewide significance within each water management district.
12 The list shall be reviewed and updated every 3 years. The list
13 shall be based on criteria adopted by rule of the department
14 and shall assign priorities to the water bodies based on their
15 need for protection and restoration.

16 (b) Criteria developed by the department shall
17 include, but need not be limited to, consideration of
18 violations of water quality standards occurring in the water
19 body, the amounts of nutrients entering the water body and the
20 water body's trophic state, the existence of or need for a
21 continuous aquatic weed control program in the water body, the
22 biological condition of the water body, reduced fish and
23 wildlife values, and threats to agricultural and urban water
24 supplies and public recreational opportunities.

25 (c) In developing their respective priority lists,
26 water management districts shall give consideration to the
27 following priority areas:

28 1. The South Florida Water Management District shall
29 give priority to the restoration needs of Lake Okeechobee,
30 Biscayne Bay, and the Indian River Lagoon system and their
31 tributaries.

1 2. The Southwest Florida Water Management District
2 shall give priority to the restoration needs of Tampa Bay and
3 its tributaries.

4 3. The St. Johns River Water Management District shall
5 give priority to the restoration needs of Lake Apopka, the
6 Lower St. Johns River, and the Indian River Lagoon system and
7 their tributaries.

8 (2) Once the priority lists are approved by the
9 department, the water management districts, in cooperation
10 with the department, the Fish and Wildlife Conservation ~~Game~~
11 ~~and Fresh Water Fish~~ Commission, the Department of Community
12 Affairs, the Department of Agriculture and Consumer Services,
13 and local governments, shall develop surface water improvement
14 and management plans for the water bodies based on the
15 priority lists. The department shall establish a uniform
16 format for such plans and a schedule for reviewing and
17 updating the plans. These plans shall include, but not be
18 limited to:

19 (a) A description of the water body system, its
20 historical and current uses, its hydrology, and a history of
21 the conditions which have led to the need for restoration or
22 protection;

23 (b) An identification of all governmental units that
24 have jurisdiction over the water body and its drainage basin
25 within the approved surface water improvement and management
26 plan area, including local, regional, state, and federal
27 units;

28 (c) A description of land uses within the drainage
29 basin within the approved surface water improvement and
30 management plan area and those of important tributaries, point
31

1 and nonpoint sources of pollution, and permitted discharge
2 activities;

3 (d) A list of the owners of point and nonpoint sources
4 of water pollution that are discharged into each water body
5 and tributary thereto and that adversely affect the public
6 interest, including separate lists of those sources that are:

- 7 1. Operating without a permit;
- 8 2. Operating with a temporary operating permit; and
- 9 3. Presently violating effluent limits or water
10 quality standards.

11

12 The plan shall also include recommendations and schedules for
13 bringing all sources into compliance with state standards when
14 not contrary to the public interest. This paragraph does not
15 authorize any existing or future violation of any applicable
16 statute, regulation, or permit requirement, and does not
17 diminish the authority of the department or the water
18 management district;

19 (e) A description of strategies and potential
20 strategies for restoring or protecting the water body to Class
21 III or better;

22 (f) A listing of studies that are being or have been
23 prepared for the water body;

24 (g) A description of the research and feasibility
25 studies which will be performed to determine the particular
26 strategy or strategies to restore or protect the water body;

27 (h) A description of the measures needed to manage and
28 maintain the water body once it has been restored and to
29 prevent future degradation;

30 (i) A schedule for restoration and protection of the
31 water body; and

1 (j) An estimate of the funding needed to carry out the
2 restoration or protection strategies.

3 (5) The governing board of each water management
4 district is encouraged to appoint advisory committees as
5 necessary to assist in formulating and evaluating strategies
6 for water body protection and restoration activities and to
7 increase public awareness and intergovernmental cooperation.
8 Such committees should include representatives of the Fish and
9 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
10 the Department of Agriculture and Consumer Services,
11 appropriate local governments, federal agencies, existing
12 advisory councils for the subject water body, and
13 representatives of the public who use the water body.

14 Section 169. Subsections (1) and (3) of section
15 373.455, Florida Statutes, are amended to read:

16 373.455 Review of surface water improvement and
17 management plans.--

18 (1) At least 60 days prior to consideration by the
19 governing board pursuant to s. 373.456(1) of its surface water
20 improvement and management plan, a water management district
21 shall transmit its proposed plan to the department, the
22 Department of Agriculture and Consumer Services, the Fish and
23 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
24 the Department of Community Affairs, and local governments.

25 (3) The Fish and Wildlife Conservation ~~Game and Fresh~~
26 ~~Water Fish~~ Commission shall review each proposed surface water
27 improvement and management plan to determine the effects of
28 the plan on wild animal life and fresh water aquatic life and
29 their habitats. If the commission determines that the plan
30 has adverse effects on these resources and that such adverse
31 effects exceed the beneficial effects on these resources, the

1 commission shall recommend modifications of or additions to
2 the plan to the district governing board at the time it
3 considers the plan pursuant to s. 373.456(1), or any
4 modifications or additions which would result in additional
5 beneficial effects on wild animal life or fresh water aquatic
6 life or their habitats.

7 Section 170. Subsection (2) of section 373.4595,
8 Florida Statutes, is amended to read:

9 373.4595 Lake Okeechobee improvement and management.--

10 (2) DIVERSIONS; LAKE OKEECHOBEE TECHNICAL ADVISORY
11 COUNCIL.--

12 (a) The Legislature finds that efforts to reduce
13 nutrient levels in Lake Okeechobee have resulted in diversions
14 of nutrient-laden waters to other environmentally sensitive
15 areas, which diversions have resulted in adverse environmental
16 effects. The Legislature also finds that both the agriculture
17 industry and the environmental community are committed to
18 protecting Lake Okeechobee and these environmentally sensitive
19 areas from further harm and that this crisis must be addressed
20 immediately. Therefore:

21 1. The South Florida Water Management District shall
22 not divert waters to the Indian River estuary, the
23 Caloosahatchee River or its estuary, or the Everglades
24 National Park, in such a way that the state water quality
25 standards are violated, that the nutrients in such diverted
26 waters adversely affect indigenous vegetation communities or
27 wildlife, or that fresh waters diverted to the Caloosahatchee
28 or Indian River estuaries adversely affect the estuarine
29 vegetation or wildlife, unless the receiving waters will
30 biologically benefit by the diversion. However, diversion is
31 permitted when an emergency is declared by the water

1 management district, if the Secretary of Environmental
2 Protection concurs.

3 2. The South Florida Water Management district may
4 divert waters to other areas, including Lake Hicpochee, unless
5 otherwise provided by law. However, the district shall monitor
6 the effects of such diversions to determine the extent of
7 adverse or positive environmental effects on indigenous
8 vegetation and wildlife. The results of the monitoring shall
9 be reported to the Lake Okeechobee Technical Advisory Council.
10 If the monitoring of such diversions reveals continuing
11 adverse environmental effects, the district shall make
12 recommendations to the Legislature by July 1, 1988, on how to
13 cease the diversions.

14 (b)1. There is hereby created a Lake Okeechobee
15 Technical Advisory Council. Council members shall be experts
16 in the fields of botany, wildlife biology, aquatic biology,
17 water quality chemistry, or hydrology and shall consist of:

18 a. Three members appointed by the Governor;

19 b. Three members appointed by the Speaker of the House
20 of Representatives;

21 c. Three members appointed by the President of the
22 Senate;

23 d. One member from the Institute of Food and
24 Agricultural Sciences, University of Florida, appointed by the
25 President of the University of Florida; and

26 e. One member from the College of Natural Sciences,
27 University of South Florida, appointed by the President of the
28 University of South Florida.

29
30 Members shall be appointed not later than July 15, 1987.

31

1 2. The purpose of the council shall be to investigate
2 the adverse effects of past diversions of water and potential
3 effects of future diversions on indigenous wildlife and
4 vegetation and to report to the Legislature, no later than
5 March 1, 1988, with findings and recommendations proposing
6 permanent solutions to eliminate such adverse effects.

7 3. The South Florida Water Management District shall
8 provide staff and assistance to the council. The Department of
9 Environmental Protection, the Fish and Wildlife Conservation
10 ~~Game and Fresh Water Fish~~ Commission, and the district shall
11 cooperate with the council.

12 4. The council shall meet not less than once every 2
13 months at the call of the chair, or at the call of four other
14 members of the council. The council shall elect from its
15 members a chair and vice chair and such other officers as the
16 council deems necessary. The council may establish other
17 procedures for the conduct of its business.

18 5. The members of the council are not entitled to
19 compensation but are eligible for per diem and travel expenses
20 pursuant to s. 112.061.

21 Section 171. Paragraph (b) of subsection (1) of
22 section 373.465, Florida Statutes, 1998 Supplement, is amended
23 to read:

24 373.465 Lake Panasoffkee Restoration Council.--There
25 is created within the Southwest Florida Water Management
26 District the Lake Panasoffkee Restoration Council.

27 (1)

28 (b) The council advisory group to the council shall
29 consist of: one representative each from the Southwest Florida
30 Water Management District, the Florida Department of
31 Environmental Protection, the Florida Department of

1 Transportation, the Fish and Wildlife Conservation Florida
2 ~~Game and Fresh Water Fish~~ Commission, the Withlacoochee River
3 Basin Board, and the United States Army Corps of Engineers, to
4 be appointed by their respective agencies, all of whom must
5 have training in biology or another scientific discipline.

6 Section 172. Subsections (1) and (2) of section
7 373.466, Florida Statutes, 1998 Supplement, are amended to
8 read:

9 373.466 Lake Panasoffkee restoration program.--

10 (1) The Southwest Florida Water Management District,
11 in conjunction with the Department of Environmental
12 Protection, the Fish and Wildlife Conservation Florida ~~Game~~
13 ~~and Fresh Water Fish~~ Commission, the Sumter County Commission,
14 and the Lake Panasoffkee Restoration Council, shall review
15 existing restoration proposals to determine which ones are the
16 most environmentally sound and economically feasible methods
17 of improving the fisheries and natural systems of Lake
18 Panasoffkee.

19 (2) The Southwest Florida Water Management District,
20 in consultation and by agreement with the Department of
21 Environmental Protection, the Fish and Wildlife Conservation
22 ~~Game and Fresh Water Fish~~ Commission, and pertinent local
23 governments, shall develop tasks to be undertaken by those
24 entities necessary to initiate the Lake Panasoffkee
25 restoration program recommended by the Lake Panasoffkee
26 Restoration Council. These agencies shall:

27 (a) Evaluate different methodologies for removing the
28 extensive tussocks and build-up of organic matter along the
29 shoreline and of the aquatic vegetation in the lake; and

30 (b) Conduct any additional studies as recommended by
31 the Lake Panasoffkee Restoration Council.

1 Section 173. Subsection (1) of section 373.591,
2 Florida Statutes, 1998 Supplement, is amended to read:

3 373.591 Management review teams.--

4 (1) To determine whether conservation, preservation,
5 and recreation lands titled in the name of the water
6 management districts are being managed for the purposes for
7 which they were acquired and in accordance with land
8 management objectives, the water management districts shall
9 establish land management review teams to conduct periodic
10 management reviews. The land management review teams shall be
11 composed of the following members:

12 (a) One individual from the county or local community
13 in which the parcel is located.

14 (b) One employee of the water management district.

15 (c) A private land manager mutually agreeable to the
16 governmental agency representatives.

17 (d) A member of the local soil and water conservation
18 district board of supervisors.

19 (e) One individual from the Fish and Wildlife
20 Conservation Game and Fresh Water Fish Commission.

21 (f) One individual from the Department of
22 Environmental Protection.

23 (g) One individual representing a conservation
24 organization.

25 (h) One individual from the Department of Agriculture
26 and Consumer Services' Division of Forestry.

27 Section 174. Subsection (1) of section 375.021,
28 Florida Statutes, is amended to read:

29 375.021 Comprehensive multipurpose outdoor recreation
30 plan.--

31

1 (1) The department is given the responsibility,
2 authority, and power to develop and execute a comprehensive
3 multipurpose outdoor recreation plan for this state with the
4 cooperation of the Department of Agriculture and Consumer
5 Services, the Department of Transportation, the Fish and
6 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
7 the Department of Commerce, and the water management
8 districts.

9 Section 175. Section 375.311, Florida Statutes, is
10 amended to read:

11 375.311 Legislative intent.--To protect and manage
12 Florida's wildlife environment on lands conveyed for
13 recreational purposes by private owners and public custodians,
14 the Legislature hereby intends that the Fish and Wildlife
15 Conservation ~~Game and Fresh Water Fish~~ Commission shall
16 regulate motor vehicle access and traffic control on Florida's
17 public lands.

18 Section 176. Subsection (3) of section 375.312,
19 Florida Statutes, is amended to read:

20 375.312 Definitions.--As used in this act, unless the
21 context requires otherwise:

22 (3) "Commission" means the Fish and Wildlife
23 Conservation ~~Florida Game and Fresh Water Fish~~ Commission.

24 Section 177. Subsections (6) and (8) of section
25 376.121, Florida Statutes, are amended to read:

26 376.121 Liability for damage to natural
27 resources.--The Legislature finds that extensive damage to the
28 state's natural resources is the likely result of a pollutant
29 discharge and that it is essential that the state adequately
30 assess and recover the cost of such damage from responsible
31 parties. It is the state's goal to recover the costs of

1 restoration from the responsible parties and to restore
2 damaged natural resources to their pre-discharge condition. In
3 many instances, however, restoration is not technically
4 feasible. In such instances, the state has the responsibility
5 to its citizens to recover the cost of all damage to natural
6 resources. To ensure that the public does not bear a
7 substantial loss as a result of the destruction of natural
8 resources, the procedures set out in this section shall be
9 used to assess the cost of damage to such resources. Natural
10 resources include coastal waters, wetlands, estuaries, tidal
11 flats, beaches, lands adjoining the seacoasts of the state,
12 and all living things except human beings. The Legislature
13 recognizes the difficulty historically encountered in
14 calculating the value of damaged natural resources. The value
15 of certain qualities of the state's natural resources is not
16 readily quantifiable, yet the resources and their qualities
17 have an intrinsic value to the residents of the state, and any
18 damage to natural resources and their qualities should not be
19 dismissed as nonrecoverable merely because of the difficulty
20 in quantifying their value. In order to avoid unnecessary
21 speculation and expenditure of limited resources to determine
22 these values, the Legislature hereby establishes a schedule
23 for compensation for damage to the state's natural resources
24 and the quality of said resources.

25 (6) It is understood that a pollutant will, by its
26 very nature, result in damage to the flora and fauna of the
27 waters of the state and the adjoining land. Therefore,
28 compensation for such resources, which is difficult to
29 calculate, is included in the compensation schedule. Not
30 included, however, in this base figure is compensation for the
31 death of endangered or threatened species directly

1 attributable to the pollutant discharged. Compensation for the
2 death of any animal designated by rule as endangered by the
3 Fish and Wildlife Conservation ~~Florida Game and Fresh Water~~
4 ~~Fish~~ Commission is \$10,000. Compensation for the death of any
5 animal designated by rule as threatened by the Fish and
6 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
7 Commission is \$5,000. These amounts are not intended to
8 reflect the actual value of said endangered or threatened
9 species, but are included for the purposes of this section.

10 (8) When assessing the amount of damages to natural
11 resources, the department shall be assisted, if requested by
12 the department, by representatives of other state agencies and
13 local governments that would enhance the department's damage
14 assessment. The Fish and Wildlife Conservation ~~Game and Fresh~~
15 ~~Water Fish~~ Commission shall assist the department in the
16 assessment of damages to wildlife impacted by a pollutant
17 discharge and shall assist the department in recovering the
18 costs of such damages.

19 Section 178. Subsection (1) of section 378.011,
20 Florida Statutes, is amended to read:

21 378.011 Land Use Advisory Committee.--

22 (1) There is hereby created a Land Use Advisory
23 Committee which shall be composed of the following:

24 (a) One member from the Bureau of Geology of the
25 ~~Division of Resource Management of the~~ Department of
26 Environmental Protection, who shall serve as chair, to be
27 appointed by the executive director of said department;

28 (b) One member from the Executive Office of the
29 Governor, to be appointed by the Governor;

30 (c) One member from the Tampa Bay Regional Planning
31 Council, one member from the Central Florida Regional Planning

1 Council, and one member from the North Central Florida
2 Regional Planning Council, to be appointed by the respective
3 directors of said regional planning councils;

4 (d) One member to represent the Board of County
5 Commissioners of Polk County, one member to represent the
6 Board of County Commissioners of Hillsborough County, and one
7 member to represent the Board of County Commissioners of
8 Hamilton County, to be appointed by the chairs of said boards;

9 (e) One member from the Fish and Wildlife Conservation
10 ~~Game and Fresh Water Fish~~ Commission, to be appointed by the
11 Executive Director of said commission; and

12 (f) Two members of the public, to be appointed by the
13 Governor.

14 Section 179. Subsection (5) of section 378.036,
15 Florida Statutes, is amended to read:

16 378.036 Land acquisitions financed by Nonmandatory
17 Land Reclamation Trust Fund moneys.--

18 (5) By July 1, 1986, the department, in cooperation
19 with the Fish and Wildlife Conservation ~~Game and Fresh Water~~
20 ~~Fish~~ Commission, shall develop a list identifying those
21 nonmandatory lands which have been or may be naturally
22 reclaimed and which the state may seek to acquire through
23 purchase or donation for hunting, fishing, or other outdoor
24 recreational purposes or for wildlife habitat restoration.
25 The list shall separately indicate which of the nonmandatory
26 lands are eligible lands.

27 Section 180. Subsection (2) of section 378.409,
28 Florida Statutes, is amended to read:

29 378.409 Civil liability.--

30 (2) In assessing damages for animal, plant, or aquatic
31 life, the value shall be determined in accordance with the

1 tables of values established by the Fish and Wildlife
2 Conservation Game and Fresh Water Fish Commission and the
3 department.

4 Section 181. Subsections (3) and (6) of section
5 380.061, Florida Statutes, 1998 Supplement, are amended to
6 read:

7 380.061 The Florida Quality Developments program.--

8 (3)(a) To be eligible for designation under this
9 program, the developer shall comply with each of the following
10 requirements which is applicable to the site of a qualified
11 development:

12 1. Have donated or entered into a binding commitment
13 to donate the fee or a lesser interest sufficient to protect,
14 in perpetuity, the natural attributes of the types of land
15 listed below. In lieu of the above requirement, the developer
16 may enter into a binding commitment which runs with the land
17 to set aside such areas on the property, in perpetuity, as
18 open space to be retained in a natural condition or as
19 otherwise permitted under this subparagraph. Under the
20 requirements of this subparagraph, the developer may reserve
21 the right to use such areas for the purpose of passive
22 recreation that is consistent with the purposes for which the
23 land was preserved.

24 a. Those wetlands and water bodies throughout the
25 state as would be delineated if the provisions of s.
26 373.4145(1)(b) were applied. The developer may use such areas
27 for the purpose of site access, provided other routes of
28 access are unavailable or impracticable; may use such areas
29 for the purpose of stormwater or domestic sewage management
30 and other necessary utilities to the extent that such uses are
31 permitted pursuant to chapter 403; or may redesign or alter

1 wetlands and water bodies within the jurisdiction of the
2 Department of Environmental Protection which have been
3 artificially created, if the redesign or alteration is done so
4 as to produce a more naturally functioning system.

5 b. Active beach or primary and, where appropriate,
6 secondary dunes, to maintain the integrity of the dune system
7 and adequate public accessways to the beach. However, the
8 developer may retain the right to construct and maintain
9 elevated walkways over the dunes to provide access to the
10 beach.

11 c. Known archaeological sites determined to be of
12 significance by the Division of Historical Resources of the
13 Department of State.

14 d. Areas known to be important to animal species
15 designated as endangered or threatened animal species by the
16 United States Fish and Wildlife Service or by the Fish and
17 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
18 Commission, for reproduction, feeding, or nesting; for
19 traveling between such areas used for reproduction, feeding,
20 or nesting; or for escape from predation.

21 e. Areas known to contain plant species designated as
22 endangered plant species by the Department of Agriculture and
23 Consumer Services.

24 2. Produce, or dispose of, no substances designated as
25 hazardous or toxic substances by the United States
26 Environmental Protection Agency or by the Department of
27 Environmental Protection or the Department of Agriculture and
28 Consumer Services. This subparagraph is not intended to apply
29 to the production of these substances in nonsignificant
30 amounts as would occur through household use or incidental use
31 by businesses.

1 3. Participate in a downtown reuse or redevelopment
2 program to improve and rehabilitate a declining downtown area.

3 4. Incorporate no dredge and fill activities in, and
4 no stormwater discharge into, waters designated as Class II,
5 aquatic preserves, or Outstanding Florida Waters, except as
6 activities in those waters are permitted pursuant to s.
7 403.813(2) and the developer demonstrates that those
8 activities meet the standards under Class II waters,
9 Outstanding Florida Waters, or aquatic preserves, as
10 applicable.

11 5. Include open space, recreation areas, Xeriscape as
12 defined in s. 373.185, and energy conservation and minimize
13 impermeable surfaces as appropriate to the location and type
14 of project.

15 6. Provide for construction and maintenance of all
16 onsite infrastructure necessary to support the project and
17 enter into a binding commitment with local government to
18 provide an appropriate fair-share contribution toward the
19 offsite impacts which the development will impose on publicly
20 funded facilities and services, except offsite transportation,
21 and condition or phase the commencement of development to
22 ensure that public facilities and services, except offsite
23 transportation, will be available concurrent with the impacts
24 of the development. For the purposes of offsite transportation
25 impacts, the developer shall comply, at a minimum, with the
26 standards of the state land planning agency's
27 development-of-regional-impact transportation rule, the
28 approved strategic regional policy plan, any applicable
29 regional planning council transportation rule, and the
30 approved local government comprehensive plan and land

31

1 development regulations adopted pursuant to part II of chapter
2 163.

3 7. Design and construct the development in a manner
4 that is consistent with the adopted state plan, the applicable
5 strategic regional policy plan, and the applicable adopted
6 local government comprehensive plan.

7 (b) In addition to the foregoing requirements, the
8 developer shall plan and design his or her development in a
9 manner which includes the needs of the people in this state as
10 identified in the state comprehensive plan and the quality of
11 life of the people who will live and work in or near the
12 development. The developer is encouraged to plan and design
13 his or her development in an innovative manner. These planning
14 and design features may include, but are not limited to, such
15 things as affordable housing, care for the elderly, urban
16 renewal or redevelopment, mass transit, the protection and
17 preservation of wetlands outside the jurisdiction of the
18 Department of Environmental Protection or of uplands as
19 wildlife habitat, provision for the recycling of solid waste,
20 provision for onsite child care, enhancement of emergency
21 management capabilities, the preservation of areas known to be
22 primary habitat for significant populations of species of
23 special concern designated by the Fish and Wildlife
24 Conservation ~~Florida Game and Fresh Water Fish~~ Commission, or
25 community economic development. These additional amenities
26 will be considered in determining whether the development
27 qualifies for designation under this program.

28 (6)(a) In the event that the development is not
29 designated under subsection (5), the developer may appeal that
30 determination to the Quality Developments Review Board. The
31 board shall consist of the secretary of the state land

1 planning agency, the Secretary of Environmental Protection and
2 a member designated by the secretary, the Secretary of
3 Transportation, the executive director of the Fish and
4 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
5 Commission, the executive director of the appropriate water
6 management district created pursuant to chapter 373, and the
7 chief executive officer of the appropriate local government.
8 When there is a significant historical or archaeological site
9 within the boundaries of a development which is appealed to
10 the board, the director of the Division of Historical
11 Resources of the Department of State shall also sit on the
12 board. The staff of the state land planning agency shall serve
13 as staff to the board.

14 (b) The board shall meet once each quarter of the
15 year. However, a meeting may be waived if no appeals are
16 pending.

17 (c) On appeal, the sole issue shall be whether the
18 development meets the statutory criteria for designation under
19 this program. An affirmative vote of at least five members of
20 the board, including the affirmative vote of the chief
21 executive officer of the appropriate local government, shall
22 be necessary to designate the development by the board.

23 (d) The state land planning agency shall adopt
24 procedural rules for consideration of appeals under this
25 subsection.

26 Section 182. Section 388.45, Florida Statutes, is
27 amended to read:

28 388.45 Threat to public health; emergency
29 declarations.--The State Health Officer has the authority to
30 declare that a threat to public health exists when the
31 Department of Health discovers in the human or surrogate

1 population the occurrence of an infectious disease that can be
2 transmitted from arthropods to humans. The State Health
3 Officer must immediately notify the Commissioner of
4 Agriculture of the declaration of this threat to public
5 health. The Commissioner of Agriculture is authorized to issue
6 an emergency declaration based on the State Health Officer's
7 declaration of a threat to the public health or based on other
8 threats to animal health. Each declaration must contain the
9 geographical boundaries and the duration of the declaration.
10 The State Health Officer shall order such human medical
11 preventive treatment and the Commissioner of Agriculture shall
12 order such ameliorative arthropod control measures as are
13 necessary to prevent the spread of disease, notwithstanding
14 contrary provisions of this chapter or the rules adopted under
15 this chapter. Within 24 hours after a declaration of a threat
16 to the public health, the State Health Officer must also
17 notify the agency heads of the Department of Environmental
18 Protection and the Fish and Wildlife Conservation ~~Game and~~
19 ~~Fresh Water Fish~~ Commission of the declaration. Within 24
20 hours after an emergency declaration based on the public
21 health declaration or based on other threats to animal health,
22 the Commissioner of Agriculture must notify the agency heads
23 of the Department of Environmental Protection and the Fish and
24 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission of
25 the declaration. Within 24 hours after an emergency
26 declaration based on other threats to animal health, the
27 Commissioner of Agriculture must also notify the agency head
28 of the Department of Health of the declaration.

29 Section 183. Subsection (2) of section 388.46, Florida
30 Statutes, is amended to read:

31

1 388.46 Florida Coordinating Council on Mosquito
2 Control; establishment; membership; organization;
3 responsibilities.--

4 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.--

5 (a) Membership.--The Florida Coordinating Council on
6 Mosquito Control shall be comprised of the following
7 representatives or their authorized designees:

8 1. The Secretary of Environmental Protection and the
9 Secretary of Health;

10 2. The executive director of the Fish and Wildlife
11 Conservation ~~Game and Fresh Water Fish~~ Commission;

12 3. The state epidemiologist;

13 4. The Commissioner of Agriculture; and

14 5. Representatives from:

15 a. The University of Florida, Institute of Food and
16 Agricultural Sciences, Florida Medical Entomological Research
17 Laboratory;

18 b. Florida Agricultural and Mechanical University;

19 c. The United States Environmental Protection Agency;

20 d. The United States Department of Agriculture,
21 Insects Affecting Man Laboratory;

22 e. The United States Fish and Wildlife Service;

23 f. Two mosquito control directors to be nominated by
24 the Florida Mosquito Control Association, two representatives
25 of Florida environmental groups, and two private citizens who
26 are property owners whose lands are regularly subject to
27 mosquito control operations, to be appointed to 4-year terms
28 by the Commissioner of Agriculture; and

29 g. The Board of Trustees of the Internal Improvement
30 Trust Fund.

31

1 (b) Organization.--The council shall be chaired by the
2 Commissioner of Agriculture or the commissioner's authorized
3 designee. A majority of the membership of the council shall
4 constitute a quorum for the conduct of business. The chair
5 shall be responsible for recording and distributing to the
6 members a summary of the proceedings of all council meetings.
7 The council shall meet at least three times each year, or as
8 needed. The council may designate subcommittees from time to
9 time to assist in carrying out its responsibilities, provided
10 that the Subcommittee on Managed Marshes shall be the first
11 subcommittee appointed by the council. The subcommittee shall
12 continue to provide technical assistance and guidance on
13 mosquito impoundment management plans and develop and review
14 research proposals for mosquito source reduction techniques.

15 (c) Responsibilities.--The council shall:

16 1. Develop and implement guidelines to assist the
17 department in resolving disputes arising over the control of
18 arthropods on publicly owned lands.

19 2. Identify and recommend to Florida Agricultural and
20 Mechanical University research priorities for arthropod
21 control practices and technologies.

22 3. Develop and recommend to the department a request
23 for proposal process for arthropod control research.

24 4. Identify potential funding sources for research or
25 implementation projects and evaluate and prioritize proposals
26 upon request by the funding source.

27 5. Prepare and present reports, as needed, on
28 arthropod control activities in the state to the Pesticide
29 Review Council, the Florida Coastal Management Program
30 Interagency Management Committee, and other governmental
31 organizations, as appropriate.

1 Section 184. Subsection (5) of section 403.0752,
2 Florida Statutes, is amended to read:

3 403.0752 Ecosystem management agreements.--

4 (5) The Secretary of Community Affairs, the Secretary
5 of Transportation, the Commissioner of Agriculture, the
6 Executive Director of the Fish and Wildlife Conservation ~~Game~~
7 ~~and Fresh Water Fish~~ Commission, and the executive directors
8 of the water management districts are authorized to
9 participate in the development of ecosystem management
10 agreements with regulated entities and other governmental
11 agencies as necessary to effectuate the provisions of this
12 section. Local governments are encouraged to participate in
13 ecosystem management agreements.

14 Section 185. Subsection (4) of section 403.0885,
15 Florida Statutes, 1998 Supplement, is amended to read:

16 403.0885 Establishment of federally approved state
17 National Pollutant Discharge Elimination System (NPDES)
18 Program.--

19 (4) The department shall respond, in writing, to any
20 written comments on a pending application for a state NPDES
21 permit which the department receives from the executive
22 director, or his or her designee, of the Fish and Wildlife
23 Conservation ~~Game and Fresh Water Fish~~ Commission on matters
24 within the commenting agency's jurisdiction. The department's
25 response shall not constitute agency action for purposes of
26 ss. 120.569 and 120.57 or other provisions of chapter 120.

27 Section 186. Subsection (2) of section 403.413,
28 Florida Statutes, is amended to read:

29 403.413 Florida Litter Law.--

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

31

1 (a) "Litter" means any garbage; rubbish; trash;
2 refuse; can; bottle; box; container; paper; tobacco product;
3 tire; appliance; mechanical equipment or part; building or
4 construction material; tool; machinery; wood; motor vehicle or
5 motor vehicle part; vessel; aircraft; farm machinery or
6 equipment; sludge from a waste treatment facility, water
7 supply treatment plant, or air pollution control facility; or
8 substance in any form resulting from domestic, industrial,
9 commercial, mining, agricultural, or governmental operations.

10 (b) "Person" means any individual, firm, sole
11 proprietorship, partnership, corporation, or unincorporated
12 association.

13 (c) "Law enforcement officer" means any officer of the
14 Florida Highway Patrol, a county sheriff's department, a
15 municipal law enforcement department, a law enforcement
16 department of any other political subdivision, the department,
17 or the Fish and Wildlife Conservation ~~Game and Fresh Water~~
18 ~~Fish~~ Commission. In addition, and solely for the purposes of
19 this section, "law enforcement officer" means any employee of
20 a county or municipal park or recreation department designated
21 by the department head as a litter enforcement officer.

22 (d) "Aircraft" means a motor vehicle or other vehicle
23 that is used or designed to fly but does not include a
24 parachute or any other device used primarily as safety
25 equipment.

26 (e) "Commercial purpose" means for the purpose of
27 economic gain.

28 (f) "Commercial vehicle" means a vehicle that is owned
29 or used by a business, corporation, association, partnership,
30 or sole proprietorship or any other entity conducting business
31 for a commercial purpose.

1 (g) "Dump" means to dump, throw, discard, place,
2 deposit, or dispose of.

3 (h) "Motor vehicle" means an automobile, motorcycle,
4 truck, trailer, semitrailer, truck tractor, or semitrailer
5 combination or any other vehicle that is powered by a motor.

6 (i) "Vessel" means a boat, barge, or airboat or any
7 other vehicle used for transportation on water.

8 Section 187. Subsection (2) of section 403.507,
9 Florida Statutes, is amended to read:

10 403.507 Preliminary statements of issues, reports, and
11 studies.--

12 (2)(a) The following agencies shall prepare reports as
13 provided below and shall submit them to the department and the
14 applicant within 150 days after distribution of the complete
15 application:

16 1. The Department of Community Affairs shall prepare a
17 report containing recommendations which address the impact
18 upon the public of the proposed electrical power plant, based
19 on the degree to which the electrical power plant is
20 consistent with the applicable portions of the state
21 comprehensive plan and other such matters within its
22 jurisdiction. The Department of Community Affairs may also
23 comment on the consistency of the proposed electrical power
24 plant with applicable strategic regional policy plans or local
25 comprehensive plans and land development regulations.

26 2. The Public Service Commission shall prepare a
27 report as to the present and future need for the electrical
28 generating capacity to be supplied by the proposed electrical
29 power plant. The report shall include the commission's
30 determination pursuant to s. 403.519 and may include the
31

1 commission's comments with respect to any other matters within
2 its jurisdiction.

3 3. The water management district shall prepare a
4 report as to matters within its jurisdiction.

5 4. Each local government in whose jurisdiction the
6 proposed electrical power plant is to be located shall prepare
7 a report as to the consistency of the proposed electrical
8 power plant with all applicable local ordinances, regulations,
9 standards, or criteria that apply to the proposed electrical
10 power plant, including adopted local comprehensive plans, land
11 development regulations, and any applicable local
12 environmental regulations adopted pursuant to s. 403.182 or by
13 other means.

14 5. The Fish and Wildlife Conservation ~~Game and Fresh~~
15 ~~Water Fish~~ Commission shall prepare a report as to matters
16 within its jurisdiction.

17 6. The regional planning council shall prepare a
18 report containing recommendations that address the impact upon
19 the public of the proposed electrical power plant, based on
20 the degree to which the electrical power plant is consistent
21 with the applicable provisions of the strategic regional
22 policy plan adopted pursuant to chapter 186 and other matters
23 within its jurisdiction.

24 7. Any other agency, if requested by the department,
25 shall also perform studies or prepare reports as to matters
26 within that agency's jurisdiction which may potentially be
27 affected by the proposed electrical power plant.

28 (b) As needed to verify or supplement the studies made
29 by the applicant in support of the application, it shall be
30 the duty of the department to conduct, or contract for,
31 studies of the proposed electrical power plant and site,

1 including, but not limited to, the following, which shall be
2 completed no later than 210 days after the complete
3 application is filed with the department:

- 4 1. Cooling system requirements.
- 5 2. Construction and operational safeguards.
- 6 3. Proximity to transportation systems.
- 7 4. Soil and foundation conditions.
- 8 5. Impact on suitable present and projected water
9 supplies for this and other competing uses.
- 10 6. Impact on surrounding land uses.
- 11 7. Accessibility to transmission corridors.
- 12 8. Environmental impacts.
- 13 9. Requirements applicable under any federally
14 delegated or approved permit program.

15 (c) Each report described in paragraphs (a) and (b)
16 shall contain all information on variances, exemptions,
17 exceptions, or other relief which may be required by s.
18 403.511(2) and any proposed conditions of certification on
19 matters within the jurisdiction of such agency. For each
20 condition proposed by an agency in its report, the agency
21 shall list the specific statute, rule, or ordinance which
22 authorizes the proposed condition.

23 (d) The agencies shall initiate the activities
24 required by this section no later than 30 days after the
25 complete application is distributed. The agencies shall keep
26 the applicant and the department informed as to the progress
27 of the studies and any issues raised thereby.

28 Section 188. Paragraph (a) of subsection (4) of
29 section 403.508, Florida Statutes, is amended to read:

30 403.508 Land use and certification proceedings,
31 parties, participants.--

- 1 (4)(a) Parties to the proceeding shall include:
2 1. The applicant.
3 2. The Public Service Commission.
4 3. The Department of Community Affairs.
5 4. The Fish and Wildlife Conservation Commission ~~Game~~
6 ~~and Fresh Water Fish Commission.~~
7 5. The water management district.
8 6. The department.
9 7. The regional planning council.
10 8. The local government.
- 11 Section 189. Paragraph (b) of subsection (1) of
12 section 403.518, Florida Statutes, is amended to read:
13 403.518 Fees; disposition.--
14 (1) The department shall charge the applicant the
15 following fees, as appropriate, which shall be paid into the
16 Florida Permit Fee Trust Fund:
17 (b) An application fee, which shall not exceed
18 \$200,000. The fee shall be fixed by rule on a sliding scale
19 related to the size, type, ultimate site capacity, increase in
20 generating capacity proposed by the application, or the number
21 and size of local governments in whose jurisdiction the
22 electrical power plant is located.
23 1. Sixty percent of the fee shall go to the department
24 to cover any costs associated with reviewing and acting upon
25 the application, to cover any field services associated with
26 monitoring construction and operation of the facility, and to
27 cover the costs of the public notices published by the
28 department.
29 2. Twenty percent of the fee or \$25,000, whichever is
30 greater, shall be transferred to the Administrative Trust Fund
31

1 of the Division of Administrative Hearings of the Department
2 of Management Services.

3 3. Upon written request with proper itemized
4 accounting within 90 days after final agency action by the
5 board or withdrawal of the application, the department shall
6 reimburse the Department of Community Affairs, the Fish and
7 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
8 and any water management district created pursuant to chapter
9 373, regional planning council, and local government in the
10 jurisdiction of which the proposed electrical power plant is
11 to be located, and any other agency from which the department
12 requests special studies pursuant to s. 403.507(2)(a)7. Such
13 reimbursement shall be authorized for the preparation of any
14 studies required of the agencies by this act, and for agency
15 travel and per diem to attend any hearing held pursuant to
16 this act, and for local governments to participate in the
17 proceedings. In the event the amount available for allocation
18 is insufficient to provide for complete reimbursement to the
19 agencies, reimbursement shall be on a prorated basis.

20 4. If any sums are remaining, the department shall
21 retain them for its use in the same manner as is otherwise
22 authorized by this act; provided, however, that if the
23 certification application is withdrawn, the remaining sums
24 shall be refunded to the applicant within 90 days after
25 withdrawal.

26 Section 190. Paragraph (a) of subsection (2) of
27 section 403.526, Florida Statutes, is amended to read:

28 403.526 Preliminary statements of issues, reports, and
29 studies.--

30 (2)(a) The affected agencies shall prepare reports as
31 provided below and shall submit them to the department and the

1 applicant within 90 days after distribution of the complete
2 application:

3 1. The department shall prepare a report as to the
4 impact of each proposed transmission line or corridor as it
5 relates to matters within its jurisdiction.

6 2. Each water management district in the jurisdiction
7 of which a proposed transmission line or corridor is to be
8 located shall prepare a report as to the impact on water
9 resources and other matters within its jurisdiction.

10 3. The Department of Community Affairs shall prepare a
11 report containing recommendations which address the impact
12 upon the public of the proposed transmission line or corridor,
13 based on the degree to which the proposed transmission line or
14 corridor is consistent with the applicable portions of the
15 state comprehensive plan and other matters within its
16 jurisdiction. The Department of Community Affairs may also
17 comment on the consistency of the proposed transmission line
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 transmission line or corridor on fish and
23 wildlife resources and other matters within its jurisdiction.

24 5. Each local government shall prepare a report as to
25 the impact of each proposed transmission line or corridor on
26 matters within its jurisdiction, including the consistency of
27 the proposed transmission line or corridor with all applicable
28 local ordinances, regulations, standards, or criteria that
29 apply to the proposed transmission line or corridor, including
30 local comprehensive plans, zoning regulations, land
31 development regulations, and any applicable local

1 environmental regulations adopted pursuant to s. 403.182 or by
2 other means. No change by the responsible local government or
3 local agency in local comprehensive plans, zoning ordinances,
4 or other regulations made after the date required for the
5 filing of the local government's report required by this
6 section shall be applicable to the certification of the
7 proposed transmission line or corridor unless the
8 certification is denied or the application is withdrawn.

9 6. Each regional planning council shall present a
10 report containing recommendations that address the impact upon
11 the public of the proposed transmission line or corridor based
12 on the degree to which the transmission line or corridor is
13 consistent with the applicable provisions of the strategic
14 regional policy plan adopted pursuant to chapter 186 and other
15 impacts of each proposed transmission line or corridor on
16 matters within its jurisdiction.

17 Section 191. Paragraph (a) of subsection (4) of
18 section 403.527, Florida Statutes, is amended to read:

19 403.527 Notice, proceedings, parties, participants.--

20 (4)(a) Parties to the proceeding shall be:

- 21 1. The applicant.
- 22 2. The department.
- 23 3. The commission.
- 24 4. The Department of Community Affairs.
- 25 5. The Fish and Wildlife Conservation ~~Game and Fresh~~
26 ~~Water Fish~~ Commission.

27 6. Each water management district in the jurisdiction
28 of which the proposed transmission line or corridor is to be
29 located.

- 30 7. The local government.
- 31 8. The regional planning council.

1 Section 192. Paragraph (c) of subsection (1) of
2 section 403.5365, Florida Statutes, is amended to read:

3 403.5365 Fees; disposition.--The department shall
4 charge the applicant the following fees, as appropriate, which
5 shall be paid into the Florida Permit Fee Trust Fund:

6 (1) An application fee of \$100,000, plus \$750 per mile
7 for each mile of corridor in which the transmission line
8 right-of-way is proposed to be located within an existing
9 electrical transmission line right-of-way or within any
10 existing right-of-way for any road, highway, railroad, or
11 other aboveground linear facility, or \$1,000 per mile for each
12 mile of transmission line corridor proposed to be located
13 outside such existing right-of-way.

14 (c) Upon written request with proper itemized
15 accounting within 90 days after final agency action by the
16 board or withdrawal of the application, the department shall
17 reimburse the expenses and costs of the Department of
18 Community Affairs, the Fish and Wildlife Conservation ~~Game and~~
19 ~~Fresh Water Fish~~ Commission, the water management district,
20 regional planning council, and local government in the
21 jurisdiction of which the transmission line is to be located.
22 Such reimbursement shall be authorized for the preparation of
23 any studies required of the agencies by this act, and for
24 agency travel and per diem to attend any hearing held pursuant
25 to this act, and for the local government to participate in
26 the proceedings. In the event the amount available for
27 allocation is insufficient to provide for complete
28 reimbursement to the agencies, reimbursement shall be on a
29 prorated basis.

30 Section 193. Subsection (3) of section 403.7841,
31 Florida Statutes, is amended to read:

1 403.7841 Application for certification.--

2 (3) Within 7 days after filing the application with
3 the department, the applicant shall provide two copies of the
4 application as filed to each of the following: the Department
5 of Community Affairs, the water management district which has
6 jurisdiction over the area wherein the proposed project is to
7 be located, the Department of Transportation, the Fish and
8 Wildlife Conservation Game and Fresh Water Fish Commission,
9 the Department of Health and Rehabilitative Services, the
10 Department of Agriculture and Consumer Services, and the local
11 governmental entities which have jurisdiction.

12 Section 194. Subsection (1) of section 403.786,
13 Florida Statutes, is amended to read:

14 403.786 Report and studies.--

15 (1) The Department of Community Affairs, the water
16 management district which has jurisdiction over the area
17 wherein the proposed project is to be located, the Department
18 of Transportation, the Fish and Wildlife Conservation Game and
19 Fresh Water Fish Commission, the Department of Health and
20 Rehabilitative Services, the Department of Agriculture and
21 Consumer Services, and each local government which has
22 jurisdiction shall each submit a report of matters within
23 their jurisdiction to the department within 90 days after
24 their receipt of the application. Any other agency may submit
25 comments relating to matters within its jurisdiction to the
26 department within 90 days after the filing of the application
27 with the Division of Administrative Hearings.

28 Section 195. Paragraph (a) of subsection (4) of
29 section 403.787, Florida Statutes, is amended to read:

30 403.787 Notice, proceedings, parties, participants.--

31 (4)(a) Parties to the proceeding shall be:

- 1 1. The applicant.
- 2 2. The department.
- 3 3. The Department of Community Affairs.
- 4 4. The Fish and Wildlife Conservation ~~Game and Fresh~~
5 ~~Water Fish~~ Commission.
- 6 5. Each water management district in the jurisdiction
7 of which the proposed project is to be located.
- 8 6. Any affected local government.
- 9 Section 196. Subsection (6) of section 403.9325,
10 Florida Statutes, is amended to read:
- 11 403.9325 Definitions.--For the purposes of ss.
12 403.9321-403.9333, the term:
- 13 (6) "Public lands set aside for conservation or
14 preservation" means:
- 15 (a) Conservation and recreation lands under chapter
16 259;
- 17 (b) State and national parks;
- 18 (c) State and national reserves and preserves, except
19 as provided in s. 403.9326(3);
- 20 (d) State and national wilderness areas;
- 21 (e) National wildlife refuges (only those lands under
22 Federal Government ownership);
- 23 (f) Lands acquired through the Water Management Lands
24 Trust Fund, Save Our Rivers Program;
- 25 (g) Lands acquired under the Save Our Coast program;
- 26 (h) Lands acquired under the environmentally
27 endangered lands bond program;
- 28 (i) Public lands designated as conservation or
29 preservation under a local government comprehensive plan;
- 30 (j) Lands purchased by a water management district,
31 the Fish and Wildlife Conservation ~~Florida Game and Fresh~~

1 ~~Water Fish~~ Commission, or any other state agency for
2 conservation or preservation purposes;

3 (k) Public lands encumbered by a conservation easement
4 that does not provide for the trimming of mangroves; and

5 (l) Public lands designated as critical wildlife areas
6 by the Fish and Wildlife Conservation ~~Florida Game and Fresh~~
7 ~~Water Fish~~ Commission.

8 Section 197. Paragraph (a) of subsection (2) of
9 section 403.941, Florida Statutes, is amended to read:
10 403.941 Preliminary statements of issues, reports, and
11 studies.--

12 (2)(a) The affected agencies shall prepare reports as
13 provided in this paragraph and shall submit them to the
14 department and the applicant within 60 days after the
15 application is determined sufficient:

16 1. The department shall prepare a report as to the
17 impact of each proposed natural gas transmission pipeline or
18 corridor as it relates to matters within its jurisdiction.

19 2. Each water management district in the jurisdiction
20 of which a proposed natural gas transmission pipeline or
21 corridor is to be located shall prepare a report as to the
22 impact on water resources and other matters within its
23 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 natural gas transmission
27 pipeline or corridor, based on the degree to which the
28 proposed natural gas transmission pipeline or corridor is
29 consistent with the applicable portions of the state
30 comprehensive plan and other matters within its jurisdiction.
31 The Department of Community Affairs may also comment on the

1 consistency of the proposed natural gas transmission pipeline
2 or corridor with applicable strategic regional policy plans or
3 local comprehensive plans and land development regulations.

4 4. The Fish and Wildlife Conservation ~~Game and Fresh~~
5 ~~Water Fish~~ Commission shall prepare a report as to the impact
6 of each proposed natural gas transmission pipeline or corridor
7 on fish and wildlife resources and other matters within its
8 jurisdiction.

9 5. Each local government in which the natural gas
10 transmission pipeline or natural gas transmission pipeline
11 corridor will be located shall prepare a report as to the
12 impact of each proposed natural gas transmission pipeline or
13 corridor on matters within its jurisdiction, including the
14 consistency of the proposed natural gas transmission pipeline
15 or corridor with all applicable local ordinances, regulations,
16 standards, or criteria that apply to the proposed natural gas
17 transmission pipeline or corridor, including local
18 comprehensive plans, zoning regulations, land development
19 regulations, and any applicable local environmental
20 regulations adopted pursuant to s. 403.182 or by other means.
21 No change by the responsible local government or local agency
22 in local comprehensive plans, zoning ordinances, or other
23 regulations made after the date required for the filing of the
24 local government's report required by this section shall be
25 applicable to the certification of the proposed natural gas
26 transmission pipeline or corridor unless the certification is
27 denied or the application is withdrawn.

28 6. Each regional planning council in which the natural
29 gas transmission pipeline or natural gas transmission pipeline
30 corridor will be located shall present a report containing
31 recommendations that address the impact upon the public of the

1 proposed natural gas transmission pipeline or corridor, based
2 on the degree to which the natural gas transmission pipeline
3 or corridor is consistent with the applicable provisions of
4 the strategic regional policy plan adopted pursuant to chapter
5 186 and other impacts of each proposed natural gas
6 transmission pipeline or corridor on matters within its
7 jurisdiction.

8 7. The Department of Transportation shall prepare a
9 report on the effect of the natural gas transmission pipeline
10 or natural gas transmission pipeline corridor on matters
11 within its jurisdiction, including roadway crossings by the
12 pipeline. The report shall contain at a minimum:

13 a. A report by the applicant to the department stating
14 that all requirements of the department's utilities
15 accommodation guide have been or will be met in regard to the
16 proposed pipeline or pipeline corridor; and

17 b. A statement by the department as to the adequacy of
18 the report to the department by the applicant.

19 8. The Department of State, Division of Historical
20 Resources, shall prepare a report on the impact of the natural
21 gas transmission pipeline or natural gas transmission pipeline
22 corridor on matters within its jurisdiction.

23 9. The commission shall prepare a report addressing
24 matters within its jurisdiction. The commission's report shall
25 include its determination of need issued pursuant to s.
26 403.9422.

27 Section 198. Paragraph (a) of subsection (4) of
28 section 403.9411, Florida Statutes, is amended to read:

29 403.9411 Notice; proceedings; parties and
30 participants.--

31 (4)(a) Parties to the proceeding shall be:

- 1 1. The applicant.
- 2 2. The department.
- 3 3. The commission.
- 4 4. The Department of Community Affairs.
- 5 5. The Fish and Wildlife Conservation ~~Game and Fresh~~
- 6 ~~Water Fish~~ Commission.
- 7 6. Each water management district in the jurisdiction
- 8 of which the proposed natural gas transmission pipeline or
- 9 corridor is to be located.
- 10 7. The local government.
- 11 8. The regional planning council.
- 12 9. The Department of Transportation.
- 13 10. The Department of State, Division of Historical
- 14 Resources.
- 15 Section 199. Subsection (2) of section 403.961,
- 16 Florida Statutes, is amended to read:
- 17 403.961 Statements of issues and reports; written
- 18 analyses.--
- 19 (2) Each of the following agencies shall prepare a
- 20 report as to matters within its jurisdiction expected to be
- 21 affected by the proposed project, which report shall be
- 22 submitted to the applicant, the Department of Commerce, the
- 23 Department of Environmental Protection, the affected local
- 24 governments, and all other affected agencies, no later than 65
- 25 days after the date the application is determined to be
- 26 sufficient:
- 27 (a) The Department of Transportation.
- 28 (b) The Department of Community Affairs.
- 29 (c) The Fish and Wildlife Conservation ~~Game and Fresh~~
- 30 ~~Water Fish~~ Commission.
- 31

1 (d) Each water management district having jurisdiction
2 over any proposed site or installation.

3 (e) Each regional planning council having jurisdiction
4 over any proposed site or installation.

5 (f) Any other agency, if requested by the Department
6 of Commerce, shall also prepare reports as to matters within
7 that agency's jurisdiction expected to be affected by the
8 proposed project.

9 Section 200. Paragraph (b) of subsection (1) of
10 section 403.962, Florida Statutes, is amended to read:

11 403.962 Certification hearing; cancellation;
12 parties.--

13 (1) The assigned administrative law judge shall
14 conduct a certification hearing in the county of the proposed
15 site no later than 150 days after the application for project
16 certification is deemed to be sufficient or an applicant has
17 requested that its application be processed on the basis of
18 information already submitted. All proceedings are governed
19 by chapter 120 except as modified by this act. The hearing
20 shall only be conducted in the event that a hearing is
21 requested by the applicant, an affected agency, a person
22 having a substantial interest which is affected by the
23 proposed certification, a qualified organization, or an
24 affected person who files a petition pursuant to s.
25 403.9615(4). In determining whether a hearing shall be
26 conducted, the following procedures shall apply:

27 (b) The following agencies shall be entitled to
28 request the conduct of a certification hearing under this
29 section:

30 1. The Department of Environmental Protection.
31

1 2. The Fish and Wildlife Conservation ~~Game and Fresh~~
2 ~~Water Fish~~ Commission.

3 3. The Department of Community Affairs.

4 4. The Department of Transportation.

5 5. Any water management district having jurisdiction
6 over a site or installation associated with the proposed
7 project.

8 6. Any local government having jurisdiction over a
9 site or installation associated with the proposed project.

10 Section 201. Paragraph (c) of subsection (2) of
11 section 403.972, Florida Statutes, is amended to read:

12 403.972 Fees; disposition.--The Department of Commerce
13 shall charge the following fees, as appropriate, which shall
14 be paid into the Department of Commerce Economic Development
15 Trust Fund:

16 (2) An application fee, which shall not exceed
17 \$150,000. The fee shall be fixed by rule on a sliding scale
18 related to the proposed project size and the number and size
19 of local governments in whose jurisdiction the project is
20 located.

21 (c) Upon written request with proper itemized
22 accounting within 90 days after final agency action or
23 withdrawal of the application, the Department of Commerce
24 shall reimburse the Department of Environmental Protection,
25 the Department of Community Affairs, the Fish and Wildlife
26 Conservation ~~Game and Fresh Water Fish~~ Commission, and any
27 water management district created pursuant to chapter 373,
28 regional planning council, and affected local governments in
29 the jurisdiction of which the proposed project is to be
30 located, and any other agency from which the Department of
31 Commerce requests special reports pursuant to s. 403.961(2)(f)

1 or with which the Department of Commerce contracts for field
2 services associated with the monitoring, construction, and
3 operation of the facility. Such reimbursement shall be
4 authorized for the preparation of any reports or studies or
5 the conduct of any compliance monitoring required of the
6 agencies by this act, and for agency travel and per diem to
7 attend any hearing held pursuant to this act, and for local
8 governments to participate in the proceedings. In the event
9 the amount available for allocation is insufficient to provide
10 for complete reimbursement to the agencies, reimbursement
11 shall be on a prorated basis.

12 Section 202. Subsection (4) of section 403.973,
13 Florida Statutes, is amended to read:

14 403.973 Expedited permitting; comprehensive plan
15 amendments.--

16 (4) The regional teams shall be established through
17 the execution of memoranda of agreement between the office and
18 the respective heads of the Departments of Environmental
19 Protection, Community Affairs, Transportation, Agriculture and
20 Consumer Services, the Fish and Wildlife Conservation Game and
21 ~~Fresh Water Fish~~ Commission, appropriate regional planning
22 councils, appropriate water management districts, and
23 voluntarily participating municipalities and counties. The
24 memoranda of agreement should also accommodate participation
25 in this expedited process by other local governments and
26 federal agencies as circumstances warrant.

27 Section 203. Paragraph (b) of subsection (1) of
28 section 487.0615, Florida Statutes, is amended to read:

29 487.0615 Pesticide Review Council.--

30 (1)

31

1 (b) The council shall consist of 11 scientific members
2 as follows: a scientific representative from the Department of
3 Agriculture and Consumer Services, a scientific representative
4 from the Department of Environmental Protection, a scientific
5 representative from the Department of Health and
6 Rehabilitative Services, and a scientific representative from
7 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
8 Commission, each to be appointed by the respective agency; the
9 dean of research of the Institute of Food and Agricultural
10 Sciences of the University of Florida; and six members to be
11 appointed by the Governor. The six members to be appointed by
12 the Governor must be a pesticide industry representative, a
13 representative of an environmental group, a hydrologist, a
14 toxicologist, a scientific representative from one of the five
15 water management districts rotated among the five districts,
16 and a grower representative from a list of three persons
17 nominated by the statewide grower associations. Each member
18 shall be appointed for a term of 4 years and shall serve until
19 a successor is appointed. A vacancy shall be filled for the
20 remainder of the unexpired term.

21 Section 204. Subsection (4) of section 581.186,
22 Florida Statutes, is amended to read:

23 581.186 Endangered Plant Advisory Council;
24 organization; meetings; powers and duties.--

25 (4) COOPERATION.--The Division of Plant Industry, the
26 Department of Environmental Protection, the Department of
27 Transportation, and the Fish and Wildlife Conservation ~~Game~~
28 ~~and Fresh Water Fish~~ Commission shall cooperate with the
29 council whenever necessary to aid it in carrying out its
30 duties under this section.

31

1 Section 205. Subsection (3) of section 585.21, Florida
2 Statutes, is amended to read:

3 585.21 Sale of biological products.--

4 (3) Any biological product for animals which is used
5 or proposed to be used in a field test in this state must be
6 approved for such use by the department. Before issuing
7 approval, the department shall consult with the Fish and
8 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission if
9 wildlife are involved and the Department of Health and
10 Rehabilitative Services if the disease may affect humans.

11 Section 206. Paragraph (c) of subsection (1) of
12 section 597.003, Florida Statutes, is amended to read:

13 597.003 Powers and duties of Department of Agriculture
14 and Consumer Services.--

15 (1) The department is hereby designated as the lead
16 agency in encouraging the development of aquaculture in the
17 state and shall have and exercise the following functions,
18 powers, and duties with regard to aquaculture:

19 (c) Develop memorandums of agreement, as needed, with
20 the Department of Environmental Protection, the Fish and
21 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
22 Commission, the Florida Sea Grant Program, and other groups as
23 provided in the state aquaculture plan.

24 Section 207. Subsections (4) and (5) of section
25 597.004, Florida Statutes, 1998 Supplement, are amended to
26 read:

27 597.004 Aquaculture certificate of registration.--

28 (4) IDENTIFICATION OF AQUACULTURE
29 PRODUCTS.--Aquaculture products shall be identified while
30 possessed, processed, transported, or sold as provided in this
31 subsection, except those subject to the requirements of

1 chapter 372 and the rules of the Fish and Wildlife
2 Conservation Commission ~~Game and Fresh Water Fish Commission~~
3 as they relate to alligators only.

4 (a) Aquaculture products shall be identified by an
5 aquaculture certificate of registration number from harvest to
6 point of sale. Any person who possesses aquaculture products
7 must show, by appropriate receipt, bill of sale, bill of
8 lading, or other such manifest where the product originated.

9 (b) Marine aquaculture products shall be transported
10 in containers that separate such product from wild stocks, and
11 shall be identified by tags or labels that are securely
12 attached and clearly displayed.

13 (c) Each aquaculture registrant who sells food
14 products labeled as "aquaculture or farm raised" must have
15 such products containerized and clearly labeled in accordance
16 with s. 500.11. Label information must include the name,
17 address, and aquaculture certification number. This
18 requirement is designed to segregate the identity of wild and
19 aquaculture products.

20 (5) SALE OF AQUACULTURE PRODUCTS.--

21 (a) Aquaculture products, except shellfish, snook,
22 spotted sea trout, red drum, and freshwater aquatic species
23 identified in chapter 372 and rules of the Fish and Wildlife
24 Conservation Commission ~~Game and Fresh Water Fish Commission~~,
25 may be sold without restriction so long as product origin can
26 be identified.

27 (b) Aquaculture shellfish must be sold and handled in
28 accordance with shellfish handling regulations of the
29 commission ~~Department of Environmental Protection~~ established
30 to protect public health.

31

1 Section 208. Subsection (1) of section 597.006,
2 Florida Statutes, is amended to read:

3 597.006 Aquaculture Interagency Coordinating
4 Council.--

5 (1) CREATION.--The Legislature finds and declares that
6 there is a need for interagency coordination with regard to
7 aquaculture by the following agencies: the Department of
8 Agriculture and Consumer Services, the Department of Commerce,
9 the Department of Community Affairs, the Department of
10 Environmental Protection, the Department of Labor and
11 Employment Security, the Fish and Wildlife Conservation ~~Marine~~
12 ~~Fisheries Commission, the Game and Fresh Water Fish~~
13 Commission, the statewide consortium of universities under the
14 Florida Institute of Oceanography, Florida Agricultural and
15 Mechanical University, the Institute of Food and Agricultural
16 Sciences at the University of Florida, the Florida Sea Grant
17 Program, and each water management district. It is therefore
18 the intent of the Legislature to hereby create an Aquaculture
19 Interagency Coordinating Council to act as an advisory body as
20 defined in s. 20.03(9).

21 Section 209. Paragraph (a) of subsection (1) of
22 section 784.07, Florida Statutes, 1998 Supplement, is amended
23 to read:

24 784.07 Assault or battery of law enforcement officers,
25 firefighters, emergency medical care providers, public transit
26 employees or agents, or other specified officers;
27 reclassification of offenses; minimum sentences.--

28 (1) As used in this section, the term:

29 (a) "Law enforcement officer" includes a law
30 enforcement officer, a correctional officer, a correctional
31 probation officer, a part-time law enforcement officer, a

1 part-time correctional officer, an auxiliary law enforcement
2 officer, and an auxiliary correctional officer, as those terms
3 are respectively defined in s. 943.10, and any county
4 probation officer; employee or agent of the Department of
5 Corrections who supervises or provides services to inmates;
6 officer of the Parole Commission; and law enforcement
7 personnel of the Fish and Wildlife Conservation ~~Game and Fresh~~
8 ~~Water Fish~~ Commission, the Department of Environmental
9 Protection, or the Department of Law Enforcement.

10 Section 210. Subsection (2) of section 790.06, Florida
11 Statutes, 1998 Supplement, is amended to read:

12 790.06 License to carry concealed weapon or firearm.--

13 (2) The Department of State shall issue a license if
14 the applicant:

15 (a) Is a resident of the United States or is a
16 consular security official of a foreign government that
17 maintains diplomatic relations and treaties of commerce,
18 friendship, and navigation with the United States and is
19 certified as such by the foreign government and by the
20 appropriate embassy in this country;

21 (b) Is 21 years of age or older;

22 (c) Does not suffer from a physical infirmity which
23 prevents the safe handling of a weapon or firearm;

24 (d) Is not ineligible to possess a firearm pursuant to
25 s. 790.23 by virtue of having been convicted of a felony;

26 (e) Has not been committed for the abuse of a
27 controlled substance or been found guilty of a crime under the
28 provisions of chapter 893 or similar laws of any other state
29 relating to controlled substances within a 3-year period
30 immediately preceding the date on which the application is
31 submitted;

1 (f) Does not chronically and habitually use alcoholic
2 beverages or other substances to the extent that his or her
3 normal faculties are impaired. It shall be presumed that an
4 applicant chronically and habitually uses alcoholic beverages
5 or other substances to the extent that his or her normal
6 faculties are impaired if the applicant has been committed
7 under chapter 397 or under the provisions of former chapter
8 396 or has been convicted under s. 790.151 or has been deemed
9 a habitual offender under s. 856.011(3), or has had two or
10 more convictions under s. 316.193 or similar laws of any other
11 state, within the 3-year period immediately preceding the date
12 on which the application is submitted;

13 (g) Desires a legal means to carry a concealed weapon
14 or firearm for lawful self-defense;

15 (h) Demonstrates competence with a firearm by any one
16 of the following:

17 1. Completion of any hunter education or hunter safety
18 course approved by the Fish and Wildlife Conservation ~~Game and~~
19 ~~Fresh Water Fish~~ Commission or a similar agency of another
20 state;

21 2. Completion of any National Rifle Association
22 firearms safety or training course;

23 3. Completion of any firearms safety or training
24 course or class available to the general public offered by a
25 law enforcement, junior college, college, or private or public
26 institution or organization or firearms training school,
27 utilizing instructors certified by the National Rifle
28 Association, Criminal Justice Standards and Training
29 Commission, or the Department of State;

30 4. Completion of any law enforcement firearms safety
31 or training course or class offered for security guards,

1 | investigators, special deputies, or any division or
2 | subdivision of law enforcement or security enforcement;
3 | 5. Presents evidence of equivalent experience with a
4 | firearm through participation in organized shooting
5 | competition or military service;
6 | 6. Is licensed or has been licensed to carry a firearm
7 | in this state or a county or municipality of this state,
8 | unless such license has been revoked for cause; or
9 | 7. Completion of any firearms training or safety
10 | course or class conducted by a state-certified or National
11 | Rifle Association certified firearms instructor;
12 |
13 | A photocopy of a certificate of completion of any of the
14 | courses or classes; or an affidavit from the instructor,
15 | school, club, organization, or group that conducted or taught
16 | said course or class attesting to the completion of the course
17 | or class by the applicant; or a copy of any document which
18 | shows completion of the course or class or evidences
19 | participation in firearms competition shall constitute
20 | evidence of qualification under this paragraph; any person who
21 | conducts a course pursuant to subparagraph 2., subparagraph
22 | 3., or subparagraph 7., or who, as an instructor, attests to
23 | the completion of such courses, must maintain records
24 | certifying that he or she observed the student safely handle
25 | and discharge the firearm;
26 | (i) Has not been adjudicated an incapacitated person
27 | under s. 744.331, or similar laws of any other state, unless 5
28 | years have elapsed since the applicant's restoration to
29 | capacity by court order;
30 | (j) Has not been committed to a mental institution
31 | under chapter 394, or similar laws of any other state, unless

1 the applicant produces a certificate from a licensed
2 psychiatrist that he or she has not suffered from disability
3 for at least 5 years prior to the date of submission of the
4 application;

5 (k) Has not had adjudication of guilt withheld or
6 imposition of sentence suspended on any felony or misdemeanor
7 crime of domestic violence unless 3 years have elapsed since
8 probation or any other conditions set by the court have been
9 fulfilled, or the record has been sealed or expunged; and

10 (l) Has not been issued an injunction that is
11 currently in force and effect and that restrains the applicant
12 from committing acts of domestic violence or acts of repeat
13 violence.

14 Section 211. Subsection (1) of section 790.15, Florida
15 Statutes, is amended to read:

16 790.15 Discharging firearm in public.--

17 (1) Except as provided in subsection (2) or subsection
18 (3), any person who knowingly discharges a firearm in any
19 public place or on the right-of-way of any paved public road,
20 highway, or street or whosoever knowingly discharges any
21 firearm over the right-of-way of any paved public road,
22 highway, or street or over any occupied premises is guilty of
23 a misdemeanor of the first degree, punishable as provided in
24 s. 775.082 or s. 775.083. This section does not apply to a
25 person lawfully defending life or property or performing
26 official duties requiring the discharge of a firearm or to a
27 person discharging a firearm on public roads or properties
28 expressly approved for hunting by the Fish and Wildlife
29 Conservation Game and Fresh Water Fish Commission or Division
30 of Forestry.

31

1 Section 212. Paragraph (b) of subsection (6) of
2 section 828.122, Florida Statutes, is amended to read:

3 828.122 Fighting or baiting animals; offenses;
4 penalties.--

5 (6) The provisions of subsection (3) and paragraph
6 (4)(b) shall not apply to:

7 (b) Any person using animals to pursue or take
8 wildlife or to participate in any hunting regulated or subject
9 to being regulated by the rules and regulations of the Fish
10 and Wildlife Conservation ~~Game and Fresh Water Fish~~
11 Commission.

12 Section 213. Subsection (1) of section 832.06, Florida
13 Statutes, is amended to read:

14 832.06 Prosecution for worthless checks given tax
15 collector for licenses or taxes; refunds.--

16 (1) Whenever any person, firm, or corporation violates
17 the provisions of s. 832.05 by drawing, making, uttering,
18 issuing, or delivering to any county tax collector any check,
19 draft, or other written order on any bank or depository for
20 the payment of money or its equivalent for any tag, title,
21 lien, tax (except ad valorem taxes), penalty, or fee relative
22 to a boat, airplane, or motor vehicle; any occupational
23 license, beverage license, or sales or use tax; or any hunting
24 or fishing license, the county tax collector, after the
25 exercise of due diligence to locate the person, firm, or
26 corporation which drew, made, uttered, issued, or delivered
27 the check, draft, or other written order for the payment of
28 money, or to collect the same by the exercise of due diligence
29 and prudence, shall swear out a complaint in the proper court
30 against the person, firm, or corporation for the issuance of
31 the worthless check or draft. If the state attorney cannot

1 sign the information due to lack of proof, as determined by
2 the state attorney in good faith, for a prima facie case in
3 court, he or she shall issue a certificate so stating to the
4 tax collector. If payment of the dishonored check, draft, or
5 other written order, together with court costs expended, is
6 not received in full by the county tax collector within 30
7 days after service of the warrant, 30 days after conviction,
8 or 60 days after the collector swears out the complaint or
9 receives the certificate of the state attorney, whichever is
10 first, the county tax collector shall make a written report to
11 this effect to the Department of Highway Safety and Motor
12 Vehicles relative to airplanes and motor vehicles, to the Fish
13 and Wildlife Conservation Commission ~~Department of~~
14 ~~Environmental Protection~~ relative to boats, to the Department
15 of Revenue relative to occupational licenses and the sales and
16 use tax, to the Division of Alcoholic Beverages and Tobacco of
17 the Department of Business and Professional Regulation
18 relative to beverage licenses, or to the Fish and Wildlife
19 Conservation ~~Game and Fresh Water Fish~~ Commission relative to
20 hunting and fishing licenses, containing a statement of the
21 amount remaining unpaid on the worthless check or draft. If
22 the information is not signed, the certificate of the state
23 attorney is issued, and the written report of the amount
24 remaining unpaid is made, the county tax collector may request
25 the sum be forthwith refunded by the appropriate governmental
26 entity, agency, or department. If a warrant has been issued
27 and served, he or she shall certify to that effect, together
28 with the court costs and amount remaining unpaid on the check.
29 The county tax collector may request that the sum of money
30 certified by him or her be forthwith refunded by the
31 Department of Highway Safety and Motor Vehicles, ~~the~~

1 ~~Department of Environmental Protection,~~the Department of
2 Revenue, the Division of Alcoholic Beverages and Tobacco of
3 the Department of Business and Professional Regulation, or the
4 Fish and Wildlife Conservation Game and Fresh Water Fish
5 Commission to the county tax collector. Within 30 days after
6 receipt of the request, the Department of Highway Safety and
7 Motor Vehicles, ~~the Department of Environmental Protection,~~
8 the Department of Revenue, the Division of Alcoholic Beverages
9 and Tobacco of the Department of Business and Professional
10 Regulation, or the Fish and Wildlife Conservation Game and
11 ~~Fresh Water Fish~~ Commission, upon being satisfied as to the
12 correctness of the certificate of the tax collector, or the
13 report, shall refund to the county tax collector the sums of
14 money so certified or reported. If any officer of any court
15 issuing the warrant is unable to serve it within 60 days after
16 the issuance and delivery of it to the officer for service,
17 the officer shall make a written return to the county tax
18 collector to this effect. Thereafter, the county tax collector
19 may certify that the warrant has been issued and that service
20 has not been had upon the defendant and further certify the
21 amount of the worthless check or draft and the amount of court
22 costs expended by the county tax collector, and the county tax
23 collector may file the certificate with the Department of
24 Highway Safety and Motor Vehicles relative to motor vehicles
25 and airplanes, with the Fish and Wildlife Conservation
26 Commission ~~Department of Environmental Protection~~ relative to
27 boats, with the Department of Revenue relative to occupational
28 licenses and the sales and use tax, with the Division of
29 Alcoholic Beverages and Tobacco of the Department of Business
30 and Professional Regulation relative to beverage licenses, or
31 with the Fish and Wildlife Conservation Game and Fresh Water

1 ~~Fish~~ Commission relative to hunting and fishing licenses,
2 together with a request that the sums of money so certified be
3 forthwith refunded by the Department of Highway Safety and
4 Motor Vehicles, ~~the Department of Environmental Protection,~~
5 the Department of Revenue, the Division of Alcoholic Beverages
6 and Tobacco of the Department of Business and Professional
7 Regulation, or the Fish and Wildlife Conservation Game and
8 ~~Fresh Water Fish~~ Commission to the county tax collector, and
9 within 30 days after receipt of the request, the Department of
10 Highway Safety and Motor Vehicles, ~~the Department of~~
11 ~~Environmental Protection,~~the Department of Revenue, the
12 Division of Alcoholic Beverages and Tobacco of the Department
13 of Business and Professional Regulation, or the Fish and
14 Wildlife Conservation Game and Fresh Water Fish Commission,
15 upon being satisfied as to the correctness of the certificate,
16 shall refund the sums of money so certified to the county tax
17 collector.

18 Section 214. Section 843.08, Florida Statutes, is
19 amended to read:

20 843.08 Falsely personating officer, etc.--A person who
21 falsely assumes or pretends to be a sheriff, officer of the
22 Florida Highway Patrol, officer of the Fish and Wildlife
23 Conservation Game and Fresh Water Fish Commission, officer of
24 the Department of Environmental Protection, officer of the
25 Department of Transportation, officer of the Department of
26 Corrections, correctional probation officer, deputy sheriff,
27 state attorney or assistant state attorney, statewide
28 prosecutor or assistant statewide prosecutor, state attorney
29 investigator, coroner, police officer, lottery special agent
30 or lottery investigator, beverage enforcement agent, or
31 watchman, or any member of the Parole Commission and any

1 administrative aide or supervisor employed by the commission,
2 or any personnel or representative of the Department of Law
3 Enforcement, and takes upon himself or herself to act as such,
4 or to require any other person to aid or assist him or her in
5 a matter pertaining to the duty of any such officer, commits a
6 felony of the third degree, punishable as provided in s.
7 775.082, s. 775.083, or s. 775.084; however, a person who
8 falsely personates any such officer during the course of the
9 commission of a felony commits a felony of the second degree,
10 punishable as provided in s. 775.082, s. 775.083, or s.
11 775.084; except that if the commission of the felony results
12 in the death or personal injury of another human being, the
13 person commits a felony of the first degree, punishable as
14 provided in s. 775.082, s. 775.083, or s. 775.084.

15 Section 215. Section 870.04, Florida Statutes, is
16 amended to read:

17 870.04 Specified officers to disperse riotous
18 assembly.--If any number of persons, whether armed or not, are
19 unlawfully, riotously or tumultuously assembled in any county,
20 city or municipality, the sheriff or the sheriff's deputies,
21 or the mayor, or any commissioner, council member, alderman or
22 police officer of the said city or municipality, or any
23 officer or member of the Florida Highway Patrol, or any
24 officer or agent of the Fish and Wildlife Conservation ~~Game~~
25 ~~and Fresh Water Fish~~ Commission, Department of Environmental
26 Protection, or beverage enforcement agent, any personnel or
27 representatives of the Department of Law Enforcement or its
28 successor, or any other peace officer, shall go among the
29 persons so assembled, or as near to them as may be with
30 safety, and shall in the name of the state command all the
31 persons so assembled immediately and peaceably to disperse;

1 and if such persons do not thereupon immediately and peaceably
2 disperse, said officers shall command the assistance of all
3 such persons in seizing, arresting and securing such persons
4 in custody; and if any person present being so commanded to
5 aid and assist in seizing and securing such rioter or persons
6 so unlawfully assembled, or in suppressing such riot or
7 unlawful assembly, refuses or neglects to obey such command,
8 or, when required by such officers to depart from the place,
9 refuses and neglects to do so, the person shall be deemed one
10 of the rioters or persons unlawfully assembled, and may be
11 prosecuted and punished accordingly.

12 Section 216. Section 943.1728, Florida Statutes, is
13 amended to read:

14 943.1728 Basic skills training relating to the
15 protection of archaeological sites.--The commission shall
16 establish standards for instruction of law enforcement
17 officers in the subject of skills relating to the protection
18 of archaeological sites and artifacts. In developing such
19 standards and skills, the commission shall consult with
20 representatives of the following agencies: the Division of
21 Historical Resources of the Department of State, the Fish and
22 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
23 and the Department of Environmental Protection. The commission
24 shall develop the standards for training in any of the
25 following: basic recruit courses, advanced and specialized
26 courses, or other appropriate training courses as determined
27 by the commission.

28 Section 217. Sections 370.0205, 370.025, 370.026,
29 370.027, 372.021, 372.061, 373.1965, and 403.261, Florida
30 Statutes, are repealed.

31

1 Section 218. Section 403.0611, Florida Statutes, is
2 created to read:

3 403.0611 Citizen support organizations; use of
4 property; audit; public records; partnerships.--

5 (1) DEFINITIONS.--For the purposes of this section,
6 the term "citizen support organization" means an organization
7 that is:

8 (a) A Florida corporation not for profit incorporated
9 under the provisions of chapter 617 and approved by the
10 Department of State;

11 (b) Organized and operated to conduct programs and
12 activities; raise funds; request and receive grants, gifts,
13 and bequests of money; acquire, receive, hold, invest, and
14 administer, in its own name, securities, funds, objects of
15 value, or other property, real or personal; and make
16 expenditures to or for the direct or indirect benefit of the
17 Department of Environmental Protection or individual units of
18 the department. The citizen support organization may not
19 receive funds from the department by grant, gift, or contract
20 unless specifically authorized by the Legislature;

21 (c) Determined by the appropriate division of the
22 Department of Environmental Protection to be consistent with
23 the goals of the department and in the best interests of the
24 state; and

25 (c) Approved in writing by the department to operate
26 for the direct or indirect benefit of the individual units of
27 the department. Such approval shall be given in a letter of
28 agreement from the department.

29 (2) USE OF PROPERTY.--

30 (a) The department may permit, without charge,
31 appropriate use of fixed property and facilities of the

1 department by a citizen support organization subject to the
2 provisions of this section. Such use shall be directly in
3 keeping with the approved purposes of the citizen support
4 organization and may not be made at times or places that would
5 unreasonably interfere with normal department operations.

6 (b) The department may prescribe by rule any condition
7 with which a citizen support organization shall comply in
8 order to use fixed property or facilities of the department.

9 (c) The department shall not permit the use of any
10 fixed property or facilities by a citizen support organization
11 that does not provide equal membership and employment
12 opportunities to all persons regardless of race, color,
13 religion, sex, age, or national origin.

14 (3) ANNUAL AUDIT.--Any citizen support organization
15 that has annual expenditures of \$100,000 or more shall cause
16 an annual postaudit of its financial accounts to be conducted
17 by an independent certified public accountant in accordance
18 with the rules to be adopted by the department. The annual
19 audit report shall be submitted to the Auditor General and the
20 department for review. The Auditor General and the department
21 are each authorized to require and obtain from the citizen
22 support organization, or from its independent auditor, such
23 data as may be needed relative to the operation of the
24 organization.

25 (4) PUBLIC RECORDS.--All records of the citizen
26 support organization constitute public records for the
27 purposes of chapter 119.

28 (5) PARTNERSHIPS.--

29 (a) The Legislature recognizes that many of the lands
30 managed by the department need a variety of facilities to
31 enhance the use and potential of such lands and that many of

1 the department's programs are of interest to, and could
2 benefit from the support of, local citizen groups. Such
3 facilities and programs include, but are not limited to,
4 improved access, camping areas, picnicking shelters,
5 management offices and facilities, environmental education
6 facilities and programs, and cleanup and restoration projects.
7 The need for such facilities and programs has exceeded the
8 ability of the state to provide funding in a timely manner
9 with available moneys. The Legislature finds it to be in the
10 public interest to provide incentives for partnerships with
11 private entities whose intent is the production of additional
12 revenues to help enhance the use and potential of state
13 property and environmental programs and projects funded by the
14 department.

15 (b) The Legislature may annually appropriate funds, to
16 be used as matching funds in conjunction with private
17 donations, for capital improvement facilities development on
18 state lands or the enhancement of department-sponsored
19 environmental programs or projects of local interest to
20 citizen support organizations formed under this section.
21 Citizen support organizations organized and operating for the
22 benefit of the department may acquire private donations
23 pursuant to this section, and matching state funds for
24 approved projects or programs may be provided in accordance
25 with this subsection. The department is authorized to properly
26 recognize and honor a private donor by placing a plaque or
27 other appropriate designation noting the contribution to
28 project or program facilities or by naming project or program
29 facilities after the person or organization that provided
30 matching funds.

31

1 Section 219. Section 403.0613, Florida Statutes, is
2 created to read:

3 403.0613 Publication by department.--The Department of
4 Environmental Protection through the Division of
5 Administration and Technical Services is given authority, from
6 time to time in its discretion, to cause the statutory laws
7 under its jurisdiction, together with any rules and
8 regulations adopted by it, to be published in pamphlet form
9 for free distribution in this state. The department is
10 authorized to make charges for technical and educational
11 publications and photocopied material of use for educational
12 or reference purposes. Such charges shall be made at the
13 discretion of the department. Such charges may be sufficient
14 to cover the cost of preparation, printing, publishing, and
15 distribution. All moneys received for publications shall be
16 deposited into the fund from which the cost of the publication
17 was paid. The department is further authorized to enter into
18 agreements with persons, firms, corporations, governmental
19 agencies, and other institutions whereby publications may be
20 exchanged reciprocally in lieu of payments for such
21 publications.

22 Section 220. Section 403.614, Florida Statutes, is
23 created to read:

24 403.614 Administration of department grant programs.--
25 (1) The Department of Environmental Protection is
26 authorized to establish grant programs that are consistent
27 with statutory authority and legislative appropriations. The
28 department is further authorized to receive funds from any
29 legal source for purposes of matching state dollars or for
30 passing through the agency as grants to other entities whether
31 or not matching funds or in-kind matches are required.

1 (2) For any grant program established by the
2 department, the department shall adopt rules, pursuant to the
3 requirements of chapter 120, which shall include, without
4 limitation, rules specifying the method or methods of payment;
5 the supporting documents required before payment will be made;
6 when matching funds or in-kind matches are allowed; what
7 moneys, services, or other sources and amounts of matching
8 funds or in-kind matches will be eligible for use for matching
9 the grant by the department; who is eligible to participate in
10 the program; and other provisions that the department finds
11 necessary to achieve program objectives and an accounting for
12 state funds in accordance with law and generally accepted
13 accounting principles.

14 (3) The department is authorized to preaudit or
15 postaudit account books and other documentation of a grant
16 recipient to assure that grant funds were used in accordance
17 with the terms of the grant and state rules and statutes. When
18 such audit reveals that moneys have not been spent in
19 accordance with grant requirements, the department may
20 withhold moneys or recover moneys previously paid. A grant
21 recipient will be allowed a maximum of 60 days to submit any
22 additional pertinent documentation to offset the amount
23 identified as being due the department.

24 Section 221. Section 161.031, Florida Statutes, is
25 amended to read:

26 161.031 Personnel and facilities.--The Department of
27 Environmental Protection may call to its assistance
28 temporarily, any engineer or other employee in any state
29 agency or department or in the University of Florida or other
30 educational institution financed wholly or in part by the
31 state, for the purpose of devising the most effective and

1 economical method of averting and preventing erosion,
2 hurricane, and storm damages. These employees shall not
3 receive additional compensation, except for actual necessary
4 expenses incurred while working under the direction of the
5 department ~~Division of Marine Resources~~.

6 Section 222. Section 161.36, Florida Statutes, is
7 amended to read:

8 161.36 General powers of authority.--In order to most
9 effectively carry out the purposes of this part, the board of
10 county commissioners, as the county beach and shore
11 preservation authority and as the governing body of each beach
12 and shore preservation district established thereby, shall be
13 possessed of broad powers to do all manner of things necessary
14 or desirable in pursuance of this end; provided, however,
15 nothing herein shall diminish or impair the regulatory
16 authority of the Department of Environmental Protection under
17 ~~or Division of Marine Resources under s. 370.02(2), or part I~~
18 of this chapter, ~~or the Board of Trustees of the Internal~~
19 Improvement Trust Fund under chapter 253. Such powers shall
20 specifically include, but not be limited to, the following:

- 21 (1) To make contracts and enter into agreements;
- 22 (2) To sue and be sued;
- 23 (3) To acquire and hold lands and property by any
24 lawful means;
- 25 (4) To exercise the power of eminent domain;
- 26 (5) To enter upon private property for purposes of
27 making surveys, soundings, drillings and examinations, and
28 such entry shall not be deemed a trespass;
- 29 (6) To construct, acquire, operate and maintain works
30 and facilities;
- 31 (7) To make rules and regulations; and

1 (8) To do any and all other things specified or
2 implied in this part.

3 Section 223. Subsection (2) of section 252.937,
4 Florida Statutes, 1998 Supplement, is amended to read:

5 252.937 Department powers and duties.--

6 (2) To ensure that this program is self-supporting,
7 the department shall provide administrative support, including
8 staff, facilities, materials, and services to implement this
9 part for specified stationary sources subject to s. 252.939
10 and shall provide necessary funding to local emergency
11 planning committees and county emergency management agencies
12 for work performed to implement this part. Each state agency
13 with regulatory, inspection, or technical assistance programs
14 for specified stationary sources subject to this part shall
15 enter into a memorandum of understanding with the department
16 which specifically outlines how each agency's staff,
17 facilities, materials, and services will be utilized to
18 support implementation. At a minimum, these agencies and
19 programs include: the Department of Environmental
20 Protection's Division of Air Resources Management and Division
21 of Water Resource Management ~~Facilities~~, and the Department of
22 Labor and Employment Security's Division of Safety. It is the
23 Legislature's intent to implement this part as efficiently and
24 economically as possible, using existing expertise and
25 resources, if available and appropriate.

26 Section 224. Subsections (2), (3), and (4) of section
27 309.01, Florida Statutes, are amended to read:

28 309.01 Deposit of material in tidewater regulated.--

29 (2) This section shall not prohibit Escambia County
30 from placing in Pensacola Bay, on the Escambia County side,
31 beside the old Pensacola Bay Bridge, certain materials, as

1 recommended by the ~~Division of Marine Resources of the~~
2 Department of Environmental Protection, in coordination with
3 the Fish and Wildlife Conservation Commission, to increase the
4 number of fish available for persons fishing from the old
5 Pensacola Bay Bridge.

6 (3) This section shall not prohibit Manatee County
7 from placing in the Manatee County portions of Sarasota Bay
8 and Tampa Bay and in the Manatee River, certain materials, as
9 recommended by the ~~Division of Marine Resources of the~~
10 Department of Environmental Protection, in coordination with
11 the Fish and Wildlife Conservation Commission, to increase the
12 number of fish available for persons fishing in the above
13 areas.

14 (4) This section shall not prohibit Pinellas County
15 from placing in Tampa Bay certain materials as recommended by
16 the ~~Division of Marine Resources of the~~ Department of
17 Environmental Protection, in coordination with the Fish and
18 Wildlife Conservation Commission, to increase the number of
19 fish available for persons fishing in the bay.

20 Section 225. Section 370.023, Florida Statutes, is
21 amended to read:

22 370.023 Administration of commission ~~department~~ grant
23 programs.--

24 (1) The Fish and Wildlife Conservation Commission
25 ~~Department of Environmental Protection~~ is authorized to
26 establish grant programs that ~~which~~ are consistent with
27 statutory authority and legislative appropriations. The
28 commission ~~department~~ is further authorized to receive funds
29 from any legal source for purposes of matching state dollars
30 or for passing through the agency as grants to other entities
31 whether or not matching funds or in-kind matches are required.

1 (2) For any grant program established by the
2 commission department, the commission department shall adopt
3 rules, pursuant to the requirements of chapter 120, for each
4 grant program which shall include, but are not limited to: the
5 method or methods of payment; the supporting documents
6 required before payment will be made; when matching funds or
7 in-kind matches are allowed; what moneys, services, or other
8 sources and amounts of matching funds or in-kind matches will
9 be eligible for use for matching the grant by the commission
10 department; who is eligible to participate in the program; and
11 other provisions that ~~which~~ the commission department finds
12 necessary to achieve program objectives and an accounting for
13 state funds in accordance with law and generally accepted
14 accounting principles.

15 (3) The commission department is authorized to
16 preaudit or postaudit account books and other documentation of
17 a grant recipient to assure that grant funds have been ~~were~~
18 used in accordance with the terms of the grant and state rules
19 and statutes. When such audit reveals that moneys have ~~were~~
20 not been spent in accordance with grant requirements, the
21 commission department may withhold moneys or recover moneys
22 previously paid. A grant recipient will be allowed a maximum
23 of 60 days to submit any additional pertinent documentation to
24 offset the amount identified as being due the commission
25 department.

26 Section 226. Subsections (2), (3), and (4) of section
27 370.03, Florida Statutes, are amended to read:

28 370.03 Water bottoms.--

29 (2) ~~CONTROL.--The Division of Marine Resources of the~~
30 Department of Environmental Protection has exclusive power and
31 control over all water bottoms, not held under some grant or

1 alienation heretofore made, including such as may revert to
2 the state by cancellation or otherwise, and may lease the same
3 to any person irrespective of residence or citizenship, upon
4 such terms, conditions and restrictions as said division may
5 elect to impose, without limitation as to area to any one
6 person, for the purpose of granting exclusive right to plant
7 oysters or clams thereon and for the purpose of fishing,
8 taking, catching, bedding and raising oysters, clams and other
9 shellfish. No such lessee shall re-lease, sublease, sell or
10 transfer any such water bottom or property; provided, that
11 nothing herein contained shall be construed as giving said
12 department ~~division~~ authority to lease sponge beds.

13 (3) FEES FOR BOTTOM LEASES, ETC.--The department
14 ~~division~~ shall charge and receive a fee of \$2 for each lease
15 granted, and in all other cases, not specifically provided by
16 this chapter, the same fees as are allowed clerks of the
17 circuit court for like services. All fees shall be paid by
18 the party served.

19 (4) CONFIRMATION OF FORMER GRANTS; PROVISIO.--All
20 grants prior to June 1, 1913, made in pursuance of heretofore
21 existing laws, where the person receiving such grant, the
22 person's heirs or assigns, have bona fide complied with the
23 requirements of said law, are hereby confirmed; provided, that
24 if any material or natural oyster or clam reefs or beds on
25 such granted premises are 100 square yards in area and
26 contained natural oysters and clams (coon oysters not
27 included) in sufficient quantity to have been resorted to by
28 the general public for the purpose of gathering oysters or
29 clams to sell for a livelihood, at the time they were planted
30 by such grantee, his or her heirs or assigns, such reefs or
31 beds are declared to be the property of the state; and when

1 such beds or reefs exist within the territory heretofore
2 granted as above set forth, or that may hereafter be leased,
3 such grantee or lessee shall mark the boundaries of such
4 oyster and clam reefs or beds as may be designated by the
5 department ~~division~~ as natural oyster or clam reefs or beds,
6 clearly defining the boundaries of the same, and shall post
7 notice or other device, as shall be required by the department
8 ~~division~~, giving notice to the public that such oyster or clam
9 beds or reefs are the property of the state, which said notice
10 shall be maintained from September 1 to June 1 of each and
11 every year, on each oyster bed or reef and on each clam bed
12 for such period of each year as the board may direct, at the
13 expense of the grantee or lessee. The department ~~division~~
14 shall investigate all grants heretofore made, and where, in
15 its opinion, the lessee or grantee has not bona fide complied
16 with the law under which he or she received his or her grant
17 or lease, and ~~it shall report the same to the department which~~
18 is authorized and required to institute legal proceedings to
19 vacate the same, in order to use such lands for the benefit of
20 the public, subject to the same dispositions as other bottoms.

21 Section 227. Section 370.0607, Florida Statutes, is
22 amended to read:

23 370.0607 Marine information system.--The Fish and
24 Wildlife Conservation Commission ~~Department of Environmental~~
25 ~~Protection~~ shall establish by rule a marine information system
26 in conjunction with the licensing program to gather marine
27 fisheries data.

28 Section 228. Section 370.0609, Florida Statutes, is
29 amended to read:

30 370.0609 Expenditure of funds.--Any moneys available
31 pursuant to s. 370.0608(1)(c)1.c. shall be expended by the

1 Fish and Wildlife Conservation Commission ~~Department of~~
2 ~~Environmental Protection~~ within Florida through grants and
3 contracts for research with research institutions including
4 but not limited to: Florida Sea Grant; Florida Marine
5 Resources Council; Harbour Branch Oceanographic Institute;
6 Technological Research and Development Authority; Florida
7 Marine Research Institute of the Fish and Wildlife
8 Conservation Commission ~~Department of Environmental~~
9 ~~Protection~~; Indian River Region Research Institute; Mote
10 Marine Laboratory; Marine Resources Development Foundation;
11 Florida Institute of Oceanography; and Rosentiel School of
12 Marine and Atmospheric Science.

13 Section 229. Section 370.061, Florida Statutes, 1998
14 Supplement, is amended to read:

15 370.061 Confiscation of property and products.--

16 (1) CONFISCATION; PROCEDURE.--In all cases of arrest
17 and conviction for the illegal taking, or attempted taking,
18 sale, possession, or transportation of saltwater fish or other
19 saltwater products, such saltwater products and seines, nets,
20 boats, motors, other fishing devices or equipment, and
21 vehicles or other means of transportation used in connection
22 with such illegal taking or attempted taking are hereby
23 declared to be nuisances and may be seized and carried before
24 the court having jurisdiction of such offense, and said court
25 may order such nuisances forfeited to the Fish and Wildlife
26 Conservation Commission ~~Division of Marine Resources of the~~
27 ~~department~~ immediately after trial and conviction of the
28 person or persons in whose possession they were found, except
29 that, if a motor vehicle is seized under the provisions of
30 this act and is subject to any existing liens recorded under
31 the provisions of s. 319.27, all further proceedings shall be

1 governed by the expressed intent of the Legislature not to
2 divest any innocent person, firm, or corporation holding such
3 a recorded lien of any of its reversionary rights in such
4 motor vehicle or of any of its rights as prescribed in s.
5 319.27, and that, upon any default by the violator purchaser,
6 the said lienholder may foreclose its lien and take possession
7 of the motor vehicle involved. When any illegal or illegally
8 used seine, net, trap, or other fishing device or equipment or
9 illegally taken, possessed, or transported saltwater products
10 are found and taken into custody, and the owner thereof shall
11 not be known to the officer finding the same, such officer
12 shall immediately procure from the county court judge of the
13 county wherein they were found an order forfeiting said
14 saltwater products, seines, nets, traps, boats, motors, or
15 other fishing devices to the commission ~~division~~. All things
16 forfeited under the provisions of this law may be destroyed,
17 used by the commission ~~division~~, disposed of by gift to
18 charitable or state institutions, or sold and the proceeds
19 derived from said sale deposited in the Marine Resources
20 Conservation Trust Fund to be used for law enforcement
21 purposes or into the commission's ~~department's~~ Federal Law
22 Enforcement Trust Fund as provided in s. 372.107 ~~s. 20.2553~~,
23 as applicable. However, forfeited boats, motors, and legal
24 fishing devices only, may be purchased from the commission
25 ~~division~~ for \$1 by the person or persons holding title thereto
26 at the time of the illegal act causing the forfeiture, if such
27 person shall prove that he or she in no way participated in,
28 gave consent to, or had knowledge of such act.

29 (2) CONFISCATION AND SALE OF PERISHABLE PRODUCTS;
30 PROCEDURE.--When an arrest is made pursuant to the provisions
31 of this chapter and illegal, perishable products or perishable

1 products illegally taken or landed are apprehended, the
2 defendant may post bond or cash deposit in an amount
3 determined by the judge to be the fair value of such products,
4 and said defendant shall have 24 hours to transport said
5 products outside the limits of Florida for sale or other
6 disposition. Should no bond or cash deposit be given within
7 the time fixed by the judge, the judge shall order the sale of
8 such products at the highest price obtainable, and, when
9 feasible, at least three bids shall be requested. In either
10 event, the amounts received by the judge shall be remitted to
11 the commission ~~division~~ to be deposited into a special escrow
12 account in the State Treasury and held in trust pending the
13 outcome of the trial of the accused. If a bond is posted by
14 the defendant, it shall also be remitted to the commission
15 ~~division~~ to be held in escrow pending the outcome of the trial
16 of the accused. In the event of acquittal, the bond or cash
17 deposit shall be returned to the defendant, or the proceeds of
18 the sale shall be paid over to the defendant. In the event of
19 conviction, the proceeds of the sale, or proceeds of the bond
20 or cash deposit, shall be deposited by said commission
21 ~~division~~ into the Marine Resources Conservation Trust Fund to
22 be used for law enforcement purposes or into the commission's
23 ~~department's~~ Federal Law Enforcement Trust Fund as provided in
24 s. 372.107 ~~s. 20.2553~~, as applicable. Such deposit into the
25 Marine Resources Conservation Trust Fund or the commission's
26 ~~department's~~ Federal Law Enforcement Trust Fund shall
27 constitute confiscation.

28 (3) MUNICIPAL OR COUNTY ENFORCEMENT; SUPPLEMENTAL
29 FUNDING.--

30 (a) Any municipal or county law enforcement agency
31 that ~~which~~ enforces, or assists the commission ~~department~~ in

1 enforcing, the provisions of this chapter resulting ~~which~~
2 ~~results~~ in a forfeiture of property as provided in this
3 section, shall be entitled to receive all or a share of any
4 such property based upon their participation in such
5 enforcement.

6 (b) Any property delivered to any municipal or county
7 law enforcement agency as provided in paragraph (a) may be
8 retained or sold by the law enforcement agency and the
9 property or any proceeds shall, if the agency operates a
10 marine enforcement unit, be utilized to enforce the provisions
11 of this chapter and chapters 327 and 328. In the event the law
12 enforcement agency does not operate a marine enforcement unit,
13 any such property or proceeds shall be disposed of pursuant to
14 the Florida Contraband Forfeiture Act.

15 (c) Any funds received by a municipal or county law
16 enforcement agency pursuant to this subsection shall be
17 supplemental funds and may not be used as replacement funds by
18 the municipality or county.

19 Section 230. Section 370.07, Florida Statutes, 1998
20 Supplement, is amended to read:

21 370.07 Wholesale and retail saltwater products
22 dealers; regulation.--

23 (1) DEFINITIONS; LICENSES AUTHORIZED.--Annual license
24 or privilege taxes are hereby levied and imposed upon dealers
25 in the state in saltwater products. It is unlawful for any
26 person, firm, or corporation to deal in any such products
27 without first paying for and procuring the license required by
28 this section. Application for all licenses shall be made to
29 the Fish and Wildlife Conservation Commission ~~Department of~~
30 ~~Environmental Protection~~ on blanks to be furnished by it. All
31

1 licenses shall be issued by the commission ~~department~~ upon
2 payment to it of the license tax. The licenses are defined as:

3 (a)1. "Wholesale county dealer" is any person, firm,
4 or corporation which sells saltwater products to any person,
5 firm, or corporation except to the consumer and who may buy
6 saltwater products in the county designated on the wholesale
7 license from any person licensed pursuant to s. 370.06(2) or
8 from any licensed wholesale dealer.

9 2. "Wholesale state dealer" is a person, firm, or
10 corporation which sells saltwater products to any person,
11 firm, or corporation except to the consumer and who may buy
12 saltwater products in any county of the state from any person
13 licensed pursuant to s. 370.06(2) or from any licensed
14 wholesale dealer.

15 3. "Wholesale dealer" is either a county or a state
16 dealer.

17 (b) A "retail dealer" is any person, firm, or
18 corporation which sells saltwater products directly to the
19 consumer, but no license is required of a dealer in
20 merchandise who deals in or sells saltwater products consumed
21 on the premises or prepared for immediate consumption and sold
22 to be taken out of any restaurant licensed by the Division of
23 Hotels and Restaurants of the Department of Business and
24 Professional Regulation.

25
26 Any person, firm, or corporation which is both a wholesale
27 dealer and a retail dealer shall obtain both a wholesale
28 dealer's license and a retail dealer's license. If a wholesale
29 dealer has more than one place of business, the annual license
30 tax shall be effective for all places of business, provided
31 that the wholesale dealer supplies to the commission

1 ~~department~~ a complete list of additional places of business
2 upon application for the annual license tax.
3 (2) LICENSES; AMOUNT, TRUST FUND.--
4 (a) A resident wholesale county seafood dealer is
5 required to pay an annual license tax of \$300.
6 (b) A resident wholesale state dealer is required to
7 pay an annual license tax of \$450.
8 (c) A nonresident wholesale county dealer is required
9 to pay an annual license tax of \$500.
10 (d) A nonresident wholesale state dealer is required
11 to pay an annual license tax of \$1,000.
12 (e) An alien wholesale county dealer is required to
13 pay an annual license tax of \$1,000.
14 (f) An alien wholesale state dealer is required to pay
15 an annual license tax of \$1,500.
16 (g) A resident retail dealer is required to pay an
17 annual license tax of \$25; however, if such a dealer has more
18 than one place of business, the dealer shall designate one
19 place of business as a central place of business, shall pay an
20 annual license tax of \$25 for such place of business, and
21 shall pay an annual license tax of \$10 for each other place of
22 business.
23 (h) A nonresident retail dealer is required to pay an
24 annual license tax of \$200; however, if such a dealer has more
25 than one place of business, the dealer shall designate one
26 place of business as a central place of business, shall pay an
27 annual license tax of \$200 for such place of business, and
28 shall pay an annual license tax of \$25 for each other place of
29 business.
30 (i) An alien retail dealer is required to pay an
31 annual license tax of \$250; however, if such a dealer has more

1 than one place of business, the dealer shall designate one
2 place of business as a central place of business, shall pay an
3 annual license tax of \$250 for such place of business, and
4 shall pay an annual license tax of \$50 for each other place of
5 business.

6 (j) License or privilege taxes, together with any
7 other funds derived from the Federal Government or from any
8 other source, shall be deposited in a Florida Saltwater
9 Products Promotion Trust Fund to be administered by the
10 Department of Agriculture and Consumer Services for the sole
11 purpose of promoting all fish and saltwater products produced
12 in this state.

13 (3) APALACHICOLA BAY OYSTER SURCHARGE.--

14 (a) For purposes of this section, "bag" means an
15 amount of oysters with shells weighing approximately 60
16 pounds.

17 (b) Effective October 1, 1989, there shall be assessed
18 a surcharge of 50 cents on each bag of oysters to be paid by
19 the wholesale dealer first receiving, using, or selling the
20 oysters after harvesting from the waters of Apalachicola Bay.

21 (c)1. Each wholesale dealer shall certify, on such
22 forms as may be prescribed by the Department of Revenue, to
23 any subsequent purchasing wholesale dealer or other purchaser
24 that the surcharge imposed by this subsection has been paid or
25 will be paid by such wholesale dealer first receiving the
26 oysters.

27 2. In the case where the harvester is also the
28 wholesale dealer, such wholesale dealer shall maintain
29 documentation, on forms as may be prescribed by the Department
30 of Revenue, adequate to establish that the surcharge has been
31 paid or will be paid by such wholesale dealer.

1 3. In such case where the wholesale dealer is also the
2 retail dealer under paragraph (1)(b), such wholesale dealer
3 shall maintain documentation, on forms as may be prescribed by
4 the Department of Revenue, adequate to establish that the
5 surcharge has been paid or will be paid by such wholesale
6 dealer.

7 (d) Except for the collection allowance pursuant to s.
8 212.12 and estimated tax filing requirements pursuant to s.
9 212.11, the same duties and privileges imposed by chapter 212
10 upon dealers of tangible personal property respecting the
11 remission of the surcharge, the making of returns, penalties
12 and interest, the keeping of books, records and accounts, and
13 the compliance with the rules of the Department of Revenue in
14 the administration of chapter 212 shall apply and be binding
15 upon all wholesale dealers who are subject to the surcharge
16 imposed by this subsection.

17 (e) The Department of Revenue shall keep records
18 showing the amount of the surcharge collected.

19 (f) The Department of Revenue shall collect the
20 surcharge for transfer into the Marine Resources Conservation
21 Trust Fund of the Fish and Wildlife Conservation Commission
22 ~~Department of Environmental Protection~~.

23 (g) The Department of Revenue is empowered to
24 promulgate rules, establish audit procedures for the audit of
25 wholesale dealers, assess for delinquency, and prescribe and
26 publish such forms as may be necessary to effectuate the
27 provisions of this subsection.

28 (h) Annually, the Fish and Wildlife Conservation
29 Commission ~~Department of Environmental Protection~~ shall
30 furnish the Department of Revenue with a current list of
31 wholesale dealers in the state.

1 (i) Collections received by the Department of Revenue
2 from the surcharge shall be transferred quarterly to the Fish
3 and Wildlife Conservation Commission ~~Department of~~
4 ~~Environmental Protection~~ Marine Resources Conservation Trust
5 Fund, less the costs of administration.

6 (j) The executive director of the Department of
7 Revenue is hereby authorized to adopt emergency rules pursuant
8 to s. 120.54(4) for purposes of implementing this subsection.
9 Notwithstanding any other provisions of law, such emergency
10 rules shall remain effective for 6 months from the date of
11 adoption. Other rules of the Department of Revenue related to
12 and in furtherance of the orderly implementation of this
13 subsection shall not be subject to a s. 120.56(2) rule
14 challenge or a s. 120.54(3)(c)2. drawout proceeding but, once
15 adopted, shall be subject to a s. 120.56(3) invalidity
16 challenge. Such rules shall be adopted by the Governor and
17 Cabinet and shall become effective upon filing with the
18 Department of State, notwithstanding the provisions of s.
19 120.54(3)(e)6.

20 (k) The Fish and Wildlife Conservation Commission
21 ~~Department of Environmental Protection~~ shall use or distribute
22 funds generated by this surcharge, less reasonable costs of
23 collection and administration, to fund the following oyster
24 management and restoration programs in Apalachicola Bay:

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

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

4 (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

5 (a) A person transporting in this state saltwater
6 products that were produced in this state, regardless of
7 destination, shall have in his or her possession invoices,
8 bills of lading, or other similar instruments showing the
9 number of packages, boxes, or containers and the number of
10 pounds of each species and the name, physical address, and the
11 Florida wholesale dealer number of the dealer of origin.

12 (b) A person transporting in this state saltwater
13 products that were produced outside this state to be delivered
14 to a destination in this state shall have in his or her
15 possession invoices, bills of lading, or other similar
16 instruments showing the number of packages, boxes, or
17 containers and the number of pounds of each species, the name
18 and physical address of the dealer of origin, and the name,
19 physical address, and Florida wholesale dealer number of the
20 Florida dealer to whom the shipment is to be delivered.

21 (c) A person transporting in this state saltwater
22 products that were produced outside this state which are to be
23 delivered to a destination outside this state shall have in
24 his or her possession invoices, bills of lading, or other
25 similar instruments showing the number of packages, boxes, or
26 containers and the number of pounds of each species, the name
27 and physical address of the dealer of origin, and the name and
28 physical address of the dealer to whom the shipment is to be
29 delivered.

30 (d) If the saltwater products in transit came from
31 more than one dealer, distributor, or producer, each lot from

1 each dealer shall be covered by invoices, bills of lading, and
2 other similar instruments showing the number of boxes or
3 containers and the number of pounds of each species. Each
4 invoice, bill of lading, and other similar instrument shall
5 display the wholesale dealer license number and the name and
6 physical address of the dealer, distributor, or producer of
7 the lot covered by the instrument.

8 (e) It is unlawful to sell, deliver, ship, or
9 transport, or to possess for the purpose of selling,
10 delivering, shipping, or transporting, any saltwater products
11 without all invoices of such products having thereon the
12 wholesale dealer license number in such form as may be
13 prescribed under the provisions of this subsection and the
14 rules and regulations of the commission ~~department~~. Any
15 saltwater products found in the possession of any person who
16 is in violation of this provision may be seized by the
17 commission ~~department~~ and disposed of in the manner provided
18 by law.

19 (f) Nothing contained in this subsection may be
20 construed to apply to the sale and delivery to a consumer of
21 saltwater products in an ordinary retail transaction by a
22 licensed retail dealer who has purchased such products from a
23 licensed wholesale dealer or to the sale and delivery of the
24 catch or products of a saltwater products licensee to a
25 Florida-licensed wholesale dealer.

26 (g) Wholesale dealers' licenses shall be issued only
27 to applicants who furnish to the commission ~~department~~
28 satisfactory evidence of law-abiding reputation and who pledge
29 themselves to faithfully observe all of the laws and
30 regulations of this state relating to the conservation of,
31 dealing in, taking, selling, transporting, or possession of

1 saltwater products and to cooperate in the enforcement of all
2 such laws to every reasonable extent. This pledge may be
3 included in the application for license.

4 (h) Any person who violates the provisions of this
5 subsection is guilty of a misdemeanor of the first degree,
6 punishable as provided in s. 775.082 or s. 775.083.

7 (5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.--

8 (a) A license issued to a wholesale or retail dealer
9 is good only to the person to whom issued and named therein
10 and is not transferable. The commission ~~department~~ may
11 revoke, suspend, or deny the renewal of the license of any
12 licensee:

13 1. Upon the conviction of the licensee of any
14 violation of the laws or regulations designed for the
15 conservation of saltwater products;

16 2. Upon conviction of the licensee of knowingly
17 dealing in, buying, selling, transporting, possessing, or
18 taking any saltwater product, at any time and from any waters,
19 in violation of the laws of this state; or

20 3. Upon satisfactory evidence of any violation of the
21 laws or any regulations of this state designed for the
22 conservation of saltwater products or of any of the laws of
23 this state relating to dealing in, buying, selling,
24 transporting, possession, or taking of saltwater products.

25 (b) Upon revocation of such license, no other or
26 further license may be issued to the dealer within 3 years
27 from the date of revocation except upon special order of the
28 commission ~~department~~. After revocation, it is unlawful for
29 such dealer to exercise any of the privileges of a licensed
30 wholesale or retail dealer.

31

1 (c) In addition to, or in lieu of, the penalty imposed
2 pursuant to this subsection, the commission ~~department~~ may
3 impose penalties pursuant to s. 370.021.

4 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--

5 (a) Wholesale dealers shall be required by the
6 commission ~~department~~ to make and preserve a record of the
7 names and addresses of persons from whom or to whom saltwater
8 products are purchased or sold, the quantity so purchased or
9 sold from or to each vendor or purchaser, and the date of each
10 such transaction. Retail dealers shall be required to make and
11 preserve a record from whom all saltwater products are
12 purchased. Such record shall be open to inspection at all
13 times by the commission ~~department~~. A report covering the
14 sale of saltwater products shall be made monthly or as often
15 as required by rule to the commission ~~department~~ by each
16 wholesale dealer. All reports required under this subsection
17 are confidential and shall be exempt from the provisions of s.
18 119.07(1) except that, pursuant to authority related to
19 interstate fishery compacts as provided by ss. 370.19(3) and
20 370.20(3), reports may be shared with another state if that
21 state is a member of an interstate fisheries compact, and if
22 that state has signed a Memorandum of Agreement or a similar
23 instrument agreeing to preserve confidentiality as established
24 by Florida law.

25 (b) The commission ~~department~~ may revoke, suspend, or
26 deny the renewal of the license of any dealer for failure to
27 make and keep required records, for failure to make required
28 reports, for failure or refusal to permit the examination of
29 required records, or for falsifying any such record. In
30 addition to, or in lieu of, the penalties imposed pursuant to
31 this paragraph and s. 370.021, the commission ~~department~~ may

1 impose against any person, firm, or corporation who is
2 determined to have violated any provision of this paragraph or
3 any provisions of any commission ~~department~~ rules promulgated
4 pursuant to s. 370.0607, the following additional penalties:

5 1. For the first violation, a civil penalty of up to
6 \$1,000;

7 2. For a second violation committed within 24 months
8 of any previous violation, a civil penalty of up to \$2,500;
9 and

10 3. For a third or subsequent violation committed
11 within 36 months of any previous two violations, a civil
12 penalty of up to \$5,000.

13
14 The proceeds of all civil penalties collected pursuant to this
15 subsection shall be deposited into the Marine Resources
16 Conservation Trust Fund and shall be used for administration,
17 auditing, and law enforcement purposes.

18 (7) PURCHASE OF SALTWATER PRODUCTS AT TEMPORARY
19 LOCATION.--Wholesale dealers purchasing saltwater products
20 pursuant to s. 370.06(2)(a) at any site other than a site
21 located in a county where the dealer has a permanent address
22 must notify the Fish and Wildlife Conservation Commission
23 ~~Division of Law Enforcement~~ of the location of the temporary
24 site of business for each day business is to be conducted at
25 such site.

26 (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is
27 unlawful for any licensed retail dealer or any restaurant
28 licensed by the Division of Hotels and Restaurants of the
29 Department of Business and Professional Regulation to buy
30 saltwater products from any person other than a licensed
31 wholesale or retail dealer.

1 Section 231. Section 370.071, Florida Statutes, is
2 amended to read:

3 370.071 Shellfish processors; regulation.--

4 (1) The Fish and Wildlife Conservation Commission
5 ~~department~~ is authorized to adopt by rule regulations,
6 specifications, and codes relating to sanitary practices for
7 catching, cultivating, handling, processing, packaging,
8 preserving, canning, smoking, and storing of oysters, clams,
9 mussels, and crabs. The commission ~~department~~ is also
10 authorized to license aquaculture facilities used to culture
11 oysters, clams, mussels, and crabs when such activities relate
12 to quality control, sanitary, and public health practices
13 pursuant to this section and s. 370.06(4). The commission
14 ~~department~~ is also authorized to license or certify facilities
15 used for processing oysters, clams, mussels, and crabs, to
16 suspend or revoke such licenses or certificates upon
17 satisfactory evidence of any violation of rules adopted
18 pursuant to this section, and to seize and destroy any
19 adulterated or misbranded shellfish products as defined by
20 rule.

21 (2) A shellfish processing plant certification license
22 is required to operate any facility in which oysters, clams,
23 mussels, or crabs are processed, including but not limited to:
24 an oyster, clam, or mussel cannery; a shell stock dealership;
25 an oyster, clam, or mussel shucking plant; an oyster, clam, or
26 mussel repacking plant; an oyster, clam, or mussel controlled
27 purification plant; or a crab or soft-shell crab processing or
28 shedding plant.

29 (3) The commission ~~department~~ may suspend or revoke
30 any shellfish processing plant certification license upon
31 satisfactory evidence that the licensee has violated any

1 regulation, specification, or code adopted under this section
2 and may seize and destroy any shellfish product which is
3 defined by rule to be an adulterated or misbranded shellfish
4 product.

5 Section 232. Subsection (7) of section 370.08, Florida
6 Statutes, 1998 Supplement, is amended to read:

7 370.08 Fishers and equipment; regulation.--

8 (7) ILLEGAL USE OF POISONS, DRUGS, OR CHEMICALS.--

9 (a) It is unlawful for any person to place poisons,
10 drugs, or other chemicals in the marine waters of this state
11 unless that person has first obtained a special activity
12 license for such use pursuant to s. 370.06 from the Fish and
13 Wildlife Conservation Commission ~~Division of Marine Resources~~
14 ~~of the Department of Environmental Protection.~~

15 (b) Upon application on forms furnished by the
16 commission division, the commission division may issue a
17 license to use poisons, drugs, or other chemicals in the
18 marine waters of this state for the purpose of capturing live
19 marine species. The application and license shall specify the
20 area in which collecting will be done, the drugs, chemicals,
21 or poisons to be used, and the maximum amounts and
22 concentrations at each sampling.

23 Section 233. Subsection (3) of section 370.0821,
24 Florida Statutes, 1998 Supplement, is amended to read:

25 370.0821 St. Johns County; use of nets.--

26 (3) No person, firm, or corporation shall use, or
27 cause to be used, any manner of seine net, other than a
28 recreational net as hereafter defined, in the salt waters of
29 St. Johns County, or within 1 mile seaward of the Atlantic
30 Ocean beaches and coast thereof, without a permit issued by
31 the Fish and Wildlife Conservation Commission ~~Division of~~

1 ~~Marine Resources of the Department of Environmental~~
2 ~~Protection.~~ Applications for such permits shall be made on
3 forms to be supplied by the commission division, which shall
4 require the applicant to furnish such information as may be
5 deemed pertinent to the best interests of saltwater
6 conservation. The fee for such permits shall be \$250 per year.
7 Each permit shall entitle the holder thereof to use no more
8 than one seine net at any one time, subject to the provisions
9 of subsections (1), (2), and (3). The commission division may
10 refuse to grant any permit when it is apparent that the best
11 interests of saltwater conservation will be served by such
12 denial. All permits granted shall be in the holder's
13 possession whenever the holder is engaged in using a seine
14 net. Each permit is subject to immediate revocation upon
15 conviction of a violation of any provision of this section or
16 when it is apparent that the best interests of saltwater
17 conservation will be served by such revocation.

18 Section 234. Subsection (2) of section 370.10, Florida
19 Statutes, 1998 Supplement, is amended to read:

20 370.10 Crustacea, marine animals, fish; regulations;
21 general provisions.--

22 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,
23 SCIENTIFIC, EDUCATION, AND EXHIBITION
24 PURPOSES.--Notwithstanding any other provisions of general or
25 special law to the contrary, the Fish and Wildlife
26 Conservation Commission ~~department~~ may authorize, upon such
27 terms, conditions, and restrictions as it may prescribe by
28 rule, any properly accredited person to harvest or possess
29 indigenous or nonindigenous saltwater species for
30 experimental, scientific, education, and exhibition purposes.
31 Such authorizations may allow collection of specimens without

1 regard to, and not limited to, size, seasonal closure,
2 collection method, reproductive state, or bag limit.
3 Authorizations issued under the provisions of this section may
4 be suspended or revoked by the commission ~~department~~ if it
5 finds that the person has violated this section, commission
6 ~~department~~ rules or orders, or terms or conditions of the
7 authorization or has submitted false or inaccurate information
8 in his or her application.

9 Section 235. Section 370.103, Florida Statutes, is
10 amended to read:

11 370.103 Agreements with Federal Government for the
12 preservation of saltwater fisheries; authority of commission
13 ~~department~~.--The Fish and Wildlife Conservation Commission
14 ~~Department of Environmental Protection~~ is authorized and
15 empowered to enter into cooperative agreements with the
16 Federal Government or agencies thereof for the purpose of
17 preserving saltwater fisheries within and without state waters
18 and for the purpose of protecting against overfishing, waste,
19 depletion, or any abuse whatsoever. Such authority includes
20 the authority to enter into cooperative agreements whereby
21 officers of the Fish and Wildlife Conservation Commission are
22 ~~the Division of Law Enforcement of the department~~ is empowered
23 to enforce federal statutes and rules pertaining to fisheries
24 management. When differences between state and federal laws
25 occur, state laws shall take precedence.

26 Section 236. Section 370.135, Florida Statutes, 1998
27 Supplement, is amended to read:

28 370.135 Blue crab; regulation.--

29 (1) No person, firm, or corporation shall transport on
30 the water, fish with or cause to be fished with, set, or place
31 any trap designed for taking blue crabs unless such person,

1 firm, or corporation is the holder of a valid saltwater
2 products license issued pursuant to s. 370.06 and the trap has
3 a current state number permanently attached to the buoy. The
4 trap number shall be affixed in legible figures at least 1
5 inch high on each buoy used. The saltwater products license
6 must be on board the boat, and both the license and the crabs
7 shall be subject to inspection at all times. Only one trap
8 number may be issued for each boat by the commission
9 ~~department~~ upon receipt of an application on forms prescribed
10 by it. This subsection shall not apply to an individual
11 fishing with no more than five traps. It is a felony of the
12 third degree, punishable as provided in s. 775.082, s.
13 775.083, or s. 775.084, for any person willfully to molest any
14 traps, lines, or buoys, as defined herein, belonging to
15 another without permission of the licenseholder.

16 (2) No person shall harvest blue crabs with more than
17 five traps, harvest blue crabs in commercial quantities, or
18 sell blue crabs unless such person holds a valid saltwater
19 products license with a restricted species endorsement and a
20 blue crab endorsement (trap number) issued pursuant to this
21 subsection.

22 (a) Effective June 1, 1998, and until July 1, 2002, no
23 blue crab endorsement (trap number), except those endorsements
24 that are active during the 1997-1998 fiscal year, shall be
25 renewed or replaced.

26 (b) In 1998, persons holding an endorsement that was
27 active in the 1997-1998 fiscal year, or an immediate family
28 member of that person, must request approval of the
29 endorsement prior to December 31, 1998.

30 (c) In subsequent years and until July 1, 2002, a trap
31 number holder, or members of his or her immediate family, must

1 request renewal of the endorsement prior to September 30 of
2 each year.

3 (d) If a person holding an active blue crab
4 endorsement, or a member of that person's immediate family,
5 does not request renewal of the endorsement before the
6 applicable dates as specified in this subsection, the
7 commission ~~department~~ shall deactivate that endorsement.

8 (e) In the event of the death or disability of a
9 person holding an active blue crab endorsement, the
10 endorsement may be transferred by the person to a member of
11 his or her immediate family or may be renewed by any person so
12 designated by the executor of the person's estate.

13 (f) Persons who hold saltwater products licenses with
14 blue crab endorsements issued to their boat registration
15 numbers and who subsequently replace their existing vessels
16 with new vessels shall be permitted to transfer the existing
17 licenses to the new boat registration numbers.

18 Section 237. Section 370.143, Florida Statutes, is
19 amended to read:

20 370.143 Retrieval of lobster and stone crab traps
21 during closed season; commission ~~department~~ authority; fees.--

22 (1) The Fish and Wildlife Conservation Commission
23 ~~Department of Environmental Protection~~ is authorized to
24 implement a trap retrieval program for retrieval of lobster
25 and stone crab traps remaining in the water during the closed
26 season for each species. The commission ~~department~~ is
27 authorized to contract with outside agents for the program
28 operation.

29 (2) A retrieval fee of \$10 per trap retrieved shall be
30 assessed trap owners. Traps recovered under this program
31 shall become the property of the commission ~~department~~ or its

1 contract agent and shall be either destroyed or resold to the
2 original owner. Revenue from retrieval fees shall be
3 deposited in the Marine Resources Conservation Trust Fund and
4 used for operation of the trap retrieval program.

5 (3) Payment of the assessed retrieval fee shall be
6 required prior to renewal of the trap owner's trap number as a
7 condition of number renewal. Retrieval fees assessed under
8 this program shall stand in lieu of other penalties imposed
9 for such trap violations.

10 (4) In the event of a major natural disaster, such as
11 hurricane or major storm causing massive trap losses, the
12 commission ~~department~~ shall waive the trap retrieval fee.

13 Section 238. Subsections (1), (3), (4), and (6) of
14 section 370.15, Florida Statutes, 1998 Supplement, are amended
15 to read:

16 370.15 Shrimp; regulation.--

17 (1) GENERAL AUTHORITY; CONSERVATION.--The commission
18 ~~department~~ has authority to adopt rules pursuant to ss.
19 120.536(1) and 120.54 to implement the provisions of this
20 section. The commission ~~department~~ shall encourage the
21 production of the maximum sustained yield consistent with the
22 preservation and protection of breeding stock, taking into
23 consideration the recommendations of the various marine
24 laboratories, as well as those of interested and experienced
25 groups of private citizens. Rules shall control the method,
26 manner, and equipment used in the taking of shrimp or prawn,
27 as well as limiting and defining the areas where taken.

28 (3) SHRIMP TRAPS.--

29 (a) It is unlawful for any person, firm, or
30 corporation to take or attempt to take shrimp by the use of
31 any trap which:

1 1. Exceeds the following dimensions: 36 inches long
2 (from rear of the heart to the leading edge of the trap), by
3 24 inches wide (between the leading edges of the trap, or
4 heart opening), by 12 inches high; or

5 2. Has external or unattached wings, weirs, or other
6 devices intended to funnel shrimp to the trap heart.

7 (b) This subsection shall not be construed to restrict
8 the allowable shape or configuration of any shrimp trap so
9 long as the trap, together with all of its parts, conforms to
10 the specifications of paragraph (a).

11 (c) Any shrimp trap which conforms to the
12 specifications of paragraph (a) shall not be considered a
13 pound net.

14 (d) The user of any trap shall affix his or her name
15 and address securely to each trap. Any such trap not having
16 proper identification is subject to confiscation by the
17 commission ~~department~~. No person, firm, or corporation shall
18 have more than four traps in use at any time. The commission
19 ~~department~~ shall have the authority to inspect such traps when
20 being used in or on the waters of the state.

21 (e) The presence of unattended shrimp traps on or
22 attached to beaches, causeways, seawalls, bridges, or any
23 other structures open for use by the public is hereby declared
24 to be a nuisance. Any such trap which is not attended by the
25 person whose name is affixed to the trap is subject to
26 confiscation by the commission ~~department~~.

27 (4) SHRIMP TRAWLING.--All persons, firms, and
28 corporations desiring to trawl for shrimp within areas in
29 which trawling is permitted shall have a noncommercial trawl
30 or net registration or purchase a saltwater products license
31 issued to a valid boat registration or in the name of an

1 individual pursuant to s. 370.06. The saltwater products
2 license shall remain on board at all times and is subject to
3 immediate revocation upon conviction for violation of this
4 section or when it becomes apparent that the best interests of
5 saltwater conservation will be served by such action. A
6 noncommercial trawl or net registration must be issued to each
7 net used to take shrimp for noncommercial purposes. Such net
8 or trawl shall have a corkline measurement of 16 feet or less.
9 Possession of shrimp under a noncommercial registration is
10 limited to 25 pounds while on the water. Due to the varied
11 habitats and types of bottoms and hydrographic conditions
12 embraced by the open fishing area, the commission ~~division~~
13 shall have the authority to specify and regulate the types of
14 gear that may be used in the different sections of the open
15 areas.

16 (6) LIVE BAIT SHRIMPING; LICENSES.--Live bait shrimp
17 may be caught at any time but only under license issued by the
18 commission ~~department~~. Licensees must fish with gear and
19 under those conditions specified by the commission ~~department~~.
20 Application for such licenses shall be on forms supplied by
21 the commission ~~department~~. A live bait shrimping license
22 shall be revocable when the holder does not comply with the
23 laws and regulations applicable to saltwater conservation.
24 All vessels fishing for live bait shrimp must be equipped with
25 live bait shrimp tanks, and no more than 5 pounds of dead
26 shrimp will be allowed on board such vessel per day.

27 Section 239. Subsection (2) of section 370.15, Florida
28 Statutes, 1998 Supplement, is amended to read:

29 370.151 Tortugas shrimp beds; penalties.--

30 (2)(a) The Fish and Wildlife Conservation Commission
31 ~~Division of Law Enforcement~~ is authorized to take title in the

1 name of the state to any vessel or vessels suitable for use in
2 carrying out the inspection and patrol of the Tortugas Bed
3 which may be offered as a gift to the state by any person,
4 firm, corporation, or association in the shrimp industry for
5 the purpose of carrying out the provisions of this section.
6 In the event such title is taken to such vessel or vessels,
7 the commission ~~division~~ is authorized to operate and keep said
8 vessel or vessels in proper repair.

9 (b) The commission ~~division~~ is further authorized to
10 accept the temporary loan of any vessel or vessels, suitable
11 for use in carrying out the provisions of this section, for
12 periods not exceeding 1 year. However, the state shall not
13 assume any liability to the owner or owners of said vessels
14 for any damage done by said vessels to other vessels, persons,
15 or property. In the operation of said loaned vessels, upkeep
16 and repair shall consist only of minor repairs and routine
17 maintenance. The owner or owners shall carry full marine
18 insurance coverage on said loaned vessel or vessels for the
19 duration of the period during which said vessels are operated
20 by the state.

21 Section 240. Section 370.153, Florida Statutes, 1998
22 Supplement, is amended to read:

23 370.153 Regulation of shrimp fishing; Clay, Duval,
24 Nassau, Putnam, Flagler, and St. Johns Counties.--

25 (1) DEFINITIONS.--When used in this section, unless
26 the context clearly requires otherwise:

27 (a) "Inland waters" means all creeks, rivers, bayous,
28 bays, inlets, and canals.

29 (b) "Sample" means one or more shrimp taken from an
30 accurately defined part of the area defined.

31

1 (c) "Series" means 10 or more samples taken within a
2 period of not more than 1 week, each sample being taken at a
3 different station within the pattern.

4 (d) "Pattern" means 10 or more stations.

5 (e) "Station" means a single location on the water of
6 the areas defined.

7 (f) "Licensed live bait shrimp producer" means any
8 individual licensed by the Fish and Wildlife Conservation
9 Commission ~~Department of Environmental Protection~~ to employ
10 the use of any trawl for the taking of live bait shrimp within
11 the inland waters of Nassau, Duval, St. Johns, Putnam,
12 Flagler, or Clay Counties.

13 (g) "Licensed dead shrimp producer" means any
14 individual licensed by the Fish and Wildlife Conservation
15 Commission ~~Department of Environmental Protection~~ to employ
16 the use of any trawl for the taking of shrimp within the
17 inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or
18 Clay Counties.

19 (2) SHRIMPING PROHIBITED.--It is unlawful to employ
20 the use of any trawl or other net, except a common cast net,
21 designed for or capable of taking shrimp, within the inland
22 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay
23 Counties, except as hereinafter provided.

24 (3) LIVE BAIT SHRIMP PRODUCTION.--

25 (a) A live bait shrimp production license shall be
26 issued by the Fish and Wildlife Conservation Commission
27 ~~Department of Environmental Protection~~ upon the receipt of an
28 application by a person intending to use a boat, not to exceed
29 35 feet in length in Duval, St. Johns, Putnam, Flagler, and
30 Clay Counties and not to exceed 45 feet in length in Nassau
31 County, for live shrimp production within the inland waters of

1 Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties
2 and the payment of a fee of \$250. The annual fee of \$250 shall
3 be collected by the commission department for the issuance of
4 the license during a 60-day period beginning June 1 of each
5 year. The design of the application and permit shall be
6 determined by the commission department. The proceeds of the
7 fee imposed by this paragraph shall be used by the Fish and
8 Wildlife Conservation Commission ~~Department of Environmental~~
9 ~~Protection~~ for the purposes of enforcement of marine resource
10 laws.

11 (b) The Executive Director of the Fish and Wildlife
12 Conservation Commission ~~Secretary of Environmental Protection~~,
13 or his or her designated representative, may by order close
14 certain areas to live bait shrimp production when sampling
15 procedures justify the closing based upon sound conservation
16 practices. The revocation of any order to close has the effect
17 of opening the area.

18 (c) Every live bait shrimp producer shall produce
19 evidence satisfactory to the commission department that he or
20 she has the necessary equipment to maintain the shrimp alive
21 while aboard the shrimp fishing vessel. All vessels fishing
22 for live bait shrimp must be equipped with live bait shrimp
23 tanks of a type and capacity satisfactory to the commission
24 ~~department~~, and no more than 5 pounds of dead shrimp will be
25 allowed on board such vessel per day.

26 (d)1. Each licensed live bait shrimp producer who
27 stores his or her catch for sale or sells his or her catch
28 shall either:

29 a. Maintain onshore facilities which have been
30 annually checked and approved by the local commission ~~Marine~~
31 ~~Patrol~~ office to assure the facilities' ability to maintain

1 the catch alive when the live bait shrimp producer produces
2 for his or her own facility; or
3 b. Sell his or her catch only to persons who have
4 onshore facilities that ~~which~~ have been annually checked and
5 approved by the local commission ~~Marine Patrol~~ office to
6 assure the facilities' ability to maintain the catch alive,
7 when the producer sells his or her catch to an onshore
8 facility. The producer shall provide the commission ~~Department~~
9 ~~of Environmental Protection~~ with the wholesale number of the
10 facility to which the shrimp have been sold and shall submit
11 this number on a form designed and approved by the commission
12 ~~department~~.

13 2. All persons who maintain onshore facilities as
14 described in this paragraph, whether the facilities are
15 maintained by the licensed live bait shrimp producer or by
16 another party who purchases shrimp from live bait shrimp
17 producers, shall keep records of their transactions in
18 conformance with the provisions of s. 370.07(6).

19 (e) All commercial trawling in Clay, Duval, and St.
20 Johns Counties shall be restricted to the inland waters of the
21 St. Johns River proper in the area north of the Acosta Bridge
22 in Jacksonville and at least 100 yards from the nearest
23 shoreline.

24 (f) A live shrimp producer must also be a licensed
25 wholesale dealer. Such person shall not sell live bait shrimp
26 unless he or she produces a live bait shrimp production
27 license at the time of sale.

28 (g) The commission ~~department~~ shall rename the Live
29 Bait Shrimp Production License as the Commercial Live Shrimp
30 Production License.
31

1 (4) DEAD SHRIMP PRODUCTION.--Any person may operate as
2 a commercial dead shrimp producer provided that:

3 (a) A dead shrimp production permit is procured from
4 the Fish and Wildlife Conservation Commission ~~Department of~~
5 ~~Environmental Protection~~ upon the receipt by the commission
6 ~~department~~ of a properly filled out and approved application
7 by a person intending to use a boat, not to exceed 35 feet in
8 length in Duval, St. Johns, Putnam, and Clay Counties, and not
9 to exceed 45 feet in length in Nassau County, for dead shrimp
10 production within the inland waters of Nassau County and the
11 inland waters of the St. Johns River of Duval, Putnam, St.
12 Johns, Flagler, or Clay Counties, which permit shall cost \$250
13 and shall be required for each vessel used for dead shrimp
14 production. The design of the application and permit shall be
15 determined by the Fish and Wildlife Conservation Commission
16 ~~Department of Environmental Protection~~. The proceeds of the
17 fees imposed by this paragraph shall be deposited into the
18 account of the Marine Resources Conservation Trust Fund to be
19 used by the commission ~~department~~ for the purpose of
20 enforcement of marine resource laws.

21 (b) All commercial trawling in the St. Johns River
22 proper shall be restricted to the area north of the Acosta
23 Bridge in Jacksonville and at least 100 yards from the nearest
24 shoreline.

25 (c) All commercial shrimping activities shall be
26 allowed during daylight hours from Tuesday through Friday each
27 week.

28 (d) No person holding a dead shrimp production permit
29 issued pursuant to this subsection shall simultaneously hold a
30 permit for noncommercial trawling under the provisions of
31 subsection (5). The number of permits issued by the

1 ~~commission department~~ for commercial trawling or dead shrimp
2 production in any one year shall be the number issued in the
3 base year, 1976. All permits shall be inheritable or
4 transferable to an immediate family member and annually
5 renewable by the holder thereof. Such inheritance or transfer
6 shall be valid upon being registered with the commission
7 ~~department~~. All permits not renewed shall expire and shall not
8 be renewed under any circumstances.

9 (e) It is illegal for any person to sell dead shrimp
10 caught in the inland waters of Nassau, Duval, Clay, Putnam,
11 and St. Johns Counties, unless the seller is in possession of
12 a dead shrimp production license issued pursuant to this
13 subsection.

14 (f) It is illegal for any person to purchase shrimp
15 for consumption or bait from any seller (with respect to
16 shrimp caught in the inland waters of Nassau, Duval, Clay,
17 Putnam, and St. Johns Counties (St. Johns River)) who does not
18 produce his or her dead shrimp production license prior to the
19 sale of the shrimp.

20 (g) In addition to any other penalties provided for in
21 this section, any person who violates the provisions of this
22 subsection shall have his or her license revoked by the
23 commission department.

24 (h) The commission department shall rename the Dead
25 Shrimp Production License as the Commercial Food Shrimp
26 Production License.

27 (5) NONCOMMERCIAL TRAWLING.--Any person may harvest
28 shrimp in the St. Johns River for his or her own use as food
29 and may trawl for such shrimp under the following conditions:

30 (a) Each person who desires to trawl for shrimp for
31 use as food shall obtain a noncommercial trawling permit from

1 the local ~~Marine Patrol~~ office of the Fish and Wildlife
2 Conservation Commission ~~Department of Environmental Protection~~
3 upon filling out an application on a form prescribed by the
4 commission ~~department~~ and upon paying a fee for the permit,
5 which shall cost \$50.

6 (b) All trawling shall be restricted to the confines
7 of the St. Johns River proper in the area north of the Acosta
8 Bridge in Jacksonville and at least 100 yards from the nearest
9 shoreline.

10 (c) No shrimp caught by a person licensed under the
11 provisions of this subsection may be sold or offered for sale.

12 (6) SAMPLING PROCEDURE.--

13 (a) The Executive Director of the Fish and Wildlife
14 Conservation Commission ~~Secretary of Environmental Protection~~
15 shall have samples taken at established stations within
16 patterns at frequent intervals.

17 (b) No area may be closed to live bait shrimp
18 production unless a series of samples has been taken and it
19 has been determined that the shrimp are undersized or that
20 continued shrimping in this area would have an adverse effect
21 on conservation. Standards for size may be established by
22 rule of the commission ~~department~~.

23 (c) No area may be opened to dead shrimp production
24 unless a series of samples has been taken and it has been
25 determined that the shrimp are of legal size. Legal-sized
26 shrimp shall be defined as not more than 47 shrimp with heads
27 on, or 70 shrimp with heads off, per pound.

28 (7) LICENSE POSSESSION.--The operator of a boat
29 employing the use of any trawl for shrimp production must be
30 in possession of a current shrimp production license issued to
31 him or her pursuant to the provisions of this section.

1 (8) USE OF TRAWL; LIMITATION.--

2 (a) The use of a trawl by either a live bait shrimp
3 producer or dead shrimp producer shall be limited to the
4 daylight hours, and the taking of dead shrimp shall not take
5 place on Saturdays, Sundays, or legal state holidays.

6 (b) The use of a trawl by either a live bait shrimp
7 producer or dead shrimp producer within 100 yards of any
8 shoreline is prohibited. The Fish and Wildlife Conservation
9 Commission ~~Department of Environmental Protection~~, by rule or
10 order, may define the area or areas where this subsection
11 shall apply.

12 (c)1. It is unlawful to employ the use of any trawl
13 designed for, or capable of, taking shrimp within 1/4 mile
14 of any natural or manmade inlet in Duval County or St. Johns
15 County.

16 2. It is unlawful for anyone to trawl in the Trout
17 River west of the bridge on U.S. 17 in Duval County.

18 ~~(9) ST. JOHNS RIVER; RULEMAKING PROHIBITED.--The~~
19 ~~Department of Environmental Protection may not adopt any rule~~
20 ~~which regulates shrimping in the St. Johns River.~~

21 (9)~~(10)~~ CREDITS.--Fees paid pursuant to paragraphs
22 (3)(a) and (4)(a) of this section shall be credited against
23 the saltwater products license fee.

24 Section 241. Subsection (2) of section 370.1603,
25 Florida Statutes, is amended to read:

26 370.1603 Oysters produced in and outside state;
27 labeling; tracing; rules.--

28 (1) No wholesale or retail dealer, as defined in s.
29 370.07(1), shall sell any oysters produced outside this state
30 unless they are labeled as such, or unless it is otherwise
31

1 reasonably made known to the purchaser that the oysters were
2 not produced in this state.

3 (2) The Fish and Wildlife Conservation Commission
4 ~~Department of Environmental Protection~~ shall promulgate rules
5 whereby oysters produced in Florida waters can be traced to
6 the location from which they were harvested. A wholesale or
7 retail dealer may not sell any oysters produced in this state
8 unless they are labeled so that they may be traced to the
9 point of harvesting.

10 Section 242. Subsections (2) and (3) of section
11 370.172, Florida Statutes, are amended to read:

12 370.172 Spearfishing; definition; limitations;
13 penalty.--

14 (2)(a) Spearfishing is prohibited within the
15 boundaries of the John Pennekamp Coral Reef State Park, the
16 waters of Collier County, and the area in Monroe County known
17 as Upper Keys, which includes all salt waters under the
18 jurisdiction of the Fish and Wildlife Conservation Commission
19 ~~Department of Environmental Protection~~ beginning at the county
20 line between Dade and Monroe Counties and running south,
21 including all of the keys down to and including Long Key.

22 (b) For the purposes of this subsection, the
23 possession in the water of a spear, gig, or lance by a person
24 swimming at or below the surface of the water in a prohibited
25 area is prima facie evidence of a violation of the provisions
26 of this subsection regarding spearfishing.

27 (3) The Fish and Wildlife Conservation Commission
28 ~~Department of Environmental Protection~~ shall have the power to
29 establish restricted areas when it is determined that safety
30 hazards exist or when needs are determined by biological
31 findings. Restricted areas shall be established only after an

1 investigation has been conducted and upon application by the
2 governing body of the county or municipality in which the
3 restricted areas are to be located and one publication in a
4 local newspaper of general circulation in said county or
5 municipality in addition to any other notice required by law.
6 Prior to promulgation of regulations, the local governing body
7 of the area affected shall agree to post and maintain notices
8 in the area affected.

9 Section 243. Section 370.18, Florida Statutes, is
10 amended to read:

11 370.18 Compacts and agreements; generally.--The Fish
12 and Wildlife Conservation Commission ~~Department of~~
13 ~~Environmental Protection~~ may enter into agreements of
14 reciprocity with the fish commissioners or other departments
15 or other proper officials of other states, whereby the
16 citizens of the state may be permitted to take or catch shrimp
17 or prawn from the waters under the jurisdiction of such other
18 states, upon similar agreements to allow such nonresidents or
19 aliens to fish for or catch seafood products within the
20 jurisdiction of the state regardless of residence.

21 Section 244. Subsection (2) of section 370.19, Florida
22 Statutes, is amended to read:

23 370.19 Atlantic States Marine Fisheries Compact;
24 implementing legislation.--

25 (2) COMMISSIONERS; APPOINTMENT AND REMOVAL.--In
26 pursuance of Article III of said compact there shall be three
27 members (hereinafter called commissioners) of the Atlantic
28 State Marine Fisheries Commission (hereinafter called
29 commission) from this state. The first commissioner from this
30 state shall be the Executive Director of the Fish and Wildlife
31 Conservation Commission ~~Secretary of Environmental Protection,~~

1 ex officio, and the term of any such ex officio commissioner
2 shall terminate at the time he or she ceases to hold said
3 office of Executor Director of the Fish and Wildlife
4 Conservation Commission ~~Secretary of Environmental Protection,~~
5 and his or her successor as commissioner shall be his or her
6 successor as executive director ~~secretary~~. The second
7 commissioner from this state shall be a legislator and member
8 of the house committee on commerce and reciprocal trade (of
9 the State of Florida, ex officio, designated by said house
10 committee on commerce and reciprocal trade), and the term of
11 any such ex officio commissioner shall terminate at the time
12 he or she ceases to hold said legislative office as
13 commissioner on interstate cooperation, and his or her
14 successor as commissioner shall be named in like manner. The
15 Governor (subject to confirmation by the Senate), shall
16 appoint a citizen as a third commissioner who shall have a
17 knowledge of, and interest in, the marine fisheries problem.
18 The term of said commissioner shall be 3 years and the
19 commissioner shall hold office until a successor shall be
20 appointed and qualified. Vacancies occurring in the office of
21 such commissioner from any reason or cause shall be filled by
22 appointment by the Governor (subject to confirmation by the
23 Senate), for the unexpired term. The Executive Director of the
24 Fish and Wildlife Conservation Commission ~~Secretary of~~
25 ~~Environmental Protection~~ as ex officio commissioner may
26 delegate, from time to time, to any deputy or other
27 subordinate in his or her department or office, the power to
28 be present and participate, including voting, as his or her
29 representative or substitute at any meeting of or hearing by
30 or other proceeding of the commission. The terms of each of
31 the initial three members shall begin at the date of the

1 appointment of the appointive commissioner, provided the said
2 compact shall then have gone into effect in accordance with
3 Article II of the compact; otherwise, they shall begin upon
4 the date upon which said compact shall become effective in
5 accordance with said Article II. Any commissioner may be
6 removed from office by the Governor upon charges and after a
7 hearing.

8 Section 245. Subsection (2) of section 370.20, Florida
9 Statutes, is amended to read:

10 370.20 Gulf States Marine Fisheries Compact;
11 implementing legislation.--

12 (2) MEMBERS OF COMMISSION; TERM OF OFFICE.--In
13 pursuance of article III of said compact, there shall be three
14 members (hereinafter called commissioners) of the Gulf States
15 Marine Fisheries Commission (hereafter called commission) from
16 the State of Florida. The first commissioner from the State of
17 Florida shall be the Executive Director of the Fish and
18 Wildlife Conservation Commission ~~Secretary of Environmental~~
19 ~~Protection~~, ex officio, and the term of any such ex officio
20 commissioner shall terminate at the time he or she ceases to
21 hold said office of Executive Director of the Fish and
22 Wildlife Conservation Commission ~~Secretary of Environmental~~
23 ~~Protection~~, and his or her successor as commissioner shall be
24 his or her successor as executive director ~~secretary~~. The
25 second commissioner from the State of Florida shall be a
26 legislator and a member of the house committee on commerce and
27 reciprocal trade (of the State of Florida ex officio,
28 designated by said house committee on commerce and reciprocal
29 trade), and the term of any such ex officio commissioner shall
30 terminate at the time he or she ceases to hold said
31 legislative office as commissioner on interstate cooperation,

1 and his or her successor as commissioner shall be named in
2 like manner. The Governor (subject to confirmation by the
3 Senate) shall appoint a citizen as a third commissioner who
4 shall have a knowledge of and interest in the marine fisheries
5 problem. The term of said commissioner shall be 3 years and
6 the commissioner shall hold office until a successor shall be
7 appointed and qualified. Vacancies occurring in the office of
8 such commissioner from any reason or cause shall be filled by
9 appointment by the Governor (subject to confirmation by the
10 Senate) for the unexpired term. The Executive Director of the
11 Fish and Wildlife Conservation Commission ~~Secretary of~~
12 ~~Environmental Protection~~, as ex officio commissioner, may
13 delegate, from time to time, to any deputy or other
14 subordinate in his or her department or office, the power to
15 be present and participate, including voting, as his or her
16 representative or substitute at any meeting of or hearing by
17 or other proceeding of the commission. The terms of each of
18 the initial three members shall begin at the date of the
19 appointment of the appointive commissioner, provided the said
20 compact shall then have gone into effect in accordance with
21 article II of the compact; otherwise they shall begin upon the
22 date upon which said compact shall become effective in
23 accordance with said article II.

24 Any commissioner may be removed from office by the
25 Governor upon charges and after a hearing.

26 Section 246. Subsections (3), (5), and (7) of section
27 370.21, Florida Statutes, are amended to read:

28 370.21 Florida Territorial Waters Act; alien-owned
29 commercial fishing vessels; prohibited acts; enforcement.--

30 (3) No license shall be issued by the Fish and
31 Wildlife Conservation Commission ~~Division of Marine Resources~~

1 ~~of the Department of Environmental Protection~~ under s. 370.06,
2 to any vessel owned in whole or in part by any alien power,
3 which subscribes to the doctrine of international communism,
4 or any subject or national thereof, who subscribes to the
5 doctrine of international communism, or any individual who
6 subscribes to the doctrine of international communism, or who
7 shall have signed a treaty of trade, friendship and alliance
8 or a nonaggression pact with any communist power. The
9 commission ~~division~~ shall grant or withhold said licenses
10 where other alien vessels are involved on the basis of
11 reciprocity and retorsion, unless the nation concerned shall
12 be designated as a friendly ally or neutral by a formal
13 suggestion transmitted to the Governor of Florida by the
14 Secretary of State of the United States. Upon the receipt of
15 such suggestion licenses shall be granted under s. 370.06,
16 without regard to reciprocity and retorsion, to vessels of
17 such nations.

18 (5) It is the duty of all harbormasters of the state
19 to prevent the use of any port facility in a manner which they
20 reasonably suspect may assist in the violation of this act.
21 Harbormasters shall endeavor by all reasonable means, which
22 may include the inspection of nautical logs, to ascertain from
23 masters of newly arrived vessels of all types other than
24 warships of the United States, the presence of alien
25 commercial fishing vessels within the territorial waters of
26 the state, and shall transmit such information promptly to the
27 Fish and Wildlife Conservation Commission ~~Department of~~
28 ~~Environmental Protection~~ and such law enforcement agencies of
29 the state as the situation may indicate. Harbormasters shall
30 request assistance from the United States Coast Guard in
31

1 appropriate cases to prevent unauthorized departure from any
2 port facility.

3 (7) All law enforcement agencies of the state,
4 including but not limited to sheriffs and officers of the Fish
5 and Wildlife Conservation Commission ~~agents of the Department~~
6 ~~of Environmental Protection~~ are empowered and directed to
7 arrest the masters and crews of vessels who are reasonably
8 believed to be in violation of this law, and to seize and
9 detain such vessels, their equipment and catch. Such arresting
10 officers shall take the offending crews or property before the
11 court having jurisdiction of such offenses. All such agencies
12 are directed to request assistance from the United States
13 Coast Guard in the enforcement of this act when having
14 knowledge of vessels operating in violation or probable
15 violation of this act within their jurisdictions when such
16 agencies are without means to effectuate arrest and restraint
17 of vessels and their crews.

18 Section 247. Subsection (1) of section 372.107,
19 Florida Statutes, 1998 Supplement, is amended to read:

20 372.107 Federal Law Enforcement Trust Fund.--

21 (1) The Federal Law Enforcement Trust Fund is created
22 within the Fish and Wildlife Conservation ~~Game and Fresh Water~~
23 ~~Fish~~ Commission. The commission may deposit into the trust
24 fund receipts and revenues received as a result of federal
25 criminal, administrative, or civil forfeiture proceedings and
26 receipts and revenues received from federal asset-sharing
27 programs. The trust fund is exempt from the service charges
28 imposed by s. 215.20.

29 Section 248. Section 376.15, Florida Statutes, is
30 amended to read:

31 376.15 Derelict vessels; removal from public waters.--

1 (1) It is unlawful for any person, firm, or
2 corporation to store or leave any vessel in a wrecked, junked,
3 or substantially dismantled condition or abandoned upon any
4 public waters or at any port in this state without the consent
5 of the agency having jurisdiction thereof or docked at any
6 private property without the consent of the owner of the
7 private property.

8 (2)(a) The Fish and Wildlife Commission ~~department~~ is
9 hereby designated as the agency of the state authorized and
10 empowered to remove any derelict vessel as described in
11 subsection (1) from public waters.

12 (b) The commission ~~department~~ may establish a program
13 to provide grants to coastal local governments for the removal
14 of derelict vessels from the public waters of the state. The
15 program shall be funded from the Florida Coastal Protection
16 Trust Fund. Notwithstanding the provisions in s. 216.181(10),
17 funds available for grants may only be authorized by
18 appropriations acts of the Legislature.

19 (c) The commission ~~department~~ shall adopt by rule
20 procedures for submitting a grant application and criteria for
21 allocating available funds. Such criteria shall include, but
22 not be limited to, the following:

23 1. The number of derelict vessels within the
24 jurisdiction of the applicant.

25 2. The threat posed by such vessels to public health
26 or safety, the environment, navigation, or the aesthetic
27 condition of the general vicinity.

28 3. The degree of commitment of the local government to
29 maintain waters free of abandoned and derelict vessels and to
30 seek legal action against those who abandon vessels in the
31 waters of the state.

1 (d) This section shall constitute the authority of the
2 commission ~~department~~ for such removal, but is not intended to
3 be in contravention of any applicable federal act.

4 (e) The Department of Legal Affairs shall represent
5 the Fish and Wildlife Conservation Commission ~~Department of~~
6 ~~Environmental Protection~~ in such actions.

7 Section 249. Subsection (2) of section 823.11, Florida
8 Statutes, is amended to read:

9 823.11 Abandoned and derelict vessels; removal;
10 penalty.--

11 (2) The Fish and Wildlife Conservation Commission
12 ~~Department of Environmental Protection, Division of Marine~~
13 ~~Resources~~, is hereby designated as the agency of the state
14 authorized and empowered to remove or cause to be removed any
15 abandoned or derelict vessel from public waters in any
16 instance when the same obstructs or threatens to obstruct
17 navigation or in any way constitutes a danger to the
18 environment. All costs incurred by the commission ~~department~~
19 in the removal of any abandoned or derelict vessel as set out
20 above shall be recoverable against the owner thereof. Pursuant
21 to an agreement with the governing body of a county or
22 municipality, and upon a finding by the commission ~~division~~
23 that the county or municipality is competent to undertake said
24 responsibilities, the commission ~~division~~ may delegate to the
25 county or municipality its authority to remove or cause to be
26 removed an abandoned or derelict vessel from public waters
27 within the county or municipality.

28 Section 250. The Executive Office of the Governor is
29 authorized to transfer funds appropriated by the 1999-2000
30 Fiscal Year General Appropriations Act when necessary because
31 of the reorganization made by this act. The Executive Office

1 of the Governor shall consult with the appropriations
2 committees of the Senate and House of Representatives as
3 required by chapter 216, Florida Statutes, before making such
4 transfers.

5 Section 251. This act shall take effect July 1, 1999.

6
7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 CS/SB 864

10 The committee substitute make numerous changes to facilitate
11 the transfer of functions from the Department of Environmental
12 Protection and the Game and Fresh Water Fish Commission to the
13 newly created Fish and Wildlife Conservation Commission.

14 Section 12 provides that the Department of Environmental
15 Protection deposit lease fees for oyster and shellfish beds
16 into the Land Acquisition Trust Fund. Oyster and clam shells
17 are retained as property of the department and allows for
18 officers of the Fish and Wildlife Conservation Commission to
19 act as surveillance agents in deposition of shells.

20 Section 217 repeals antiquated statutory provisions regarding
21 the Coordinating Council on the Restoration of the Kissimmee
22 River Valley and Taylor Creek-Nubbins Slough Basin.

23 Section 218 moves current authority for Department of
24 Environmental Protection to use citizen support organizations
25 to newly created s. 403.0611, F.S.

26 Section 219 moves current authority for Department of
27 Environmental Protection to publish statutes, rules, technical
28 and educational publications to newly created s. 403.0613,
29 F.S.

30 Section 220 moves current authority for Department of
31 Environmental Protection to establish grant programs to newly
created s. 403.0614, F.S.

Sections 221 through 249 makes additional technical changes to
conform Florida Statutes to State Constitution.

Section 250 provides that the Executive Office of the
Governor, after consultation with the Legislature, may
transfer funds as necessary to align the budget with the
organization of the Fish and Wildlife Conservation Commission
are provided for in the bill.