

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; providing for an operating  
22          agreement and an annual work plan regarding  
23          responsibilities shared by the department and  
24          the commission; providing for submission of the  
25          work plan to the Governor and the Legislature;  
26          providing for a memorandum of agreement between  
27          the commission and the department regarding  
28          responsibilities of the Florida Marine Research  
29          Institute to the department; amending s.  
30          206.606, F.S.; revising the distribution of  
31          funds; amending s. 259.101, F.S.; providing for

1 the sale of conservation lands; amending s.  
2 370.0603, F.S.; establishing the Marine  
3 Resources Conservation Trust Fund in the Fish  
4 and Wildlife Conservation Commission; amending  
5 s. 370.0608, F.S.; revising the use of license  
6 fees by the Fish and Wildlife Conservation  
7 Commission; amending s. 370.16; transferring  
8 certain activities related to oysters and  
9 shellfish to the Fish and Wildlife Conservation  
10 Commission; amending s. 370.26, F.S.;  
11 transferring certain activities related to  
12 aquaculture to the Fish and Wildlife  
13 Conservation Commission; amending s. 932.7055,  
14 F.S.; providing for funds to be deposited into  
15 the Forfeited Property Trust Fund; amending ss.  
16 20.055, 23.21, 120.52, 120.81, 163.3244,  
17 186.003, 186.005, 229.8058, 240.155, 252.365,  
18 253.05, 253.45, 253.75, 253.7829, 253.787,  
19 255.502, 258.157, 258.397, 258.501, 259.035,  
20 259.036, 282.1095, 282.404, 285.09, 285.10,  
21 288.021, 288.975, 316.640, 320.08058, 327.02,  
22 327.25, 327.26, 327.28, 327.30, 327.35215,  
23 327.395, 327.41, 327.43, 327.46, 327.48,  
24 327.70, 327.71, 327.731, 327.74, 327.803,  
25 327.804, 327.90, 328.01, 339.281, 341.352,  
26 369.20, 369.22, 369.25, 370.01, 370.021,  
27 370.028, 370.06, 370.0605, 370.0615, 370.062,  
28 370.063, 370.0805, 370.081, 370.092, 370.093,  
29 370.1107, 370.1111, 370.12, 370.13, 370.14,  
30 370.1405, 370.142, 370.1535, 370.17, 370.31,  
31 372.001, 372.01, 372.0215, 372.0222, 372.0225,

1 372.023, 372.025, 372.03, 372.051, 372.06,  
2 372.07, 372.071, 372.072, 372.0725, 372.073,  
3 372.074, 372.105, 372.106, 372.12, 372.121,  
4 372.16, 372.26, 372.265, 372.27, 372.31,  
5 372.57, 372.5714, 372.5717, 372.5718, 372.574,  
6 372.651, 372.653, 372.66, 372.661, 372.662,  
7 372.663, 372.664, 372.6645, 372.667, 372.6672,  
8 372.672, 372.673, 372.674, 372.70, 372.701,  
9 372.7015, 372.7016, 372.72, 372.73, 372.74,  
10 372.76, 372.761, 372.77, 372.7701, 372.771,  
11 372.85, 372.86, 372.87, 372.88, 372.89,  
12 372.901, 372.911, 372.912, 372.92, 372.921,  
13 372.922, 372.97, 372.971, 372.98, 372.981,  
14 372.99, 372.9901, 372.9903, 372.9904, 372.9906,  
15 372.991, 372.992, 372.995, 373.453, 373.455,  
16 373.4595, 373.465, 373.466, 373.591, 375.021,  
17 375.311, 375.312, 376.121, 378.011, 378.036,  
18 378.409, 380.061, 388.45, 388.46, 403.0752,  
19 403.0885, 403.413, 403.507, 403.508, 403.518,  
20 403.526, 403.527, 403.5365, 403.7841, 403.786,  
21 403.787, 403.9325, 403.941, 403.9411, 403.961,  
22 403.962, 403.972, 403.973, 487.0615, 581.186,  
23 585.21, 597.003, 597.004, 597.006, 784.07,  
24 790.06, 790.15, 828.122, 832.06, 843.08,  
25 870.04, 943.1728, F.S.; conforming provisions  
26 to the State Constitution and this act;  
27 repealing s. 370.0205, F.S., which provides for  
28 the use of citizen support organizations;  
29 repealing s. 370.025, F.S., which provides  
30 policies for the Marine Fisheries Commission;  
31 repealing s. 370.026, F.S., which provides for

1 the creation of the Marine Fisheries  
2 Commission; repealing s. 370.027, F.S., which  
3 provides for rulemaking authority; repealing s.  
4 372.021, F.S., which provides for the powers of  
5 the Game and Fresh Water Fish Commission;  
6 repealing s. 372.061, F.S., which provides for  
7 meetings of the Game and Fresh Water Fish  
8 Commission; repealing s. 373.1965, F.S., which  
9 creates the Coordinating Council on the  
10 Restoration of the Kissimmee River Valley and  
11 Taylor Creek-Nubbins Slough Basin; repealing s.  
12 373.197, F.S., which provides direction for the  
13 Kissimmee River Valley and Taylor Creek-Nubbins  
14 Slough Basin restoration project; repealing s.  
15 403.261, F.S., which provides for the repeal of  
16 rulemaking jurisdiction over air and water  
17 pollution; creating s. 403.0611, F.S.;  
18 providing for the use of citizen support  
19 organizations; creating s. 406.0613, F.S.;  
20 providing authorization for publications;  
21 creating s. 403.0614, F.S.; providing for the  
22 administration of Department of Environmental  
23 Protection grant programs; amending ss.  
24 161.031, 161.36, 252.937, 309.01, 370.023,  
25 370.03, 370.0607, 370.0609, 370.061, 370.07,  
26 370.071, 370.08, 370.0821, 370.10, 370.103,  
27 370.135, 370.143, 370.15, 370.151, 370.153,  
28 370.1603, 370.172, 370.18, 370.19, 370.20,  
29 370.21, 372.107, 376.15, 823.11, F.S.;  
30 conforming provisions to the State Constitution  
31 and this act; authorizing the executive Office

1 of the Governor to transfer funds when  
2 necessary because of the reorganization made by  
3 this act, after prior consultation with  
4 specified legislative committees; providing an  
5 effective date.

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

8  
9 Section 1. Section 20.325, Florida Statutes, is  
10 amended to read:

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

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

24 (2) The following divisions are established within the  
25 commission:

26 (a) Division of Administrative Services.

27 (b) Division of Law Enforcement.

28 (c) Division of Freshwater Fisheries.

29 (d) Division of Wildlife.

30 (e) Division of Marine Resources.

31

1           (3) The commission shall appoint an executive director  
2 who shall be subject to confirmation by the Florida Senate and  
3 upon approval shall serve at the pleasure of the commission.  
4 ~~The powers, duties, and functions of the commission shall be~~  
5 ~~as prescribed by law.~~

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

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

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

30           Section 5. The powers, duties, functions, staff,  
31 equipment, facilities, and fund balances of the Department of

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

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

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

21           (6) The following divisions of the Department of  
22 Environmental Protection are established:

23           (a) Division of Administrative and Technical Services.

24           (b) Division of Air Resource Management.

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

26           (d) Division of Law Enforcement.

27           (e) Division of Resource Assessment and Management

28 ~~Marine Resources.~~

29           (f) Division of Waste Management.

30           (g) Division of Recreation and Parks.

31

1 (h) Division of State Lands, the director of which is  
2 to be appointed by the secretary of the department, subject to  
3 confirmation by the Governor and Cabinet sitting as the Board  
4 of Trustees of the Internal Improvement Trust Fund.

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

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

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

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

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

27 (b) Photograph, microphotograph, or reproduce such  
28 records and documents on film, as authorized and directed by  
29 the approved retention schedules, in a manner such that each  
30 page will be exposed in exact conformity with the original  
31 records and documents retained in compliance with the



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

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

26 Section 7. The Secretary of the Department of  
27 Environmental Protection and the Executive Director of the  
28 Fish and Wildlife Conservation Commission shall each appoint  
29 three staff members to a transition advisory committee to  
30 review and determine the appropriate number of positions, up  
31 to 60 positions and their related funding levels and sources

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

18 Section 8. The Executive Director of the Fish and  
19 Wildlife Conservation Commission and the Secretary of the  
20 Department of Environmental Protection shall develop and adopt  
21 an operating agreement and an annual work plan to accomplish  
22 responsibilities shared between the agencies.

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

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

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

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

- 10 1. Environmental monitoring and assessment,  
11 2. Restoration research and development of restoration  
12 technology, and  
13 3. Technical support and response for oil spills, ship  
14 groundings, major marine species die-offs, hazardous spills,  
15 and natural disasters.

16 Section 9. Subsection (1) of section 206.606, Florida  
17 Statutes, 1998 Supplement, is amended to read:

18 206.606 Distribution of certain proceeds.--

19 (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
20 206.87(1)(e) shall be deposited in the Fuel Tax Collection  
21 Trust Fund created by s. 206.875. Such moneys, exclusive of  
22 the service charges imposed by s. 215.20, and exclusive of  
23 refunds granted pursuant to s. 206.41, shall be distributed  
24 monthly to the State Transportation Trust Fund, except that:

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

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

14 (b) ~~\$2.5~~\$1.25 million shall be transferred to the  
15 State Game Trust Fund in the Fish and Wildlife Conservation  
16 ~~Game and Fresh Water Fish~~ Commission in each fiscal year. The  
17 transfers must be made in equal monthly amounts beginning on  
18 July 1 of each fiscal year. The commission shall annually  
19 determine where unmet needs exist for boating-related  
20 activities, and may fund such activities in counties where,  
21 due to the number of vessel registrations, insufficient  
22 financial resources are available to meet the total water  
23 resource needs.~~and must be used for recreational boating~~  
24 ~~activities of a type consistent with projects eligible for~~  
25 ~~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 10. 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.

30  
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. 373.056 or s. 373.089. Any  
22 lands eligible for disposal under these procedures also may be  
23 exchanged for other lands described in the same paragraph of  
24 subsection (3) as the lands disposed of.~~Before land can be~~  
25 ~~determined to be of no further benefit to the public as~~  
26 ~~required by s. 253.034(5), or to be no longer required for its~~  
27 ~~purposes under s. 373.056(4), whichever may be applicable,~~  
28 ~~there shall first be a determination by the Board of Trustees~~  
29 ~~of the Internal Improvement Trust Fund, or, in the case of~~  
30 ~~water management district lands, by the owning water~~  
31 ~~management district, that such land no longer needs to be~~

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

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

17 Section 11. Subsection (1) of section 370.0603,  
18 Florida Statutes, is amended to read:

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

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

27 (a) Funding for marine research.

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

31 (c) Funding for marine law enforcement.



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 12. 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:~~

30  
31

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 13. 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.

30  
31



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.

30  
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1           Section 14. 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 15. 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 16. 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 17. 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 18. 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 19. 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 20. 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 21. 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 22. 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 23. 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 24. 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 25. 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 26. 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 27. 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 28. 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 29. 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 30. 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 31. 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 32. 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 33. 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 34. 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 35. 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 36. 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 37. 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 38. 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 39. 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 40. 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 41. 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 42. 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 43. 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           Section 44. Paragraph (b) of subsection (1), of  
31 section 320.08058, Florida Statutes, 1998 Supplement, as

1 amended by section 7 of chapter 98-414, Laws of Florida, and  
2 subsections (5), (18), (19), and (25) of that section are  
3 amended to read:

4 320.08058 Specialty license plates.--

5 (1) MANATEE LICENSE PLATES.--

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

14 (5) FLORIDA PANTHER LICENSE PLATES.--

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

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

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

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

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



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

4 (18) LARGEMOUTH BASS LICENSE PLATES.--

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

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

18 (19) SEA TURTLE LICENSE PLATES.--

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

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

1 ~~Environmental Protection~~ for sea turtle conservation  
2 activities, except that up to 30 percent of the remaining  
3 annual use fee proceeds shall be annually dispersed through  
4 the marine turtle grants program as provided in s.  
5 370.12(1)(h).

6 (25) CONSERVE WILDLIFE LICENSE PLATES.--

7 (a) The department shall develop a Conserve Wildlife  
8 license plate. Conserve Wildlife license plates shall bear the  
9 colors and design approved by the department. The word  
10 "Florida" shall appear at the top of the plate, and the words  
11 "Conserve Wildlife" shall appear at the bottom of the plate.  
12 The plate design shall include the likeness of a Florida black  
13 bear.

14 (b) The proceeds of the Conserve Wildlife license  
15 plate annual use fee shall be forwarded to the Wildlife  
16 Foundation of Florida, Inc., a citizen support organization  
17 created pursuant to s. 372.0215.

18 1. Notwithstanding s. 320.08062, up to 10 percent of  
19 the proceeds from the annual use fee may be used for marketing  
20 the Conserve Wildlife license plate and administrative costs  
21 directly related to the management and distribution of the  
22 proceeds.

23 2. The remaining proceeds from the annual use fee  
24 shall be used for programs and activities of the Fish and  
25 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
26 Commission that contribute to the health and well-being of  
27 Florida black bears and other wildlife diversity.

28 Section 45. Present subsection (5) of section 327.02,  
29 Florida Statutes, 1998 Supplement, is redesignated as  
30 subsection (6), present subsection (6) is repealed, subsection  
31

1 (7) is amended, and new subsection (5) is added to that  
2 section to read:

3 327.02 Definitions of terms used in this chapter and  
4 in chapter 328.--As used in this chapter and in chapter 328,  
5 unless the context clearly requires a different meaning, the  
6 term:

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

9 (7) "Division" means the Division of Law Enforcement  
10 of the Fish and Wildlife Conservation Commission ~~Department of~~  
11 ~~Environmental Protection.~~

12 Section 46. Subsection (17) of section 327.25, Florida  
13 Statutes, is amended to read:

14 327.25 Classification; registration; fees and charges;  
15 surcharge; disposition of fees; fines; marine turtle  
16 stickers.--

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

25 Section 47. Section 327.26, Florida Statutes, is  
26 amended to read:

27 327.26 Stickers or emblems for the Save the Manatee  
28 Trust Fund.--The commission ~~department~~ shall prepare stickers  
29 or emblems signifying support for the Save the Manatee Trust  
30 Fund which shall be given to persons who contribute to the  
31 Save the Manatee Trust Fund as provided in s. 327.25. The

1 commission department may accept stickers or emblems donated  
2 by any governmental or nongovernmental entity for the purposes  
3 of this section.

4 Section 48. Subsection (2) of section 327.28, Florida  
5 Statutes, is amended to read:

6 327.28 Marine Resources Conservation Trust Fund;  
7 vessel registration funds; appropriation and distribution.--

8 (2) All funds collected pursuant to s. 370.06(2) shall  
9 be deposited in the Marine Resources Conservation Trust Fund.  
10 Such funds shall be used to pay the cost of implementing the  
11 saltwater products license program. Additional proceeds from  
12 the licensing revenue shall be distributed among the following  
13 program functions:

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

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

20 (b)~~(c)~~ No more than 25 percent shall go to the Florida  
21 Saltwater Products Promotion Trust Fund within the Department  
22 of Agriculture and Consumer Services for the purpose of  
23 providing marketing and extension services including industry  
24 information and education; and

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

29 Section 49. Subsection (2) of section 327.30, Florida  
30 Statutes, is amended to read:

31 327.30 Collisions, accidents, and casualties.--

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

16           Section 50. Subsection (5) of section 327.35215,  
17 Florida Statutes, 1998 Supplement, is amended to read:

18           327.35215 Penalty for failure to submit to test.--

19           (5) Moneys collected by the clerk of the court  
20 pursuant to this section shall be disposed of in the following  
21 manner:

22           (a) If the arresting officer was employed or appointed  
23 by a ~~state law enforcement agency except the Fish and Wildlife~~  
24 Conservation Game and Fresh Water Fish Commission, the moneys  
25 shall be deposited into the Marine Resources Conservation  
26 Trust Fund or the State Game Trust Fund.

27           (b) If the arresting officer was employed or appointed  
28 by a county or municipal law enforcement agency, the moneys  
29 shall be deposited into the law enforcement trust fund of that  
30 agency.

31

1           ~~(c) If the arresting officer was employed or appointed~~  
2 ~~by the Game and Fresh Water Fish Commission, the money shall~~  
3 ~~be deposited into the State Game Trust Fund.~~

4           Section 51. Section 327.395, Florida Statutes, is  
5 amended to read:

6           327.395 Boating safety identification cards.--

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

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

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

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

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

25           (3) The commission ~~department~~ may appoint liveries,  
26 marinas, or other persons as its agents to administer the  
27 course, course equivalency examination, or temporary  
28 certificate examination and issue identification cards under  
29 guidelines established by the commission ~~department~~. An agent  
30 must charge the \$2 examination fee, which must be forwarded to  
31

1 the commission ~~department~~ with proof of passage of the  
2 examination and may charge and keep a \$1 service fee.

3 (4) An identification card issued to a person who has  
4 completed a boating education course or a course equivalency  
5 examination is valid for life. A card issued to a person who  
6 has passed a temporary certification examination is valid for  
7 12 months from the date of issuance.

8 (5) A person is exempt from subsection (1) if he or  
9 she:

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

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

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

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

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

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

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

30 (8) The commission ~~department~~ shall institute and  
31 coordinate a statewide program of boating safety instruction

1 and certification to ensure that boating courses and  
2 examinations are available in each county of the state.

3 (9) The commission ~~department~~ is authorized to  
4 establish and to collect a \$2 examination fee to cover  
5 administrative costs.

6 Section 52. Section 327.41, Florida Statutes, is  
7 amended to read:

8 327.41 Uniform waterway regulatory markers.--

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

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

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



1 (4) No person or municipality, county, or other  
2 governmental entity shall place any regulatory markers in, on,  
3 or over the Florida Intracoastal Waterway without a permit  
4 from the Fish and Wildlife Conservation Commission ~~Division of~~  
5 ~~Marine Resources~~.

6 (5) Aquaculture leaseholds shall be marked as required  
7 by this section, and the Department of Environmental  
8 Protection may approve alternative marking requirements as a  
9 condition of the lease pursuant to s. 253.68. The provisions  
10 of this section notwithstanding, no permit shall be required  
11 for the placement of markers required by such a lease.

12 Section 53. Section 327.43, Florida Statutes, is  
13 amended to read:

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

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

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

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

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

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

4 Section 54. Subsection (1) of section 327.46, Florida  
5 Statutes, is amended to read:

6 327.46 Restricted areas.--

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

20 Section 55. Section 327.48, Florida Statutes, is  
21 amended to read:

22 327.48 Regattas, races, marine parades, tournaments,  
23 or exhibitions.--Any person directing the holding of a  
24 regatta, tournament, or marine parade or exhibition shall  
25 secure a permit from the Coast Guard when such event is held  
26 in navigable waters of the United States. A person directing  
27 any such affair in any county shall notify the sheriff of the  
28 county, or the Fish and Wildlife Conservation Commission ~~Game~~  
29 ~~and Fresh Water Fish Commission, or the department~~ at least 15  
30 days prior to any event in order that appropriate arrangements  
31 for safety and navigation may be assured. Any person or

1 organization sponsoring a regatta or boat race, marine parade,  
2 tournament, or exhibition shall be responsible for providing  
3 adequate protection to the participants, spectators, and other  
4 users of the water.

5 Section 56. Subsections (1) and (3) of section 327.70,  
6 Florida Statutes, is amended to read:

7 327.70 Enforcement of this chapter and chapter 328.--

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

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

23 Section 57. Section 327.71, Florida Statutes, is  
24 amended to read:

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

1           Section 58. Subsections (1) and (3) of section  
2 327.731, Florida Statutes, 1998 Supplement, are amended to  
3 read:

4           327.731 Mandatory education for violators.--

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

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

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

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

24  
25 Any person who has successfully completed an approved boating  
26 course shall be exempt from these provisions upon showing  
27 proof to the commission ~~department~~ as specified in paragraph  
28 (b).

29           (3) The commission ~~department~~ shall print on the  
30 reverse side of the defendant's copy of the boating citation a  
31 notice of the provisions of this section. Upon conviction, the

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

6 Section 59. Subsections (1), (2), (4), (6), and (10)  
7 of section 327.74, Florida Statutes, are amended to read:

8 327.74 Uniform boating citations.--

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

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

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

31

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

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

12           Section 60. Section 327.803, Florida Statutes, are  
13 amended to read:

14           327.803 Boating Advisory Council.--

15           (1) The Boating Advisory Council is created within the  
16 Fish and Wildlife Conservation Commission ~~Department of~~  
17 ~~Environmental Protection~~ and shall be composed of 15 ~~16~~  
18 members. The initial members shall be appointed before August  
19 1, 1994, and must include:

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

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

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

1 sport boat racing, and two representatives of the boating  
2 public, each of whom shall be nominated by the Executive  
3 Director of the Fish and Wildlife Conservation Commission  
4 ~~Secretary of Environmental Protection~~ and appointed by the  
5 Governor to serve staggered 2-year terms.

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

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

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

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

20 (a) Boating safety education.

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

23 (c) Boat usage.

24

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

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

29 Section 61. Section 327.804, Florida Statutes, is  
30 amended to read:

31

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

7           Section 62. Section 327.90, Florida Statutes, is  
8 amended to read:

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

13           Section 63. Paragraph (c) of subsection (2) of section  
14 328.01, Florida Statutes, is amended to read:

15           328.01 Application for certificate of title.--

16           (2)

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

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

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

31



1           Section 64. Subsection (1) of section 339.281, Florida  
2 Statutes, is amended to read:

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

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

18           Section 65. Paragraph (a) of subsection (2) of section  
19 341.352, Florida Statutes, is amended to read:

20           341.352 Certification hearing.--

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

- 23           1. The franchisee.
- 24           2. The Department of Commerce.
- 25           3. The Department of Environmental Protection.
- 26           4. The Department of Transportation.
- 27           5. The Department of Community Affairs.
- 28           6. The Fish and Wildlife Conservation ~~Game and Fresh~~  
29 ~~Water Fish~~ Commission.
- 30           7. Each water management district.
- 31           8. Each local government.

1           9. Each regional planning council.

2           10. Each metropolitan planning organization.

3           Section 66. Subsection (3) of section 369.20, Florida  
4 Statutes, 1998 Supplement, is amended to read:

5           369.20 Florida Aquatic Weed Control Act.--

6           (3) It shall be the duty of the department to guide  
7 and coordinate the activities of all public bodies,  
8 authorities, agencies, and special districts charged with the  
9 control or eradication of aquatic weeds and plants. It may  
10 delegate all or part of such functions to the Fish and  
11 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission.

12           Section 67. Subsection (9) of section 369.22, Florida  
13 Statutes, 1998 Supplement, is amended to read:

14           369.22 Nonindigenous aquatic plant control.--

15           (9) The department may delegate various nonindigenous  
16 aquatic plant control and maintenance functions to the Fish  
17 and Wildlife Conservation ~~Game and Fresh Water Fish~~  
18 Commission. The commission shall, in accepting commitments to  
19 engage in nonindigenous aquatic plant control and maintenance  
20 activities, be subject to the rules of the department, except  
21 that the commission shall regulate, control, and coordinate  
22 the use of any fish for aquatic weed control in fresh waters  
23 of the state. In addition, the commission shall render  
24 technical and other assistance to the department in order to  
25 carry out most effectively the purposes of s. 369.20.  
26 However, nothing herein shall diminish or impair the  
27 regulatory authority of the commission with respect to the  
28 powers granted to it by s. 9, Art. IV of the State  
29 Constitution.

30           Section 68. Paragraph (b) of subsection (3) of section  
31 369.25, Florida Statutes, is amended to read:

1           369.25 Aquatic plants; definitions; permits; powers of  
2 department; penalties.--

3           (3) The department has the following powers:

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

10           Section 69. Section 370.01, Florida Statutes, 1998  
11 Supplement, is amended to read:

12           370.01 Definitions.--In construing these statutes,  
13 where the context does not clearly indicate otherwise, the  
14 word, phrase, or term:

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

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

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

30  
31

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

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

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

11           (7)~~(6)~~ "Coon oysters" are oysters found growing in  
12 bunches along the shore between high-water mark and low-water  
13 mark.

14           (8)~~(7)~~ "Department" shall mean the Department of  
15 Environmental Protection.

16           (9)~~(8)~~ "Erosion control," "beach preservation," and  
17 "hurricane protection" shall include any activity, work,  
18 program, project, or other thing deemed necessary by the  
19 ~~Division of Marine Resources of the~~ Department of  
20 Environmental Protection to effectively preserve, protect,  
21 restore, rehabilitate, stabilize, and improve the beaches and  
22 shores of this state, as defined above.

23           (10)~~(9)~~ "Exhibit" means to present or display upon  
24 request.

25           (11)~~(10)~~ "Finfish" means any member of the classes  
26 Agnatha, Chondrichthyes, or Osteichthyes.

27           (12)~~(11)~~ "Food fish" shall include mullet, trout,  
28 redfish, sheepshead, pompano, mackerel, bluefish, red snapper,  
29 grouper, black drum, jack crevalle, and all other fish  
30 generally used for human consumption.

31

1           ~~(13)~~(12) "Guide" shall include any person engaged in  
2 the business of guiding hunters or hunting parties, fishers or  
3 fishing parties, for compensation.

4           ~~(14)~~(13) "Marine fish" means any saltwater species of  
5 finfish of the classes Agnatha, Chondrichthyes, and  
6 Osteichthyes, and marine invertebrates in the classes  
7 Gastropoda, Bivalvia, and Crustacea, or the phylum  
8 Echinodermota, but does not include nonliving shells or  
9 Echinoderms.

10           ~~(15)~~(14) A "natural oyster or clam reef" or "bed" or  
11 "bar" shall be considered and defined as an area containing  
12 not less than 100 square yards of the bottom where oysters or  
13 clams are found in a stratum.

14           ~~(16)~~(15) "Nonresident alien" shall mean those  
15 individuals from other nations who can provide documentation  
16 from the Immigration and Naturalization Service evidencing  
17 permanent residency status in the United States. For the  
18 purposes of this chapter, a "nonresident alien" shall be  
19 considered a "nonresident."

20           ~~(17)~~(16) "Open season" shall be that portion of the  
21 year wherein the laws of Florida for the preservation of fish  
22 and game permit the taking of particular species of game or  
23 varieties of fish.

24           ~~(18)~~(17) "Reef bunch oysters" are oysters found  
25 growing on the bars or reefs in the open bay and exposed to  
26 the air between high and low tide.

27           ~~19~~(18) "Resident" or "resident of Florida" includes  
28 citizens of the United States who have continuously resided in  
29 this state, next preceding the making of their application for  
30 hunting, fishing, or other license, for the following period  
31 of time, to wit: For 1 year in the state and 6 months in the

1 county when applied to all fish and game laws not related to  
2 freshwater fish and game.

3 (20)~~(19)~~ "Resident alien" shall mean those persons who  
4 have continuously resided in this state for at least 1 year  
5 and 6 months in the county and can provide documentation from  
6 the Immigration and Naturalization Service evidencing  
7 permanent residency status in the United States. For the  
8 purposes of this chapter, a "resident alien" shall be  
9 considered a "resident."

10 (21)~~(20)~~ "Restricted species" means any species of  
11 saltwater products ~~for~~ which the state by law, or the Fish and  
12 Wildlife Conservation ~~Marine Fisheries~~ Commission by rule, has  
13 found it necessary to so designate. The term includes a  
14 species of saltwater products designated by the commission as  
15 restricted within a geographical area or during a particular  
16 time period of each year. Designation as a restricted species  
17 does not confer the authority to sell a species pursuant to s.  
18 370.06 if the law or rule prohibits the sale of the species.

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

31

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

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

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

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

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

15           Section 70. Section 370.021, Florida Statutes, 1998  
16 Supplement, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

31



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

- 4 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 5 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
- 6 3. Common snook (*Centropomus undecimalis*);
- 7 4. Atlantic loggerhead turtle (*Caretta caretta*  
8 *caretta*);
- 9 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 10 6. Leatherback turtle (*Dermochelys coriacea*);
- 11 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*  
12 *imbricata*);
- 13 8. Atlantic ridley turtle (*Lepidochelys kempfi*); or
- 14 9. West Indian manatee (*Trichechus manatus*  
15 *latirostris*),

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

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

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

27 (h) The proceeds from the penalties assessed pursuant  
28 to this subsection shall be deposited into the Marine  
29 Resources Conservation Trust Fund to be used for marine  
30 fisheries research or into the commission's ~~department's~~  
31

1 Federal Law Enforcement Trust Fund as provided in s. 372.107  
2 ~~s. 20.2553~~, as applicable.

3 (i) Permits issued to any person, firm, or corporation  
4 by the commission ~~department~~ to take or harvest saltwater  
5 products, or any license issued pursuant to s. 370.06 or s.  
6 370.07 may be suspended or revoked by the commission  
7 ~~department~~, pursuant to the provisions and procedures of s.  
8 120.60, for any major violation prescribed in this subsection:

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

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

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

18 (j) Upon the arrest and conviction for a major  
19 violation involving stone crabs, the licenseholder must show  
20 just cause why his or her license should not be suspended or  
21 revoked. For the purposes of this paragraph, a "major  
22 violation" means a major violation as prescribed for illegal  
23 stone crabs; any single violation involving possession of more  
24 than 25 stone crabs during the closed season or possession of  
25 25 or more whole-bodied or egg-bearing stone crabs; any  
26 violation for trap molestation, trap robbing, or pulling traps  
27 at night; or any combination of violations in any  
28 3-consecutive-year period wherein more than 75 illegal stone  
29 crabs in the aggregate are involved.

30 (k) Upon the arrest and conviction for a major  
31 violation involving crawfish, the licenseholder must show just

1 cause why his or her license should not be suspended or  
2 revoked. For the purposes of this paragraph, a "major  
3 violation" means a major violation as prescribed for illegal  
4 crawfish; any single violation involving possession of more  
5 than 25 crawfish during the closed season or possession of  
6 more than 25 wrung crawfish tails or more than 25 egg-bearing  
7 or stripped crawfish; any violation for trap molestation, trap  
8 robbing, or pulling traps at night; or any combination of  
9 violations in any 3-consecutive-year period wherein more than  
10 75 illegal crawfish in the aggregate are involved.

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

23 (m) Upon the conviction for a major violation  
24 involving finfish, the licenseholder must show just cause why  
25 his or her saltwater products license should not be suspended  
26 or revoked. For the purposes of this paragraph, a major  
27 violation is prescribed for the taking and harvesting of  
28 illegal finfish, any single violation involving the possession  
29 of more than 100 pounds of illegal finfish, or any combination  
30 of violations in any 3-consecutive-year period wherein more  
31

1 than 200 pounds of illegal finfish in the aggregate are  
2 involved.

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

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

13 (3)~~(4)~~ PENALTIES FOR USE OF ILLEGAL NETS.--

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

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

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

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

10          4. The mullet being transported are totally removed  
11 from any net also being transported.

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

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

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

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

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

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

29           1. Upon a first or second conviction, to be punished  
30 as provided by paragraph (1)(a) ~~(2)(a)~~ or paragraph (1)(b)  
31 ~~(2)(b)~~.

1           2. Upon a third or subsequent conviction, guilty of a  
2 felony of the third degree, punishable as provided in s.  
3 775.082, s. 775.083, or s. 775.084.

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

13           1. Vessels subject to this reinstatement period shall  
14 be restricted to the corridors established by commission  
15 ~~department~~ rule.

16           2. A violation of the reinstatement period provisions  
17 shall be punishable pursuant to paragraphs (1)(a) and (b)  
18 ~~(2)(a) and (b)~~.

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

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

27           (5)(6) BUYING SALTWATER PRODUCTS FROM UNLICENSED  
28 SELLER.--In addition to being subject to other penalties  
29 provided in this chapter, any violation of s. 370.06 or s.  
30 370.07, or rules of the commission ~~department~~ implementing s.  
31 370.06 or s. 370.07, involving buying saltwater products from

1 an unlicensed person, firm, or corporation, shall be a major  
2 violation, and the commission ~~department~~ may assess the  
3 following penalties:

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

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

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

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

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



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

21            ~~(8)(9)~~ POWERS OF OFFICERS.--

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

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

1 ~~the provisions of chapter 253 and the rules and regulations~~  
2 ~~promulgated thereunder~~, or any of the laws of this state. It  
3 is hereby declared unlawful for any person to resist such  
4 arrest or in any manner interfere, either by abetting or  
5 assisting such resistance or otherwise interfering, with any  
6 such law enforcement officer while engaged in the performance  
7 of the duties imposed upon him or her by law or regulation of  
8 the commission department.

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

26 ~~(10) DUTIES OF DEPARTMENT OF LEGAL AFFAIRS.--The~~  
27 ~~Department of Legal Affairs shall attend to the legal business~~  
28 ~~of the Department of Environmental Protection and its~~  
29 ~~divisions; but, if at any time any question of law or any~~  
30 ~~litigation arises and the Department of Legal Affairs is~~  
31 ~~otherwise occupied and cannot give the time and attention~~

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

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

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

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

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

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

22 (10)~~(12)~~ COURTS OF EQUITY MAY ENJOIN.--Courts of  
23 equity in this state have jurisdiction to enforce the  
24 conservation laws of this state by injunction.

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

31

1 ~~department conditioned for the faithful performance of the~~  
2 ~~duties of such employee.~~

3 (11)~~(14)~~ REVOCATION OF LICENSES.--Any person licensed  
4 under this chapter who has been convicted of taking  
5 aquaculture species raised at a certified facility shall have  
6 his or her license revoked for 5 years by the Fish and  
7 Wildlife Conservation Commission ~~Department of Environmental~~  
8 ~~Protection~~ pursuant to the provisions and procedures of s.  
9 120.60.

10 Section 71. Section 370.028, Florida Statutes, 1998  
11 Supplement, is amended to read:

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

19 Section 72. Section 370.06, Florida Statutes, 1998  
20 Supplement, is amended to read:

21 370.06 Licenses.--

22 (1) LICENSE ON PURSE SEINES.--There is levied, in  
23 addition to any other taxes thereon, an annual license tax of  
24 \$25 upon each purse seine used in the waters of this state.  
25 This license fee shall be collected in the manner provided in  
26 this section.

27 (2) SALTWATER PRODUCTS LICENSE.--

28 (a) Every person, firm, or corporation that sells,  
29 offers for sale, barter, or exchanges for merchandise any  
30 saltwater products, or which harvests saltwater products with  
31 certain gear or equipment as specified by law, must have a

1 valid saltwater products license, except that the holder of an  
2 aquaculture certificate under s. 597.004 is not required to  
3 purchase and possess a saltwater products license in order to  
4 possess, transport, or sell marine aquaculture products. Each  
5 saltwater products license allows the holder to engage in any  
6 of the activities for which the license is required. The  
7 license must be in the possession of the licenseholder or  
8 aboard the vessel and shall be subject to inspection at any  
9 time that harvesting activities for which a license is  
10 required are being conducted. A restricted species endorsement  
11 on the saltwater products license is required to sell to a  
12 licensed wholesale dealer those species which the state, by  
13 law or rule, has designated as "restricted species." This  
14 endorsement may be issued only to a person who is at least 16  
15 years of age, or to a firm certifying that over 25 percent of  
16 its income or \$5,000 of its income, whichever is less, is  
17 attributable to the sale of saltwater products pursuant to a  
18 license issued under this paragraph or a similar license from  
19 another state. This endorsement may also be issued to a  
20 for-profit corporation if it certifies that at least \$5,000 of  
21 its income is attributable to the sale of saltwater products  
22 pursuant to a license issued under this paragraph or a similar  
23 license from another state. However, if at least 50 percent of  
24 the annual income of a person, firm, or for-profit corporation  
25 is derived from charter fishing, the person, firm, or  
26 for-profit corporation must certify that at least \$2,500 of  
27 the income of the person, firm, or corporation is attributable  
28 to the sale of saltwater products pursuant to a license issued  
29 under this paragraph or a similar license from another state,  
30 in order to be issued the endorsement. Such income attribution  
31 must apply to at least 1 year out of the last 3 years. For the

1 purpose of this section "income" means that income which is  
2 attributable to work, employment, entrepreneurship, pensions,  
3 retirement benefits, and social security benefits. To renew an  
4 existing restricted species endorsement, a marine aquaculture  
5 producer possessing a valid saltwater products license with a  
6 restricted species endorsement may apply income from the sale  
7 of marine aquaculture products to licensed wholesale dealers.

8 1. The Fish and Wildlife Conservation Commission  
9 ~~department~~ is authorized to require verification of such  
10 income. Acceptable proof of income earned from the sale of  
11 saltwater products shall be:

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

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

17 c. A copy of the applicable federal income tax return,  
18 including Form 1099 attachments, verifying income earned from  
19 the sale of saltwater products;

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

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

24  
25 Any provision of this section or any other section of the  
26 Florida Statutes to the contrary notwithstanding, any person  
27 who owns a retail seafood market or ~~and/or~~ restaurant at a  
28 fixed location for at least 3 years who has had an  
29 occupational license for 3 years prior to January 1, 1990, who  
30 harvests saltwater products to supply his or her retail store  
31 and has had a saltwater products license for 1 of the past 3



1 years prior to January 1, 1990, may provide proof of his or  
2 her verification of income and sales value at the person's  
3 retail seafood market or ~~and/or~~ restaurant and in his or her  
4 saltwater products enterprise by affidavit and shall thereupon  
5 be issued a restricted species endorsement.

6 2. Exceptions from income requirements shall be as  
7 follows:

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

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

14 c. Upon the sale of a used commercial fishing vessel  
15 owned by a person, firm, or corporation possessing or eligible  
16 for a restricted species endorsement, the purchaser of such  
17 vessel shall be exempted from the qualifying income  
18 requirement for the purpose of obtaining a restricted species  
19 endorsement for a period of 1 year after purchase of the  
20 vessel.

21 d. Upon the death or permanent disablement of a person  
22 possessing a restricted species endorsement, an immediate  
23 family member wishing to carry on the fishing operation shall  
24 be exempted from the qualifying income requirement for the  
25 purpose of obtaining a restricted species endorsement for a  
26 period of 1 year after the death or disablement.

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

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

5 g. Any resident who is certified to be totally and  
6 permanently disabled by a verified written statement, based  
7 upon the criteria for permanent total disability in chapter  
8 440 from a physician licensed in this state, by any branch of  
9 the United States Armed Services, by the Social Security  
10 Administration, or by the United States Department of Veterans  
11 Affairs or its predecessor, or any resident who holds a valid  
12 identification card issued by the Department of Veterans'  
13 Affairs pursuant to s. 295.17, shall be exempted from the  
14 income requirements if he or she also has held a saltwater  
15 products license for at least 3 of the last 5 license years  
16 prior to the date of the disability. A Disability Award Notice  
17 issued by the United States Social Security Administration is  
18 not sufficient certification for a resident to obtain the  
19 income exemption unless the notice certifies that the resident  
20 is totally and permanently disabled.

21  
22 At least one saltwater products license bearing a restricted  
23 species endorsement shall be aboard any vessel harvesting  
24 restricted species in excess of any bag limit or when fishing  
25 under a commercial quota or in commercial quantities, and such  
26 vessel shall have a commercial vessel registration. This  
27 subsection does not apply to any person, firm, or corporation  
28 licensed under s. 370.07(1)(a)1. or (b) for activities  
29 pursuant to such licenses. A saltwater products license may be  
30 issued in the name of an individual or a valid boat  
31 registration number. Such license is not transferable. A decal

1 shall be issued with each saltwater products license issued to  
2 a valid boat registration number. The saltwater products  
3 license decal shall be the same color as the vessel  
4 registration decal issued each year pursuant to s. 327.11(5)  
5 and shall indicate the period of time such license is valid.  
6 The saltwater products license decal shall be placed beside  
7 the vessel registration decal and, in the case of an  
8 undocumented vessel, shall be placed so that the vessel  
9 registration decal lies between the vessel registration number  
10 and the saltwater products license decal. Any saltwater  
11 products license decal for a previous year shall be removed  
12 from a vessel operating on the waters of the state. A resident  
13 shall pay an annual license fee of \$50 for a saltwater  
14 products license issued in the name of an individual or \$100  
15 for a saltwater products license issued to a valid boat  
16 registration number. A nonresident shall pay an annual license  
17 fee of \$200 for a saltwater products license issued in the  
18 name of an individual or \$400 for a saltwater products license  
19 issued to a valid boat registration number. An alien shall pay  
20 an annual license fee of \$300 for a saltwater products license  
21 issued in the name of an individual or \$600 for a saltwater  
22 products license issued to a valid boat registration number.  
23 Any person who sells saltwater products pursuant to this  
24 license may sell only to a licensed wholesale dealer. A  
25 saltwater products license must be presented to the licensed  
26 wholesale dealer each time saltwater products are sold, and an  
27 imprint made thereof. The wholesale dealer shall keep records  
28 of each transaction in such detail as may be required by rule  
29 of the Fish and Wildlife Conservation Commission ~~Department of~~  
30 ~~Environmental Protection~~ not in conflict with s. 370.07(6),  
31 and shall provide the holder of the saltwater products license

1 with a copy of the record. It is unlawful for any licensed  
2 wholesale dealer to buy saltwater products from any unlicensed  
3 person under the provisions of this section, except that a  
4 licensed wholesale dealer may buy from another licensed  
5 wholesale dealer. It is unlawful for any licensed wholesale  
6 dealer to buy saltwater products designated as "restricted  
7 species" from any person, firm, or corporation not possessing  
8 a restricted species endorsement on his or her saltwater  
9 products license under the provisions of this section, except  
10 that a licensed wholesale dealer may buy from another licensed  
11 wholesale dealer. The commission ~~Department of Environmental~~  
12 ~~Protection~~ shall be the licensing agency, may contract with  
13 private persons or entities to implement aspects of the  
14 licensing program, and shall establish by rule a marine  
15 fisheries information system in conjunction with the licensing  
16 program to gather fisheries data.

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

22 (c) A saltwater products license is required to  
23 harvest commercial quantities of saltwater products. Any  
24 vessel from which commercial quantities of saltwater products  
25 are harvested must have a commercial vessel registration.  
26 Commercial quantities of saltwater products shall be defined  
27 as:

28 1. With respect to those species for which no bag  
29 limit has been established, more than 100 pounds per person  
30 per day, provided that the harvesting of two fish or less per  
31

1 person per day shall not be considered commercial quantities  
2 regardless of aggregate weight; and

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

6 (d)1. In addition to the saltwater products license, a  
7 marine life fishing endorsement is required for the harvest of  
8 marine life species as defined by rule of the Fish and  
9 Wildlife Conservation ~~Marine Fisheries~~ Commission. This  
10 endorsement may be issued only to a person who is at least 16  
11 years of age or older or to a corporation holding a valid  
12 restricted species endorsement.

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

17 b. In 1998 persons or corporations holding a marine  
18 life endorsement that was active in the 1997-1998 fiscal year  
19 or an immediate family member of that person must request  
20 renewal of the marine life endorsement before December 31,  
21 1998.

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

26 d. If a person or corporation holding an active marine  
27 life fishing endorsement or a member of that person's  
28 immediate family does not request renewal of the endorsement  
29 before the applicable dates specified in this paragraph, the  
30 commission ~~department~~ shall deactivate that marine life  
31 fishing endorsement.

1 e. In the event of the death or disability of a person  
2 holding an active marine life fishing endorsement, the  
3 endorsement may be transferred by the person to a member of  
4 his or her immediate family or may be renewed by any person so  
5 designated by the executor of the person's estate.

6 f. Persons or corporations who hold saltwater product  
7 licenses with marine life fishing endorsements issued to their  
8 vessel registration numbers and who subsequently replace their  
9 existing vessels with new vessels may transfer the existing  
10 marine life fishing endorsement to the new boat registration  
11 numbers.

12 g. Persons or corporations who hold saltwater product  
13 licenses with marine life fishing endorsements issued to their  
14 name and who subsequently incorporate or unincorporate may  
15 transfer the existing marine life fishing endorsement to the  
16 new corporation or person.

17 h. By July 1, 2000, the Fish and Wildlife Conservation  
18 ~~Marine Fisheries~~ Commission shall prepare a report regarding  
19 options for the establishment of a limited-entry program for  
20 the marine life fishery and submit the report to the Governor,  
21 the President of the Senate, the Speaker of the House of  
22 Representatives, and the chairs of the Senate and House  
23 committees having jurisdiction over marine resources.

24 3. The fee for a marine life fishery endorsement on a  
25 saltwater products license shall be \$75. These license fees  
26 shall be collected and deposited in the Marine Resources  
27 Conservation Trust Fund and used for the purchase and  
28 installation of vessel mooring buoys at coral reef sites and  
29 for research related to marine fisheries.

30 (3) NET LICENSES.--Except for cast nets and bait  
31 seines which are 100 feet in length or less and which have a

1 mesh that is 3/8 inch or less, all nets used to take  
2 finfish, including, but not limited to, gill nets, trammel  
3 nets, and beach seines, must be licensed or registered. Each  
4 net used to take finfish for commercial purposes, or by a  
5 nonresident, must be licensed under a saltwater products  
6 license issued pursuant to subsection (2) and must bear the  
7 number of such license. A noncommercial resident net  
8 registration must be issued to each net used to take finfish  
9 for noncommercial purposes and may only be issued to residents  
10 of the state. Each net so registered must bear the name of the  
11 person in whose name the net is registered.

12 (4) SPECIAL ACTIVITY LICENSES.--

13 (a) A special activity license is required for any  
14 person to use gear or equipment not authorized in this chapter  
15 or rule of the Fish and Wildlife Conservation ~~Marine Fisheries~~  
16 Commission for harvesting saltwater species. In accordance  
17 with this chapter, s. 16, Art. X of the State Constitution,  
18 and rules of the Fish and Wildlife Conservation ~~Marine~~  
19 ~~Fisheries~~ Commission, the commission ~~department~~ may issue  
20 special activity licenses for the use of nonconforming gear or  
21 equipment, including, but not limited to, trawls, seines and  
22 entangling nets, traps, and hook and line gear, to be used in  
23 harvesting saltwater species for scientific and governmental  
24 purposes, and, where allowable, for innovative fisheries. The  
25 commission ~~department~~ may prescribe by rule application  
26 requirements and terms, conditions, and restrictions to be  
27 incorporated into each special activity license. This  
28 subsection does not apply to gear or equipment used by  
29 certified marine aquaculturists to harvest marine aquaculture  
30 products.

31

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

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

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

28           (e) The commission ~~department~~ is authorized to issue  
29 special activity licenses in accordance with ss. 370.071,  
30 370.101, and this section; aquaculture permit consolidation  
31 procedures in s. 370.26(3)(a); and rules of the Fish and



1 Wildlife Conservation ~~Marine Fisheries~~ Commission to permit  
2 the capture and possession of saltwater species protected by  
3 law and used as stock for artificial cultivation and  
4 propagation.

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

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

13 (a) For purposes of this section, the following  
14 definitions shall apply:

15 1. "Person" means an individual.

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

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

20 b. Established a domicile in this state and evidenced  
21 that domicile as provided in s. 222.17.

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

29 (c) Any person wishing to obtain an Apalachicola Bay  
30 oyster harvesting license shall submit an annual fee for the  
31 license during a 45-day period from May 17 to June 30 of each

1 year preceding the license year for which the license is  
2 valid. Failure to pay the annual fee within the required time  
3 period shall result in a \$500 late fee being imposed before  
4 issuance of the license.

5 (d) The Fish and Wildlife Conservation Commission  
6 ~~department~~ shall collect an annual fee of \$100 from residents  
7 and \$500 from nonresidents for the issuance of an Apalachicola  
8 Bay oyster harvesting license. The license year shall begin on  
9 July 1 of each year and end on June 30 of the following year.  
10 The license shall be valid only for the licensee. Only bona  
11 fide residents of Florida may obtain a resident license  
12 pursuant to this subsection.

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

27 (f) Each person, while harvesting oysters in  
28 Apalachicola Bay, shall have in possession a valid  
29 Apalachicola Bay oyster harvesting license, or proof of having  
30 applied for a license within the required time period, and  
31

1 shall produce such license or proof of application upon  
2 request of any law enforcement officer.

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

11 (h) Any person holding an Apalachicola Bay oyster  
12 harvesting license shall receive credit for the license fee  
13 against the saltwater products license fee.

14 (i) The proceeds from Apalachicola Bay oyster  
15 harvesting license fees shall be deposited in the Marine  
16 Resources Conservation Trust Fund and, less reasonable  
17 administrative costs, shall be used or distributed by the  
18 commission ~~department~~ for the following purposes in  
19 Apalachicola Bay:

- 20 1. Relaying and transplanting live oysters.
- 21 2. Shell planting to construct or rehabilitate oyster  
22 bars.
- 23 3. Education programs for licensed oyster harvesters  
24 on oyster biology, aquaculture, boating and water safety,  
25 sanitation, resource conservation, small business management,  
26 marketing, and other relevant subjects.
- 27 4. Research directed toward the enhancement of oyster  
28 production in the bay and the water management needs of the  
29 bay.

30 (j) Any person who violates any of the provisions of  
31 paragraphs (b) and (d)-(g) commits a misdemeanor of the second

1 degree, punishable as provided in ss. 775.082 and 775.083.  
2 Nothing in this subsection shall limit the application of  
3 existing penalties.

4 (6) LICENSE YEAR.--The license year on all licenses  
5 relating to saltwater products dealers, seafood dealers,  
6 aliens, residents, and nonresidents, unless otherwise  
7 provided, shall begin on July 1 of each year and end on June  
8 30 of the next succeeding year. All licenses shall be so  
9 dated. However, if the commission ~~department~~ determines that  
10 it is in the best interest of the state to issue a license  
11 required under this chapter to an individual on the birthday  
12 of the applicant, the commission ~~department~~ may establish by  
13 rule a procedure to do so. This section does not apply to  
14 licenses and permits when their use is confined to an open  
15 season.

16 (7) LICENSES SUBJECT TO INSPECTION; NONTRANSFERABLE;  
17 EXCEPTION.--Licenses of every kind and nature granted under  
18 the provisions of the fish and game laws of this state are at  
19 all times subject to inspection by the police officers of this  
20 state and,~~the wildlife~~ officers of the Fish and Wildlife  
21 Conservation Game and Fresh Water Fish Commission,~~and the~~  
22 ~~officers of the Marine Patrol~~. Such licenses are not  
23 transferable unless otherwise provided by law.

24 (8) COLLECTION OF LICENSES, FEES.--Unless otherwise  
25 provided by law, all license taxes or fees provided for in  
26 this chapter shall be collected by the commission ~~department~~  
27 or its duly authorized agents or deputies to be deposited by  
28 the Comptroller in the Marine Resources Conservation Trust  
29 Fund. The commission ~~department~~ may by rule establish a  
30 reasonable processing fee for any free license or permit  
31 required under this chapter.

1           Section 73. Section 370.0605, Florida Statutes, 1998  
2 Supplement, is amended to read:

3           370.0605 Saltwater fishing license required; fees.--

4           (1)(a) No person, except as provided in this section,  
5 may take, attempt to take, or possess any marine fish for  
6 noncommercial purposes unless the person has been issued an  
7 authorization, or has obtained a license pursuant to paragraph  
8 (2)(a) and any required permits under ss. 370.1111 and 370.14,  
9 nor may any person operate any vessel wherein a fee is paid  
10 either directly or indirectly for the purpose of taking,  
11 attempting to take, or possessing any marine fish for  
12 noncommercial purposes, unless he or she has been issued an  
13 authorization or has obtained a license for each vessel for  
14 that purpose and has paid the license fee pursuant to  
15 subparagraphs (2)(b)1. and 2. for such vessel. One-year  
16 licenses must be dated when issued and remain valid for 12  
17 months after the date of issuance. Each license must bear on  
18 its face, in indelible ink, the name of the person to whom it  
19 is issued and other information required by the commission  
20 ~~department~~, and, if the license is issued to the owner,  
21 operator, or custodian of a vessel, the vessel registration  
22 number or federal documentation number must be included.  
23 Licenses, permits, and authorizations are not transferable.

24           (b) Any required license, permit, or authorization  
25 must be in the personal possession of the person taking,  
26 attempting to take, or possessing marine fish or in the  
27 possession of the person operating any vessel wherein a fee is  
28 paid, either directly or indirectly, for the purpose of taking  
29 or attempting to take marine fish for noncommercial purposes  
30 and must be exhibited to any authorized law enforcement  
31

1 officer upon his or her request. A positive form of  
2 identification is required when using an authorization.

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

7 2. A resident 5-year license which was purchased by a  
8 resident of this state who subsequently resides in another  
9 state will be honored for activities authorized by the  
10 license.

11 3. A positive form of identification is required when  
12 using a 5-year license.

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

14 (a)1. For a resident of the state, \$12 for a 1-year  
15 license.

16 2. For a resident of the state, \$60 for 5 consecutive  
17 years from the date of purchase.

18 3. For a nonresident of the state, \$5 for a 3-day  
19 license, \$15 for a 7-day license, and \$30 for a 1-year  
20 license.

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

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

28 2. For any person who operates any vessel licensed to  
29 carry no more than 10 customers, or for any person licensed to  
30 operate any vessel carrying 6 or fewer customers, wherein a  
31 fee is paid, either directly or indirectly, for the purpose of

1 taking or attempting to take marine fish, \$400 per year;  
2 provided any person licensed to operate any vessel carrying 6  
3 or fewer customers but who operates a vessel carrying 4 or  
4 fewer customers, wherein a fee is paid, either directly or  
5 indirectly, for such purposes, \$200 per year. The license must  
6 be kept aboard the vessel at all times.

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

13 4. For any pier fixed to the land for the purpose of  
14 taking or attempting to take marine fish therefrom, \$500 per  
15 year. Owners, operators, or custodians of piers have the  
16 discretion to buy the annual \$500 license. Those who elect to  
17 purchase such license must have the license available for  
18 inspection at all times.

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

29 (c) The commission ~~department~~ is authorized to reduce  
30 the fees for licenses under this section for residents of  
31

1 those states with which the commission ~~department~~ has entered  
2 into reciprocal agreements with respect to such fees.

3 (d) License fees paid pursuant to this subsection are  
4 nonrefundable and may not be used as credit toward any other  
5 license fee required by this chapter. No other license fee  
6 paid pursuant to this chapter shall be used as credit towards  
7 the license fees required by this subsection. The owner,  
8 operator, or custodian of a vessel the operator of which has  
9 been licensed pursuant to subsection (1) must maintain and  
10 report such statistical data as required by, and in a manner  
11 set forth in, the rules of the commission ~~department~~.

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

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

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

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

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

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

21 (f) Any resident who is a member of the Armed Forces  
22 of the United States, who is not stationed in this state, when  
23 fishing while home on leave for 30 days or less, upon  
24 submission of orders.

25 (g) Any person who has been accepted by the Department  
26 of Health and Rehabilitative Services for developmental  
27 services or any licensed provider of services to the State of  
28 Florida through contract with the Department of Health and  
29 Rehabilitative Services, where such service involves the need,  
30 normally, for possession of a saltwater fishing license and  
31 such service is provided as part of a court-decided



1 rehabilitation program involving training in Florida's aquatic  
2 resources.

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

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

7 (j) Any Florida resident who is fishing for mullet in  
8 fresh water and has a valid Florida freshwater fishing  
9 license.

10 (k) Any Florida resident fishing for a saltwater  
11 species in fresh water from land or from a structure fixed to  
12 the land.

13 (4) A saltwater fishing license must be issued,  
14 without license fee, to any resident who is certified to be  
15 totally and permanently disabled by the verified written  
16 statement which is based upon the criteria for permanent total  
17 disability in chapter 440 of a physician licensed in this  
18 state, by any branch of the United States Armed Services, by  
19 the Social Security Administration, or by the United States  
20 Department of Veterans Affairs or its predecessor or who holds  
21 a valid identification card issued by the Department of  
22 Veterans' Affairs pursuant to s. 295.17. A Disability Award  
23 Notice issued by the United States Social Security  
24 Administration is not sufficient certification for obtaining a  
25 permanent fishing license under this section unless the notice  
26 certifies a resident is totally and permanently disabled. Any  
27 license issued after January 1, 1997, expires after 5 years  
28 and must be reissued, upon request, every 5 years thereafter.

29 (5) The Fish and Wildlife Conservation ~~Game and~~  
30 ~~Freshwater Fish~~ Commission may issue temporary fishing  
31 licenses, upon request, to governmental or nonprofit

1 organizations that sponsor 1-day special events in fishing  
2 management areas for individuals with physical, mental, or  
3 emotional disabilities, or for the economically disadvantaged.  
4 There shall be no fee for such temporary license. The  
5 temporary license shall be valid for 1 day and shall designate  
6 the date and maximum number of individuals.

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

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

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

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

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

31

1 Wildlife Conservation Game and Freshwater Fish Commission, as  
2 to the numbers of the unissued stamps.

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

13 ~~(7)(a) Each county tax collector, as issuing agent for~~  
14 ~~the department, shall submit to the department by January 31,~~  
15 ~~1997, a report of the sale of, and payment for, all licenses~~  
16 ~~and permits sold between June 1, 1996, and December 31, 1996.~~

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

1 ~~stamps distributed by him or her to subagents, sold by him or~~  
2 ~~her, or reported by him or her as lost.~~

3 ~~(7)(a) Each county tax collector, as issuing agent for~~  
4 ~~the department, shall submit to the department by January 31,~~  
5 ~~1997, a report of the sale of, and payment for, all licenses~~  
6 ~~and permits sold between June 1, 1996, and December 31, 1996.~~

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

23 ~~(7)(8)~~ A person may not alter or change in any manner,  
24 or loan or transfer to another, any license issued pursuant to  
25 this section, nor may any person other than the person to whom  
26 it is issued use the license.

27 ~~(8)(9)~~ It is unlawful for any person to knowingly and  
28 willfully enter false information on, or allow or cause false  
29 information to be entered on or shown upon, any license issued  
30 pursuant to this section in order to avoid prosecution or to  
31

1 assist another to avoid prosecution or for any other wrongful  
2 purpose.

3 (9)~~(10)~~ The Fish and Wildlife Conservation department,  
4 ~~the Game and Fresh Water Fish Commission~~, or any other law  
5 enforcement agency may make any investigation necessary to  
6 secure information required to carry out and enforce this  
7 section.

8 (10)~~(11)~~ It is unlawful for any person to make, forge,  
9 counterfeit, or reproduce a saltwater fishing license unless  
10 authorized by the commission department. It is unlawful for  
11 any person knowingly to have in his or her possession a  
12 forged, counterfeit, or imitation of such license, unless  
13 possession by such person has been fully authorized by the  
14 commission department. Any person who violates this  
15 subsection is guilty of a felony of the third degree,  
16 punishable as provided in s. 775.082, s. 775.083, or s.  
17 775.084.

18 (11)~~(12)~~(a) Any person cited for a violation of the  
19 license requirements of subsection (1) or the stamp  
20 requirements of s. 370.1111(1)(a) or s. 370.14(11)(a) is  
21 guilty of a noncriminal infraction, shall be cited for such an  
22 infraction, and shall be cited to appear before the county  
23 court. The civil penalty for any such infraction is \$50, in  
24 addition to the cost of the amount of the annual license fee  
25 or stamp involved in the infraction, except as otherwise  
26 provided in this section. The civil penalty for any other  
27 noncriminal infraction shall be \$50, except as otherwise  
28 provided in this section.

29 (b) Any person cited for an infraction under this  
30 section may:

31

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

3           2. Sign and accept a citation indicating a promise to  
4 appear before the county court.

5  
6 The officer may indicate on the citation the time and location  
7 of the scheduled hearing and shall indicate the applicable  
8 civil penalty.

9           (c) Any person who willfully refuses to post a bond or  
10 accept and sign a citation is guilty of a misdemeanor of the  
11 second degree, punishable as provided in s. 775.082 or s.  
12 775.083.

13           (d) Any person charged with a noncriminal infraction  
14 under this section may:

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

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

19  
20 If the person cited follows either procedure prescribed in  
21 this paragraph, he or she has admitted the infraction and  
22 waives his or her right to a hearing on the issue of  
23 commission of the infraction. Such admission may not be used  
24 as evidence in any other proceedings.

25           (e) Any person who elects to appear before the county  
26 court or who is required so to appear waives the limitations  
27 of the civil penalty specified in paragraph (a). The court,  
28 after a hearing, shall make a determination as to whether an  
29 infraction has been committed. If the commission of an  
30 infraction is proved, the court may impose a civil penalty not  
31 to exceed \$500.

1 (f) At a hearing under this subsection, the commission  
2 of a charged infraction must be proved beyond a reasonable  
3 doubt.

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

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

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

25 Section 74. Paragraph (a) of subsection (1) and  
26 subsections (3) and (8) of section 370.0615, Florida Statutes,  
27 are amended to read:

28 370.0615 Lifetime licenses.--

29 (1) A resident lifetime saltwater fishing license  
30 authorizes the holder to engage in the following noncommercial  
31 activities:

1 (a) To take or attempt to take or possess marine fish  
2 consistent with state and federal regulations and rules of the  
3 Fish and Wildlife Conservation ~~Department of Environmental~~  
4 ~~Protection or the Marine Fisheries~~ Commission.

5 (3) The Fish and Wildlife Conservation ~~Game and Fresh~~  
6 ~~Water Fish~~ Commission shall be the issuing agent for all  
7 lifetime licenses and all replacement lifetime licenses, and  
8 is authorized to collect the fees therefor.

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

14 Section 75. Section 370.062, Florida Statutes, 1998  
15 Supplement, is amended to read:

16 370.062 Fish and Wildlife Conservation Commission  
17 ~~Department of Environmental Protection~~ license program for  
18 tarpon; fees; penalties.--

19 (1) The Fish and Wildlife Conservation Commission  
20 ~~Department of Environmental Protection~~ shall establish a  
21 license program for the purpose of issuing tags to individuals  
22 desiring to harvest tarpon (*megalops atlantica*) from the  
23 waters of the State of Florida. The tags shall be  
24 nontransferable, except that the ~~Marine Fisheries~~ commission  
25 may allow for a limited number of tags to be purchased by  
26 professional fishing guides for transfer to individuals, and  
27 issued by the commission ~~department~~ in order of receipt of a  
28 properly completed application for a nonrefundable fee of \$50  
29 per tag. The ~~Game and Fresh Water Fish~~ commission and any tax  
30 collector may sell the tags and collect the fees therefor.  
31 Tarpon tags are valid from July 1 through June 30. Before



1 August 5 of each year, each tax collector shall submit to the  
2 ~~Game and Fresh Water Fish~~ commission all unissued tags for the  
3 previous calendar year along with a written audit report, on  
4 forms prescribed or approved by the ~~Game and Fresh Water Fish~~  
5 commission, as to the numbers of the unissued tags. To defray  
6 the cost of issuing any tag, the issuing tax collector shall  
7 collect and retain as his or her costs, in addition to the tag  
8 fee collected, the amount allowed under s. 372.561(4) for the  
9 issuance of licenses.

10 (2) The number of tags to be issued shall be  
11 determined by rule of the ~~Marine Fisheries~~ commission. The  
12 commission shall in no way allow the issuance of tarpon tags  
13 to adversely affect the tarpon population.

14 (3) Proceeds from the sale of tarpon tags shall be  
15 deposited in the Marine Resources Conservation Trust Fund and  
16 shall be used to gather information directly applicable to  
17 tarpon management.

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

30 (5) Any individual including a taxidermist who  
31 possesses a tarpon which does not have a tag securely attached

1 as required by this section shall be subject to penalties as  
2 prescribed in s. 370.021. Provided, however, a taxidermist may  
3 remove the tag during the process of mounting a tarpon. The  
4 removed tag shall remain with the fish during any subsequent  
5 storage or shipment.

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

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

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

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

24 Section 76. Section 370.063, Florida Statutes, is  
25 amended to read:

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

31

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

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

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

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

30           (5) The Fish and Wildlife Conservation Commission  
31 ~~Department of Environmental Protection~~ shall issue special

1 recreational crawfish licenses ~~beginning in 1994 for the~~  
2 ~~1994-1995 license year~~. The fee for each such license is \$100  
3 per year. Each license issued in any 1994 ~~for the 1994-1995~~  
4 license year must be renewed by June 30 of each subsequent  
5 year by the initial individual holder thereof. Noncompliance  
6 with the reporting requirement in subsection (4) or with the  
7 special recreational bag limit established under subsection  
8 (6) constitutes grounds for which the commission ~~department~~  
9 may refuse to renew the license for a subsequent license year.  
10 The number of such licenses outstanding in any one license  
11 year may not exceed the number issued for the 1994-1995  
12 license year. A license is not transferable by any method.  
13 Licenses that are not renewed expire and may be reissued by  
14 the commission in the subsequent ~~department beginning in the~~  
15 ~~1995-1996~~ license year to new applicants otherwise qualified  
16 under this section.

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

27 (7) The proceeds of the fees collected under this  
28 section must be deposited in the Marine Resources Conservation  
29 Trust Fund and used as follows:  
30  
31

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

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

7 ~~(c) Twenty percent to be used by the Marine Fisheries~~  
8 ~~Commission for the purposes of this section.~~

9 (8) The Fish and Wildlife Conservation Commission  
10 ~~Department of Environmental Protection~~ may adopt rules to  
11 carry out the purpose and intent of the special recreational  
12 lobster license program.

13 Section 77. Subsection (2) of section 370.0805,  
14 Florida Statutes, 1998 Supplement, is amended to read:

15 370.0805 Net ban assistance program.--

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

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

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

30  
31

1           Section 78. Subsection (3) and paragraphs (e) and (h)  
2 of subsection (4) of section 370.081, Florida Statutes, 1998  
3 Supplement, is amended to read:

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

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

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

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

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

1           Section 79. Subsections (3), (4), and (5) of section  
2 370.092, Florida Statutes, 1998 Supplement, are amended to  
3 read:

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

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

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

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

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

6 Section 80. Paragraph (a) of subsection (2) and  
7 subsection (6) of section 370.093, Florida Statutes, 1998  
8 Supplement, are amended to read:

9 370.093 Illegal use of nets.--

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

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

25 Section 81. Section 370.1107, Florida Statutes, is  
26 amended to read:

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

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



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

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

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

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

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

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

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

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

4 Section 82. Section 370.1111, Florida Statutes, is  
5 amended to read:

6 370.1111 Snook; regulation.--

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

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

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

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

31

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

3 Section 83. Section 370.12, Florida Statutes, 1998  
4 Supplement, is amended to read:

5 370.12 Marine animals; regulation.--

6 (1) PROTECTION OF MARINE TURTLES.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (e) The Department of Environmental Protection may  
21 condition the nature, timing, and sequence of construction of  
22 permitted activities to provide protection to nesting marine  
23 turtles and hatchlings and their habitat pursuant to the  
24 provisions of s. 161.053(5). When the department is  
25 considering a permit for a beach restoration, beach  
26 renourishment, or inlet sand transfer project and the  
27 applicant has had an active marine turtle nest relocation  
28 program or the applicant has agreed to and has the ability to  
29 administer a program, the department must not restrict the  
30 timing of the project. Where appropriate, the department, in  
31 accordance 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 (f) The Department of Environmental Protection shall  
10 recommend denial of a permit application if the activity would  
11 result in a "take" as defined in this subsection, unless, as  
12 provided for in the federal Endangered Species Act and its  
13 implementing regulations, such taking is incidental to, and  
14 not the purpose of, the carrying out of an otherwise lawful  
15 activity.

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

1 and monitoring activities shall be conducted in a manner that  
2 ensures successful hatching. This limitation on the  
3 department's authority applies only on the Atlantic coast of  
4 Florida.

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

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

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

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

30 (c) Whenever the Fish and Wildlife Conservation  
31 Commission ~~department~~ is satisfied that the interest of

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

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

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



1 contract, or chattel mortgage on such vehicles, vessels,  
2 equipment, or supplies if such lien, retain title contract, or  
3 chattel mortgage is property of public record at the time of  
4 the seizure.

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

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

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

25 3. In Indian River County: the discharge canals of the  
26 Vero Beach Municipal Power Plant and connecting waters within  
27 1 1/4 miles thereof.

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

31

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

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

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

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

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

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

28           11. In Collier County: within the Port of Islands,  
29 within section 9, township 52 south, range 28 east, and  
30 certain unsurveyed lands, all east-west canals and the  
31 north-south canals to the southerly extent of the intersecting

1 east-west canals which lie southerly of the centerline of U.S.  
2 Highway 41.

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

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

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

31

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

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

28           (j) It is the intent of the Legislature through  
29 adoption of this paragraph to allow the Fish and Wildlife  
30 Conservation Commission ~~Department of Environmental Protection~~  
31 to post and regulate boat speeds only where manatee sightings

1 are frequent and it can be generally assumed that they inhabit  
2 these areas on a regular or continuous basis. It is not the  
3 intent of the Legislature to permit the commission ~~department~~  
4 to post and regulate boat speeds generally in the  
5 above-described inlets, bays, rivers, creeks, thereby unduly  
6 interfering with the rights of fishers, boaters, and water  
7 skiers using the areas for recreational and commercial  
8 purposes. Limited lanes or corridors providing for reasonable  
9 motorboat speeds may be identified and designated within these  
10 areas.

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

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

27 2. A triangle-shaped body of water forming a cove  
28 (commonly referred to as Manatee Cove) on the east side of the  
29 Banana River, with northern boundaries beginning and running  
30 parallel to the east-west cement bulkhead located 870 feet  
31 south of SR 520 Relief Bridge in Cocoa Beach and with western

1 boundaries running in line with the City of Cocoa Beach  
2 channel markers 121 and 127 and all waters east of these  
3 boundaries in section 34, township 24 south, range 37 east;  
4 the center coordinates of this cove are 28°20'14" north,  
5 80°35'17" west.

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

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

22 (n) The commission ~~department~~ may designate by rule  
23 other portions of state waters where manatees are frequently  
24 sighted and it can be assumed that manatees inhabit such  
25 waters periodically or continuously. Upon designation of such  
26 waters, the commission ~~department~~ shall adopt rules to  
27 regulate motorboat speed and operation which are necessary to  
28 protect manatees from harmful collisions with motorboats and  
29 from harassment. The commission ~~department~~ may adopt rules to  
30 protect manatee habitat, such as seagrass beds, within such  
31 waters from destruction by boats or other human activity.

1 Such rules shall not protect noxious aquatic plants subject to  
2 control under s. 369.20.

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

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

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

- 1           5. A representative of the Save the Manatee Club;  
2           6. A local fisher; and  
3           7. An affected property owner. ~~and~~  
4           8. ~~A representative of the Florida Marine Patrol.~~

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

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

15           1. Adopt rules requiring use of fenders for  
16 construction of future bulkheads or wharves; and

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

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

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



1 provided in s. 327.73(3), be guilty of a misdemeanor of the  
2 second degree, punishable as provided in s. 775.082 or s.  
3 775.083.

4 (s) Except as otherwise provided in this paragraph,  
5 any person violating the provisions of this subsection or any  
6 rule or ordinance adopted pursuant to this subsection shall be  
7 guilty of a misdemeanor, punishable as provided in s.  
8 370.021(1)(a) or (b)~~s. 370.021(2)(a) or (b)~~.

9 1. Any person operating a vessel in excess of a posted  
10 speed limit shall be guilty of a civil infraction, punishable  
11 as provided in s. 327.73, except as provided in subparagraph  
12 2.

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

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

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

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

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

23 (b) Each fiscal year moneys in the Save the Manatee  
24 Trust Fund shall also be used, pursuant to s. 327.28(1)(b), to  
25 reimburse the cost of activities related to manatee  
26 rehabilitation by facilities that rescue, rehabilitate, and  
27 release manatees as authorized pursuant to the Fish and  
28 Wildlife Service of the United States Department of the  
29 Interior. Such facilities must be involved in the actual  
30 rescue and full-time acute care veterinarian-based  
31 rehabilitation of manatees. The cost of activities includes,

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

30 (c) By December 1 each year, the Fish and Wildlife  
31 Conservation Commission ~~Department of Environmental Protection~~

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

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

11 Section 84. Subsection (1) of section 370.13, Florida  
12 Statutes, 1998 Supplement, is amended to read:

13 370.13 Stone crab; regulation.--

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

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

25 Section 85. Section 370.14, Florida Statutes, 1998  
26 Supplement, is amended to read:

27 370.14 Crawfish; regulation.--

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

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

3           (2)(a) Each trap used for taking or attempting to take  
4 crawfish must have a trap number permanently attached to the  
5 trap and the buoy. This trap number may be issued by the Fish  
6 and Wildlife Conservation Commission ~~Division of Law~~  
7 ~~Enforcement~~ upon the receipt of application by the owner of  
8 the traps and accompanied by the payment of a fee of \$100. The  
9 design of the applications and of the trap number shall be  
10 determined by the commission division. However, effective July  
11 1, 1988, and until July 1, 1992, no crawfish trap numbers  
12 issued pursuant to this section except those numbers that were  
13 active during the 1990-1991 fiscal year shall be renewed or  
14 reissued. No new trap numbers shall be issued during this  
15 period. Until July 1, 1992, trap number holders or members of  
16 their immediate family or a person to whom the trap number was  
17 transferred in writing must request renewal of the number  
18 prior to June 30 of each year. If a person holding an active  
19 trap number or a member of the person's immediate family or a  
20 person to whom the trap number was transferred in writing does  
21 not request renewal of the number before the applicable date  
22 as specified above, the commission ~~department~~ may reissue the  
23 number to another applicant in the order of the receipt of the  
24 application for a trap number. Any trap or device used in  
25 taking or attempting to take crawfish, other than a trap with  
26 the trap number attached as prescribed in this paragraph,  
27 shall be seized and destroyed by the commission division. The  
28 proceeds of the fees imposed by this paragraph shall be  
29 deposited and used as provided in paragraph (b). The  
30 commission ~~Department of Environmental Protection~~ is  
31

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

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

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

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

11 (3) The crawfish license must be on board the boat,  
12 and both the license and the harvested crawfish shall be  
13 subject to inspection at all times. Only one license shall be  
14 issued for each boat. The crawfish license number must be  
15 prominently displayed above the topmost portion of the boat so  
16 as to be easily and readily identified.

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

21 (5) Any crawfish licenseholder, upon selling licensed  
22 crawfish traps, shall furnish the commission ~~division~~ notice  
23 of such sale of all or part of his or her interest within 15  
24 days thereof. Any holder of said license shall also notify  
25 the commission ~~division~~ within 15 days if his or her address  
26 no longer conforms to the address appearing on the license and  
27 shall, as a part of such notification, furnish the commission  
28 ~~division~~ with his or her new address.

29 (6) A person who takes more crawfish per boat or per  
30 person than that number set therefor by rule of the Fish and  
31 Wildlife Conservation ~~Marine Fisheries~~ Commission for

1 recreational harvesters within any 24-hour period by any  
2 method other than with traps or similar devices must also pay  
3 a fee of \$100 and obtain a trap number to be displayed on his  
4 or her boat.

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

11 (b) The licensed seafood dealer importing any such  
12 crawfish under the permit shall, 12 hours prior to the time  
13 the seagoing vessel or airplane delivering such imported  
14 crawfish enters the state, notify the commission ~~Division of~~  
15 ~~Law Enforcement~~ as to the seagoing vessel's name or the  
16 airplane's registration number and its captain, location, and  
17 point of destination.

18 (c) At the time the crawfish cargo is delivered to the  
19 permitholder's place of business, the crawfish cargo shall be  
20 weighed and shall be available for inspection by the  
21 commission ~~Department of Environmental Protection~~. A signed  
22 receipt of such quantity in pounds shall be forwarded to the  
23 commission ~~Division of Law Enforcement's local Florida Marine~~  
24 ~~Patrol office~~ within 48 hours after shipment weigh-in  
25 completion. If requested by the commission ~~department~~, the  
26 weigh-in process will be delayed up to 4 hours to allow for a  
27 commission ~~department~~ representative to be present during the  
28 process.

29 (d) Within 48 hours after shipment weigh-in  
30 completion, the permitholder shall submit to the commission  
31 ~~Division of Law Enforcement~~, on forms provided by the

1 commission ~~division~~, a sworn report of the quantity in pounds  
2 of the saltwater crawfish received, which report shall include  
3 the location of said crawfish and a sworn statement that said  
4 crawfish were taken at least 50 miles from Florida's  
5 shoreline. The landing of crawfish or crawfish tails from  
6 which the eggs, swimmerettes, or pleopods have been removed;  
7 the falsification of information as to area from which  
8 crawfish were obtained; or the failure to file the report  
9 called for in this section shall be grounds to revoke the  
10 permit.

11 (e) Each permitholder shall keep throughout the period  
12 of the closed season copies of the bill of sale or invoices  
13 covering each transaction involving crawfish imported under  
14 this permit. Such invoices and bills shall be kept available  
15 at all times for inspection by the commission ~~division~~.

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

20 (b) A special permit must be obtained by any airplane  
21 or seagoing vessel other than a common carrier used to  
22 transport saltwater crawfish or crawfish tails for purchase by  
23 licensed seafood dealers for purposes as provided herein upon  
24 the payment of \$50.

25 (c) All special permits issued under this subsection  
26 are nontransferable.

27 (9) No common carrier or employee of said carrier may  
28 carry, knowingly receive for carriage, or permit the carriage  
29 of any crawfish of the species *Panulirus argus*, regardless of  
30 where taken, during the closed season, except of the species  
31 *Panulirus argus* lawfully imported from a foreign country for



1 reshipment outside of the territorial limits of the state  
2 under United States Customs bond or in accordance with (7)(a)  
3 ~~paragraph (8)(a)~~.

4 (10)(a) In addition to licenses required by s.  
5 370.0605, any person who takes and possesses any crawfish for  
6 recreational purposes from any waters of the state must have a  
7 crawfish permit. The permit remains valid for 12 months after  
8 the date of issuance. The cost of each crawfish permit shall  
9 be \$2. Each crawfish permit issued pursuant to this section  
10 shall be valid only during the times established by law for  
11 the taking of crawfish. The Fish and Wildlife Conservation  
12 ~~Game and Fresh Water Fish~~ Commission, any tax collector, or  
13 any subagent may sell the permit and collect the fees  
14 therefor.

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

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

26 (11) The commission ~~department~~ may conduct  
27 competitions to periodically select a designer of the crawfish  
28 stamp. Also, the commission ~~department~~ may enhance revenues  
29 from the sale of crawfish stamps by issuing special editions  
30 for stamp collectors and other such special purposes.

31

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

5           Section 86. Subsection (2) of section 370.1405,  
6 Florida Statutes, 1998 Supplement, is amended to read:

7           370.1405 Crawfish reports by dealers during closed  
8 season required.--

9           (2) Failure to submit a report as described in  
10 subsection (1) or reporting a greater or lesser amount of  
11 whole crawfish, crawfish tails, or crawfish meat than is  
12 actually in the dealer's possession or name is a major  
13 violation of this chapter, punishable as provided in s.  
14 370.021(1)~~s. 370.021(2)~~, s. 370.07(6)(b), or both. The  
15 commission ~~department~~ shall seize the entire supply of  
16 unreported or falsely reported whole crawfish, crawfish tails,  
17 or crawfish meat, and shall carry the same before the court  
18 for disposal. The dealer shall post a cash bond in the amount  
19 of the fair value of the entire quantity of unreported or  
20 falsely reported crawfish as determined by the judge. After  
21 posting the cash bond, the dealer shall have 24 hours to  
22 transport said products outside the limits of Florida for sale  
23 as provided by s. 370.061. Otherwise, the product shall be  
24 declared a nuisance and disposed of by the commission  
25 ~~department~~ according to law.

26           Section 87. Section 370.142, Florida Statutes, 1998  
27 Supplement, is amended to read:

28           370.142 Spiny lobster trap certificate program.--

29           (1) INTENT.--Due to rapid growth, the spiny lobster  
30 fishery is experiencing increased congestion and conflict on  
31 the water, excessive mortality of undersized lobsters, a

1 declining yield per trap, and public concern over petroleum  
2 and debris pollution from existing traps. In an effort to  
3 solve these and related problems, the Legislature intends to  
4 develop pursuant to the provisions of this section a spiny  
5 lobster trap certificate program, the principal goal of which  
6 is to stabilize the fishery by reducing the total number of  
7 traps, which should increase the yield per trap and therefore  
8 maintain or increase overall catch levels. The Legislature  
9 seeks to preserve as much flexibility in the program as  
10 possible for the fishery's various constituents and ensure  
11 that any reduction in total trap numbers will be proportioned  
12 equally on a percentage basis among all users of traps in the  
13 fishery.

14 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;  
15 PENALTIES.--The Fish and Wildlife Conservation Commission  
16 ~~Department of Environmental Protection~~ shall establish a trap  
17 certificate program for the spiny lobster fishery of this  
18 state and shall be responsible for its administration and  
19 enforcement as follows:

20 (a) Transferable trap certificates.--Each holder of a  
21 saltwater products license who uses traps for taking or  
22 attempting to take spiny lobsters shall be required to have a  
23 certificate on record for each trap possessed or used  
24 therefor, except as otherwise provided in this section.

25 1. The Department of Environmental Protection shall  
26 initially allot such certificates to each licenseholder with a  
27 current crawfish trap number who uses traps. The number of  
28 such certificates allotted to each such licenseholder shall be  
29 based on the trap/catch coefficient established pursuant to  
30 trip ticket records generated under the provisions of s.  
31 370.06(2)(a) over a 3-year base period ending June 30, 1991.

1 The trap/catch coefficient shall be calculated by dividing the  
2 sum of the highest reported single license-year landings up to  
3 a maximum of 30,000 pounds for each such licenseholder during  
4 the base period by 700,000. Each such licenseholder shall then  
5 be allotted the number of certificates derived by dividing his  
6 or her highest reported single license-year landings up to a  
7 maximum of 30,000 pounds during the base period by the  
8 trap/catch coefficient. Nevertheless, no licenseholder with a  
9 current crawfish trap number shall be allotted fewer than 10  
10 certificates. However, certificates may only be issued to  
11 individuals; therefore, all licenseholders other than  
12 individual licenseholders shall designate the individual or  
13 individuals to whom their certificates will be allotted and  
14 the number thereof to each, if more than one. After initial  
15 issuance, trap certificates are transferable on a market basis  
16 and may be transferred from one licenseholder to another for a  
17 fair market value agreed upon between the transferor and  
18 transferee. Each such transfer shall, within 72 hours thereof,  
19 be recorded on a notarized form provided for that purpose by  
20 the Fish and Wildlife Conservation Commission ~~department~~ and  
21 hand delivered or sent by certified mail, return receipt  
22 requested, to the commission ~~department~~ for recordkeeping  
23 purposes. In addition, in order to cover the added  
24 administrative costs of the program and to recover an  
25 equitable natural resource rent for the people of the state, a  
26 transfer fee of \$2 per certificate transferred shall be  
27 assessed against the purchasing licenseholder and sent by  
28 money order or cashier's check with the certificate transfer  
29 form. Also, in addition to the transfer fee, a surcharge of \$5  
30 per certificate transferred or 25 percent of the actual market  
31 value, whichever is greater, given to the transferor shall be

1 assessed the first time a certificate is transferred outside  
2 the original transferor's immediate family. No transfer of a  
3 certificate shall be effective until the commission ~~department~~  
4 receives the notarized transfer form and the transfer fee,  
5 including any surcharge, is paid. The commission ~~department~~  
6 may establish by rule an amount of equitable rent per trap  
7 certificate that shall be recovered as partial compensation to  
8 the state for the enhanced access to its natural resources. In  
9 determining whether to establish such a rent and, if so, the  
10 amount thereof, the commission ~~department~~ shall consider the  
11 amount of revenues annually generated by certificate fees,  
12 transfer fees, surcharges, trap license fees, and sales taxes,  
13 the demonstrated fair market value of transferred  
14 certificates, and the continued economic viability of the  
15 commercial lobster industry. The proceeds of equitable rent  
16 recovered shall be deposited in the Marine Resources  
17 Conservation Trust Fund and used by the commission ~~department~~  
18 for research, management, and protection of the spiny lobster  
19 fishery and habitat.

20           2. No person, firm, corporation, or other business  
21 entity may control, directly or indirectly, more than 1.5  
22 percent of the total available certificates in any license  
23 year.

24           3. The commission ~~department~~ shall maintain records of  
25 all certificates and their transfers and shall annually  
26 provide each licenseholder with a statement of certificates  
27 held.

28           4. The number of trap tags issued annually to each  
29 licenseholder shall not exceed the number of certificates held  
30 by the licenseholder at the time of issuance, and such tags  
31

1 and a statement of certificates held shall be issued  
2 simultaneously.

3 5. Beginning July 1, 2003, and applicable to the  
4 2003-2004 lobster season and thereafter, it is unlawful for  
5 any person to lease lobster trap tags or certificates.

6 (b) Trap tags.--Each trap used to take or attempt to  
7 take spiny lobsters in state waters or adjacent federal waters  
8 shall, in addition to the crawfish trap number required by s.  
9 370.14(2), have affixed thereto an annual trap tag issued by  
10 the commission ~~department~~. Each such tag shall be made of  
11 durable plastic or similar material and shall, beginning with  
12 those tags issued for the 1993-1994 season based on the number  
13 of certificates held, have stamped thereon the owner's license  
14 number. To facilitate enforcement and recordkeeping, such tags  
15 shall be issued each year in a color different from that of  
16 each of the previous 3 years. A fee of 50 cents per tag issued  
17 other than on the basis of a certificate held shall be  
18 assessed through March 31, 1993. Until 1995, an annual fee of  
19 50 cents per certificate shall be assessed, and thereafter,  
20 until 1998, an annual fee of 75 cents per certificate shall be  
21 assessed upon issuance in order to recover administrative  
22 costs of the tags and the certificate program. Beginning in  
23 1998, the annual certificate fee shall be \$1 per certificate.  
24 Replacement tags for lost or damaged tags may be obtained as  
25 provided by rule of the commission ~~department~~.

26 (c) Prohibitions; penalties.--

27 1. It is unlawful for a person to possess or use a  
28 spiny lobster trap in or on state waters or adjacent federal  
29 waters without having affixed thereto the trap tag required by  
30 this section. It is unlawful for a person to possess or use  
31 any other gear or device designed to attract and enclose or

1 otherwise aid in the taking of spiny lobster by trapping that  
2 is not a trap as defined in rule 46-24.006(2), Florida  
3 Administrative Code.

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

7 3. In addition to any other penalties provided in s.  
8 370.021, a commercial harvester, as defined by rule  
9 46-24.002(1), Florida Administrative Code, who violates the  
10 provisions of this section, or the provisions relating to  
11 traps of chapter 46-24, Florida Administrative Code, shall be  
12 punished as follows:

13 a. If the first violation is for violation of  
14 subparagraph 1. or subparagraph 2., the commission ~~department~~  
15 shall assess an additional civil penalty of up to \$1,000 and  
16 the crawfish trap number issued pursuant to s. 370.14(2) or  
17 (7) may be suspended for the remainder of the current license  
18 year. For all other first violations, the commission  
19 ~~department~~ shall assess an additional civil penalty of up to  
20 \$500.

21 b. For a second violation of subparagraph 1. or  
22 subparagraph 2. which occurs within 24 months of any previous  
23 such violation, the commission ~~department~~ shall assess an  
24 additional civil penalty of up to \$2,000 and the crawfish trap  
25 number issued pursuant to s. 370.14(2) or (6) ~~(7)~~ may be  
26 suspended for the remainder of the current license year.

27 c. For a third or subsequent violation of subparagraph  
28 1. or subparagraph 2. which occurs within 36 months of any  
29 previous two such violations, the commission ~~department~~ shall  
30 assess an additional civil penalty of up to \$5,000 and may  
31 suspend the crawfish trap number issued pursuant to s.

1 370.14(2) or (6)~~(7)~~ for a period of up to 24 months or may  
2 revoke the crawfish trap number and, if revoking the crawfish  
3 trap number, may also proceed against the licenseholder's  
4 saltwater products license in accordance with the provisions  
5 of s. 370.021(2)(i)~~s. 370.021(2)(e)~~.

6 d. Any person assessed an additional civil penalty  
7 pursuant to this section shall within 30 calendar days after  
8 notification:

9 (I) Pay the civil penalty to the commission  
10 ~~department~~; or

11 (II) Request an administrative hearing pursuant to the  
12 provisions of s. 120.60.

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

17 4.a. It is unlawful for any person to make, alter,  
18 forge, counterfeit, or reproduce a spiny lobster trap tag or  
19 certificate.

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

23 c. It is unlawful for any person to barter, trade,  
24 sell, supply, agree to supply, aid in supplying, or give away  
25 a spiny lobster trap tag or certificate or to conspire to  
26 barter, trade, sell, supply, aid in supplying, or give away a  
27 spiny lobster trap tag or certificate unless such action is  
28 duly authorized by the commission ~~department~~ as provided in  
29 this chapter or in the rules of the commission ~~department~~.

30 5.a. Any person who violates the provisions of  
31 subparagraph 4., or any person who engages in the commercial



1 harvest, trapping, or possession of spiny lobster without a  
2 crawfish trap number as required by s. 370.14(2) or (6)~~(7)~~ or  
3 during any period while such crawfish trap number is under  
4 suspension or revocation, commits a felony of the third  
5 degree, punishable as provided in s. 775.082, s. 775.083, or  
6 s. 775.084.

7           b. In addition to any penalty imposed pursuant to  
8 sub-subparagraph a., the commission ~~department~~ shall levy a  
9 fine of up to twice the amount of the appropriate surcharge to  
10 be paid on the fair market value of the transferred  
11 certificates, as provided in subparagraph (a)1., on any person  
12 who violates the provisions of sub-subparagraph 4.c.

13           6. Any certificates for which the annual certificate  
14 fee is not paid for a period of 3 years shall be considered  
15 abandoned and shall revert to the commission ~~department~~.  
16 During any period of trap reduction, any certificates  
17 reverting to the commission ~~department~~ shall become  
18 permanently unavailable and be considered in that amount to be  
19 reduced during the next license-year period. Otherwise, any  
20 certificates that revert to the commission ~~department~~ are to  
21 be reallocated in such manner as provided by the commission  
22 ~~department~~.

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

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

29           (d) No vested rights.--The trap certificate program  
30 shall not create vested rights in licenseholders whatsoever  
31 and may be altered or terminated as necessary to protect the

1 spiny lobster resource, the participants in the fishery, or  
2 the public interest.

3 (3) TRAP REDUCTION.--The objective of the overall trap  
4 certificate program is to reduce the number of traps used in  
5 the spiny lobster fishery to the lowest number that will  
6 maintain or increase overall catch levels, promote economic  
7 efficiency in the fishery, and conserve natural resources.  
8 Therefore, the Marine Fisheries Commission shall set an  
9 overall trap reduction goal based on maintaining or maximizing  
10 a sustained harvest from the spiny lobster fishery. To reach  
11 that goal, the Marine Fisheries Commission shall, by July 1,  
12 1992, set an annual trap reduction schedule, not to exceed 10  
13 percent per year, applicable to all certificateholders until  
14 the overall trap reduction goal is reached. All  
15 certificateholders shall have their certificate holdings  
16 reduced by the same percentage of certificates each year  
17 according to the trap reduction schedule. Until July 1, 1999,  
18 the Department of Environmental Protection ~~department~~ shall  
19 ~~then~~ issue the number of trap tags authorized by the Marine  
20 Fisheries Commission ~~commission~~, as requested, and a revised  
21 statement of certificates held. Beginning July 1, 1999, the  
22 Fish and Wildlife Conservation Commission shall annually issue  
23 the number of trap tags authorized by the commission's  
24 schedule, as requested, and a revised statement of  
25 certificates held. Certificateholders may maintain or increase  
26 their total number of certificates held by purchasing  
27 available certificates from within the authorized total. The  
28 Fish and Wildlife Conservation Commission shall provide for an  
29 annual evaluation of the trap reduction process and shall  
30 suspend the annual percentage reductions for any period deemed  
31 necessary by the commission in order to assess the impact of

1 the trap reduction schedule on the fishery. The Fish and  
2 Wildlife Conservation Commission ~~commission~~ may then, by rule,  
3 resume, terminate, or reverse the schedule as it deems  
4 necessary to protect the spiny lobster resource and the  
5 participants in the fishery.

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

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

20 1.a. All appointed members shall be  
21 certificateholders, but two shall be holders of fewer than 100  
22 certificates, two shall be holders of at least 100 but no more  
23 than 750 certificates, three shall be holders of more than 750  
24 but not more than 2,000 certificates, and two shall be holders  
25 of more than 2,000 certificates.

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

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

31

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

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

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

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

31

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

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

14 (g) In addition to those certificates allotted  
15 pursuant to the provisions of subparagraph (2)(a)1., up to  
16 125,000 certificates may be allotted by the board to settle  
17 disputes or other problems arising from implementation of the  
18 trap certificate program during the 1992-1993 and 1993-1994  
19 license years. Any certificates not allotted by March 31,  
20 1994, shall become permanently unavailable and shall be  
21 considered as part of the 1994-1995 reduction schedule. All  
22 appeals for additional certificates or other disputes must be  
23 filed with the board before October 1, 1993.

24 (h) Any trap certificates issued by the Department of  
25 Environmental Protection as a result of the appeals process  
26 must be added to the existing number of trap certificates for  
27 the purposes of determining the total number of certificates  
28 from which the subsequent season's trap reduction is  
29 calculated.

30 (i) On and after July 1, 1994, the board shall no  
31 longer consider and advise the Fish and Wildlife Conservation

1 ~~Commission department~~ on disputes and other problems arising  
2 from implementation of the trap certificate program nor allot  
3 any certificates with respect thereto.

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

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

20 Section 88. Subsection (1), (2), and (6) of section  
21 370.1535, Florida Statutes, are amended to read:

22 370.1535 Regulation of shrimp fishing in Tampa Bay;  
23 licensing requirements.--

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

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

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

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

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

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

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

25 (6) Each person harvesting shrimp in Tampa Bay  
26 pursuant to the permit required by this section shall comply  
27 with all rules of the Fish and Wildlife Conservation ~~Marine~~  
28 ~~Fisheries~~ Commission regulating such harvest.

29 Section 89. Subsections (4) and (5) of section 370.17,  
30 Florida Statutes, are amended to read:

31 370.17 Sponges; regulation.--

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

21           (5) COOPERATION WITH UNITED STATES FISH AND WILDLIFE  
22 SERVICE.--The commission ~~department~~ shall cooperate with the  
23 United States Fish and Wildlife Service, under existing  
24 federal laws, rules and regulations, and is authorized to  
25 accept donations, grants and matching funds from said federal  
26 government under such conditions as are reasonable and proper,  
27 for the purposes of carrying out this chapter, and the  
28 commission ~~said department~~ is further authorized to accept any  
29 and all donations including funds and loan of vessels.

30           Section 90. Section 370.31, Florida Statutes, is  
31 amended to read:



1           370.31 Commercial production of sturgeon.--

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

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

15           (a) The head of the sturgeon research program or  
16 designee from the University of Florida, Institute of Food and  
17 Agricultural Sciences. Such member shall be appointed by the  
18 University of Florida's Vice President for Agricultural  
19 Affairs.

20           (b) One representative from the Department of  
21 Environmental Protection to be appointed by the Secretary of  
22 Environmental Protection.

23           (c) One representative from the Fish and Wildlife  
24 Conservation ~~Game and Fresh Water Fish~~ Commission to be  
25 appointed by the executive director of the ~~Game and Fresh~~  
26 ~~Water Fish~~ commission.

27           (d) One representative from the Department of  
28 Agriculture and Consumer Services to be appointed by the  
29 Commissioner of Agriculture.

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

1           (3) MEETINGS; PROCEDURES; RECORDS.--The working group  
2 shall meet at least twice a year and elect, by a quorum, a  
3 chair, vice chair, and secretary. However, the working group  
4 shall call its first meeting within 1 month after October 1,  
5 1996.

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

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

20           (c) A quorum shall consist of one representative from  
21 the Fish and Wildlife Conservation Commission ~~Department of~~  
22 ~~Environmental Protection~~, one representative from the  
23 Institute of Food and Agricultural Sciences, and at least two  
24 other members.

25           (4) PURPOSE AND RESPONSIBILITIES.--The purpose of the  
26 Sturgeon Production Working Group is to establish a state  
27 sturgeon aquaculture program to promote the commercial  
28 production and stock enhancement of sturgeon in Florida. In  
29 carrying out this purpose, the working group shall:

30           (a) Establish a state sturgeon aquaculture program to  
31 inform public or private interested parties of how to

- 1 aquaculturally produce sturgeon for commercial purposes and  
2 for stock enhancement. The program shall:
- 3 1. Determine how sturgeon can be produced commercially  
4 for its meat and roe in the state.
  - 5 2. Determine how sturgeon can be used for stock  
6 enhancement in areas designated by the Fish and Wildlife  
7 Conservation Commission ~~Department of Environmental Protection~~  
8 in consultation with the Sturgeon Production Working Group.
- 9 (b) Seek federal help and cooperation in obtaining the  
10 appropriate permits to establish the state sturgeon  
11 aquaculture program.
- 12 (c) Prepare a state sturgeon production and stock  
13 enhancement plan to implement the state sturgeon aquaculture  
14 program. The plan shall include, but not be limited to, the  
15 following:
- 16 1. Research needed to support the commercial  
17 production of sturgeon for meat and roe and stock enhancement  
18 in the state.
  - 19 2. Studies needed to determine the economic impact on  
20 the state and the best marketing strategies for producing  
21 sturgeon for its meat and roe.
  - 22 3. Permits and other requirements currently needed to  
23 commercially produce sturgeon and enhance sturgeon stock in  
24 the state and a strategy for obtaining such permits or  
25 requirements.
  - 26 4. The timetable for implementation and completion of  
27 the plan's components.
  - 28 5. The implementation date for the state sturgeon  
29 aquaculture program.
- 30 ~~(d) Prepare a report to be submitted within 1 year~~  
31 ~~after October 1, 1996, to the Governor, the President of the~~

1 ~~Senate, the Speaker of the House of Representatives, and the~~  
2 ~~chairs of the legislative ways and means, appropriations, and~~  
3 ~~agriculture committees. This report shall include, but not be~~  
4 ~~limited to:~~

5 1. ~~The status of the state sturgeon aquaculture~~  
6 ~~program.~~

7 2. ~~The status of the state sturgeon production and~~  
8 ~~stock enhancement plan.~~

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

11 4. ~~Any recommendations necessary to carry out the~~  
12 ~~purpose of this section.~~

13 Section 91. Subsections (9), (15), (16), and (17) of  
14 section 372.001, Florida Statutes, are amended to read:

15 372.001 Definitions.--In construing these statutes,  
16 when applied to saltwater and freshwater fish, shellfish,  
17 crustacea, sponges, wild birds, and wild animals, where the  
18 context permits, the word, phrase, or term:

19 (9) "Fresh water," except where otherwise provided by  
20 law, includes all lakes, rivers, canals, and other waterways  
21 of Florida, to such point or points where the fresh and salt  
22 waters commingle to such an extent as to become unpalatable  
23 and unfit for human consumption, because of the saline  
24 content, or to such point or points as may be fixed by the  
25 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
26 Commission, by and with the consent of the board of county  
27 commissioners of the county or counties to be affected by such  
28 order. The Steinhatchee River shall be considered fresh water  
29 from its source to mouth.

30 (15) "Fish management area" is a pond, lake, or other  
31 water within a county or within several counties designated to

1 improve fishing for public use and established and  
2 specifically circumscribed for authorized management by the  
3 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
4 Commission and the board of county commissioners of the county  
5 in which such waters lie under agreement between the  
6 commission and an owner with approval by the board of county  
7 commissioners or under agreement with the board of county  
8 commissioners for use of public waters in the county in which  
9 such waters lie.

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

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

17 Section 92. Section 372.01, Florida Statutes, is  
18 amended to read:

19 372.01 Fish and Wildlife Conservation ~~Game and Fresh~~  
20 ~~Water Fish~~ Commission.--

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

25 (2) Members so appointed shall annually select one of  
26 their members as chair. Such chair may be removed at any time  
27 for sufficient cause, by the affirmative vote of the majority  
28 of the members of the commission. In case the said office of  
29 chair becomes vacant by removal or otherwise, the same may be  
30 filled for the unexpired term at any time by the commission  
31 from its members.

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

4 Section 93. Subsections (1) and (2) of section  
5 372.0215, Florida Statutes, are amended to read:

6 372.0215 Citizen support organizations; use of state  
7 property; audit.--

8 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
9 ~~Water Fish~~ Commission may authorize the establishment of  
10 citizen support organizations to provide assistance, funding,  
11 and promotional support for the programs of the commission.  
12 For purposes of this section, the term "citizen support  
13 organization" means an organization which:

14 (a) Is a corporation not for profit incorporated  
15 pursuant to the provisions of chapter 617 and approved by the  
16 Department of State;

17 (b) Is organized and operated to conduct programs and  
18 activities; raise funds; request and receive grants, gifts,  
19 and bequests of money; acquire, receive, hold, invest, and  
20 administer in its own name securities, funds, or real or  
21 personal property; and make expenditures for the benefit of  
22 the commission or an individual program unit of the  
23 commission; except that such organization may not receive  
24 funds from the commission or the Florida Marine Research  
25 Institute by grant, gift, or contract unless specifically  
26 authorized by the Legislature.

27 (c) The commission has determined acts in a manner  
28 that is consistent with the goals of the commission and the  
29 best interests of the state.

30 (d) Is approved in writing by the commission to  
31 operate for the benefit of the commission. Such approval must

1 be stated in a letter of agreement from the executive director  
2 of the commission.

3           (2)(a) The Fish and Wildlife Conservation Commission  
4 ~~Game and Fresh Water Fish Commission~~ may permit a citizen  
5 support organization to use commission property, facilities,  
6 and personnel free of charge. A citizen support organization  
7 may use commission property, facilities, and personnel if such  
8 use is consistent with the approved purpose of that citizen  
9 support organization and if such use does not unreasonably  
10 interfere with the general public's use of commission  
11 property, facilities, and personnel for established purposes.

12           (b) The commission may prescribe conditions upon the  
13 use by a citizen support organization of commission property,  
14 facilities, or personnel.

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

20           Section 94. Subsections (1), (2), and (4) of section  
21 372.0222, Florida Statutes, are amended to read:

22           372.0222 Private publication agreements; advertising;  
23 costs of production.--

24           (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
25 ~~Water Fish~~ Commission may enter into agreements to secure the  
26 private publication of public information brochures,  
27 pamphlets, audiotapes, videotapes, and related materials for  
28 distribution without charge to the public and, in furtherance  
29 thereof, is authorized to:

30           (a) Enter into agreements with private vendors for the  
31 publication or production of such public information

1 materials, whereby the costs of publication or production will  
2 be borne in whole or in part by the vendor or the vendor shall  
3 provide additional compensation in return for the right of the  
4 vendor to select, sell, and place advertising which publicizes  
5 products or services related to and harmonious with the  
6 subject matter of the publication.

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

10 (2) The Fish and Wildlife Conservation ~~Game and Fresh~~  
11 ~~Water Fish~~ Commission may sell advertising in the Florida  
12 Wildlife Magazine to offset the cost of publication and  
13 distribution of the magazine.

14 (4) The Fish and Wildlife Conservation ~~Game and Fresh~~  
15 ~~Water Fish~~ Commission may enter into agreements with private  
16 vendors for vendor advertisement for the purpose of offsetting  
17 expenses relating to license issuance, and, in furtherance  
18 thereof, is authorized to:

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

21 (b) Require that any advertising of any kind  
22 contracted pursuant to this section shall include a statement  
23 providing that the advertising does not constitute an  
24 endorsement by the state or commission of the products or  
25 services to be so advertised.

26 Section 95. Section 372.0225, Florida Statutes, 1998  
27 Supplement, is amended to read:

28 372.0225 Freshwater organisms.--

29 (1) The Division of Freshwater Fisheries of the Fish  
30 and Wildlife Conservation ~~Game and Fresh Water Fish~~  
31 Commission, in order to manage the promotion, marketing, and



1 quality control of all freshwater organisms produced in  
2 Florida and utilized commercially so that such organisms shall  
3 be used to produce the optimum sustained yield consistent with  
4 the protection of the breeding stock, is directed and charged  
5 with the responsibility of:

6 (a) Providing for the regulation of the promotion,  
7 marketing, and quality control of freshwater organisms  
8 produced in Florida and utilized commercially.

9 (b) Regulating the processing of commercial freshwater  
10 organisms on the water or on the shore.

11 (c) Providing documentation standards and statistical  
12 record requirements with respect to commercial freshwater  
13 organism catches.

14 (d) Conducting scientific, economic, and other studies  
15 and research on all freshwater organisms produced in the state  
16 and used commercially.

17 (2) The responsibility with which the Division of  
18 Freshwater Fisheries is charged under subsection (1) shall in  
19 no way supersede or duplicate the responsibilities of the  
20 Department of Agriculture and Consumer Services under chapter  
21 500, the Florida Food Safety Act, and the rules adopted under  
22 that chapter.

23 Section 96. Subsections (1) and (3) of section  
24 372.023, Florida Statutes, are amended to read:

25 372.023 J. W. Corbett and Cecil M. Webb Wildlife  
26 Management Areas.--

27 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
28 ~~Water Fish~~ Commission of this state is neither authorized nor  
29 empowered to do the following as to the J. W. Corbett Wildlife  
30 Management Area in Palm Beach County or the Cecil M. Webb  
31 Wildlife Management Area without the approval of the Board of

1 Trustees of the Internal Improvement Trust Fund that such  
2 action is in the best interest of orderly and economical  
3 development of said area, viz.:

4 (a) To trade, barter, lease, or exchange lands therein  
5 for lands of greater acreage contiguous to said wildlife  
6 management areas.

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

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

15 (3) Moneys received from the sale of lands within  
16 either wildlife management area, less reasonable expenses  
17 incident to the sale, shall be used by the Fish and Wildlife  
18 Conservation ~~Game and Fresh Water Fish~~ Commission to acquire  
19 acreage contiguous to the wildlife management area or lands of  
20 equal wildlife value. The sale shall be made directly to the  
21 state, notwithstanding the procedures of ss. 270.08 and 270.09  
22 to the contrary.

23 Section 97. Subsections (2) and (3) of section  
24 372.025, Florida Statutes, are amended to read:

25 372.025 Everglades recreational sites; definitions.--

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

27 (a) "Commission" means the Fish and Wildlife  
28 Conservation ~~Game and Fresh Water Fish~~ Commission.

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

31

1 (c) "Indian reservations" means lands as designated by  
2 chapter 285.

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

6 (e) "Development of recreational sites" means any  
7 improvements to existing facilities or sites and also such new  
8 selection and improvements as are needed for the various  
9 recreational activities as herein provided.

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

15 Section 98. Section 372.03, Florida Statutes, is  
16 amended to read:

17 372.03 Headquarters of commission.--The Fish and  
18 Wildlife Conservation Game and Fresh Water Fish Commission is  
19 located at the state capital, and, when suitable adequate  
20 office space cannot be provided in the State Capitol Building,  
21 or other buildings owned by the state, the commission may rent  
22 or lease suitable office space in Tallahassee. Said commission  
23 may also rent or lease suitable and adequate space in other  
24 cities and towns of the state for branch or division offices  
25 and headquarters and storerooms for equipment and supplies, as  
26 the business of the commission may require or necessitate,  
27 payment for said rented or leased premises to be made from the  
28 State Game Trust Fund.

29 Section 99. Section 372.051, Florida Statutes, is  
30 amended to read:

31

1           372.051 Seal of commission; certificate as  
2 evidence.--The Fish and Wildlife Conservation ~~Game and Fresh~~  
3 ~~Water Fish~~ Commission shall adopt and use a common seal, and a  
4 certificate under the seal of the commission, signed by its  
5 chair and attested by its director shall constitute sufficient  
6 evidence of the action of the commission; and copies of the  
7 minutes of the commission, or any part thereof, or of any  
8 record or paper of said commission, or any part thereof, or of  
9 any rule, regulation, or order of the commission, or any part  
10 thereof, or of any code of rules, regulations or orders of the  
11 commission, or any part thereof, certified by the director of  
12 the commission under its seal, shall be admissible in evidence  
13 in all cases and proceedings in all courts, boards, and  
14 commissions of this state without further authentication.

15           Section 100. Section 372.06, Florida Statutes, is  
16 amended to read:

17           372.06 Meetings of the commission.--At least four  
18 meetings of the Fish and Wildlife Conservation ~~Game and Fresh~~  
19 ~~Water Fish~~ Commission shall be held at the state capital no  
20 less frequently than once every 3 months, which meetings shall  
21 be known as the quarterly meetings of the commission; other  
22 meetings may be held at such times and places as may be  
23 decided upon or as provided by rules of the commission, such  
24 meetings to be called by the executive secretary on not less  
25 than 1 week's notice to all members of the commission; or  
26 meetings may be held upon the request in writing of three  
27 members of the commission, at a time and place to be  
28 designated in the request, and notice of such meetings shall  
29 be given at least 1 week in advance thereof to all members of  
30 the commission by the executive secretary. A majority of  
31 ~~Three~~ members shall constitute a quorum at any meeting of the

1 commission. No action shall be binding when taken up by the  
2 commission, except at a regular or call meeting and duly  
3 recorded in the minutes of said meeting.

4 Section 101. Section 372.07, Florida Statutes, is  
5 amended to read:

6 372.07 Police powers of commission and its agents.--

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

20 (2) Said officers shall have power and authority to  
21 enforce throughout the state all laws relating to game,  
22 nongame birds, freshwater fish, and fur-bearing animals and  
23 all rules and regulations of the Fish and Wildlife  
24 Conservation ~~Game and Fresh Water Fish~~ Commission relating to  
25 wild animal life and freshwater aquatic life, and in  
26 connection with said laws, rules, and regulations, in the  
27 enforcement thereof and in the performance of their duties  
28 thereunder, to:

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

30 (b) Execute warrants and search warrants for the  
31 violation of said laws;

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

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

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

17 (f) Secure and execute search warrants and in  
18 pursuance thereof to enter any building, enclosure, or car and  
19 to break open, when found necessary, any apartment, chest,  
20 locker, box, trunk, crate, basket, bag, package, or container  
21 and examine the contents thereof;

22 (g) Seize and take possession of all wild animal life  
23 or freshwater aquatic life taken or in possession or under  
24 control of, or shipped or about to be shipped by, any person  
25 at any time in any manner contrary to said laws.

26 (3) It is unlawful for any person to resist an arrest  
27 authorized by this section or in any manner to interfere,  
28 either by abetting, assisting such resistance, or otherwise  
29 interfering with said director, assistants, or wildlife  
30 officers while engaged in the performance of the duties  
31

1 imposed upon them by law or regulation of the Fish and  
2 Wildlife Conservation Game and Fresh Water Fish Commission.

3 Section 102. Section 372.071, Florida Statutes, is  
4 amended to read:

5 372.071 Powers of arrest by agents of Department of  
6 Environmental Protection or Fish and Wildlife Conservation  
7 ~~Game and Fresh Water Fish~~ Commission.--Any certified law  
8 enforcement officer of the Department of Environmental  
9 Protection or the Fish and Wildlife Conservation ~~Game and~~  
10 ~~Fresh Water Fish~~ Commission, upon receiving information,  
11 relayed to her or him from any law enforcement officer  
12 stationed on the ground, on the water, or in the air, that a  
13 driver, operator, or occupant of any vehicle, boat, or airboat  
14 has violated any section of chapter 327, chapter 328, chapter  
15 370, or this chapter, may arrest the driver, operator, or  
16 occupant for violation of said laws when reasonable and proper  
17 identification of the vehicle, boat, or airboat and reasonable  
18 and probable grounds to believe that the driver, operator, or  
19 occupant has committed or is committing any such offense have  
20 been communicated to the arresting officer by the other  
21 officer stationed on the ground, on the water, or in the air.

22 Section 103. Section 372.072, Florida Statutes, is  
23 amended to read:

24 372.072 Endangered and Threatened Species Act.--

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

27 (2) DECLARATION OF POLICY.--The Legislature recognizes  
28 that the State of Florida harbors a wide diversity of fish and  
29 wildlife and that it is the policy of this state to conserve  
30 and wisely manage these resources, with particular attention  
31 to those species defined by the Fish and Wildlife Conservation

1 ~~Commission Game and Fresh Water Fish Commission, the~~  
2 ~~Department of Environmental Protection, or~~ the United States  
3 Department of Interior, or successor agencies, as being  
4 endangered or threatened. As Florida has more endangered and  
5 threatened species than any other continental state, it is the  
6 intent of the Legislature to provide for research and  
7 management to conserve and protect these species as a natural  
8 resource.

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

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

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

21 (c) "Threatened species" means any species of fish and  
22 wildlife naturally occurring in Florida which may not be in  
23 immediate danger of extinction, but which exists in such small  
24 populations as to become endangered if it is subjected to  
25 increased stress as a result of further modification of its  
26 environment.

27 (4) INTERAGENCY COORDINATION.--

28 ~~(a)1. The Game and Fresh Water Fish Commission shall~~  
29 ~~be responsible for research and management of freshwater and~~  
30 ~~upland species.~~

31



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

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

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

19           (5) ANNUAL REPORT.--The Executive Director of the Fish  
20 and Wildlife Conservation Commission ~~Director of the Game and~~  
21 ~~Fresh Water Fish Commission, in consultation with the~~  
22 ~~Secretary of Environmental Protection,~~ shall, at least 30 days  
23 prior to each annual session of the Legislature, transmit to  
24 the Governor and Cabinet, the President of the Senate, the  
25 Speaker of the House of Representatives, and the chairs of the  
26 appropriate Senate and House committees, a revised and updated  
27 plan for management and conservation of endangered and  
28 threatened species, including criteria for research and  
29 management priorities; a description of the educational  
30 program; statewide policies pertaining to protection of  
31 endangered and threatened species; additional legislation

1 which may be required; and the recommended level of funding  
2 for the following year, along with a progress report and  
3 budget request.

4 Section 104. Section 372.0725, Florida Statutes, is  
5 amended to read:

6 372.0725 Killing or wounding of any species designated  
7 as endangered, threatened, or of special concern; criminal  
8 penalties.--It is unlawful for a person to intentionally kill  
9 or wound any fish or wildlife of a species designated by the  
10 Fish and Wildlife Conservation Game and Fresh Water Fish  
11 Commission as endangered, threatened, or of special concern,  
12 or to intentionally destroy the eggs or nest of any such fish  
13 or wildlife, except as provided for in the rules of the Fish  
14 and Wildlife Conservation Game and Fresh Water Fish  
15 Commission, ~~the Department of Environmental Protection, or the~~  
16 ~~Marine Fisheries~~ Commission. Any person who violates this  
17 provision with regard to an endangered or threatened species  
18 is guilty of a felony of the third degree, punishable as  
19 provided in s. 775.082, s. 775.083, or s. 775.084.

20 Section 105. Subsection (1) of section 372.073,  
21 Florida Statutes, is amended to read:

22 372.073 Endangered and Threatened Species Reward  
23 Program.--

24 (1) There is established within the Fish and Wildlife  
25 Conservation Game and Fresh Water Fish Commission the  
26 Endangered and Threatened Species Reward Program, to be funded  
27 from the Nongame Wildlife Trust Fund. The commission may post  
28 rewards to persons responsible for providing information  
29 leading to the arrest and conviction of persons illegally  
30 killing or wounding or wrongfully possessing any of the  
31 endangered and threatened species listed on the official

1 Florida list of such species maintained by the commission or  
2 the arrest and conviction of persons who violate s. 372.667 or  
3 s. 372.671. Additional funds may be provided by donations from  
4 interested individuals and organizations. The reward program  
5 is to be administered by the commission. The commission shall  
6 establish a schedule of rewards.

7 Section 106. Subsection (1) of section 372.074,  
8 Florida Statutes, is amended to read:

9 372.074 Fish and Wildlife Habitat Program.--

10 (1)(a) There is established within the Fish and  
11 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission the  
12 Fish and Wildlife Habitat Program for the purpose of  
13 acquiring, assisting other agencies or local governments in  
14 acquiring, or managing lands important to the conservation of  
15 fish and wildlife.

16 (b) The Fish and Wildlife Conservation ~~Game and Fresh~~  
17 ~~Water Fish~~ Commission or its designee shall manage such lands  
18 for the primary purpose of maintaining and enhancing their  
19 habitat value for fish and wildlife. Other uses may be allowed  
20 that are not contrary to this purpose.

21 (c) Where acquisition pursuant to this section will  
22 result in state ownership of land, title shall be vested in  
23 the Board of Trustees of the Internal Improvement Trust Fund  
24 as required in chapter 253. Land acquisition pursuant to this  
25 section shall be voluntary, negotiated acquisition and, where  
26 title is to be vested in the Board of Trustees of the Internal  
27 Improvement Trust Fund, is subject to the acquisition  
28 procedures of s. 253.025.

29 (d) Acquisition costs shall include purchase prices  
30 and costs and fees associated with title work, surveys, and  
31 appraisals required to complete an acquisition.

1           Section 107. Subsection (1), paragraph (c) of  
2 subsection (3), and subsection (4) of section 372.105, Florida  
3 Statutes, are amended to read:

4           372.105 Lifetime Fish and Wildlife Trust Fund.--

5           (1) There is established within the Fish and Wildlife  
6 Conservation ~~Game and Fresh Water Fish~~ Commission the Lifetime  
7 Fish and Wildlife Trust Fund to be used for the purpose of  
8 supporting fish and wildlife conservation programs of the  
9 state in accordance with this section.

10          (3) The fund is declared to constitute a special trust  
11 derived from a contractual relationship between the state and  
12 the members of the public whose investments contribute to the  
13 fund. In recognition of such special trust, the following  
14 limitations and restrictions are placed on expenditures from  
15 the funds:

16          (c) No expenditures or disbursements from the interest  
17 income derived from the sale of lifetime licenses shall be  
18 made for any purpose until the respective holders of such  
19 licenses attain the age of 16 years. The Fish and Wildlife  
20 Conservation ~~Game and Fresh Water Fish~~ Commission as  
21 administrator of the fund shall determine actuarially on an  
22 annual basis the amounts of interest income within the fund  
23 which may be disbursed pursuant to this paragraph. The  
24 director shall cause deposits of proceeds from the sale of  
25 lifetime licenses to be identifiable by the ages of the  
26 license recipients.

27          (4) In the event of a future dissolution or  
28 reorganization of the Fish and Wildlife Conservation ~~Game and~~  
29 ~~Fresh Water Fish~~ Commission, any state agency which succeeds  
30 the commission or assumes its constitutional or statutory  
31 responsibilities shall, through its agency head acting ex

1 officio, assume the trusteeship of the fund and shall be bound  
2 by all the limitations and restrictions placed by this section  
3 on expenditures from the fund. No repeal or modification of  
4 this chapter or s. 9, Art. IV of the State Constitution shall  
5 alter the fundamental purposes to which the fund may be  
6 applied. No dissolution or reorganization of the Fish and  
7 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
8 shall invalidate any lifetime license issued in accordance  
9 with this section.

10 Section 108. Subsection (1) of section 372.106,  
11 Florida Statutes, is amended to read:

12 372.106 Dedicated License Trust Fund.--

13 (1) There is established within the Fish and Wildlife  
14 Conservation ~~Game and Fresh Water Fish~~ Commission the  
15 Dedicated License Trust Fund. The fund shall be credited with  
16 moneys collected pursuant to ss. 370.0605 and 372.57 for  
17 5-year licenses and replacement 5-year licenses.

18 Section 109. Section 372.12, Florida Statutes, is  
19 amended to read:

20 372.12 Acquisition of state game lands.--The Fish and  
21 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
22 with the approval of the Governor, may acquire, in the name of  
23 the state, lands and waters suitable for the protection and  
24 propagation of game, fish, nongame birds or fur-bearing  
25 animals, or for hunting purposes, game farms, by purchase,  
26 lease, gift or otherwise to be known as state game lands. The  
27 said commission may erect such buildings and fences as may be  
28 deemed necessary to properly maintain and protect such lands,  
29 or for propagation of game, nongame birds, freshwater fish or  
30 fur-bearing animals. The title of land acquired by purchase,  
31 lease, gift or otherwise, shall be approved by the Department

1 of Legal Affairs. The deed to such lands shall be deposited  
2 as are deeds to other state lands. ~~No such lands shall be~~  
3 ~~purchased at a price to exceed \$10 per acre.~~ No property  
4 acquired under this section shall be exempt from state, county  
5 or district taxation.

6 Section 110. Subsection (1) of section 372.121,  
7 Florida Statutes, is amended to read:

8 372.121 Control and management of state game lands.--

9 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
10 ~~Water Fish~~ Commission is authorized to make, adopt,  
11 promulgate, amend, repeal, and enforce all reasonable rules  
12 and regulations necessary for the protection, control,  
13 operation, management, or development of lands or waters owned  
14 by, leased by, or otherwise assigned to, the commission for  
15 fish or wildlife management purposes, including but not being  
16 limited to the right of ingress and egress. Before any such  
17 rule or regulation is adopted, other than one relating to wild  
18 animal life or freshwater aquatic life, the commission shall  
19 obtain the consent and agreement, in writing, of the owner, in  
20 the case of privately owned lands or waters, or the owner or  
21 primary custodian, in the case of public lands or waters.

22 Section 111. Subsections (1), (2), and (4) of section  
23 372.16, Florida Statutes, are amended to read:

24 372.16 Private game preserves and farms; penalty.--

25 (1) Any person owning land in this state may, after  
26 having secured a license therefor from the Fish and Wildlife  
27 Conservation ~~Game and Fresh Water Fish~~ Commission, establish,  
28 maintain, and operate within the boundaries thereof, a private  
29 preserve and farm, not exceeding an area of 640 acres, for the  
30 protection, preservation, propagation, rearing, and production  
31 of game birds and animals for private and commercial purposes,

1 provided that no two game preserves shall join each other or  
2 be connected.

3 (2) All private game preserves or farms established  
4 under the provisions of this section shall be fenced in such  
5 manner that domestic game thereon may not escape and wild game  
6 on surrounding lands may not enter and shall be subject at any  
7 time to inspection by the Fish and Wildlife Conservation ~~Game~~  
8 ~~and Fresh Water Fish~~ Commission, or its conservation officers.  
9 Such private preserve or farm shall be equipped and operated  
10 in such manner as to provide sufficient food and humane  
11 treatment for the game kept thereon. Game reared or produced  
12 on private game preserves and farms shall be considered  
13 domestic game and private property and may be sold or disposed  
14 of as such and shall be the subject of larceny. Live game may  
15 be purchased, sold, shipped, and transported for propagation  
16 and restocking purposes only at any time. Such game may be  
17 sold for food purposes only during the open season provided by  
18 law for such game. All game killed must be killed on the  
19 premises of such private game preserve or farm and must be  
20 killed by means other than shooting, except during the open  
21 season. All domestic game sold for food purposes must be  
22 marked or tagged in a manner prescribed by the Fish and  
23 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission;  
24 and the owner or operator of such private game preserve or  
25 farm shall report to the said commission, on blanks to be  
26 furnished by it, each sale or shipment of domestic game, such  
27 reports showing the quantity and kind of game shipped or sold  
28 and to whom sold. Such report shall be made not later than 5  
29 days following such sale or shipment. Game reared or produced  
30 as aforesaid may be served as such by hotels, restaurants, or  
31 other public eating places during the open season provided by

1 law on such particular species of game, under such regulations  
2 as the commission may prescribe.

3 (4) Any person violating the provisions of this  
4 section shall for the first offense be guilty of a misdemeanor  
5 of the second degree, punishable as provided in s. 775.082 or  
6 s. 775.083, and for a second or subsequent offense shall be  
7 guilty of a misdemeanor of the first degree, punishable as  
8 provided in s. 775.082 or s. 775.083. Any person convicted of  
9 violating the provisions of this section shall forfeit, to the  
10 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
11 Commission, any license or permit issued under the provisions  
12 hereof; and no further license or permit shall be issued to  
13 such person for a period of 1 year following such conviction.  
14 Before any private game preserve or farm is established, the  
15 owner or operator shall secure a license from the Fish and  
16 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
17 the fee for which shall be \$5 per year.

18 Section 112. Subsection (1) of section 372.26, Florida  
19 Statutes, is amended to read:

20 372.26 Imported fish.--

21 (1) No person shall import into the state or place in  
22 any of the fresh waters of the state any freshwater fish of  
23 any species without having first obtained a permit from the  
24 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
25 Commission. The commission is authorized to issue or deny such  
26 a permit upon the completion of studies of the species made by  
27 it to determine any detrimental effect the species might have  
28 on the ecology of the state.

29 Section 113. Subsections (1) and (2) of section  
30 372.265, Florida Statutes, are amended to read:

31 372.265 Regulation of foreign animals.--



1           (1) It is unlawful to import for sale or use, or to  
2 release within this state, any species of the animal kingdom  
3 not indigenous to Florida without having obtained a permit to  
4 do so from the Fish and Wildlife Conservation ~~Game and Fresh~~  
5 ~~Water Fish~~ Commission.

6           (2) The Fish and Wildlife Conservation ~~Game and Fresh~~  
7 ~~Water Fish~~ Commission is authorized to issue or deny such a  
8 permit upon the completion of studies of the species made by  
9 it to determine any detrimental effect the species might have  
10 on the ecology of the state.

11           Section 114. Section 372.27, Florida Statutes, is  
12 amended to read:

13           372.27 Silver Springs and Rainbow Springs, etc.,  
14 closed to all fishing.--It is unlawful for any person to take  
15 any fish within Marion County, from the waters of Rainbow  
16 Springs and Rainbow River (formerly known as Blue Springs and  
17 Blue Springs River) within a radius of 1 mile from the head of  
18 said spring or from the waters of Silver Springs or Silver  
19 Springs Run from the head of said spring to its junction with  
20 the Oklawaha River; provided, that the Fish and Wildlife  
21 Conservation Commission ~~of Game and Fresh Water Fish~~ may  
22 remove or cause to be removed any gar, mud fish or other  
23 predatory fish when in its judgment their removal is  
24 desirable.

25           Section 115. Section 372.31, Florida Statutes, is  
26 amended to read:

27           372.31 Disposition of illegal fishing devices.--

28           (1) In all cases of arrest and conviction for use of  
29 illegal nets or traps or fishing devices, as provided in this  
30 chapter, such illegal net, trap, or fishing device is declared  
31 to be a nuisance and shall be seized and carried before the

1 court having jurisdiction of such offense and said court shall  
2 order such illegal trap, net or fishing device forfeited to  
3 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
4 Commission immediately after trial and conviction of the  
5 person in whose possession they were found. When any illegal  
6 net, trap or fishing device is found in the fresh waters of  
7 the state, and the owner of same shall not be known to the  
8 officer finding the same, such officer shall immediately  
9 procure from the county court judge an order forfeiting said  
10 illegal net, trap or fishing device to the Fish and Wildlife  
11 Conservation ~~Game and Fresh Water Fish~~ Commission. The Fish  
12 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
13 may destroy such illegal net, trap or fishing device, if in  
14 its judgment said net, trap or fishing device is not of value  
15 in the work of the department.

16 (2) When any nets, traps, or fishing devices are found  
17 being used illegally as provided in this chapter, the same  
18 shall be seized and forfeited to the Fish and Wildlife  
19 Conservation ~~Game and Fresh Water Fish~~ Commission as provided  
20 in this chapter.

21 Section 116. Subsection (7) of section 372.57, Florida  
22 Statutes, 1998 Supplement, is amended to read:

23 372.57 Licenses and permits; exemptions; fees.--No  
24 person, except as provided herein, shall take game, freshwater  
25 fish, or fur-bearing animals within this state without having  
26 first obtained a license, permit, or authorization and paid  
27 the fees hereinafter set forth, unless such license is issued  
28 without fee as provided in s. 372.561. Such license, permit,  
29 or authorization shall authorize the person to whom it is  
30 issued to take game, freshwater fish, or fur-bearing animals  
31 in accordance with law and commission rules. Such license,

1 permit, or authorization is not transferable. Each license or  
2 permit must bear on its face in indelible ink the name of the  
3 person to whom it is issued and other information requested by  
4 the commission. Such license, permit, or authorization issued  
5 by the commission or any agent must be in the personal  
6 possession of the person to whom issued while taking game,  
7 freshwater fish, or fur-bearing animals. The failure of such  
8 person to exhibit such license, permit, or authorization to  
9 the commission or its wildlife officers, when such person is  
10 found taking game, freshwater fish, or fur-bearing animals, is  
11 a violation of law. A positive form of identification is  
12 required when using an authorization, a lifetime license, a  
13 5-year license, or when otherwise required by the license or  
14 permit. The lifetime licenses and 5-year licenses provided  
15 herein shall be embossed with the name, date of birth, the  
16 date of issuance, and other pertinent information as deemed  
17 necessary by the commission. A certified copy of the  
18 applicant's birth certificate shall accompany all applications  
19 for a lifetime license for residents 12 years of age and  
20 younger. Each applicant for a license, permit, or  
21 authorization shall provide the applicant's social security  
22 number on the application form. Disclosure of social security  
23 numbers obtained through this requirement shall be limited to  
24 the purpose of administration of the Title IV-D child support  
25 enforcement program and use by the commission, and as  
26 otherwise provided by law.

27 (7) A resident lifetime sportsman's license authorizes  
28 the holder to engage in the following noncommercial  
29 activities:

30 (a) To take or attempt to take or possess freshwater  
31 fish, marine fish, and game, consistent with state and federal

1 regulations and rules of the commission ~~and the Department of~~  
2 ~~Environmental Protection~~ in effect at the time of taking.

3 (b) All activities authorized by a management area  
4 permit, a muzzle-loading gun permit, a turkey permit, an  
5 archery permit, a Florida waterfowl permit, a snook permit,  
6 and a crawfish permit.

7 Section 117. Subsection (2) of section 372.5714,  
8 Florida Statutes, is amended to read:

9 372.5714 Waterfowl Advisory Council.--

10 (2) The council shall meet at least once a year either  
11 in person or by a telephone conference call, shall elect a  
12 chair annually to preside over its meetings and perform any  
13 other duties directed by the council, and shall maintain  
14 minutes of each meeting. All records of council activities  
15 shall be kept on file with the Fish and Wildlife Conservation  
16 ~~Game and Fresh Water Fish~~ Commission and shall be made  
17 available to any interested person. The Fish and Wildlife  
18 Conservation ~~Game and Fresh Water Fish~~ Commission shall  
19 provide such staff support as is necessary to the council to  
20 carry out its duties. Members of the council shall serve  
21 without compensation, but shall be reimbursed for per diem and  
22 travel expenses as provided in s. 112.061 when carrying out  
23 the official business of the council.

24 Section 118. Subsection (3) of section 372.5717,  
25 Florida Statutes, is amended to read:

26 372.5717 Hunter safety course; requirements;  
27 penalty.--

28 (3) The Fish and Wildlife Conservation ~~Game and Fresh~~  
29 ~~Water Fish~~ Commission shall institute and coordinate a  
30 statewide hunter safety course which must be offered in every  
31 county and consist of not less than 12 hours nor more than 16

1 hours of instruction including, but not limited to,  
2 instruction in the competent and safe handling of firearms,  
3 conservation, and hunting ethics.

4 Section 119. Section 372.5718, Florida Statutes, is  
5 amended to read:

6 372.5718 Hunter safety course for juveniles.--The Fish  
7 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
8 shall develop a hunter safety course for juveniles who are at  
9 least 5 years of age but less than 16 years of age. The course  
10 must include, but is not limited to, instruction in the  
11 competent and safe handling of firearms, conservation, and  
12 hunting ethics. The course must be appropriate for the ages of  
13 the students. The course is voluntary and must be offered in  
14 each county in the state at least annually. The course is in  
15 addition to, and not in lieu of, the hunter safety course  
16 prescribed in s. 372.5717.

17 Section 120. Paragraph (e) of subsection (2) of  
18 section 372.574, Florida Statutes, 1998 Supplement, is amended  
19 to read:

20 372.574 Appointment of subagents for the sale of  
21 hunting, fishing, and trapping licenses and permits.--

22 (2) If a tax collector elects not to appoint  
23 subagents, the commission may appoint subagents within that  
24 county. Subagents shall serve at the pleasure of the  
25 commission. The commission may establish, by rule, procedures  
26 for selection of subagents. The following are requirements  
27 for subagents so appointed:

28 (e) A subagent may charge and receive as his or her  
29 compensation 50 cents for each license or permit sold. This  
30 charge is in addition to the sum required by law to be  
31 collected for the sale and issuance of each license or permit.

1 In addition, no later than July 1, 1997, a subagent fee for  
2 the sale of licenses over the telephone by credit card shall  
3 be established by competitive bid procedures which are  
4 overseen by the Fish and Wildlife Conservation ~~Game and Fresh~~  
5 ~~Water Fish~~ Commission.

6 Section 121. Section 372.651, Florida Statutes, is  
7 amended to read:

8 372.651 Haul seine and trawl permits; freshwater lakes  
9 in excess of 500 square miles; fees.--

10 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
11 ~~Water Fish~~ Commission is authorized to issue permits for each  
12 haul seine or trawl used in freshwater lakes in the state  
13 having an area in excess of 500 square miles.

14 (2) The commission may charge an annual fee for the  
15 issuance of such permits which shall not exceed:

16 (a) For a resident trawl permit, \$50.

17 (b) For a resident haul seine permit, \$100.

18 (c) For a nonresident or alien trawl or haul seine  
19 permit, \$500.

20 Section 122. Subsection (1) of section 372.653,  
21 Florida Statutes, is amended to read:

22 372.653 Required tagging of fish; lakes in excess of  
23 500 square miles; tag fee; game fish taken in lakes of 500  
24 square miles or less.--

25 (1)(a) No game fish taken from, or caught in, a lake  
26 in this state the area of which is in excess of 500 square  
27 miles shall be sold for consumption in this state unless it is  
28 tagged in the manner required by the Fish and Wildlife  
29 Conservation ~~Game and Fresh Water Fish~~ Commission. Bass or  
30 pickerel taken by any method other than hook and line shall be  
31 returned immediately to the water. Trawls and haul seines

1 shall not be operated within 1 mile of rooted aquatic  
2 vegetation.

3 (b) In order that such program of tagging be  
4 self-sufficient, the Fish and Wildlife Conservation ~~Game and~~  
5 ~~Fresh Water Fish~~ Commission is authorized to assess a fee of  
6 not more than 5 cents per tag, payable at the time of delivery  
7 of the tag.

8 Section 123. Subsections (5) and (6) of section  
9 372.66, Florida Statutes, are amended to read:

10 372.66 License required for fur and hide dealers.--

11 (5) All agents' licenses shall be applied for by, and  
12 issued to, a resident state dealer or nonresident dealer and  
13 shall show name and residence of such agent and shall be in  
14 possession of such agent at all times when engaged in buying  
15 furs or hides. Application for such licenses shall be made to  
16 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
17 Commission on blanks furnished by it.

18 (6) All dealers and buyers shall forward to the Fish  
19 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
20 each 2 weeks during open season a report showing number and  
21 kind of hides bought and name of trapper from whom bought and  
22 the trapper's license number, or if trapper is exempt from  
23 license under any of the provisions of this chapter, such  
24 report shall show the nature of such exemption. No common  
25 carrier shall knowingly ship or transport or receive for  
26 transportation any hides or furs unless such shipments have  
27 marked thereon name of shipper and the number of her or his  
28 fur-animal license or fur dealer's license.

29 Section 124. Subsection (1) of section 372.661,  
30 Florida Statutes, is amended to read:

31

1           372.661 Private hunting preserve, license;  
2 exception.--

3           (1) Any person who operates a private hunting preserve  
4 commercially or otherwise shall be required to pay a license  
5 fee of \$25 for each such preserve; provided, however, that  
6 during the open season established for wild game of any  
7 species a private individual may take artificially propagated  
8 game of such species up to the bag limit prescribed for the  
9 particular species without being required to pay the license  
10 fee required by this section; provided further that if any  
11 such individual shall charge a fee for taking such game she or  
12 he shall be required to pay the license fee required by this  
13 section and to comply with the rules and regulations of the  
14 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
15 Commission relative to the operation of private hunting  
16 preserves.

17           Section 125. Section 372.662, Florida Statutes, is  
18 amended to read:

19           372.662 Unlawful sale, possession, or transporting of  
20 alligators or alligator skins.--Whenever the sale, possession,  
21 or transporting of alligators or alligator skins is prohibited  
22 by any law of this state, or by the rules, regulations, or  
23 orders of the Fish and Wildlife Conservation ~~Game and Fresh~~  
24 ~~Water Fish~~ Commission adopted pursuant to s. 9, Art. IV of the  
25 State Constitution, the sale, possession, or transporting of  
26 alligators or alligator skins is a misdemeanor of the first  
27 degree, punishable as provided in s. 775.082 or s. 775.083.

28           Section 126. Subsection (1) of section 372.663,  
29 Florida Statutes, is amended to read:  
30  
31



1           372.663 Illegal killing, possessing, or capturing of  
2 alligators or other crocodilia or eggs; confiscation of  
3 equipment.--

4           (1) It is unlawful to intentionally kill, injure,  
5 possess, or capture, or attempt to kill, injure, possess, or  
6 capture, an alligator or other crocodilian, or the eggs of an  
7 alligator or other crocodilian, unless authorized by the rules  
8 of the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
9 ~~Fish~~ Commission. Any person who violates this section is  
10 guilty of a felony of the third degree, punishable as provided  
11 in s. 775.082, s. 775.083, or s. 775.084, in addition to such  
12 other punishment as may be provided by law. Any equipment,  
13 including but not limited to weapons, vehicles, boats, and  
14 lines, used by a person in the commission of a violation of  
15 any law, rule, regulation, or order relating to alligators or  
16 other crocodilia or the eggs of alligators or other crocodilia  
17 shall, upon conviction of such person, be confiscated by the  
18 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
19 Commission and disposed of according to rules and regulations  
20 of the commission. The arresting officer shall promptly make  
21 a return of the seizure, describing in detail the property  
22 seized and the facts and circumstances under which it was  
23 seized, including the names of all persons known to the  
24 officer who have an interest in the property.

25           Section 127. Section 372.664, Florida Statutes, is  
26 amended to read:

27           372.664 Prima facie evidence of intent to violate laws  
28 protecting alligators.--Except as otherwise provided by rule  
29 of the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
30 ~~Fish~~ Commission for the purpose of the limited collection of  
31 alligators in designated areas, the display or use of a light

1 in a place where alligators might be known to inhabit in a  
2 manner capable of disclosing the presence of alligators,  
3 together with the possession of firearms, spear guns, gigs,  
4 and harpoons customarily used for the taking of alligators,  
5 during the period between 1 hour after sunset and 1 hour  
6 before sunrise shall be prima facie evidence of an intent to  
7 violate the provisions of law regarding the protection of  
8 alligators.

9 Section 128. Subsection (2) of section 372.6645,  
10 Florida Statutes, is amended to read:

11 372.6645 Unlawful to sell alligator products;  
12 penalty.--

13 (2) No person shall sell any alligator product  
14 manufactured from a species which has been declared to be  
15 endangered by the United States Fish and Wildlife Service or  
16 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
17 Commission.

18 Section 129. Subsections (1) and (2) of section  
19 372.667, Florida Statutes, are amended to read:

20 372.667 Feeding or enticement of alligators or  
21 crocodiles unlawful; penalty.--

22 (1) No person shall intentionally feed, or entice with  
23 feed, any wild American alligator (*Alligator mississippiensis*)  
24 or American crocodile (*Crocodylus acutus*). However, the  
25 provisions of this section shall not apply to:

26 (a) Those persons feeding alligators or crocodiles  
27 maintained in protected captivity for educational, scientific,  
28 commercial, or recreational purposes.

29 (b) Fish and Wildlife Conservation ~~Game and Fresh~~  
30 ~~Water Fish~~ Commission personnel, persons licensed or otherwise  
31 authorized by the commission, or county or municipal animal

1 control personnel when relocating alligators or crocodiles by  
2 baiting or enticement.

3 (2) For the purposes of this section, the term  
4 "maintained in protected captivity" means held in captivity  
5 under a permit issued by the Fish and Wildlife Conservation  
6 ~~Game and Fresh Water Fish~~ Commission pursuant to s. 372.921 or  
7 s. 372.922.

8 Section 130. Subsection (1) of section 372.6672,  
9 Florida Statutes, 1998 Supplement, is amended to read:

10 372.6672 Alligator management and trapping program  
11 implementation; commission authority.--

12 (1) In any alligator management and trapping program  
13 that the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
14 ~~Fish~~ Commission shall establish, the commission shall have the  
15 authority to adopt all rules necessary for full and complete  
16 implementation of such alligator management and trapping  
17 program, and, in order to ensure its lawful, safe, and  
18 efficient operation in accordance therewith, may:

19 (a) Regulate the marketing and sale of alligators,  
20 their hides, eggs, meat, and byproducts, including the  
21 development and maintenance of a state-sanctioned sale.

22 (b) Regulate the handling and processing of  
23 alligators, their eggs, hides, meat, and byproducts, for the  
24 lawful, safe, and sanitary handling and processing of same.

25 (c) Regulate commercial alligator farming facilities  
26 and operations for the captive propagation and rearing of  
27 alligators and their eggs.

28 (d) Provide hide-grading services by two or more  
29 individuals pursuant to state-sanctioned sales if rules are  
30 first promulgated by the commission governing:

31

1           1. All grading-related services to be provided  
2 pursuant to this section;

3           2. Criteria for qualifications of persons to serve as  
4 hide-graders for grading services to be provided pursuant to  
5 this section; and

6           3. The certification process by which hide-graders  
7 providing services pursuant to this section will be certified.

8           (e) Provide sales-related services by contract  
9 pursuant to state-sanctioned sales if rules governing such  
10 services are first promulgated by the commission.

11           Section 131. Subsections (1) and (3) of section  
12 372.672, Florida Statutes, 1998 Supplement, are amended to  
13 read:

14           372.672 Florida Panther Research and Management Trust  
15 Fund.--

16           (1) There is established within the Fish and Wildlife  
17 Conservation ~~Game and Fresh Water Fish~~ Commission the Florida  
18 Panther Research and Management Trust Fund to be used  
19 exclusively for the purposes of this section.

20           (3) The Fish and Wildlife Conservation ~~Game and Fresh~~  
21 ~~Water Fish~~ Commission is authorized to receive donations for  
22 deposit into the Florida Panther Research and Management Trust  
23 Fund.

24           Section 132. Section 372.673, Florida Statutes, is  
25 amended to read:

26           372.673 Florida Panther Technical Advisory Council.--

27           (1) The Florida Panther Technical Advisory Council is  
28 established within the Fish and Wildlife Conservation ~~Game and~~  
29 ~~Fresh Water Fish~~ Commission. The council shall be appointed  
30 by the Governor and shall consist of seven members with  
31

1 technical knowledge and expertise in the research and  
2 management of large mammals.

3 (a) Two members shall represent state or federal  
4 agencies responsible for management of endangered species; two  
5 members, who must have specific experience in the research and  
6 management of large felines or large mammals, shall be  
7 appointed from universities, colleges, or associated  
8 institutions; and three members, with similar expertise, shall  
9 be appointed from the public at large.

10 (b) As soon as practicable after July 1, 1983, one  
11 member representing a state or federal agency and one member  
12 appointed from a university, college, or associated  
13 institution shall be appointed for terms ending August 1,  
14 1985, and the remaining members shall be appointed for terms  
15 ending August 1, 1987. Thereafter, all appointments shall be  
16 for 4-year terms. If a vacancy occurs, a member shall be  
17 appointed for the remainder of the unexpired term. A member  
18 whose term has expired shall continue sitting on the council  
19 with full rights until a replacement has been appointed.

20 (c) Council members shall be reimbursed pursuant to s.  
21 112.061 but shall receive no additional compensation or  
22 honorarium.

23 (2) The purposes of the council are:

24 (a) To serve in an advisory capacity to the Fish and  
25 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
26 Commission on technical matters of relevance to the Florida  
27 panther recovery program, and to recommend specific actions  
28 that should be taken to accomplish the purposes of this act.

29 (b) To review and comment on research and management  
30 programs and practices to identify potential harm to the  
31 Florida panther population.

1 (c) To provide a forum for technical review and  
2 discussion of the status and development of the Florida  
3 panther recovery program.

4 Section 133. Subsections (1), (2), and (7) of section  
5 372.674, Florida Statutes, 1998 Supplement, are amended to  
6 read:

7 372.674 Environmental education.--

8 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~  
9 ~~Water Fish~~ Commission may establish programs and activities to  
10 develop and distribute environmental education materials that  
11 will assist the public in understanding and appreciating  
12 Florida's environment and problems and issues facing our  
13 state's unique and fragile ecological systems. Such programs  
14 shall assist school teachers, state administrators, and others  
15 in the essential mission to preserve the capability to sustain  
16 the functions of our lands, water, wildlife habitats, and  
17 other natural resources in the most healthful, enjoyable, and  
18 productive manner.

19 (2) There is created within the Fish and Wildlife  
20 Conservation ~~Game and Fresh Water Fish~~ Commission the Advisory  
21 Council on Environmental Education. The council is to have up  
22 to 10 members appointed by the commission and is to be chaired  
23 by the commission's executive director or his or her designee.  
24 At a minimum, the council must include a representative of the  
25 Department of Education and a representative of the Department  
26 of Environmental Protection.

27 (7) The Fish and Wildlife Conservation ~~Game and Fresh~~  
28 ~~Water Fish~~ Commission shall review the recommended list of  
29 projects to be funded from the Florida Panther Research and  
30 Management Trust Fund and the Save the Manatee Trust Fund by  
31 August of each year and make a final determination of projects

1 to receive grants from available appropriations by the  
2 Legislature. The commission shall act upon the recommended  
3 list within 45 days after receipt of the list.

4 Section 134. Section 372.70, Florida Statutes, is  
5 amended to read:

6 372.70 Prosecutions.--The prosecuting officers of the  
7 several courts of criminal jurisdiction of this state shall  
8 investigate and prosecute all violations of the laws relating  
9 to game, freshwater fish, nongame birds and fur-bearing  
10 animals which may be brought to their attention by the Fish  
11 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
12 or its conservation officers, or which may otherwise come to  
13 their knowledge.

14 Section 135. Subsection (1) of section 372.701,  
15 Florida Statutes, is amended to read:

16 372.701 Arrest by officers of the Fish and Wildlife  
17 Conservation ~~Game and Fresh Water Fish~~ Commission;  
18 recognizance; cash bond; citation.--

19 (1) In all cases of arrest by officers of the Fish and  
20 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission and  
21 the Department of Environmental Protection, the person  
22 arrested shall be delivered forthwith by said officer to the  
23 sheriff of the county, or shall obtain from such person  
24 arrested a recognizance or, if deemed necessary, a cash bond  
25 or other sufficient security conditioned for her or his  
26 appearance before the proper tribunal of such county to answer  
27 the charge for which the person has been arrested.

28 Section 136. Section 372.7015, Florida Statutes, is  
29 amended to read:

30 372.7015 Illegal killing, taking, possessing, or  
31 selling wildlife or game; fines; disposition of fines.--In

1 addition to any other penalty provided by law, any person who  
2 violates the criminal provisions of this chapter and rules  
3 adopted pursuant to this chapter by illegally killing, taking,  
4 possessing, or selling game or fur-bearing animals as defined  
5 in s. 372.001(3) or (4) in or out of season while violating  
6 chapter 810 shall pay a fine of \$250 for each such violation,  
7 plus court costs and any restitution ordered by the court. All  
8 fines collected under this section shall be deposited into the  
9 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
10 Commission's State Game Trust Fund.

11 Section 137. Subsection (1) of section 372.7016,  
12 Florida Statutes, is amended to read:

13 372.7016 Voluntary Authorized Hunter Identification  
14 Program.--

15 (1) There is created the "Voluntary Authorized Hunter  
16 Identification Program" to assist landowners and law  
17 enforcement officials in better controlling trespass and  
18 illegal or unauthorized hunting. Landowners wishing to  
19 participate in the program shall:

20 (a) Annually notify the sheriff's office in the county  
21 in which the land is situated and the respective area  
22 supervisor of the Fish and Wildlife Conservation ~~Game and~~  
23 ~~Fresh Water Fish~~ Commission by letter of their desire to  
24 participate in the program, and provide a description of their  
25 property which they wish to have in the program by township,  
26 range, section, partial section, or other geographical  
27 description.

28 (b) Provide a means of identifying authorized hunters  
29 as provided in subsection (2).

30 Section 138. Section 372.72, Florida Statutes, is  
31 amended to read:



1           372.72 Disposition of fines, penalties, and  
2 forfeitures.--

3           (2) All moneys collected from fines, penalties, or  
4 forfeitures of bail of persons convicted of violations of  
5 rules, regulations, or orders of the Fish and Wildlife  
6 Conservation ~~Game and Fresh Water Fish~~ Commission concerning  
7 endangered or threatened species or of violation of s.  
8 372.662, s. 372.663, s. 372.667, or s. 372.671 shall be  
9 deposited in the Nongame Wildlife Trust Fund.

10           Section 139. Section 372.73, Florida Statutes, is  
11 amended to read:

12           372.73 Confiscation and disposition of illegally taken  
13 game.--All game and freshwater fish seized under the authority  
14 of this chapter shall, upon conviction of the offender or  
15 sooner if the court so orders, be forfeited and given to some  
16 hospital or charitable institution and receipt therefor sent  
17 to the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
18 ~~Fish~~ Commission. All furs or hides or fur-bearing animals  
19 seized under the authority of this chapter shall, upon  
20 conviction of the offender, be forfeited and sent to the  
21 commission, which shall sell the same and deposit the proceeds  
22 of such sale to the credit of the State Game Trust Fund or  
23 into the commission's Federal Law Enforcement Trust Fund as  
24 provided in s. 372.107, as applicable. If any such hides or  
25 furs are seized and the offender is unknown, the court shall  
26 order such hides or furs sent to the Fish and Wildlife  
27 Conservation ~~Game and Fresh Water Fish~~ Commission, which shall  
28 sell such hides and furs and deposit the proceeds of such sale  
29 to the credit of the State Game Trust Fund or into the  
30 commission's Federal Law Enforcement Trust Fund as provided in  
31 s. 372.107, as applicable.

1           Section 140. Section 372.74, Florida Statutes, is  
2 amended to read:

3           372.74 Cooperative agreements with U. S. Forest  
4 Service; penalty.--The Fish and Wildlife Conservation ~~Game and~~  
5 ~~Fresh Water Fish~~ Commission is authorized and empowered:

6           (1) To enter into cooperative agreements with the  
7 United States Forest Service for the development of game,  
8 bird, fish, reptile or fur-bearing animal management and  
9 demonstration projects on and in the Osceola National Forest  
10 in Columbia and Baker Counties, and in the Ocala National  
11 Forest in Marion, Lake, and Putnam Counties and in the  
12 Apalachicola National Forest in Liberty County. Provided,  
13 however, that no such cooperative agreements shall become  
14 effective in any county concerned until confirmed by the board  
15 of county commissioners of such county expressed through  
16 appropriate resolution.

17           (2) In cooperation with the United States Forest  
18 Service, to make, adopt, promulgate, amend and repeal rules  
19 and regulations, consistent with law, for the further or  
20 better control of hunting, fishing, and control of wildlife in  
21 the above National Forests or parts thereof; to shorten  
22 seasons and reduce bag limits, or shorten or close seasons on  
23 any species of game, bird, fish, reptile, or fur-bearing  
24 animal within the limits prescribed by the Florida law, in the  
25 above enumerated National Forests or parts thereof, when it  
26 shall find after investigation that such action is necessary  
27 to assure the maintenance of an adequate supply of wildlife.

28           (3) To fix a charge not to exceed \$5, for persons 18  
29 years of age and over, and not to exceed \$2 for persons under  
30 the age of 18 years, over and above the license fee for  
31 hunting now required by law. This additional fee is to apply

1 only on areas covered by above cooperative agreements. The  
2 proceeds from this additional license fee shall be used in the  
3 development, propagation of wildlife and protection of the  
4 areas covered by the cooperative agreements as the commission  
5 and the United States Forest Service may deem proper. Nothing  
6 in this section shall be construed as authorizing the  
7 commission to change any penalty prescribed by law or to  
8 change the amount of general license fees or the general  
9 authority conferred by licenses prescribed by law.

10 (4) In addition to the requirements of chapter 120,  
11 notice of the making, adoption, and promulgation of the above  
12 rules and regulations shall be given by posting said notices,  
13 or copies of the rules and regulations, in the offices of the  
14 county judges and in the post offices within the area to be  
15 affected and within 10 miles thereof. In addition to the  
16 posting of said notices, as aforesaid, copies of said notices  
17 or of said rules and regulations shall also be published in  
18 newspapers published at the county seats of Baker, Columbia,  
19 Marion, Lake, Putnam, and Liberty Counties, or so many thereof  
20 as have newspapers, once not more than 35 nor less than 28  
21 days and once not more than 21 nor less than 14 days prior to  
22 the opening of the state hunting season in said areas. Any  
23 person violating any rules or regulations promulgated by the  
24 commission to cover these areas under cooperative agreements  
25 between the Fish and Wildlife Conservation Commission ~~State~~  
26 ~~Commission of Game and Fresh Water Fish~~ and the United States  
27 Forest Service, none of which shall be in conflict with the  
28 laws of Florida, shall be guilty of a misdemeanor of the  
29 second degree, punishable as provided in s. 775.082 or s.  
30 775.083.

31

1           Section 141. Section 372.76, Florida Statutes, is  
2 amended to read:

3           372.76 Search and seizure authorized and limited.--The  
4 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
5 Commission and its conservation officers shall have authority  
6 when they have reasonable and probable cause to believe that  
7 the provisions of this chapter have been violated, to board  
8 any vessel, boat, or vehicle or to enter any fishhouse or  
9 warehouse or other building, exclusive of residence, in which  
10 game, hides, fur-bearing animals, fish, or fish nets are kept  
11 and to search for and seize any such game, hides, fur-bearing  
12 animals, fish, or fish nets had or held therein in violation  
13 of law. Provided, however, that no search without warrant  
14 shall be made under any of the provisions of this chapter,  
15 unless the officer making such search has such information  
16 from a reliable source as would lead a prudent and cautious  
17 person to believe that some provision of this chapter is being  
18 violated.

19           Section 142. Subsection (1) of section 372.761,  
20 Florida Statutes, is amended to read:

21           372.761 Issuance of warrant for search of private  
22 dwelling.--

23           (1) A search warrant may be issued on application by a  
24 commissioned officer of the Fish and Wildlife Conservation  
25 ~~Game and Fresh Water Fish~~ Commission to search any private  
26 dwelling occupied as such when it is being used for the  
27 unlawful sale or purchase of wildlife or freshwater fish being  
28 unlawfully kept therein. The term "private dwelling" shall be  
29 construed to include the room or rooms used and occupied, not  
30 transiently but solely as a residence, in an apartment house,  
31 hotel, boardinghouse, or lodginghouse. No warrant for the

1 search of any private dwelling shall be issued except upon  
2 probable cause supported by sworn affidavit of some creditable  
3 witness that she or he has reason to believe that the said  
4 conditions exist, which affidavit shall set forth the facts on  
5 which such reason for belief is based.

6 Section 143. Subsections (1) and (2) of section  
7 372.77, Florida Statutes, are amended to read:

8 372.77 Assent to provisions of Act of Congress of  
9 September 2, 1937.--

10 (1) The state hereby assents to the provisions of the  
11 Act of Congress entitled "An Act to provide that the United  
12 States shall aid the States in Wildlife Restoration Projects,  
13 and for other purposes," approved September 2, 1937 (Pub. L.  
14 No. 415, 75th Congress), and the Fish and Wildlife  
15 Conservation ~~Game and Fresh Water Fish~~ Commission is hereby  
16 authorized, empowered, and directed to perform such acts as  
17 may be necessary to the conduct and establishment of  
18 cooperative wildlife restoration projects, as defined in said  
19 Act of Congress, in compliance with said act and rules and  
20 regulations promulgated by the Secretary of Agriculture  
21 thereunder.

22 (2) From and after the passage of this section it  
23 shall be unlawful to divert any funds accruing to the state  
24 from license fees paid by hunters for any purpose other than  
25 the administration of the Fish and Wildlife Conservation ~~Game~~  
26 ~~and Fresh Water Fish~~ Commission of the state.

27 Section 144. Section 372.7701, Florida Statutes, is  
28 amended to read:

29 372.7701 Assent to federal acts.--

30 (1) The state hereby assents to the provisions of the  
31 Federal Aid in Fish Restoration Act of August 9, 1950, as

1 amended. The Fish and Wildlife Conservation ~~Department of~~  
2 ~~Environmental Protection and the Game and Fresh Water Fish~~  
3 Commission shall ~~work cooperatively and~~ perform such  
4 activities as are necessary to conduct wildlife and sportfish  
5 restoration projects, as defined in such Act of Congress and  
6 in compliance with the act and rules adopted thereunder by the  
7 United States Department of the Interior. Furthermore, the  
8 commission ~~Department of Environmental Protection~~ shall  
9 develop and implement programs to manage, protect, restore and  
10 conserve marine mammals and the marine fishery, and ~~the Game~~  
11 ~~and Fresh Water Fish Commission~~ shall develop and implement  
12 similar programs for wild animal life and freshwater aquatic  
13 life.

14 (2) Revenues from fees paid by hunters and sport  
15 fishers may not be diverted to purposes other than the  
16 administration of fish and wildlife programs by the Fish and  
17 Wildlife Conservation ~~Department of Environmental Protection~~  
18 ~~and the Game and Fresh Water Fish~~ Commission. Administration  
19 of the state fish and wildlife programs includes only those  
20 functions of fish and wildlife management as are the  
21 responsibility of and under the authority of the Fish and  
22 Wildlife Conservation ~~Department of Environmental Protection~~  
23 ~~and the Game and Fresh Water Fish~~ Commission.

24 (3) This section shall be construed in harmony with s.  
25 372.77.

26 Section 145. Subsection (2) of section 372.771,  
27 Florida Statutes, is amended to read:

28 372.771 Federal conservation of fish and wildlife;  
29 limited jurisdiction.--

30 (2) The United States may exercise concurrent  
31 jurisdiction over lands so acquired and carry out the intent

1 and purpose of the authority except that the existing laws of  
2 Florida relating to the Department of Environmental Protection  
3 or the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
4 ~~Fish~~ Commission shall prevail relating to any area under their  
5 supervision.

6 Section 146. Subsection (1) of section 372.85, Florida  
7 Statutes, is amended to read:

8 372.85 Contaminating fresh waters.--

9 (1) It shall be unlawful for any person or persons,  
10 firm or corporation to cause any dyestuff, coal tar, oil,  
11 sawdust, poison or deleterious substances to be thrown, run or  
12 drained into any of the fresh running waters of this state in  
13 quantities sufficient to injure, stupefy, or kill fish which  
14 may inhabit the same at or below the point where any such  
15 substances are discharged, or caused to flow or be thrown into  
16 such waters; provided, that it shall not be a violation of  
17 this section for any person, firm or corporation engaged in  
18 any mining industry to cause any water handled or used in any  
19 branch of such industry to be discharged on the surface of  
20 land where such industry or branch thereof is being carried on  
21 under such precautionary measures as shall be approved by the  
22 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
23 Commission.

24 Section 147. Section 372.86, Florida Statutes, is  
25 amended to read:

26 372.86 Possessing, exhibiting poisonous or venomous  
27 reptile; license required.--No person, firm, or corporation  
28 shall keep, possess or exhibit any poisonous or venomous  
29 reptile without first having obtained a special permit or  
30 license therefor from the Fish and Wildlife Conservation

31

1 ~~Florida Game and Fresh Water Fish~~ Commission as herein  
2 provided.

3 Section 148. Section 372.87, Florida Statutes, is  
4 amended to read:

5 372.87 License fee; renewal, revocation.--The Fish and  
6 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
7 Commission is hereby authorized and empowered to issue a  
8 license or permit for the keeping, possessing or exhibiting of  
9 poisonous or venomous reptiles, upon payment of an annual fee  
10 of \$5 and upon assurance that all of the provisions of ss.  
11 372.86-372.91 and such other reasonable rules and regulations  
12 as said commission may prescribe will be fully complied with  
13 in all respects. Such permit may be revoked by the Fish and  
14 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
15 Commission upon violation of any of the provisions of ss.  
16 372.86-372.91 or upon violation of any of the rules and  
17 regulations prescribed by said commission relating to the  
18 keeping, possessing and exhibiting of any poisonous and  
19 venomous reptiles. Such permits or licenses shall be for an  
20 annual period to be prescribed by the said commission and  
21 shall be renewable from year to year upon the payment of said  
22 \$5 fee and shall be subject to the same conditions,  
23 limitations and restrictions as herein set forth.

24 Section 149. Section 372.88, Florida Statutes, is  
25 amended to read:

26 372.88 Bond required, amount.--No person, party, firm,  
27 or corporation shall exhibit to the public either with or  
28 without charge, or admission fee any poisonous or venomous  
29 reptile without having first posted a good and sufficient bond  
30 in writing in the penal sum of \$1,000 payable to the Governor  
31 of the state, and the Governor's successors in office,



1 conditioned that such exhibitor will indemnify and save  
2 harmless all persons from injury or damage from such poisonous  
3 or venomous reptiles so exhibited and shall fully comply with  
4 all laws of the state and all rules and regulations of the  
5 Fish and Wildlife Conservation ~~Florida Game and Fresh Water~~  
6 ~~Fish~~ Commission governing the keeping, possessing, or  
7 exhibiting of poisonous or venomous reptiles; provided,  
8 however, that the aggregate liability of the surety for all  
9 such injuries or damages shall, in no event, exceed the penal  
10 sum of said bond. The surety for said bond must be a surety  
11 company authorized to do business under the laws of the state  
12 or in lieu of such a surety, cash in the sum of \$1,000 may be  
13 posted with the said commission to ensure compliance with the  
14 conditions of said bond.

15 Section 150. Section 372.89, Florida Statutes, is  
16 amended to read:

17 372.89 Safe housing required.--All persons, firms, or  
18 corporations licensed under this law to keep, possess or  
19 exhibit poisonous or venomous reptiles shall provide safe,  
20 secure and proper housing for said reptiles in cases, cages,  
21 pits or enclosures. It shall be unlawful for any person, firm  
22 or corporation, whether licensed hereunder or not, to keep,  
23 possess or exhibit any poisonous or venomous reptiles in any  
24 manner not approved as safe, secure and proper by the Fish and  
25 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
26 Commission.

27 Section 151. Section 372.901, Florida Statutes, is  
28 amended to read:

29 372.901 Inspection.--Poisonous or venomous reptiles,  
30 held in captivity, shall be subject to inspection by an  
31 inspecting officer from the Fish and Wildlife Conservation

1 ~~Florida Game and Fresh Water Fish~~ Commission. The inspecting  
2 officer shall determine whether the said reptiles are  
3 securely, properly and safely penned. In the event that the  
4 reptiles are not safely penned, the inspecting officer shall  
5 report the situation in writing to the person or firm owning  
6 the said reptiles. Failure of the owner or exhibitor to  
7 correct the situation within 30 days after such written notice  
8 shall be grounds for revocation of the license or permit of  
9 said owner or exhibitor.

10 Section 152. Section 372.911, Florida Statutes, is  
11 amended to read:

12 372.911 Rewards.--The Fish and Wildlife Conservation  
13 ~~Game and Fresh Water Fish~~ Commission is authorized to offer  
14 rewards in amounts of up to \$500 to any person furnishing  
15 information leading to the arrest and conviction of any person  
16 who has inflicted or attempted to inflict bodily injury upon  
17 any wildlife officer engaged in the enforcement of the  
18 provisions of this chapter or the rules and regulations of the  
19 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
20 Commission.

21 Section 153. Subsection (3) of section 372.912,  
22 Florida Statutes, is amended to read:

23 372.912 Organized poisonous reptile hunts.--

24 (3) All organized poisonous reptile hunts in the state  
25 shall be registered with the Fish and Wildlife Conservation  
26 ~~Game and Fresh Water Fish~~ Commission and be subject to  
27 reasonable rules and regulations promulgated by said  
28 commission.

29 Section 154. Section 372.92, Florida Statutes, is  
30 amended to read:

31

1           372.92 Rules and regulations.--The Fish and Wildlife  
2 Conservation Florida Game and Fresh Water Fish Commission may  
3 prescribe such other rules and regulations as it may deem  
4 necessary to prevent the escape of poisonous and venomous  
5 reptiles, either in connection of construction of such cages  
6 or otherwise to carry out the intent of ss. 372.86-372.91.

7           Section 155. Subsections (1), (2), (3), and (4) of  
8 section 372.921, Florida Statutes, 1998 Supplement, are  
9 amended to read:

10           372.921 Exhibition of wildlife.--

11           (1) In order to provide humane treatment and sanitary  
12 surroundings for wild animals kept in captivity, no person,  
13 firm, corporation, or association shall have, or be in  
14 possession of, in captivity for the purpose of public display  
15 with or without charge or for public sale any wildlife,  
16 specifically birds, mammals, and reptiles, whether indigenous  
17 to Florida or not, without having first secured a permit from  
18 the Fish and Wildlife Conservation Game and Fresh Water Fish  
19 Commission authorizing such person, firm, or corporation to  
20 have in its possession in captivity the species and number of  
21 wildlife specified within such permit; however, this section  
22 does not apply to any wildlife not protected by law and the  
23 regulations of the Fish and Wildlife Conservation Game and  
24 Fresh Water Fish Commission.

25           (2) The fees to be paid for the issuance of permits  
26 required by subsection (1) shall be as follows:

27           (a) For not more than 10 individual specimens in the  
28 aggregate of all species, the sum of \$5 per annum.

29           (b) For over 10 individual specimens in the aggregate  
30 of all species, the sum of \$25 per annum.

31

1 The fees prescribed by this section shall be submitted to the  
2 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
3 Commission with the application for permit required by  
4 subsection (1) and shall be deposited in the State Game Fund.

5 (3) An applicant for a permit shall be required to  
6 include in her or his application a statement showing the  
7 place, number, and species of wildlife to be held in captivity  
8 by the applicant and shall be required upon request by the  
9 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
10 Commission to show when, where, and in what manner she or he  
11 came into possession of any wildlife acquired subsequent to  
12 the effective date of this act. The source of acquisition of  
13 such wildlife shall not be divulged by the commission except  
14 in connection with a violation of this section or a regulation  
15 of the commission in which information as to source of  
16 wildlife is required as evidence in the prosecution of such  
17 violation.

18 (4) Permits issued pursuant to this section and places  
19 where wildlife is kept or held in captivity shall be subject  
20 to inspection by officers of the Fish and Wildlife  
21 Conservation ~~Game and Fresh Water Fish~~ Commission at all  
22 times. The commission shall have the power to release or  
23 confiscate any specimens of any wildlife, specifically birds,  
24 mammals, or reptiles, whether indigenous to the state or not,  
25 when it is found that conditions under which they are being  
26 confined are unsanitary, or unsafe to the public in any  
27 manner, or that the species of wildlife are being maltreated,  
28 mistreated, or neglected or kept in any manner contrary to the  
29 provisions of chapter 828, any such permit to the contrary  
30 notwithstanding. Before any such wildlife is confiscated or  
31 released under the authority of this section, the owner

1 thereof shall have been advised in writing of the existence of  
2 such unsatisfactory conditions; the owner shall have been  
3 given 30 days in which to correct such conditions; the owner  
4 shall have failed to correct such conditions; the owner shall  
5 have had an opportunity for a proceeding pursuant to chapter  
6 120; and the commission shall have ordered such confiscation  
7 or release after careful consideration of all evidence in the  
8 particular case in question. The final order of the  
9 commission shall constitute final agency action.

10 Section 156. Subsection (1) of section 372.922,  
11 Florida Statutes, 1998 Supplement, is amended to read:

12 372.922 Personal possession of wildlife.--

13 (1) It is unlawful for any person or persons to  
14 possess any wildlife as defined in this act, whether  
15 indigenous to Florida or not, until she or he has obtained a  
16 permit as provided by this section from the Fish and Wildlife  
17 Conservation Game and Fresh Water Fish Commission.

18 Section 157. Section 372.97, Florida Statutes, is  
19 amended to read:

20 372.97 Jim Woodruff Dam; reciprocity agreements.--The  
21 Fish and Wildlife Conservation Game and Fresh Water Fish  
22 Commission of the state is hereby authorized to enter into an  
23 agreement of the reciprocity with the game and fish  
24 commissioners or the appropriate officials or departments of  
25 the State of Georgia and the State of Alabama relative to the  
26 taking of game and freshwater fish from the waters of the lake  
27 created by the Jim Woodruff Dam by permitting reciprocal  
28 license privileges.

29 Section 158. Section 372.971, Florida Statutes, is  
30 amended to read:

31

1           372.971 St. Mary's River; reciprocity agreements.--The  
2 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
3 Commission of the state is hereby authorized to enter into an  
4 agreement of reciprocity with the game and fish commissioner  
5 or the appropriate officials or departments of the State of  
6 Georgia relative to the taking of game and freshwater fish  
7 from the waters of the St. Mary's River by permitting  
8 reciprocal agreement license privileges.

9           Section 159. Section 372.98, Florida Statutes, is  
10 amended to read:

11           372.98 Possession of nutria; license; inspection;  
12 penalty for violation.--

13           (1) No person shall release, permit to be released, or  
14 be responsible for the release of, within the state, any  
15 animal of the species myocastor coypu and known commonly in  
16 Florida and referred to herein as nutria.

17           (2) No person shall have in her or his possession for  
18 sale or otherwise any nutria until such person has obtained a  
19 license as provided herein. The fee for such license shall be  
20 \$25 per year. Application for such license shall be made with  
21 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
22 Commission on forms providing therefor.

23           (3) All persons licensed under this law to keep,  
24 possess or exhibit nutria shall provide safe, secure and  
25 proper housing for said nutria which will adequately safeguard  
26 against the escape of any nutria. Requirements for the  
27 construction of such pens or housing shall be as prescribed by  
28 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
29 Commission.

30           (4) All premises upon which nutria are kept shall be  
31 subject to inspection by authorized representatives of the

1 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
2 Commission. Such officers shall determine whether the said  
3 nutria are securely, properly and safely housed. In the event  
4 the said nutria are not securely, properly and safely housed,  
5 the inspecting officer shall so advise in writing the person  
6 owning said nutria. Failure of the owner to provide within 30  
7 days after such written notice secure, proper, and safe  
8 housing as prescribed by the Fish and Wildlife Conservation  
9 ~~Game and Fresh Water Fish~~ Commission shall be grounds for  
10 revocation of the license herein provided and confiscation and  
11 disposal of the said nutria as a public nuisance.

12 (5) Any person violating any provision of this section  
13 or any rule and regulation of the Fish and Wildlife  
14 Conservation ~~Game and Fresh Water Fish~~ Commission pursuant  
15 hereto shall be guilty of a misdemeanor of the second degree,  
16 punishable as provided in s. 775.082 or s. 775.083.

17 Section 160. Section 372.981, Florida Statutes, is  
18 amended to read:

19 372.981 Regulation of importation of caiman.--The Fish  
20 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission  
21 shall promulgate regulations to control the importation of  
22 caiman.

23 Section 161. Subsections (1), (3), and (4) of section  
24 372.99, Florida Statutes, are amended to read:

25 372.99 Illegal taking and possession of deer and wild  
26 turkey; evidence; penalty.--

27 (1) Whoever takes or kills any deer or wild turkey, or  
28 possesses a freshly killed deer or wild turkey, during the  
29 closed season prescribed by law or by the rules and  
30 regulations of the Fish and Wildlife Conservation ~~Game and~~  
31 ~~Fresh Water Fish~~ Commission, or whoever takes or attempts to

1 take any deer or wild turkey by the use of gun and light in or  
2 out of closed season, is guilty of a misdemeanor of the first  
3 degree, punishable as provided in s. 775.082 or s. 775.083,  
4 and shall forfeit any license or permit issued to her or him  
5 under the provisions of this chapter. No license shall be  
6 issued to such person for a period of 3 years following any  
7 such violation on the first offense. Any person guilty of a  
8 second or subsequent violation shall be permanently ineligible  
9 for issuance of a license or permit thereafter.

10 (3) Whoever takes or kills any doe deer; fawn or baby  
11 deer; or deer, whether male or female, which does not have one  
12 or more antlers at least 5 inches in length, except as  
13 provided by law or the rules of the Fish and Wildlife  
14 Conservation ~~Game and Fresh Water Fish~~ Commission, during the  
15 open season prescribed by the rules of the commission, is  
16 guilty of a misdemeanor of the first degree, punishable as  
17 provided in s. 775.082 or s. 775.083, and may be required to  
18 forfeit any license or permit issued to such person for a  
19 period of 3 years following any such violation on the first  
20 offense. Any person guilty of a second or subsequent  
21 violation shall be permanently ineligible for issuance of a  
22 license or permit thereafter.

23 (4) Any person who cultivates agricultural crops may  
24 apply to the Fish and Wildlife Conservation ~~Game and Fresh~~  
25 ~~Water Fish~~ Commission for a permit to take or kill deer on  
26 land which that person is currently cultivating. When said  
27 person can show, to the satisfaction of the Fish and Wildlife  
28 Conservation ~~Game and Fresh Water Fish~~ Commission, that such  
29 taking or killing of deer is justified because of damage to  
30 the person's crops caused by deer, the Fish and Wildlife  
31 Conservation ~~Game and Fresh Water Fish~~ Commission may issue a



1 limited permit to the applicant to take or kill deer without  
2 being in violation of subsection (1) or subsection (3).

3 Section 162. Subsections (1) and (3) of section  
4 372.9901, Florida Statutes, 1998 Supplement, are amended to  
5 read:

6 372.9901 Seizure of illegal devices; disposition;  
7 appraisal; forfeiture.--

8 (1) Any vehicle, vessel, animal, gun, light, or other  
9 hunting device used in the commission of an offense prohibited  
10 by s. 372.99, shall be seized by the arresting officer, who  
11 shall promptly make return of the seizure and deliver the  
12 property to the Director of the Fish and Wildlife Conservation  
13 ~~Game and Fresh Water Fish~~ Commission. The return shall  
14 describe the property seized and recite in detail the facts  
15 and circumstances under which it was seized, together with the  
16 reason that the property was subject to seizure. The return  
17 shall also contain the names of all persons known to the  
18 officer to be interested in the property.

19 (3) Upon conviction of the violator, the property, if  
20 owned by the person convicted, shall be forfeited to the state  
21 under the procedure set forth in ss. 372.312 through 372.318,  
22 where not inconsistent with this section. All amounts received  
23 from the sale or other disposition of the property shall be  
24 paid into the State Game Trust Fund or into the commission's  
25 Federal Law Enforcement Trust Fund as provided in s. 372.107,  
26 as applicable. If the property is not sold or converted, it  
27 shall be delivered to the director of the Fish and Wildlife  
28 Conservation ~~Game and Fresh Water Fish~~ Commission.

29 Section 163. Subsection (1) of section 372.9903,  
30 Florida Statutes, is amended to read:

31

1           372.9903 Illegal possession or transportation of  
2 freshwater game fish in commercial quantities; penalty.--

3           (1) Whoever possesses, moves, or transports any black  
4 bass, bream, speckled perch, or other freshwater game fish in  
5 commercial quantities in violation of law or the rules of the  
6 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
7 Commission shall be guilty of a misdemeanor of the first  
8 degree, punishable as provided in s. 775.082 or s. 775.083.

9           Section 164. Subsections (1) and (3) of section  
10 372.9904, Florida Statutes, 1998 Supplement, are amended to  
11 read:

12           372.9904 Seizure of illegal devices; disposition;  
13 appraisal; forfeiture.--

14           (1) Any vehicle, vessel, or other transportation  
15 device used in the commission of the offense prohibited by s.  
16 372.9903, except a vehicle, vessel, or other transportation  
17 device duly registered as a common carrier and operated in  
18 lawful transaction of business as such carrier, shall be  
19 seized by the arresting officer, who shall promptly make  
20 return of the seizure and deliver the property to the director  
21 of the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
22 ~~Fish~~ Commission. The return shall describe the property  
23 seized and recite in detail the facts and circumstances under  
24 which it was seized, together with the reason that the  
25 property was subject to seizure. The return shall also  
26 contain the names of all persons known to the officer to be  
27 interested in the property.

28           (3) Upon conviction of the violator, the property, if  
29 owned by the person convicted, shall be forfeited to the state  
30 under the procedure set forth in ss. 372.312-372.318, when not  
31 inconsistent with this section. All amounts received from the

1 sale or other disposition of the property shall be paid into  
2 the State Game Trust Fund or into the commission's Federal Law  
3 Enforcement Trust Fund as provided in s. 372.107, as  
4 applicable. If the property is not sold or converted, it  
5 shall be delivered to the director of the Fish and Wildlife  
6 Conservation ~~Game and Fresh Water Fish~~ Commission.

7 Section 165. Section 372.9906, Florida Statutes, is  
8 amended to read:

9 372.9906 Wildlife Law Enforcement Program; creation;  
10 purposes.--There is established within the Fish and Wildlife  
11 Conservation ~~Game and Fresh Water Fish~~ Commission the Wildlife  
12 Law Enforcement Program. The commission may establish and  
13 operate law enforcement programs that relate to the  
14 conservation, enhancement, and regulation of wildlife and  
15 freshwater aquatic resources of the state and to conduct  
16 programs to educate the public about the enforcement of laws  
17 and regulations relating to the wildlife and freshwater  
18 aquatic resources of the state. Moneys that accrue to the  
19 program by law and moneys donated to the program must be  
20 deposited into the State Game Trust Fund.

21 Section 166. Subsection (2) of section 372.991,  
22 Florida Statutes, is amended to read:

23 372.991 Nongame Wildlife Trust Fund.--

24 (2)(a) There is established within the Fish and  
25 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission the  
26 Nongame Wildlife Trust Fund. The fund shall be credited with  
27 moneys collected pursuant to ss. 319.32(3) and 320.02(8).  
28 Additional funds may be provided from legislative  
29 appropriations and by donations from interested individuals  
30 and organizations. The commission shall designate an  
31 identifiable unit to administer the trust fund.

1 (b) Proceeds from the trust fund shall be used for the  
2 following purposes:

3 1. Documentation of population trends of nongame  
4 wildlife and assessment of wildlife habitat, in coordination  
5 with the database of Florida natural areas inventory.

6 2. Establishment of effective conservation,  
7 management, and regulatory programs for nongame wildlife of  
8 the state.

9 3. Public education programs.

10 Section 167. Subsection (1) of section 372.992,  
11 Florida Statutes, is amended to read:

12 372.992 Nongame Wildlife Advisory Council.--

13 (1) There is created the Nongame Wildlife Advisory  
14 Council, which shall consist of the following 11 members  
15 appointed by the Governor: one representative each from the  
16 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
17 Commission, the Department of Environmental Protection, and  
18 the United States Fish and Wildlife Services; the director of  
19 the Florida Museum of Natural History or her or his designee;  
20 one representative from a professional wildlife organization;  
21 one representative from a private wildlife institution; one  
22 representative from a Florida university or college who has  
23 expertise in nongame biology; one representative of business  
24 interests from a private consulting firm who has expertise in  
25 nongame biology; one representative of a statewide  
26 organization of landowner interests; and two members from  
27 conservation organizations. All appointments shall be for  
28 4-year terms. Members shall be eligible for reappointment.

29 Section 168. Subsection (2) of section 372.995,  
30 Florida Statutes, is amended to read:

31 372.995 Release of balloons.--

1           (2) It is unlawful for any person, firm, or  
2 corporation to intentionally release, organize the release, or  
3 intentionally cause to be released within a 24-hour period 10  
4 or more balloons inflated with a gas that is lighter than air  
5 except for:

6           (a) Balloons released by a person on behalf of a  
7 governmental agency or pursuant to a governmental contract for  
8 scientific or meteorological purposes;

9           (b) Hot air balloons that are recovered after  
10 launching;

11           (c) Balloons released indoors; or

12           (d) Balloons that are either biodegradable or  
13 photodegradable, as determined by rule of the Fish and  
14 Wildlife Conservation ~~Marine Fisheries~~ Commission, and which  
15 are closed by a hand-tied knot in the stem of the balloon  
16 without string, ribbon, or other attachments. In the event  
17 that any balloons are released pursuant to the exemption  
18 established in this paragraph, the party responsible for the  
19 release shall make available to any law enforcement officer  
20 evidence of the biodegradability or photodegradability of said  
21 balloons in the form of a certificate executed by the  
22 manufacturer. Failure to provide said evidence shall be prima  
23 facie evidence of a violation of this act.

24           Section 169. Subsections (1), (2), and (5) of section  
25 373.453, Florida Statutes, are amended to read:

26           373.453 Surface water improvement and management plans  
27 and programs.--

28           (1)(a) Each water management district, in cooperation  
29 with the department, the Department of Agriculture and  
30 Consumer Services, the Department of Community Affairs, the  
31 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~

1 Commission, and local governments shall prepare and maintain a  
2 list which shall prioritize water bodies of regional or  
3 statewide significance within each water management district.  
4 The list shall be reviewed and updated every 3 years. The list  
5 shall be based on criteria adopted by rule of the department  
6 and shall assign priorities to the water bodies based on their  
7 need for protection and restoration.

8 (b) Criteria developed by the department shall  
9 include, but need not be limited to, consideration of  
10 violations of water quality standards occurring in the water  
11 body, the amounts of nutrients entering the water body and the  
12 water body's trophic state, the existence of or need for a  
13 continuous aquatic weed control program in the water body, the  
14 biological condition of the water body, reduced fish and  
15 wildlife values, and threats to agricultural and urban water  
16 supplies and public recreational opportunities.

17 (c) In developing their respective priority lists,  
18 water management districts shall give consideration to the  
19 following priority areas:

20 1. The South Florida Water Management District shall  
21 give priority to the restoration needs of Lake Okeechobee,  
22 Biscayne Bay, and the Indian River Lagoon system and their  
23 tributaries.

24 2. The Southwest Florida Water Management District  
25 shall give priority to the restoration needs of Tampa Bay and  
26 its tributaries.

27 3. The St. Johns River Water Management District shall  
28 give priority to the restoration needs of Lake Apopka, the  
29 Lower St. Johns River, and the Indian River Lagoon system and  
30 their tributaries.

31

1           (2) Once the priority lists are approved by the  
2 department, the water management districts, in cooperation  
3 with the department, the Fish and Wildlife Conservation ~~Game~~  
4 ~~and Fresh Water Fish~~ Commission, the Department of Community  
5 Affairs, the Department of Agriculture and Consumer Services,  
6 and local governments, shall develop surface water improvement  
7 and management plans for the water bodies based on the  
8 priority lists. The department shall establish a uniform  
9 format for such plans and a schedule for reviewing and  
10 updating the plans. These plans shall include, but not be  
11 limited to:

12           (a) A description of the water body system, its  
13 historical and current uses, its hydrology, and a history of  
14 the conditions which have led to the need for restoration or  
15 protection;

16           (b) An identification of all governmental units that  
17 have jurisdiction over the water body and its drainage basin  
18 within the approved surface water improvement and management  
19 plan area, including local, regional, state, and federal  
20 units;

21           (c) A description of land uses within the drainage  
22 basin within the approved surface water improvement and  
23 management plan area and those of important tributaries, point  
24 and nonpoint sources of pollution, and permitted discharge  
25 activities;

26           (d) A list of the owners of point and nonpoint sources  
27 of water pollution that are discharged into each water body  
28 and tributary thereto and that adversely affect the public  
29 interest, including separate lists of those sources that are:

- 30           1. Operating without a permit;
- 31           2. Operating with a temporary operating permit; and

1           3. Presently violating effluent limits or water  
2 quality standards.

3  
4 The plan shall also include recommendations and schedules for  
5 bringing all sources into compliance with state standards when  
6 not contrary to the public interest. This paragraph does not  
7 authorize any existing or future violation of any applicable  
8 statute, regulation, or permit requirement, and does not  
9 diminish the authority of the department or the water  
10 management district;

11           (e) A description of strategies and potential  
12 strategies for restoring or protecting the water body to Class  
13 III or better;

14           (f) A listing of studies that are being or have been  
15 prepared for the water body;

16           (g) A description of the research and feasibility  
17 studies which will be performed to determine the particular  
18 strategy or strategies to restore or protect the water body;

19           (h) A description of the measures needed to manage and  
20 maintain the water body once it has been restored and to  
21 prevent future degradation;

22           (i) A schedule for restoration and protection of the  
23 water body; and

24           (j) An estimate of the funding needed to carry out the  
25 restoration or protection strategies.

26           (5) The governing board of each water management  
27 district is encouraged to appoint advisory committees as  
28 necessary to assist in formulating and evaluating strategies  
29 for water body protection and restoration activities and to  
30 increase public awareness and intergovernmental cooperation.  
31 Such committees should include representatives of the Fish and



1 Wildlife Conservation Game and Fresh Water Fish Commission,  
2 the Department of Agriculture and Consumer Services,  
3 appropriate local governments, federal agencies, existing  
4 advisory councils for the subject water body, and  
5 representatives of the public who use the water body.

6 Section 170. Subsections (1) and (3) of section  
7 373.455, Florida Statutes, are amended to read:

8 373.455 Review of surface water improvement and  
9 management plans.--

10 (1) At least 60 days prior to consideration by the  
11 governing board pursuant to s. 373.456(1) of its surface water  
12 improvement and management plan, a water management district  
13 shall transmit its proposed plan to the department, the  
14 Department of Agriculture and Consumer Services, the Fish and  
15 Wildlife Conservation Game and Fresh Water Fish Commission,  
16 the Department of Community Affairs, and local governments.

17 (3) The Fish and Wildlife Conservation Game and Fresh  
18 Water Fish Commission shall review each proposed surface water  
19 improvement and management plan to determine the effects of  
20 the plan on wild animal life and fresh water aquatic life and  
21 their habitats. If the commission determines that the plan  
22 has adverse effects on these resources and that such adverse  
23 effects exceed the beneficial effects on these resources, the  
24 commission shall recommend modifications of or additions to  
25 the plan to the district governing board at the time it  
26 considers the plan pursuant to s. 373.456(1), or any  
27 modifications or additions which would result in additional  
28 beneficial effects on wild animal life or fresh water aquatic  
29 life or their habitats.

30 Section 171. Subsection (2) of section 373.4595,  
31 Florida Statutes, is amended to read:

1           373.4595 Lake Okeechobee improvement and management.--

2           (2) DIVERSIONS; LAKE OKEECHOBEE TECHNICAL ADVISORY  
3 COUNCIL.--

4           (a) The Legislature finds that efforts to reduce  
5 nutrient levels in Lake Okeechobee have resulted in diversions  
6 of nutrient-laden waters to other environmentally sensitive  
7 areas, which diversions have resulted in adverse environmental  
8 effects. The Legislature also finds that both the agriculture  
9 industry and the environmental community are committed to  
10 protecting Lake Okeechobee and these environmentally sensitive  
11 areas from further harm and that this crisis must be addressed  
12 immediately. Therefore:

13           1. The South Florida Water Management District shall  
14 not divert waters to the Indian River estuary, the  
15 Caloosahatchee River or its estuary, or the Everglades  
16 National Park, in such a way that the state water quality  
17 standards are violated, that the nutrients in such diverted  
18 waters adversely affect indigenous vegetation communities or  
19 wildlife, or that fresh waters diverted to the Caloosahatchee  
20 or Indian River estuaries adversely affect the estuarine  
21 vegetation or wildlife, unless the receiving waters will  
22 biologically benefit by the diversion. However, diversion is  
23 permitted when an emergency is declared by the water  
24 management district, if the Secretary of Environmental  
25 Protection concurs.

26           2. The South Florida Water Management district may  
27 divert waters to other areas, including Lake Hicpochee, unless  
28 otherwise provided by law. However, the district shall monitor  
29 the effects of such diversions to determine the extent of  
30 adverse or positive environmental effects on indigenous  
31 vegetation and wildlife. The results of the monitoring shall

1 be reported to the Lake Okeechobee Technical Advisory Council.  
2 If the monitoring of such diversions reveals continuing  
3 adverse environmental effects, the district shall make  
4 recommendations to the Legislature by July 1, 1988, on how to  
5 cease the diversions.

6 (b)1. There is hereby created a Lake Okeechobee  
7 Technical Advisory Council. Council members shall be experts  
8 in the fields of botany, wildlife biology, aquatic biology,  
9 water quality chemistry, or hydrology and shall consist of:  
10 a. Three members appointed by the Governor;  
11 b. Three members appointed by the Speaker of the House  
12 of Representatives;  
13 c. Three members appointed by the President of the  
14 Senate;  
15 d. One member from the Institute of Food and  
16 Agricultural Sciences, University of Florida, appointed by the  
17 President of the University of Florida; and  
18 e. One member from the College of Natural Sciences,  
19 University of South Florida, appointed by the President of the  
20 University of South Florida.

21  
22 Members shall be appointed not later than July 15, 1987.

23 2. The purpose of the council shall be to investigate  
24 the adverse effects of past diversions of water and potential  
25 effects of future diversions on indigenous wildlife and  
26 vegetation and to report to the Legislature, no later than  
27 March 1, 1988, with findings and recommendations proposing  
28 permanent solutions to eliminate such adverse effects.

29 3. The South Florida Water Management District shall  
30 provide staff and assistance to the council. The Department of  
31 Environmental Protection, the Fish and Wildlife Conservation

1 ~~Game and Fresh Water Fish~~ Commission, and the district shall  
2 cooperate with the council.

3           4. The council shall meet not less than once every 2  
4 months at the call of the chair, or at the call of four other  
5 members of the council. The council shall elect from its  
6 members a chair and vice chair and such other officers as the  
7 council deems necessary. The council may establish other  
8 procedures for the conduct of its business.

9           5. The members of the council are not entitled to  
10 compensation but are eligible for per diem and travel expenses  
11 pursuant to s. 112.061.

12           Section 172. Paragraph (b) of subsection (1) of  
13 section 373.465, Florida Statutes, 1998 Supplement, is amended  
14 to read:

15           373.465 Lake Panasoffkee Restoration Council.--There  
16 is created within the Southwest Florida Water Management  
17 District the Lake Panasoffkee Restoration Council.

18           (1)

19           (b) The council advisory group to the council shall  
20 consist of: one representative each from the Southwest Florida  
21 Water Management District, the Florida Department of  
22 Environmental Protection, the Florida Department of  
23 Transportation, the Fish and Wildlife Conservation Florida  
24 ~~Game and Fresh Water Fish~~ Commission, the Withlacoochee River  
25 Basin Board, and the United States Army Corps of Engineers, to  
26 be appointed by their respective agencies, all of whom must  
27 have training in biology or another scientific discipline.

28           Section 173. Subsections (1) and (2) of section  
29 373.466, Florida Statutes, 1998 Supplement, are amended to  
30 read:

31           373.466 Lake Panasoffkee restoration program.--

1           (1) The Southwest Florida Water Management District,  
2 in conjunction with the Department of Environmental  
3 Protection, the Fish and Wildlife Conservation ~~Florida Game~~  
4 ~~and Fresh Water Fish~~ Commission, the Sumter County Commission,  
5 and the Lake Panasoffkee Restoration Council, shall review  
6 existing restoration proposals to determine which ones are the  
7 most environmentally sound and economically feasible methods  
8 of improving the fisheries and natural systems of Lake  
9 Panasoffkee.

10           (2) The Southwest Florida Water Management District,  
11 in consultation and by agreement with the Department of  
12 Environmental Protection, the Fish and Wildlife Conservation  
13 ~~Game and Fresh Water Fish~~ Commission, and pertinent local  
14 governments, shall develop tasks to be undertaken by those  
15 entities necessary to initiate the Lake Panasoffkee  
16 restoration program recommended by the Lake Panasoffkee  
17 Restoration Council. These agencies shall:

18           (a) Evaluate different methodologies for removing the  
19 extensive tussocks and build-up of organic matter along the  
20 shoreline and of the aquatic vegetation in the lake; and

21           (b) Conduct any additional studies as recommended by  
22 the Lake Panasoffkee Restoration Council.

23           Section 174. Subsection (1) of section 373.591,  
24 Florida Statutes, 1998 Supplement, is amended to read:

25           373.591 Management review teams.--

26           (1) To determine whether conservation, preservation,  
27 and recreation lands titled in the name of the water  
28 management districts are being managed for the purposes for  
29 which they were acquired and in accordance with land  
30 management objectives, the water management districts shall  
31 establish land management review teams to conduct periodic

1 management reviews. The land management review teams shall be  
2 composed of the following members:

3 (a) One individual from the county or local community  
4 in which the parcel is located.

5 (b) One employee of the water management district.

6 (c) A private land manager mutually agreeable to the  
7 governmental agency representatives.

8 (d) A member of the local soil and water conservation  
9 district board of supervisors.

10 (e) One individual from the Fish and Wildlife  
11 Conservation Game and Fresh Water Fish Commission.

12 (f) One individual from the Department of  
13 Environmental Protection.

14 (g) One individual representing a conservation  
15 organization.

16 (h) One individual from the Department of Agriculture  
17 and Consumer Services' Division of Forestry.

18 Section 175. Subsection (1) of section 375.021,  
19 Florida Statutes, is amended to read:

20 375.021 Comprehensive multipurpose outdoor recreation  
21 plan.--

22 (1) The department is given the responsibility,  
23 authority, and power to develop and execute a comprehensive  
24 multipurpose outdoor recreation plan for this state with the  
25 cooperation of the Department of Agriculture and Consumer  
26 Services, the Department of Transportation, the Fish and  
27 Wildlife Conservation Game and Fresh Water Fish Commission,  
28 the Department of Commerce, and the water management  
29 districts.

30 Section 176. Section 375.311, Florida Statutes, is  
31 amended to read:

1           375.311 Legislative intent.--To protect and manage  
2 Florida's wildlife environment on lands conveyed for  
3 recreational purposes by private owners and public custodians,  
4 the Legislature hereby intends that the Fish and Wildlife  
5 Conservation ~~Game and Fresh Water Fish~~ Commission shall  
6 regulate motor vehicle access and traffic control on Florida's  
7 public lands.

8           Section 177. Subsection (3) of section 375.312,  
9 Florida Statutes, is amended to read:

10           375.312 Definitions.--As used in this act, unless the  
11 context requires otherwise:

12           (3) "Commission" means the Fish and Wildlife  
13 Conservation ~~Florida Game and Fresh Water Fish~~ Commission.

14           Section 178. Subsections (6) and (8) of section  
15 376.121, Florida Statutes, are amended to read:

16           376.121 Liability for damage to natural  
17 resources.--The Legislature finds that extensive damage to the  
18 state's natural resources is the likely result of a pollutant  
19 discharge and that it is essential that the state adequately  
20 assess and recover the cost of such damage from responsible  
21 parties. It is the state's goal to recover the costs of  
22 restoration from the responsible parties and to restore  
23 damaged natural resources to their pre-discharge condition. In  
24 many instances, however, restoration is not technically  
25 feasible. In such instances, the state has the responsibility  
26 to its citizens to recover the cost of all damage to natural  
27 resources. To ensure that the public does not bear a  
28 substantial loss as a result of the destruction of natural  
29 resources, the procedures set out in this section shall be  
30 used to assess the cost of damage to such resources. Natural  
31 resources include coastal waters, wetlands, estuaries, tidal

1 flats, beaches, lands adjoining the seacoasts of the state,  
2 and all living things except human beings. The Legislature  
3 recognizes the difficulty historically encountered in  
4 calculating the value of damaged natural resources. The value  
5 of certain qualities of the state's natural resources is not  
6 readily quantifiable, yet the resources and their qualities  
7 have an intrinsic value to the residents of the state, and any  
8 damage to natural resources and their qualities should not be  
9 dismissed as nonrecoverable merely because of the difficulty  
10 in quantifying their value. In order to avoid unnecessary  
11 speculation and expenditure of limited resources to determine  
12 these values, the Legislature hereby establishes a schedule  
13 for compensation for damage to the state's natural resources  
14 and the quality of said resources.

15 (6) It is understood that a pollutant will, by its  
16 very nature, result in damage to the flora and fauna of the  
17 waters of the state and the adjoining land. Therefore,  
18 compensation for such resources, which is difficult to  
19 calculate, is included in the compensation schedule. Not  
20 included, however, in this base figure is compensation for the  
21 death of endangered or threatened species directly  
22 attributable to the pollutant discharged. Compensation for the  
23 death of any animal designated by rule as endangered by the  
24 Fish and Wildlife Conservation ~~Florida Game and Fresh Water~~  
25 ~~Fish~~ Commission is \$10,000. Compensation for the death of any  
26 animal designated by rule as threatened by the Fish and  
27 Wildlife Conservation ~~Florida Game and Fresh Water~~ ~~Fish~~  
28 Commission is \$5,000. These amounts are not intended to  
29 reflect the actual value of said endangered or threatened  
30 species, but are included for the purposes of this section.  
31



1           (8) When assessing the amount of damages to natural  
2 resources, the department shall be assisted, if requested by  
3 the department, by representatives of other state agencies and  
4 local governments that would enhance the department's damage  
5 assessment. The Fish and Wildlife Conservation ~~Game and Fresh~~  
6 ~~Water Fish~~ Commission shall assist the department in the  
7 assessment of damages to wildlife impacted by a pollutant  
8 discharge and shall assist the department in recovering the  
9 costs of such damages.

10           Section 179. Subsection (1) of section 378.011,  
11 Florida Statutes, is amended to read:

12           378.011 Land Use Advisory Committee.--

13           (1) There is hereby created a Land Use Advisory  
14 Committee which shall be composed of the following:

15           (a) One member from the Bureau of Geology of the  
16 ~~Division of Resource Management of the~~ Department of  
17 Environmental Protection, who shall serve as chair, to be  
18 appointed by the executive director of said department;

19           (b) One member from the Executive Office of the  
20 Governor, to be appointed by the Governor;

21           (c) One member from the Tampa Bay Regional Planning  
22 Council, one member from the Central Florida Regional Planning  
23 Council, and one member from the North Central Florida  
24 Regional Planning Council, to be appointed by the respective  
25 directors of said regional planning councils;

26           (d) One member to represent the Board of County  
27 Commissioners of Polk County, one member to represent the  
28 Board of County Commissioners of Hillsborough County, and one  
29 member to represent the Board of County Commissioners of  
30 Hamilton County, to be appointed by the chairs of said boards;

31

1           (e) One member from the Fish and Wildlife Conservation  
2 ~~Game and Fresh Water Fish~~ Commission, to be appointed by the  
3 Executive Director of said commission; and

4           (f) Two members of the public, to be appointed by the  
5 Governor.

6           Section 180. Subsection (5) of section 378.036,  
7 Florida Statutes, is amended to read:

8           378.036 Land acquisitions financed by Nonmandatory  
9 Land Reclamation Trust Fund moneys.--

10           (5) By July 1, 1986, the department, in cooperation  
11 with the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
12 ~~Fish~~ Commission, shall develop a list identifying those  
13 nonmandatory lands which have been or may be naturally  
14 reclaimed and which the state may seek to acquire through  
15 purchase or donation for hunting, fishing, or other outdoor  
16 recreational purposes or for wildlife habitat restoration.  
17 The list shall separately indicate which of the nonmandatory  
18 lands are eligible lands.

19           Section 181. Subsection (2) of section 378.409,  
20 Florida Statutes, is amended to read:

21           378.409 Civil liability.--

22           (2) In assessing damages for animal, plant, or aquatic  
23 life, the value shall be determined in accordance with the  
24 tables of values established by the Fish and Wildlife  
25 Conservation ~~Game and Fresh Water Fish~~ Commission and the  
26 department.

27           Section 182. Subsections (3) and (6) of section  
28 380.061, Florida Statutes, 1998 Supplement, are amended to  
29 read:

30           380.061 The Florida Quality Developments program.--

31

1           (3)(a) To be eligible for designation under this  
2 program, the developer shall comply with each of the following  
3 requirements which is applicable to the site of a qualified  
4 development:

5           1. Have donated or entered into a binding commitment  
6 to donate the fee or a lesser interest sufficient to protect,  
7 in perpetuity, the natural attributes of the types of land  
8 listed below. In lieu of the above requirement, the developer  
9 may enter into a binding commitment which runs with the land  
10 to set aside such areas on the property, in perpetuity, as  
11 open space to be retained in a natural condition or as  
12 otherwise permitted under this subparagraph. Under the  
13 requirements of this subparagraph, the developer may reserve  
14 the right to use such areas for the purpose of passive  
15 recreation that is consistent with the purposes for which the  
16 land was preserved.

17           a. Those wetlands and water bodies throughout the  
18 state as would be delineated if the provisions of s.  
19 373.4145(1)(b) were applied. The developer may use such areas  
20 for the purpose of site access, provided other routes of  
21 access are unavailable or impracticable; may use such areas  
22 for the purpose of stormwater or domestic sewage management  
23 and other necessary utilities to the extent that such uses are  
24 permitted pursuant to chapter 403; or may redesign or alter  
25 wetlands and water bodies within the jurisdiction of the  
26 Department of Environmental Protection which have been  
27 artificially created, if the redesign or alteration is done so  
28 as to produce a more naturally functioning system.

29           b. Active beach or primary and, where appropriate,  
30 secondary dunes, to maintain the integrity of the dune system  
31 and adequate public accessways to the beach. However, the

1 developer may retain the right to construct and maintain  
2 elevated walkways over the dunes to provide access to the  
3 beach.

4 c. Known archaeological sites determined to be of  
5 significance by the Division of Historical Resources of the  
6 Department of State.

7 d. Areas known to be important to animal species  
8 designated as endangered or threatened animal species by the  
9 United States Fish and Wildlife Service or by the Fish and  
10 Wildlife Conservation Florida Game and Fresh Water Fish  
11 Commission, for reproduction, feeding, or nesting; for  
12 traveling between such areas used for reproduction, feeding,  
13 or nesting; or for escape from predation.

14 e. Areas known to contain plant species designated as  
15 endangered plant species by the Department of Agriculture and  
16 Consumer Services.

17 2. Produce, or dispose of, no substances designated as  
18 hazardous or toxic substances by the United States  
19 Environmental Protection Agency or by the Department of  
20 Environmental Protection or the Department of Agriculture and  
21 Consumer Services. This subparagraph is not intended to apply  
22 to the production of these substances in nonsignificant  
23 amounts as would occur through household use or incidental use  
24 by businesses.

25 3. Participate in a downtown reuse or redevelopment  
26 program to improve and rehabilitate a declining downtown area.

27 4. Incorporate no dredge and fill activities in, and  
28 no stormwater discharge into, waters designated as Class II,  
29 aquatic preserves, or Outstanding Florida Waters, except as  
30 activities in those waters are permitted pursuant to s.  
31 403.813(2) and the developer demonstrates that those

1 activities meet the standards under Class II waters,  
2 Outstanding Florida Waters, or aquatic preserves, as  
3 applicable.

4           5. Include open space, recreation areas, Xeriscape as  
5 defined in s. 373.185, and energy conservation and minimize  
6 impermeable surfaces as appropriate to the location and type  
7 of project.

8           6. Provide for construction and maintenance of all  
9 onsite infrastructure necessary to support the project and  
10 enter into a binding commitment with local government to  
11 provide an appropriate fair-share contribution toward the  
12 offsite impacts which the development will impose on publicly  
13 funded facilities and services, except offsite transportation,  
14 and condition or phase the commencement of development to  
15 ensure that public facilities and services, except offsite  
16 transportation, will be available concurrent with the impacts  
17 of the development. For the purposes of offsite transportation  
18 impacts, the developer shall comply, at a minimum, with the  
19 standards of the state land planning agency's  
20 development-of-regional-impact transportation rule, the  
21 approved strategic regional policy plan, any applicable  
22 regional planning council transportation rule, and the  
23 approved local government comprehensive plan and land  
24 development regulations adopted pursuant to part II of chapter  
25 163.

26           7. Design and construct the development in a manner  
27 that is consistent with the adopted state plan, the applicable  
28 strategic regional policy plan, and the applicable adopted  
29 local government comprehensive plan.

30           (b) In addition to the foregoing requirements, the  
31 developer shall plan and design his or her development in a

1 manner which includes the needs of the people in this state as  
2 identified in the state comprehensive plan and the quality of  
3 life of the people who will live and work in or near the  
4 development. The developer is encouraged to plan and design  
5 his or her development in an innovative manner. These planning  
6 and design features may include, but are not limited to, such  
7 things as affordable housing, care for the elderly, urban  
8 renewal or redevelopment, mass transit, the protection and  
9 preservation of wetlands outside the jurisdiction of the  
10 Department of Environmental Protection or of uplands as  
11 wildlife habitat, provision for the recycling of solid waste,  
12 provision for onsite child care, enhancement of emergency  
13 management capabilities, the preservation of areas known to be  
14 primary habitat for significant populations of species of  
15 special concern designated by the Fish and Wildlife  
16 Conservation Florida Game and Fresh Water Fish Commission, or  
17 community economic development. These additional amenities  
18 will be considered in determining whether the development  
19 qualifies for designation under this program.

20 (6)(a) In the event that the development is not  
21 designated under subsection (5), the developer may appeal that  
22 determination to the Quality Developments Review Board. The  
23 board shall consist of the secretary of the state land  
24 planning agency, the Secretary of Environmental Protection and  
25 a member designated by the secretary, the Secretary of  
26 Transportation, the executive director of the Fish and  
27 Wildlife Conservation Florida Game and Fresh Water Fish  
28 Commission, the executive director of the appropriate water  
29 management district created pursuant to chapter 373, and the  
30 chief executive officer of the appropriate local government.  
31 When there is a significant historical or archaeological site

1 within the boundaries of a development which is appealed to  
2 the board, the director of the Division of Historical  
3 Resources of the Department of State shall also sit on the  
4 board. The staff of the state land planning agency shall serve  
5 as staff to the board.

6 (b) The board shall meet once each quarter of the  
7 year. However, a meeting may be waived if no appeals are  
8 pending.

9 (c) On appeal, the sole issue shall be whether the  
10 development meets the statutory criteria for designation under  
11 this program. An affirmative vote of at least five members of  
12 the board, including the affirmative vote of the chief  
13 executive officer of the appropriate local government, shall  
14 be necessary to designate the development by the board.

15 (d) The state land planning agency shall adopt  
16 procedural rules for consideration of appeals under this  
17 subsection.

18 Section 183. Section 388.45, Florida Statutes, is  
19 amended to read:

20 388.45 Threat to public health; emergency  
21 declarations.--The State Health Officer has the authority to  
22 declare that a threat to public health exists when the  
23 Department of Health discovers in the human or surrogate  
24 population the occurrence of an infectious disease that can be  
25 transmitted from arthropods to humans. The State Health  
26 Officer must immediately notify the Commissioner of  
27 Agriculture of the declaration of this threat to public  
28 health. The Commissioner of Agriculture is authorized to issue  
29 an emergency declaration based on the State Health Officer's  
30 declaration of a threat to the public health or based on other  
31 threats to animal health. Each declaration must contain the

1 geographical boundaries and the duration of the declaration.  
2 The State Health Officer shall order such human medical  
3 preventive treatment and the Commissioner of Agriculture shall  
4 order such ameliorative arthropod control measures as are  
5 necessary to prevent the spread of disease, notwithstanding  
6 contrary provisions of this chapter or the rules adopted under  
7 this chapter. Within 24 hours after a declaration of a threat  
8 to the public health, the State Health Officer must also  
9 notify the agency heads of the Department of Environmental  
10 Protection and the Fish and Wildlife Conservation Game and  
11 ~~Fresh Water Fish~~ Commission of the declaration. Within 24  
12 hours after an emergency declaration based on the public  
13 health declaration or based on other threats to animal health,  
14 the Commissioner of Agriculture must notify the agency heads  
15 of the Department of Environmental Protection and the Fish and  
16 Wildlife Conservation Game and Fresh Water Fish Commission of  
17 the declaration. Within 24 hours after an emergency  
18 declaration based on other threats to animal health, the  
19 Commissioner of Agriculture must also notify the agency head  
20 of the Department of Health of the declaration.

21 Section 184. Subsection (2) of section 388.46, Florida  
22 Statutes, is amended to read:

23 388.46 Florida Coordinating Council on Mosquito  
24 Control; establishment; membership; organization;  
25 responsibilities.--

26 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.--

27 (a) Membership.--The Florida Coordinating Council on  
28 Mosquito Control shall be comprised of the following  
29 representatives or their authorized designees:

30 1. The Secretary of Environmental Protection and the  
31 Secretary of Health;



1           2. The executive director of the Fish and Wildlife  
2 Conservation Game and Fresh Water Fish Commission;

3           3. The state epidemiologist;

4           4. The Commissioner of Agriculture; and

5           5. Representatives from:

6           a. The University of Florida, Institute of Food and  
7 Agricultural Sciences, Florida Medical Entomological Research  
8 Laboratory;

9           b. Florida Agricultural and Mechanical University;

10          c. The United States Environmental Protection Agency;

11          d. The United States Department of Agriculture,  
12 Insects Affecting Man Laboratory;

13          e. The United States Fish and Wildlife Service;

14          f. Two mosquito control directors to be nominated by  
15 the Florida Mosquito Control Association, two representatives  
16 of Florida environmental groups, and two private citizens who  
17 are property owners whose lands are regularly subject to  
18 mosquito control operations, to be appointed to 4-year terms  
19 by the Commissioner of Agriculture; and

20          g. The Board of Trustees of the Internal Improvement  
21 Trust Fund.

22          (b) Organization.--The council shall be chaired by the  
23 Commissioner of Agriculture or the commissioner's authorized  
24 designee. A majority of the membership of the council shall  
25 constitute a quorum for the conduct of business. The chair  
26 shall be responsible for recording and distributing to the  
27 members a summary of the proceedings of all council meetings.  
28 The council shall meet at least three times each year, or as  
29 needed. The council may designate subcommittees from time to  
30 time to assist in carrying out its responsibilities, provided  
31 that the Subcommittee on Managed Marshes shall be the first

1 subcommittee appointed by the council. The subcommittee shall  
2 continue to provide technical assistance and guidance on  
3 mosquito impoundment management plans and develop and review  
4 research proposals for mosquito source reduction techniques.

5 (c) Responsibilities.--The council shall:

6 1. Develop and implement guidelines to assist the  
7 department in resolving disputes arising over the control of  
8 arthropods on publicly owned lands.

9 2. Identify and recommend to Florida Agricultural and  
10 Mechanical University research priorities for arthropod  
11 control practices and technologies.

12 3. Develop and recommend to the department a request  
13 for proposal process for arthropod control research.

14 4. Identify potential funding sources for research or  
15 implementation projects and evaluate and prioritize proposals  
16 upon request by the funding source.

17 5. Prepare and present reports, as needed, on  
18 arthropod control activities in the state to the Pesticide  
19 Review Council, the Florida Coastal Management Program  
20 Interagency Management Committee, and other governmental  
21 organizations, as appropriate.

22 Section 185. Subsection (5) of section 403.0752,  
23 Florida Statutes, is amended to read:

24 403.0752 Ecosystem management agreements.--

25 (5) The Secretary of Community Affairs, the Secretary  
26 of Transportation, the Commissioner of Agriculture, the  
27 Executive Director of the Fish and Wildlife Conservation Game  
28 ~~and Fresh Water Fish~~ Commission, and the executive directors  
29 of the water management districts are authorized to  
30 participate in the development of ecosystem management  
31 agreements with regulated entities and other governmental

1 agencies as necessary to effectuate the provisions of this  
2 section. Local governments are encouraged to participate in  
3 ecosystem management agreements.

4 Section 186. Subsection (4) of section 403.0885,  
5 Florida Statutes, 1998 Supplement, is amended to read:

6 403.0885 Establishment of federally approved state  
7 National Pollutant Discharge Elimination System (NPDES)  
8 Program.--

9 (4) The department shall respond, in writing, to any  
10 written comments on a pending application for a state NPDES  
11 permit which the department receives from the executive  
12 director, or his or her designee, of the Fish and Wildlife  
13 Conservation ~~Game and Fresh Water Fish~~ Commission on matters  
14 within the commenting agency's jurisdiction. The department's  
15 response shall not constitute agency action for purposes of  
16 ss. 120.569 and 120.57 or other provisions of chapter 120.

17 Section 187. Subsection (2) of section 403.413,  
18 Florida Statutes, is amended to read:

19 403.413 Florida Litter Law.--

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

21 (a) "Litter" means any garbage; rubbish; trash;  
22 refuse; can; bottle; box; container; paper; tobacco product;  
23 tire; appliance; mechanical equipment or part; building or  
24 construction material; tool; machinery; wood; motor vehicle or  
25 motor vehicle part; vessel; aircraft; farm machinery or  
26 equipment; sludge from a waste treatment facility, water  
27 supply treatment plant, or air pollution control facility; or  
28 substance in any form resulting from domestic, industrial,  
29 commercial, mining, agricultural, or governmental operations.

30  
31

1 (b) "Person" means any individual, firm, sole  
2 proprietorship, partnership, corporation, or unincorporated  
3 association.

4 (c) "Law enforcement officer" means any officer of the  
5 Florida Highway Patrol, a county sheriff's department, a  
6 municipal law enforcement department, a law enforcement  
7 department of any other political subdivision, the department,  
8 or the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
9 ~~Fish~~ Commission. In addition, and solely for the purposes of  
10 this section, "law enforcement officer" means any employee of  
11 a county or municipal park or recreation department designated  
12 by the department head as a litter enforcement officer.

13 (d) "Aircraft" means a motor vehicle or other vehicle  
14 that is used or designed to fly but does not include a  
15 parachute or any other device used primarily as safety  
16 equipment.

17 (e) "Commercial purpose" means for the purpose of  
18 economic gain.

19 (f) "Commercial vehicle" means a vehicle that is owned  
20 or used by a business, corporation, association, partnership,  
21 or sole proprietorship or any other entity conducting business  
22 for a commercial purpose.

23 (g) "Dump" means to dump, throw, discard, place,  
24 deposit, or dispose of.

25 (h) "Motor vehicle" means an automobile, motorcycle,  
26 truck, trailer, semitrailer, truck tractor, or semitrailer  
27 combination or any other vehicle that is powered by a motor.

28 (i) "Vessel" means a boat, barge, or airboat or any  
29 other vehicle used for transportation on water.

30 Section 188. Subsection (2) of section 403.507,  
31 Florida Statutes, is amended to read:

1           403.507 Preliminary statements of issues, reports, and  
2 studies.--

3           (2)(a) The following agencies shall prepare reports as  
4 provided below and shall submit them to the department and the  
5 applicant within 150 days after distribution of the complete  
6 application:

7           1. The Department of Community Affairs shall prepare a  
8 report containing recommendations which address the impact  
9 upon the public of the proposed electrical power plant, based  
10 on the degree to which the electrical power plant is  
11 consistent with the applicable portions of the state  
12 comprehensive plan and other such matters within its  
13 jurisdiction. The Department of Community Affairs may also  
14 comment on the consistency of the proposed electrical power  
15 plant with applicable strategic regional policy plans or local  
16 comprehensive plans and land development regulations.

17           2. The Public Service Commission shall prepare a  
18 report as to the present and future need for the electrical  
19 generating capacity to be supplied by the proposed electrical  
20 power plant. The report shall include the commission's  
21 determination pursuant to s. 403.519 and may include the  
22 commission's comments with respect to any other matters within  
23 its jurisdiction.

24           3. The water management district shall prepare a  
25 report as to matters within its jurisdiction.

26           4. Each local government in whose jurisdiction the  
27 proposed electrical power plant is to be located shall prepare  
28 a report as to the consistency of the proposed electrical  
29 power plant with all applicable local ordinances, regulations,  
30 standards, or criteria that apply to the proposed electrical  
31 power plant, including adopted local comprehensive plans, land

1 development regulations, and any applicable local  
2 environmental regulations adopted pursuant to s. 403.182 or by  
3 other means.

4           5. The Fish and Wildlife Conservation ~~Game and Fresh~~  
5 ~~Water Fish~~ Commission shall prepare a report as to matters  
6 within its jurisdiction.

7           6. The regional planning council shall prepare a  
8 report containing recommendations that address the impact upon  
9 the public of the proposed electrical power plant, based on  
10 the degree to which the electrical power plant is consistent  
11 with the applicable provisions of the strategic regional  
12 policy plan adopted pursuant to chapter 186 and other matters  
13 within its jurisdiction.

14           7. Any other agency, if requested by the department,  
15 shall also perform studies or prepare reports as to matters  
16 within that agency's jurisdiction which may potentially be  
17 affected by the proposed electrical power plant.

18           (b) As needed to verify or supplement the studies made  
19 by the applicant in support of the application, it shall be  
20 the duty of the department to conduct, or contract for,  
21 studies of the proposed electrical power plant and site,  
22 including, but not limited to, the following, which shall be  
23 completed no later than 210 days after the complete  
24 application is filed with the department:

- 25           1. Cooling system requirements.
- 26           2. Construction and operational safeguards.
- 27           3. Proximity to transportation systems.
- 28           4. Soil and foundation conditions.
- 29           5. Impact on suitable present and projected water  
30 supplies for this and other competing uses.
- 31           6. Impact on surrounding land uses.

- 1 7. Accessibility to transmission corridors.
- 2 8. Environmental impacts.
- 3 9. Requirements applicable under any federally
- 4 delegated or approved permit program.

5 (c) Each report described in paragraphs (a) and (b)  
6 shall contain all information on variances, exemptions,  
7 exceptions, or other relief which may be required by s.  
8 403.511(2) and any proposed conditions of certification on  
9 matters within the jurisdiction of such agency. For each  
10 condition proposed by an agency in its report, the agency  
11 shall list the specific statute, rule, or ordinance which  
12 authorizes the proposed condition.

13 (d) The agencies shall initiate the activities  
14 required by this section no later than 30 days after the  
15 complete application is distributed. The agencies shall keep  
16 the applicant and the department informed as to the progress  
17 of the studies and any issues raised thereby.

18 Section 189. Paragraph (a) of subsection (4) of  
19 section 403.508, Florida Statutes, is amended to read:

20 403.508 Land use and certification proceedings,  
21 parties, participants.--

22 (4)(a) Parties to the proceeding shall include:

- 23 1. The applicant.
- 24 2. The Public Service Commission.
- 25 3. The Department of Community Affairs.
- 26 4. The Fish and Wildlife Conservation Commission ~~Game~~  
27 ~~and Fresh Water Fish Commission~~.
- 28 5. The water management district.
- 29 6. The department.
- 30 7. The regional planning council.
- 31 8. The local government.

1           Section 190. Paragraph (b) of subsection (1) of  
2 section 403.518, Florida Statutes, is amended to read:

3           403.518 Fees; disposition.--

4           (1) The department shall charge the applicant the  
5 following fees, as appropriate, which shall be paid into the  
6 Florida Permit Fee Trust Fund:

7           (b) An application fee, which shall not exceed  
8 \$200,000. The fee shall be fixed by rule on a sliding scale  
9 related to the size, type, ultimate site capacity, increase in  
10 generating capacity proposed by the application, or the number  
11 and size of local governments in whose jurisdiction the  
12 electrical power plant is located.

13           1. Sixty percent of the fee shall go to the department  
14 to cover any costs associated with reviewing and acting upon  
15 the application, to cover any field services associated with  
16 monitoring construction and operation of the facility, and to  
17 cover the costs of the public notices published by the  
18 department.

19           2. Twenty percent of the fee or \$25,000, whichever is  
20 greater, shall be transferred to the Administrative Trust Fund  
21 of the Division of Administrative Hearings of the Department  
22 of Management Services.

23           3. Upon written request with proper itemized  
24 accounting within 90 days after final agency action by the  
25 board or withdrawal of the application, the department shall  
26 reimburse the Department of Community Affairs, the Fish and  
27 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
28 and any water management district created pursuant to chapter  
29 373, regional planning council, and local government in the  
30 jurisdiction of which the proposed electrical power plant is  
31 to be located, and any other agency from which the department



1 requests special studies pursuant to s. 403.507(2)(a)7. Such  
2 reimbursement shall be authorized for the preparation of any  
3 studies required of the agencies by this act, and for agency  
4 travel and per diem to attend any hearing held pursuant to  
5 this act, and for local governments to participate in the  
6 proceedings. In the event the amount available for allocation  
7 is insufficient to provide for complete reimbursement to the  
8 agencies, reimbursement shall be on a prorated basis.

9           4. If any sums are remaining, the department shall  
10 retain them for its use in the same manner as is otherwise  
11 authorized by this act; provided, however, that if the  
12 certification application is withdrawn, the remaining sums  
13 shall be refunded to the applicant within 90 days after  
14 withdrawal.

15           Section 191. Paragraph (a) of subsection (2) of  
16 section 403.526, Florida Statutes, is amended to read:

17           403.526 Preliminary statements of issues, reports, and  
18 studies.--

19           (2)(a) The affected agencies shall prepare reports as  
20 provided below and shall submit them to the department and the  
21 applicant within 90 days after distribution of the complete  
22 application:

23           1. The department shall prepare a report as to the  
24 impact of each proposed transmission line or corridor as it  
25 relates to matters within its jurisdiction.

26           2. Each water management district in the jurisdiction  
27 of which a proposed transmission line or corridor is to be  
28 located shall prepare a report as to the impact on water  
29 resources and other matters within its jurisdiction.

30           3. The Department of Community Affairs shall prepare a  
31 report containing recommendations which address the impact

1 upon the public of the proposed transmission line or corridor,  
2 based on the degree to which the proposed transmission line or  
3 corridor is consistent with the applicable portions of the  
4 state comprehensive plan and other matters within its  
5 jurisdiction. The Department of Community Affairs may also  
6 comment on the consistency of the proposed transmission line  
7 or corridor with applicable strategic regional policy plans or  
8 local comprehensive plans and land development regulations.

9           4. The Fish and Wildlife Conservation ~~Game and Fresh~~  
10 ~~Water Fish~~ Commission shall prepare a report as to the impact  
11 of each proposed transmission line or corridor on fish and  
12 wildlife resources and other matters within its jurisdiction.

13           5. Each local government shall prepare a report as to  
14 the impact of each proposed transmission line or corridor on  
15 matters within its jurisdiction, including the consistency of  
16 the proposed transmission line or corridor with all applicable  
17 local ordinances, regulations, standards, or criteria that  
18 apply to the proposed transmission line or corridor, including  
19 local comprehensive plans, zoning regulations, land  
20 development regulations, and any applicable local  
21 environmental regulations adopted pursuant to s. 403.182 or by  
22 other means. No change by the responsible local government or  
23 local agency in local comprehensive plans, zoning ordinances,  
24 or other regulations made after the date required for the  
25 filing of the local government's report required by this  
26 section shall be applicable to the certification of the  
27 proposed transmission line or corridor unless the  
28 certification is denied or the application is withdrawn.

29           6. Each regional planning council shall present a  
30 report containing recommendations that address the impact upon  
31 the public of the proposed transmission line or corridor based

1 on the degree to which the transmission line or corridor is  
2 consistent with the applicable provisions of the strategic  
3 regional policy plan adopted pursuant to chapter 186 and other  
4 impacts of each proposed transmission line or corridor on  
5 matters within its jurisdiction.

6 Section 192. Paragraph (a) of subsection (4) of  
7 section 403.527, Florida Statutes, is amended to read:

8 403.527 Notice, proceedings, parties, participants.--

9 (4)(a) Parties to the proceeding shall be:

- 10 1. The applicant.
- 11 2. The department.
- 12 3. The commission.
- 13 4. The Department of Community Affairs.
- 14 5. The Fish and Wildlife Conservation ~~Game and Fresh~~  
15 ~~Water Fish~~ Commission.

16 6. Each water management district in the jurisdiction  
17 of which the proposed transmission line or corridor is to be  
18 located.

19 7. The local government.

20 8. The regional planning council.

21 Section 193. Paragraph (c) of subsection (1) of  
22 section 403.5365, Florida Statutes, is amended to read:

23 403.5365 Fees; disposition.--The department shall  
24 charge the applicant the following fees, as appropriate, which  
25 shall be paid into the Florida Permit Fee Trust Fund:

26 (1) An application fee of \$100,000, plus \$750 per mile  
27 for each mile of corridor in which the transmission line  
28 right-of-way is proposed to be located within an existing  
29 electrical transmission line right-of-way or within any  
30 existing right-of-way for any road, highway, railroad, or  
31 other aboveground linear facility, or \$1,000 per mile for each

1 mile of transmission line corridor proposed to be located  
2 outside such existing right-of-way.

3 (c) 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 expenses and costs of the Department of  
7 Community Affairs, the Fish and Wildlife Conservation ~~Game and~~  
8 ~~Fresh Water Fish~~ Commission, the water management district,  
9 regional planning council, and local government in the  
10 jurisdiction of which the transmission line is to be located.  
11 Such reimbursement shall be authorized for the preparation of  
12 any studies required of the agencies by this act, and for  
13 agency travel and per diem to attend any hearing held pursuant  
14 to this act, and for the local government to participate in  
15 the proceedings. In the event the amount available for  
16 allocation is insufficient to provide for complete  
17 reimbursement to the agencies, reimbursement shall be on a  
18 prorated basis.

19 Section 194. Subsection (3) of section 403.7841,  
20 Florida Statutes, is amended to read:

21 403.7841 Application for certification.--

22 (3) Within 7 days after filing the application with  
23 the department, the applicant shall provide two copies of the  
24 application as filed to each of the following: the Department  
25 of Community Affairs, the water management district which has  
26 jurisdiction over the area wherein the proposed project is to  
27 be located, the Department of Transportation, the Fish and  
28 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
29 the Department of Health and Rehabilitative Services, the  
30 Department of Agriculture and Consumer Services, and the local  
31 governmental entities which have jurisdiction.

1           Section 195. Subsection (1) of section 403.786,  
2 Florida Statutes, is amended to read:

3           403.786 Report and studies.--

4           (1) The Department of Community Affairs, the water  
5 management district which has jurisdiction over the area  
6 wherein the proposed project is to be located, the Department  
7 of Transportation, the Fish and Wildlife Conservation ~~Game and~~  
8 ~~Fresh Water Fish~~ Commission, the Department of Health and  
9 Rehabilitative Services, the Department of Agriculture and  
10 Consumer Services, and each local government which has  
11 jurisdiction shall each submit a report of matters within  
12 their jurisdiction to the department within 90 days after  
13 their receipt of the application. Any other agency may submit  
14 comments relating to matters within its jurisdiction to the  
15 department within 90 days after the filing of the application  
16 with the Division of Administrative Hearings.

17           Section 196. Paragraph (a) of subsection (4) of  
18 section 403.787, Florida Statutes, is amended to read:

19           403.787 Notice, proceedings, parties, participants.--

20           (4)(a) Parties to the proceeding shall be:

- 21           1. The applicant.
- 22           2. The department.
- 23           3. The Department of Community Affairs.
- 24           4. The Fish and Wildlife Conservation ~~Game and Fresh~~  
25 ~~Water Fish~~ Commission.
- 26           5. Each water management district in the jurisdiction  
27 of which the proposed project is to be located.
- 28           6. Any affected local government.

29           Section 197. Subsection (6) of section 403.9325,  
30 Florida Statutes, is amended to read:

31

1           403.9325 Definitions.--For the purposes of ss.  
2 403.9321-403.9333, the term:  
3           (6) "Public lands set aside for conservation or  
4 preservation" means:  
5           (a) Conservation and recreation lands under chapter  
6 259;  
7           (b) State and national parks;  
8           (c) State and national reserves and preserves, except  
9 as provided in s. 403.9326(3);  
10           (d) State and national wilderness areas;  
11           (e) National wildlife refuges (only those lands under  
12 Federal Government ownership);  
13           (f) Lands acquired through the Water Management Lands  
14 Trust Fund, Save Our Rivers Program;  
15           (g) Lands acquired under the Save Our Coast program;  
16           (h) Lands acquired under the environmentally  
17 endangered lands bond program;  
18           (i) Public lands designated as conservation or  
19 preservation under a local government comprehensive plan;  
20           (j) Lands purchased by a water management district,  
21 the Fish and Wildlife Conservation ~~Florida Game and Fresh~~  
22 ~~Water Fish~~ Commission, or any other state agency for  
23 conservation or preservation purposes;  
24           (k) Public lands encumbered by a conservation easement  
25 that does not provide for the trimming of mangroves; and  
26           (l) Public lands designated as critical wildlife areas  
27 by the Fish and Wildlife Conservation ~~Florida Game and Fresh~~  
28 ~~Water Fish~~ Commission.  
29           Section 198. Paragraph (a) of subsection (2) of  
30 section 403.941, Florida Statutes, is amended to read:  
31

1           403.941 Preliminary statements of issues, reports, and  
2 studies.--

3           (2)(a) The affected agencies shall prepare reports as  
4 provided in this paragraph and shall submit them to the  
5 department and the applicant within 60 days after the  
6 application is determined sufficient:

7           1. The department shall prepare a report as to the  
8 impact of each proposed natural gas transmission pipeline or  
9 corridor as it relates to matters within its jurisdiction.

10          2. Each water management district in the jurisdiction  
11 of which a proposed natural gas transmission pipeline or  
12 corridor is to be located shall prepare a report as to the  
13 impact on water resources and other matters within its  
14 jurisdiction.

15          3. The Department of Community Affairs shall prepare a  
16 report containing recommendations which address the impact  
17 upon the public of the proposed natural gas transmission  
18 pipeline or corridor, based on the degree to which the  
19 proposed natural gas transmission pipeline or corridor is  
20 consistent with the applicable portions of the state  
21 comprehensive plan and other matters within its jurisdiction.  
22 The Department of Community Affairs may also comment on the  
23 consistency of the proposed natural gas transmission pipeline  
24 or corridor with applicable strategic regional policy plans or  
25 local comprehensive plans and land development regulations.

26          4. The Fish and Wildlife Conservation ~~Game and Fresh~~  
27 ~~Water Fish~~ Commission shall prepare a report as to the impact  
28 of each proposed natural gas transmission pipeline or corridor  
29 on fish and wildlife resources and other matters within its  
30 jurisdiction.

31

1           5. Each local government in which the natural gas  
2 transmission pipeline or natural gas transmission pipeline  
3 corridor will be located shall prepare a report as to the  
4 impact of each proposed natural gas transmission pipeline or  
5 corridor on matters within its jurisdiction, including the  
6 consistency of the proposed natural gas transmission pipeline  
7 or corridor with all applicable local ordinances, regulations,  
8 standards, or criteria that apply to the proposed natural gas  
9 transmission pipeline or corridor, including local  
10 comprehensive plans, zoning regulations, land development  
11 regulations, and any applicable local environmental  
12 regulations adopted pursuant to s. 403.182 or by other means.  
13 No change by the responsible local government or local agency  
14 in local comprehensive plans, zoning ordinances, or other  
15 regulations made after the date required for the filing of the  
16 local government's report required by this section shall be  
17 applicable to the certification of the proposed natural gas  
18 transmission pipeline or corridor unless the certification is  
19 denied or the application is withdrawn.

20           6. Each regional planning council in which the natural  
21 gas transmission pipeline or natural gas transmission pipeline  
22 corridor will be located shall present a report containing  
23 recommendations that address the impact upon the public of the  
24 proposed natural gas transmission pipeline or corridor, based  
25 on the degree to which the natural gas transmission pipeline  
26 or corridor is consistent with the applicable provisions of  
27 the strategic regional policy plan adopted pursuant to chapter  
28 186 and other impacts of each proposed natural gas  
29 transmission pipeline or corridor on matters within its  
30 jurisdiction.

31



1           7. The Department of Transportation shall prepare a  
2 report on the effect of the natural gas transmission pipeline  
3 or natural gas transmission pipeline corridor on matters  
4 within its jurisdiction, including roadway crossings by the  
5 pipeline. The report shall contain at a minimum:

6           a. A report by the applicant to the department stating  
7 that all requirements of the department's utilities  
8 accommodation guide have been or will be met in regard to the  
9 proposed pipeline or pipeline corridor; and

10           b. A statement by the department as to the adequacy of  
11 the report to the department by the applicant.

12           8. The Department of State, Division of Historical  
13 Resources, shall prepare a report on the impact of the natural  
14 gas transmission pipeline or natural gas transmission pipeline  
15 corridor on matters within its jurisdiction.

16           9. The commission shall prepare a report addressing  
17 matters within its jurisdiction. The commission's report shall  
18 include its determination of need issued pursuant to s.  
19 403.9422.

20           Section 199. Paragraph (a) of subsection (4) of  
21 section 403.9411, Florida Statutes, is amended to read:

22           403.9411 Notice; proceedings; parties and  
23 participants.--

24           (4)(a) Parties to the proceeding shall be:

25           1. The applicant.

26           2. The department.

27           3. The commission.

28           4. The Department of Community Affairs.

29           5. The Fish and Wildlife Conservation ~~Game and Fresh~~  
30 ~~Water Fish~~ Commission.

31

1           6. Each water management district in the jurisdiction  
2 of which the proposed natural gas transmission pipeline or  
3 corridor is to be located.

4           7. The local government.

5           8. The regional planning council.

6           9. The Department of Transportation.

7           10. The Department of State, Division of Historical  
8 Resources.

9           Section 200. Subsection (2) of section 403.961,  
10 Florida Statutes, is amended to read:

11           403.961 Statements of issues and reports; written  
12 analyses.--

13           (2) Each of the following agencies shall prepare a  
14 report as to matters within its jurisdiction expected to be  
15 affected by the proposed project, which report shall be  
16 submitted to the applicant, the Department of Commerce, the  
17 Department of Environmental Protection, the affected local  
18 governments, and all other affected agencies, no later than 65  
19 days after the date the application is determined to be  
20 sufficient:

21           (a) The Department of Transportation.

22           (b) The Department of Community Affairs.

23           (c) The Fish and Wildlife Conservation ~~Game and Fresh~~  
24 ~~Water Fish~~ Commission.

25           (d) Each water management district having jurisdiction  
26 over any proposed site or installation.

27           (e) Each regional planning council having jurisdiction  
28 over any proposed site or installation.

29           (f) Any other agency, if requested by the Department  
30 of Commerce, shall also prepare reports as to matters within  
31

1 that agency's jurisdiction expected to be affected by the  
2 proposed project.

3 Section 201. Paragraph (b) of subsection (1) of  
4 section 403.962, Florida Statutes, is amended to read:

5 403.962 Certification hearing; cancellation;  
6 parties.--

7 (1) The assigned administrative law judge shall  
8 conduct a certification hearing in the county of the proposed  
9 site no later than 150 days after the application for project  
10 certification is deemed to be sufficient or an applicant has  
11 requested that its application be processed on the basis of  
12 information already submitted. All proceedings are governed  
13 by chapter 120 except as modified by this act. The hearing  
14 shall only be conducted in the event that a hearing is  
15 requested by the applicant, an affected agency, a person  
16 having a substantial interest which is affected by the  
17 proposed certification, a qualified organization, or an  
18 affected person who files a petition pursuant to s.  
19 403.9615(4). In determining whether a hearing shall be  
20 conducted, the following procedures shall apply:

21 (b) The following agencies shall be entitled to  
22 request the conduct of a certification hearing under this  
23 section:

- 24 1. The Department of Environmental Protection.
- 25 2. The Fish and Wildlife Conservation ~~Game and Fresh~~  
26 ~~Water Fish~~ Commission.
- 27 3. The Department of Community Affairs.
- 28 4. The Department of Transportation.
- 29 5. Any water management district having jurisdiction  
30 over a site or installation associated with the proposed  
31 project.

1           6. Any local government having jurisdiction over a  
2 site or installation associated with the proposed project.

3           Section 202. Paragraph (c) of subsection (2) of  
4 section 403.972, Florida Statutes, is amended to read:

5           403.972 Fees; disposition.--The Department of Commerce  
6 shall charge the following fees, as appropriate, which shall  
7 be paid into the Department of Commerce Economic Development  
8 Trust Fund:

9           (2) An application fee, which shall not exceed  
10 \$150,000. The fee shall be fixed by rule on a sliding scale  
11 related to the proposed project size and the number and size  
12 of local governments in whose jurisdiction the project is  
13 located.

14           (c) Upon written request with proper itemized  
15 accounting within 90 days after final agency action or  
16 withdrawal of the application, the Department of Commerce  
17 shall reimburse the Department of Environmental Protection,  
18 the Department of Community Affairs, the Fish and Wildlife  
19 Conservation ~~Game and Fresh Water Fish~~ Commission, and any  
20 water management district created pursuant to chapter 373,  
21 regional planning council, and affected local governments in  
22 the jurisdiction of which the proposed project is to be  
23 located, and any other agency from which the Department of  
24 Commerce requests special reports pursuant to s. 403.961(2)(f)  
25 or with which the Department of Commerce contracts for field  
26 services associated with the monitoring, construction, and  
27 operation of the facility. Such reimbursement shall be  
28 authorized for the preparation of any reports or studies or  
29 the conduct of any compliance monitoring required of the  
30 agencies by this act, and for agency travel and per diem to  
31 attend any hearing held pursuant to this act, and for local

1 governments to participate in the proceedings. In the event  
2 the amount available for allocation is insufficient to provide  
3 for complete reimbursement to the agencies, reimbursement  
4 shall be on a prorated basis.

5 Section 203. Subsection (4) of section 403.973,  
6 Florida Statutes, is amended to read:

7 403.973 Expedited permitting; comprehensive plan  
8 amendments.--

9 (4) The regional teams shall be established through  
10 the execution of memoranda of agreement between the office and  
11 the respective heads of the Departments of Environmental  
12 Protection, Community Affairs, Transportation, Agriculture and  
13 Consumer Services, the Fish and Wildlife Conservation ~~Game and~~  
14 ~~Fresh Water Fish~~ Commission, appropriate regional planning  
15 councils, appropriate water management districts, and  
16 voluntarily participating municipalities and counties. The  
17 memoranda of agreement should also accommodate participation  
18 in this expedited process by other local governments and  
19 federal agencies as circumstances warrant.

20 Section 204. Paragraph (b) of subsection (1) of  
21 section 487.0615, Florida Statutes, is amended to read:

22 487.0615 Pesticide Review Council.--

23 (1)

24 (b) The council shall consist of 11 scientific members  
25 as follows: a scientific representative from the Department of  
26 Agriculture and Consumer Services, a scientific representative  
27 from the Department of Environmental Protection, a scientific  
28 representative from the Department of Health and  
29 Rehabilitative Services, and a scientific representative from  
30 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
31 Commission, each to be appointed by the respective agency; the

1 dean of research of the Institute of Food and Agricultural  
2 Sciences of the University of Florida; and six members to be  
3 appointed by the Governor. The six members to be appointed by  
4 the Governor must be a pesticide industry representative, a  
5 representative of an environmental group, a hydrologist, a  
6 toxicologist, a scientific representative from one of the five  
7 water management districts rotated among the five districts,  
8 and a grower representative from a list of three persons  
9 nominated by the statewide grower associations. Each member  
10 shall be appointed for a term of 4 years and shall serve until  
11 a successor is appointed. A vacancy shall be filled for the  
12 remainder of the unexpired term.

13 Section 205. Subsection (4) of section 581.186,  
14 Florida Statutes, is amended to read:

15 581.186 Endangered Plant Advisory Council;  
16 organization; meetings; powers and duties.--

17 (4) COOPERATION.--The Division of Plant Industry, the  
18 Department of Environmental Protection, the Department of  
19 Transportation, and the Fish and Wildlife Conservation ~~Game~~  
20 ~~and Fresh Water Fish~~ Commission shall cooperate with the  
21 council whenever necessary to aid it in carrying out its  
22 duties under this section.

23 Section 206. Subsection (3) of section 585.21, Florida  
24 Statutes, is amended to read:

25 585.21 Sale of biological products.--

26 (3) Any biological product for animals which is used  
27 or proposed to be used in a field test in this state must be  
28 approved for such use by the department. Before issuing  
29 approval, the department shall consult with the Fish and  
30 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission if  
31

1 wildlife are involved and the Department of Health and  
2 Rehabilitative Services if the disease may affect humans.

3 Section 207. Paragraph (c) of subsection (1) of  
4 section 597.003, Florida Statutes, is amended to read:

5 597.003 Powers and duties of Department of Agriculture  
6 and Consumer Services.--

7 (1) The department is hereby designated as the lead  
8 agency in encouraging the development of aquaculture in the  
9 state and shall have and exercise the following functions,  
10 powers, and duties with regard to aquaculture:

11 (c) Develop memorandums of agreement, as needed, with  
12 the Department of Environmental Protection, the Fish and  
13 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~  
14 Commission, the Florida Sea Grant Program, and other groups as  
15 provided in the state aquaculture plan.

16 Section 208. Subsections (4) and (5) of section  
17 597.004, Florida Statutes, 1998 Supplement, are amended to  
18 read:

19 597.004 Aquaculture certificate of registration.--

20 (4) IDENTIFICATION OF AQUACULTURE  
21 PRODUCTS.--Aquaculture products shall be identified while  
22 possessed, processed, transported, or sold as provided in this  
23 subsection, except those subject to the requirements of  
24 chapter 372 and the rules of the Fish and Wildlife  
25 Conservation Commission ~~Game and Fresh Water Fish Commission~~  
26 as they relate to alligators only.

27 (a) Aquaculture products shall be identified by an  
28 aquaculture certificate of registration number from harvest to  
29 point of sale. Any person who possesses aquaculture products  
30 must show, by appropriate receipt, bill of sale, bill of  
31 lading, or other such manifest where the product originated.

1 (b) Marine aquaculture products shall be transported  
2 in containers that separate such product from wild stocks, and  
3 shall be identified by tags or labels that are securely  
4 attached and clearly displayed.

5 (c) Each aquaculture registrant who sells food  
6 products labeled as "aquaculture or farm raised" must have  
7 such products containerized and clearly labeled in accordance  
8 with s. 500.11. Label information must include the name,  
9 address, and aquaculture certification number. This  
10 requirement is designed to segregate the identity of wild and  
11 aquaculture products.

12 (5) SALE OF AQUACULTURE PRODUCTS.--

13 (a) Aquaculture products, except shellfish, snook,  
14 spotted sea trout, red drum, and freshwater aquatic species  
15 identified in chapter 372 and rules of the Fish and Wildlife  
16 Conservation Commission ~~Game and Fresh Water Fish Commission~~,  
17 may be sold without restriction so long as product origin can  
18 be identified.

19 (b) Aquaculture shellfish must be sold and handled in  
20 accordance with shellfish handling regulations of the  
21 commission ~~Department of Environmental Protection~~ established  
22 to protect public health.

23 Section 209. Subsection (1) of section 597.006,  
24 Florida Statutes, is amended to read:

25 597.006 Aquaculture Interagency Coordinating  
26 Council.--

27 (1) CREATION.--The Legislature finds and declares that  
28 there is a need for interagency coordination with regard to  
29 aquaculture by the following agencies: the Department of  
30 Agriculture and Consumer Services, the Department of Commerce,  
31 the Department of Community Affairs, the Department of



1 Environmental Protection, the Department of Labor and  
2 Employment Security, the Fish and Wildlife Conservation ~~Marine~~  
3 ~~Fisheries Commission, the Game and Fresh Water Fish~~  
4 Commission, the statewide consortium of universities under the  
5 Florida Institute of Oceanography, Florida Agricultural and  
6 Mechanical University, the Institute of Food and Agricultural  
7 Sciences at the University of Florida, the Florida Sea Grant  
8 Program, and each water management district. It is therefore  
9 the intent of the Legislature to hereby create an Aquaculture  
10 Interagency Coordinating Council to act as an advisory body as  
11 defined in s. 20.03(9).

12 Section 210. Paragraph (a) of subsection (1) of  
13 section 784.07, Florida Statutes, 1998 Supplement, is amended  
14 to read:

15 784.07 Assault or battery of law enforcement officers,  
16 firefighters, emergency medical care providers, public transit  
17 employees or agents, or other specified officers;  
18 reclassification of offenses; minimum sentences.--

19 (1) As used in this section, the term:

20 (a) "Law enforcement officer" includes a law  
21 enforcement officer, a correctional officer, a correctional  
22 probation officer, a part-time law enforcement officer, a  
23 part-time correctional officer, an auxiliary law enforcement  
24 officer, and an auxiliary correctional officer, as those terms  
25 are respectively defined in s. 943.10, and any county  
26 probation officer; employee or agent of the Department of  
27 Corrections who supervises or provides services to inmates;  
28 officer of the Parole Commission; and law enforcement  
29 personnel of the Fish and Wildlife Conservation ~~Game and Fresh~~  
30 ~~Water Fish~~ Commission, the Department of Environmental  
31 Protection, or the Department of Law Enforcement.

1           Section 211. Subsection (2) of section 790.06, Florida  
2 Statutes, 1998 Supplement, is amended to read:

3           790.06 License to carry concealed weapon or firearm.--

4           (2) The Department of State shall issue a license if  
5 the applicant:

6           (a) Is a resident of the United States or is a  
7 consular security official of a foreign government that  
8 maintains diplomatic relations and treaties of commerce,  
9 friendship, and navigation with the United States and is  
10 certified as such by the foreign government and by the  
11 appropriate embassy in this country;

12           (b) Is 21 years of age or older;

13           (c) Does not suffer from a physical infirmity which  
14 prevents the safe handling of a weapon or firearm;

15           (d) Is not ineligible to possess a firearm pursuant to  
16 s. 790.23 by virtue of having been convicted of a felony;

17           (e) Has not been committed for the abuse of a  
18 controlled substance or been found guilty of a crime under the  
19 provisions of chapter 893 or similar laws of any other state  
20 relating to controlled substances within a 3-year period  
21 immediately preceding the date on which the application is  
22 submitted;

23           (f) Does not chronically and habitually use alcoholic  
24 beverages or other substances to the extent that his or her  
25 normal faculties are impaired. It shall be presumed that an  
26 applicant chronically and habitually uses alcoholic beverages  
27 or other substances to the extent that his or her normal  
28 faculties are impaired if the applicant has been committed  
29 under chapter 397 or under the provisions of former chapter  
30 396 or has been convicted under s. 790.151 or has been deemed  
31 a habitual offender under s. 856.011(3), or has had two or

1 more convictions under s. 316.193 or similar laws of any other  
2 state, within the 3-year period immediately preceding the date  
3 on which the application is submitted;

4 (g) Desires a legal means to carry a concealed weapon  
5 or firearm for lawful self-defense;

6 (h) Demonstrates competence with a firearm by any one  
7 of the following:

8 1. Completion of any hunter education or hunter safety  
9 course approved by the Fish and Wildlife Conservation ~~Game and~~  
10 ~~Fresh Water Fish~~ Commission or a similar agency of another  
11 state;

12 2. Completion of any National Rifle Association  
13 firearms safety or training course;

14 3. Completion of any firearms safety or training  
15 course or class available to the general public offered by a  
16 law enforcement, junior college, college, or private or public  
17 institution or organization or firearms training school,  
18 utilizing instructors certified by the National Rifle  
19 Association, Criminal Justice Standards and Training  
20 Commission, or the Department of State;

21 4. Completion of any law enforcement firearms safety  
22 or training course or class offered for security guards,  
23 investigators, special deputies, or any division or  
24 subdivision of law enforcement or security enforcement;

25 5. Presents evidence of equivalent experience with a  
26 firearm through participation in organized shooting  
27 competition or military service;

28 6. Is licensed or has been licensed to carry a firearm  
29 in this state or a county or municipality of this state,  
30 unless such license has been revoked for cause; or  
31

1           7. Completion of any firearms training or safety  
2 course or class conducted by a state-certified or National  
3 Rifle Association certified firearms instructor;

4  
5 A photocopy of a certificate of completion of any of the  
6 courses or classes; or an affidavit from the instructor,  
7 school, club, organization, or group that conducted or taught  
8 said course or class attesting to the completion of the course  
9 or class by the applicant; or a copy of any document which  
10 shows completion of the course or class or evidences  
11 participation in firearms competition shall constitute  
12 evidence of qualification under this paragraph; any person who  
13 conducts a course pursuant to subparagraph 2., subparagraph  
14 3., or subparagraph 7., or who, as an instructor, attests to  
15 the completion of such courses, must maintain records  
16 certifying that he or she observed the student safely handle  
17 and discharge the firearm;

18           (i) Has not been adjudicated an incapacitated person  
19 under s. 744.331, or similar laws of any other state, unless 5  
20 years have elapsed since the applicant's restoration to  
21 capacity by court order;

22           (j) Has not been committed to a mental institution  
23 under chapter 394, or similar laws of any other state, unless  
24 the applicant produces a certificate from a licensed  
25 psychiatrist that he or she has not suffered from disability  
26 for at least 5 years prior to the date of submission of the  
27 application;

28           (k) Has not had adjudication of guilt withheld or  
29 imposition of sentence suspended on any felony or misdemeanor  
30 crime of domestic violence unless 3 years have elapsed since  
31

1 probation or any other conditions set by the court have been  
2 fulfilled, or the record has been sealed or expunged; and

3 (1) Has not been issued an injunction that is  
4 currently in force and effect and that restrains the applicant  
5 from committing acts of domestic violence or acts of repeat  
6 violence.

7 Section 212. Subsection (1) of section 790.15, Florida  
8 Statutes, is amended to read:

9 790.15 Discharging firearm in public.--

10 (1) Except as provided in subsection (2) or subsection  
11 (3), any person who knowingly discharges a firearm in any  
12 public place or on the right-of-way of any paved public road,  
13 highway, or street or whosoever knowingly discharges any  
14 firearm over the right-of-way of any paved public road,  
15 highway, or street or over any occupied premises is guilty of  
16 a misdemeanor of the first degree, punishable as provided in  
17 s. 775.082 or s. 775.083. This section does not apply to a  
18 person lawfully defending life or property or performing  
19 official duties requiring the discharge of a firearm or to a  
20 person discharging a firearm on public roads or properties  
21 expressly approved for hunting by the Fish and Wildlife  
22 Conservation ~~Game and Fresh Water Fish~~ Commission or Division  
23 of Forestry.

24 Section 213. Paragraph (b) of subsection (6) of  
25 section 828.122, Florida Statutes, is amended to read:

26 828.122 Fighting or baiting animals; offenses;  
27 penalties.--

28 (6) The provisions of subsection (3) and paragraph  
29 (4)(b) shall not apply to:

30 (b) Any person using animals to pursue or take  
31 wildlife or to participate in any hunting regulated or subject

1 to being regulated by the rules and regulations of the Fish  
2 and Wildlife Conservation ~~Game and Fresh Water Fish~~  
3 Commission.

4 Section 214. Subsection (1) of section 832.06, Florida  
5 Statutes, is amended to read:

6 832.06 Prosecution for worthless checks given tax  
7 collector for licenses or taxes; refunds.--

8 (1) Whenever any person, firm, or corporation violates  
9 the provisions of s. 832.05 by drawing, making, uttering,  
10 issuing, or delivering to any county tax collector any check,  
11 draft, or other written order on any bank or depository for  
12 the payment of money or its equivalent for any tag, title,  
13 lien, tax (except ad valorem taxes), penalty, or fee relative  
14 to a boat, airplane, or motor vehicle; any occupational  
15 license, beverage license, or sales or use tax; or any hunting  
16 or fishing license, the county tax collector, after the  
17 exercise of due diligence to locate the person, firm, or  
18 corporation which drew, made, uttered, issued, or delivered  
19 the check, draft, or other written order for the payment of  
20 money, or to collect the same by the exercise of due diligence  
21 and prudence, shall swear out a complaint in the proper court  
22 against the person, firm, or corporation for the issuance of  
23 the worthless check or draft. If the state attorney cannot  
24 sign the information due to lack of proof, as determined by  
25 the state attorney in good faith, for a prima facie case in  
26 court, he or she shall issue a certificate so stating to the  
27 tax collector. If payment of the dishonored check, draft, or  
28 other written order, together with court costs expended, is  
29 not received in full by the county tax collector within 30  
30 days after service of the warrant, 30 days after conviction,  
31 or 60 days after the collector swears out the complaint or

1 receives the certificate of the state attorney, whichever is  
2 first, the county tax collector shall make a written report to  
3 this effect to the Department of Highway Safety and Motor  
4 Vehicles relative to airplanes and motor vehicles, to the Fish  
5 and Wildlife Conservation Commission ~~Department of~~  
6 ~~Environmental Protection~~ relative to boats, to the Department  
7 of Revenue relative to occupational licenses and the sales and  
8 use tax, to the Division of Alcoholic Beverages and Tobacco of  
9 the Department of Business and Professional Regulation  
10 relative to beverage licenses, or to the Fish and Wildlife  
11 Conservation ~~Game and Fresh Water Fish~~ Commission relative to  
12 hunting and fishing licenses, containing a statement of the  
13 amount remaining unpaid on the worthless check or draft. If  
14 the information is not signed, the certificate of the state  
15 attorney is issued, and the written report of the amount  
16 remaining unpaid is made, the county tax collector may request  
17 the sum be forthwith refunded by the appropriate governmental  
18 entity, agency, or department. If a warrant has been issued  
19 and served, he or she shall certify to that effect, together  
20 with the court costs and amount remaining unpaid on the check.  
21 The county tax collector may request that the sum of money  
22 certified by him or her be forthwith refunded by the  
23 Department of Highway Safety and Motor Vehicles, ~~the~~  
24 ~~Department of Environmental Protection,~~ the Department of  
25 Revenue, the Division of Alcoholic Beverages and Tobacco of  
26 the Department of Business and Professional Regulation, or the  
27 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~  
28 Commission to the county tax collector. Within 30 days after  
29 receipt of the request, the Department of Highway Safety and  
30 Motor Vehicles, ~~the Department of Environmental Protection,~~  
31 the Department of Revenue, the Division of Alcoholic Beverages

1 and Tobacco of the Department of Business and Professional  
2 Regulation, or the Fish and Wildlife Conservation ~~Game and~~  
3 ~~Fresh Water Fish~~ Commission, upon being satisfied as to the  
4 correctness of the certificate of the tax collector, or the  
5 report, shall refund to the county tax collector the sums of  
6 money so certified or reported. If any officer of any court  
7 issuing the warrant is unable to serve it within 60 days after  
8 the issuance and delivery of it to the officer for service,  
9 the officer shall make a written return to the county tax  
10 collector to this effect. Thereafter, the county tax collector  
11 may certify that the warrant has been issued and that service  
12 has not been had upon the defendant and further certify the  
13 amount of the worthless check or draft and the amount of court  
14 costs expended by the county tax collector, and the county tax  
15 collector may file the certificate with the Department of  
16 Highway Safety and Motor Vehicles relative to motor vehicles  
17 and airplanes, with the Fish and Wildlife Conservation  
18 Commission ~~Department of Environmental Protection~~ relative to  
19 boats, with the Department of Revenue relative to occupational  
20 licenses and the sales and use tax, with the Division of  
21 Alcoholic Beverages and Tobacco of the Department of Business  
22 and Professional Regulation relative to beverage licenses, or  
23 with the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
24 ~~Fish~~ Commission relative to hunting and fishing licenses,  
25 together with a request that the sums of money so certified be  
26 forthwith refunded by the Department of Highway Safety and  
27 Motor Vehicles, ~~the Department of Environmental Protection,~~  
28 the Department of Revenue, the Division of Alcoholic Beverages  
29 and Tobacco of the Department of Business and Professional  
30 Regulation, or the Fish and Wildlife Conservation ~~Game and~~  
31 ~~Fresh Water Fish~~ Commission to the county tax collector, and



1 within 30 days after receipt of the request, the Department of  
2 Highway Safety and Motor Vehicles, ~~the Department of~~  
3 ~~Environmental Protection,~~ the Department of Revenue, the  
4 Division of Alcoholic Beverages and Tobacco of the Department  
5 of Business and Professional Regulation, or the Fish and  
6 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
7 upon being satisfied as to the correctness of the certificate,  
8 shall refund the sums of money so certified to the county tax  
9 collector.

10 Section 215. Section 843.08, Florida Statutes, is  
11 amended to read:

12 843.08 Falsely personating officer, etc.--A person who  
13 falsely assumes or pretends to be a sheriff, officer of the  
14 Florida Highway Patrol, officer of the Fish and Wildlife  
15 Conservation ~~Game and Fresh Water Fish~~ Commission, officer of  
16 the Department of Environmental Protection, officer of the  
17 Department of Transportation, officer of the Department of  
18 Corrections, correctional probation officer, deputy sheriff,  
19 state attorney or assistant state attorney, statewide  
20 prosecutor or assistant statewide prosecutor, state attorney  
21 investigator, coroner, police officer, lottery special agent  
22 or lottery investigator, beverage enforcement agent, or  
23 watchman, or any member of the Parole Commission and any  
24 administrative aide or supervisor employed by the commission,  
25 or any personnel or representative of the Department of Law  
26 Enforcement, and takes upon himself or herself to act as such,  
27 or to require any other person to aid or assist him or her in  
28 a matter pertaining to the duty of any such officer, commits a  
29 felony of the third degree, punishable as provided in s.  
30 775.082, s. 775.083, or s. 775.084; however, a person who  
31 falsely personates any such officer during the course of the

1 commission of a felony commits a felony of the second degree,  
2 punishable as provided in s. 775.082, s. 775.083, or s.  
3 775.084; except that if the commission of the felony results  
4 in the death or personal injury of another human being, the  
5 person commits a felony of the first degree, punishable as  
6 provided in s. 775.082, s. 775.083, or s. 775.084.

7 Section 216. Section 870.04, Florida Statutes, is  
8 amended to read:

9 870.04 Specified officers to disperse riotous  
10 assembly.--If any number of persons, whether armed or not, are  
11 unlawfully, riotously or tumultuously assembled in any county,  
12 city or municipality, the sheriff or the sheriff's deputies,  
13 or the mayor, or any commissioner, council member, alderman or  
14 police officer of the said city or municipality, or any  
15 officer or member of the Florida Highway Patrol, or any  
16 officer or agent of the Fish and Wildlife Conservation Game  
17 ~~and Fresh Water Fish~~ Commission, Department of Environmental  
18 Protection, or beverage enforcement agent, any personnel or  
19 representatives of the Department of Law Enforcement or its  
20 successor, or any other peace officer, shall go among the  
21 persons so assembled, or as near to them as may be with  
22 safety, and shall in the name of the state command all the  
23 persons so assembled immediately and peaceably to disperse;  
24 and if such persons do not thereupon immediately and peaceably  
25 disperse, said officers shall command the assistance of all  
26 such persons in seizing, arresting and securing such persons  
27 in custody; and if any person present being so commanded to  
28 aid and assist in seizing and securing such rioter or persons  
29 so unlawfully assembled, or in suppressing such riot or  
30 unlawful assembly, refuses or neglects to obey such command,  
31 or, when required by such officers to depart from the place,

1 refuses and neglects to do so, the person shall be deemed one  
2 of the rioters or persons unlawfully assembled, and may be  
3 prosecuted and punished accordingly.

4 Section 217. Section 943.1728, Florida Statutes, is  
5 amended to read:

6 943.1728 Basic skills training relating to the  
7 protection of archaeological sites.--The commission shall  
8 establish standards for instruction of law enforcement  
9 officers in the subject of skills relating to the protection  
10 of archaeological sites and artifacts. In developing such  
11 standards and skills, the commission shall consult with  
12 representatives of the following agencies: the Division of  
13 Historical Resources of the Department of State, the Fish and  
14 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,  
15 and the Department of Environmental Protection. The commission  
16 shall develop the standards for training in any of the  
17 following: basic recruit courses, advanced and specialized  
18 courses, or other appropriate training courses as determined  
19 by the commission.

20 Section 218. Sections 370.0205, 370.025, 370.026,  
21 370.027, 372.021, 372.061, 373.1965, 373.197, and 403.261,  
22 Florida Statutes, are repealed.

23 Section 219. Section 403.0611, Florida Statutes, is  
24 created to read:

25 403.0611 Citizen support organizations; use of  
26 property; audit; public records; partnerships.--

27 (1) DEFINITIONS.--For the purposes of this section,  
28 the term "citizen support organization" means an organization  
29 that is:

30  
31

1           (a) A Florida corporation not for profit incorporated  
2 under the provisions of chapter 617 and approved by the  
3 Department of State;

4           (b) Organized and operated to conduct programs and  
5 activities; raise funds; request and receive grants, gifts,  
6 and bequests of money; acquire, receive, hold, invest, and  
7 administer, in its own name, securities, funds, objects of  
8 value, or other property, real or personal; and make  
9 expenditures to or for the direct or indirect benefit of the  
10 Department of Environmental Protection or individual units of  
11 the department. The citizen support organization may not  
12 receive funds from the department by grant, gift, or contract  
13 unless specifically authorized by the Legislature;

14           (c) Determined by the appropriate division of the  
15 Department of Environmental Protection to be consistent with  
16 the goals of the department and in the best interests of the  
17 state; and

18           (c) Approved in writing by the department to operate  
19 for the direct or indirect benefit of the individual units of  
20 the department. Such approval shall be given in a letter of  
21 agreement from the department.

22           (2) USE OF PROPERTY.--

23           (a) The department may permit, without charge,  
24 appropriate use of fixed property and facilities of the  
25 department by a citizen support organization subject to the  
26 provisions of this section. Such use shall be directly in  
27 keeping with the approved purposes of the citizen support  
28 organization and may not be made at times or places that would  
29 unreasonably interfere with normal department operations.

30  
31

1           (b) The department may prescribe by rule any condition  
2 with which a citizen support organization shall comply in  
3 order to use fixed property or facilities of the department.

4           (c) The department shall not permit the use of any  
5 fixed property or facilities by a citizen support organization  
6 that does not provide equal membership and employment  
7 opportunities to all persons regardless of race, color,  
8 religion, sex, age, or national origin.

9           (3) ANNUAL AUDIT.--Any citizen support organization  
10 that has annual expenditures of \$100,000 or more shall cause  
11 an annual postaudit of its financial accounts to be conducted  
12 by an independent certified public accountant in accordance  
13 with the rules to be adopted by the department. The annual  
14 audit report shall be submitted to the Auditor General and the  
15 department for review. The Auditor General and the department  
16 are each authorized to require and obtain from the citizen  
17 support organization, or from its independent auditor, such  
18 data as may be needed relative to the operation of the  
19 organization.

20           (4) PUBLIC RECORDS.--All records of the citizen  
21 support organization constitute public records for the  
22 purposes of chapter 119.

23           (5) PARTNERSHIPS.--

24           (a) The Legislature recognizes that many of the lands  
25 managed by the department need a variety of facilities to  
26 enhance the use and potential of such lands and that many of  
27 the department's programs are of interest to, and could  
28 benefit from the support of, local citizen groups. Such  
29 facilities and programs include, but are not limited to,  
30 improved access, camping areas, picnicking shelters,  
31 management offices and facilities, environmental education

1 facilities and programs, and cleanup and restoration projects.  
2 The need for such facilities and programs has exceeded the  
3 ability of the state to provide funding in a timely manner  
4 with available moneys. The Legislature finds it to be in the  
5 public interest to provide incentives for partnerships with  
6 private entities whose intent is the production of additional  
7 revenues to help enhance the use and potential of state  
8 property and environmental programs and projects funded by the  
9 department.

10 (b) The Legislature may annually appropriate funds, to  
11 be used as matching funds in conjunction with private  
12 donations, for capital improvement facilities development on  
13 state lands or the enhancement of department-sponsored  
14 environmental programs or projects of local interest to  
15 citizen support organizations formed under this section.  
16 Citizen support organizations organized and operating for the  
17 benefit of the department may acquire private donations  
18 pursuant to this section, and matching state funds for  
19 approved projects or programs may be provided in accordance  
20 with this subsection. The department is authorized to properly  
21 recognize and honor a private donor by placing a plaque or  
22 other appropriate designation noting the contribution to  
23 project or program facilities or by naming project or program  
24 facilities after the person or organization that provided  
25 matching funds.

26 Section 220. Section 403.0613, Florida Statutes, is  
27 created to read:

28 403.0613 Publication by department.--The Department of  
29 Environmental Protection through the Division of  
30 Administration and Technical Services is given authority, from  
31 time to time in its discretion, to cause the statutory laws

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

16 Section 221. Section 403.0614, Florida Statutes, is  
17 created to read:

18 403.0614 Administration of department grant  
19 programs.--

20 (1) The Department of Environmental Protection is  
21 authorized to establish grant programs that are consistent  
22 with statutory authority and legislative appropriations. The  
23 department is further authorized to receive funds from any  
24 legal source for purposes of matching state dollars or for  
25 passing through the agency as grants to other entities whether  
26 or not matching funds or in-kind matches are required.

27 (2) For any grant program established by the  
28 department, the department shall adopt rules, pursuant to the  
29 requirements of chapter 120, which shall include, without  
30 limitation, rules specifying the method or methods of payment;  
31 the supporting documents required before payment will be made;

1 when matching funds or in-kind matches are allowed; what  
2 moneys, services, or other sources and amounts of matching  
3 funds or in-kind matches will be eligible for use for matching  
4 the grant by the department; who is eligible to participate in  
5 the program; and other provisions that the department finds  
6 necessary to achieve program objectives and an accounting for  
7 state funds in accordance with law and generally accepted  
8 accounting principles.

9 (3) The department is authorized to preaudit or  
10 postaudit account books and other documentation of a grant  
11 recipient to assure that grant funds were used in accordance  
12 with the terms of the grant and state rules and statutes. When  
13 such audit reveals that moneys have not been spent in  
14 accordance with grant requirements, the department may  
15 withhold moneys or recover moneys previously paid. A grant  
16 recipient will be allowed a maximum of 60 days to submit any  
17 additional pertinent documentation to offset the amount  
18 identified as being due the department.

19 Section 222. Section 161.031, Florida Statutes, is  
20 amended to read:

21 161.031 Personnel and facilities.--The Department of  
22 Environmental Protection may call to its assistance  
23 temporarily, any engineer or other employee in any state  
24 agency or department or in the University of Florida or other  
25 educational institution financed wholly or in part by the  
26 state, for the purpose of devising the most effective and  
27 economical method of averting and preventing erosion,  
28 hurricane, and storm damages. These employees shall not  
29 receive additional compensation, except for actual necessary  
30 expenses incurred while working under the direction of the  
31 department ~~Division of Marine Resources.~~



1           Section 223. Section 161.36, Florida Statutes, is  
2 amended to read:

3           161.36 General powers of authority.--In order to most  
4 effectively carry out the purposes of this part, the board of  
5 county commissioners, as the county beach and shore  
6 preservation authority and as the governing body of each beach  
7 and shore preservation district established thereby, shall be  
8 possessed of broad powers to do all manner of things necessary  
9 or desirable in pursuance of this end; provided, however,  
10 nothing herein shall diminish or impair the regulatory  
11 authority of the Department of Environmental Protection under  
12 ~~or Division of Marine Resources under s. 370.02(2), or part I~~  
13 of this chapter, or the Board of Trustees of the Internal  
14 Improvement Trust Fund under chapter 253. Such powers shall  
15 specifically include, but not be limited to, the following:

- 16           (1) To make contracts and enter into agreements;  
17           (2) To sue and be sued;  
18           (3) To acquire and hold lands and property by any  
19 lawful means;  
20           (4) To exercise the power of eminent domain;  
21           (5) To enter upon private property for purposes of  
22 making surveys, soundings, drillings and examinations, and  
23 such entry shall not be deemed a trespass;  
24           (6) To construct, acquire, operate and maintain works  
25 and facilities;  
26           (7) To make rules and regulations; and  
27           (8) To do any and all other things specified or  
28 implied in this part.

29           Section 224. Subsection (2) of section 252.937,  
30 Florida Statutes, 1998 Supplement, is amended to read:

31           252.937 Department powers and duties.--

1           (2) To ensure that this program is self-supporting,  
2 the department shall provide administrative support, including  
3 staff, facilities, materials, and services to implement this  
4 part for specified stationary sources subject to s. 252.939  
5 and shall provide necessary funding to local emergency  
6 planning committees and county emergency management agencies  
7 for work performed to implement this part. Each state agency  
8 with regulatory, inspection, or technical assistance programs  
9 for specified stationary sources subject to this part shall  
10 enter into a memorandum of understanding with the department  
11 which specifically outlines how each agency's staff,  
12 facilities, materials, and services will be utilized to  
13 support implementation. At a minimum, these agencies and  
14 programs include: the Department of Environmental  
15 Protection's Division of Air Resources Management and Division  
16 of Water Resource Management Facilities, and the Department of  
17 Labor and Employment Security's Division of Safety. It is the  
18 Legislature's intent to implement this part as efficiently and  
19 economically as possible, using existing expertise and  
20 resources, if available and appropriate.

21           Section 225. Subsections (2), (3), and (4) of section  
22 309.01, Florida Statutes, are amended to read:

23           309.01 Deposit of material in tidewater regulated.--

24           (2) This section shall not prohibit Escambia County  
25 from placing in Pensacola Bay, on the Escambia County side,  
26 beside the old Pensacola Bay Bridge, certain materials, as  
27 recommended by the ~~Division of Marine Resources of the~~  
28 Department of Environmental Protection, in coordination with  
29 the Fish and Wildlife Conservation Commission, to increase the  
30 number of fish available for persons fishing from the old  
31 Pensacola Bay Bridge.

1           (3) This section shall not prohibit Manatee County  
2 from placing in the Manatee County portions of Sarasota Bay  
3 and Tampa Bay and in the Manatee River, certain materials, as  
4 recommended by the ~~Division of Marine Resources of the~~  
5 Department of Environmental Protection, in coordination with  
6 the Fish and Wildlife Conservation Commission, to increase the  
7 number of fish available for persons fishing in the above  
8 areas.

9           (4) This section shall not prohibit Pinellas County  
10 from placing in Tampa Bay certain materials as recommended by  
11 the ~~Division of Marine Resources of the~~ Department of  
12 Environmental Protection, in coordination with the Fish and  
13 Wildlife Conservation Commission, to increase the number of  
14 fish available for persons fishing in the bay.

15           Section 226. Section 370.023, Florida Statutes, is  
16 amended to read:

17           370.023 Administration of commission ~~department~~ grant  
18 programs.--

19           (1) The Fish and Wildlife Conservation Commission  
20 ~~Department of Environmental Protection~~ is authorized to  
21 establish grant programs that ~~which~~ are consistent with  
22 statutory authority and legislative appropriations. The  
23 commission ~~department~~ is further authorized to receive funds  
24 from any legal source for purposes of matching state dollars  
25 or for passing through the agency as grants to other entities  
26 whether or not matching funds or in-kind matches are required.

27           (2) For any grant program established by the  
28 commission ~~department~~, the commission ~~department~~ shall adopt  
29 rules, pursuant to the requirements of chapter 120, for each  
30 grant program which shall include, but are not limited to: the  
31 method or methods of payment; the supporting documents

1 required before payment will be made; when matching funds or  
2 in-kind matches are allowed; what moneys, services, or other  
3 sources and amounts of matching funds or in-kind matches will  
4 be eligible for use for matching the grant by the commission  
5 ~~department~~; who is eligible to participate in the program; and  
6 other provisions that ~~which~~ the commission ~~department~~ finds  
7 necessary to achieve program objectives and an accounting for  
8 state funds in accordance with law and generally accepted  
9 accounting principles.

10 (3) The commission ~~department~~ is authorized to  
11 preaudit or postaudit account books and other documentation of  
12 a grant recipient to assure that grant funds have been ~~were~~  
13 used in accordance with the terms of the grant and state rules  
14 and statutes. When such audit reveals that moneys have ~~were~~  
15 not been spent in accordance with grant requirements, the  
16 commission ~~department~~ may withhold moneys or recover moneys  
17 previously paid. A grant recipient will be allowed a maximum  
18 of 60 days to submit any additional pertinent documentation to  
19 offset the amount identified as being due the commission  
20 ~~department~~.

21 Section 227. Subsections (2), (3), and (4) of section  
22 370.03, Florida Statutes, are amended to read:

23 370.03 Water bottoms.--

24 (2) CONTROL.--~~The Division of Marine Resources of the~~  
25 Department of Environmental Protection has exclusive power and  
26 control over all water bottoms, not held under some grant or  
27 alienation heretofore made, including such as may revert to  
28 the state by cancellation or otherwise, and may lease the same  
29 to any person irrespective of residence or citizenship, upon  
30 such terms, conditions and restrictions as said division may  
31 elect to impose, without limitation as to area to any one

1 person, for the purpose of granting exclusive right to plant  
2 oysters or clams thereon and for the purpose of fishing,  
3 taking, catching, bedding and raising oysters, clams and other  
4 shellfish. No such lessee shall re-lease, sublease, sell or  
5 transfer any such water bottom or property; provided, that  
6 nothing herein contained shall be construed as giving said  
7 department ~~division~~ authority to lease sponge beds.

8 (3) FEES FOR BOTTOM LEASES, ETC.--The department  
9 ~~division~~ shall charge and receive a fee of \$2 for each lease  
10 granted, and in all other cases, not specifically provided by  
11 this chapter, the same fees as are allowed clerks of the  
12 circuit court for like services. All fees shall be paid by  
13 the party served.

14 (4) CONFIRMATION OF FORMER GRANTS; PROVISIO.--All  
15 grants prior to June 1, 1913, made in pursuance of heretofore  
16 existing laws, where the person receiving such grant, the  
17 person's heirs or assigns, have bona fide complied with the  
18 requirements of said law, are hereby confirmed; provided, that  
19 if any material or natural oyster or clam reefs or beds on  
20 such granted premises are 100 square yards in area and  
21 contained natural oysters and clams (coon oysters not  
22 included) in sufficient quantity to have been resorted to by  
23 the general public for the purpose of gathering oysters or  
24 clams to sell for a livelihood, at the time they were planted  
25 by such grantee, his or her heirs or assigns, such reefs or  
26 beds are declared to be the property of the state; and when  
27 such beds or reefs exist within the territory heretofore  
28 granted as above set forth, or that may hereafter be leased,  
29 such grantee or lessee shall mark the boundaries of such  
30 oyster and clam reefs or beds as may be designated by the  
31 department ~~division~~ as natural oyster or clam reefs or beds,

1 clearly defining the boundaries of the same, and shall post  
2 notice or other device, as shall be required by the department  
3 ~~division~~, giving notice to the public that such oyster or clam  
4 beds or reefs are the property of the state, which said notice  
5 shall be maintained from September 1 to June 1 of each and  
6 every year, on each oyster bed or reef and on each clam bed  
7 for such period of each year as the board may direct, at the  
8 expense of the grantee or lessee. The department ~~division~~  
9 shall investigate all grants heretofore made, and where, in  
10 its opinion, the lessee or grantee has not bona fide complied  
11 with the law under which he or she received his or her grant  
12 or lease, and ~~it shall report the same to the department which~~  
13 is authorized and required to institute legal proceedings to  
14 vacate the same, in order to use such lands for the benefit of  
15 the public, subject to the same dispositions as other bottoms.

16 Section 228. Section 370.0607, Florida Statutes, is  
17 amended to read:

18 370.0607 Marine information system.--The Fish and  
19 Wildlife Conservation Commission ~~Department of Environmental~~  
20 ~~Protection~~ shall establish by rule a marine information system  
21 in conjunction with the licensing program to gather marine  
22 fisheries data.

23 Section 229. Section 370.0609, Florida Statutes, is  
24 amended to read:

25 370.0609 Expenditure of funds.--Any moneys available  
26 pursuant to s. 370.0608(1)(c)1.c. shall be expended by the  
27 Fish and Wildlife Conservation Commission ~~Department of~~  
28 ~~Environmental Protection~~ within Florida through grants and  
29 contracts for research with research institutions including  
30 but not limited to: Florida Sea Grant; Florida Marine  
31 Resources Council; Harbour Branch Oceanographic Institute;

1 Technological Research and Development Authority; Florida  
2 Marine Research Institute of the Fish and Wildlife  
3 Conservation Commission ~~Department of Environmental~~  
4 ~~Protection~~; Indian River Region Research Institute; Mote  
5 Marine Laboratory; Marine Resources Development Foundation;  
6 Florida Institute of Oceanography; and Rosentiel School of  
7 Marine and Atmospheric Science.

8 Section 230. Section 370.061, Florida Statutes, 1998  
9 Supplement, is amended to read:

10 370.061 Confiscation of property and products.--

11 (1) CONFISCATION; PROCEDURE.--In all cases of arrest  
12 and conviction for the illegal taking, or attempted taking,  
13 sale, possession, or transportation of saltwater fish or other  
14 saltwater products, such saltwater products and seines, nets,  
15 boats, motors, other fishing devices or equipment, and  
16 vehicles or other means of transportation used in connection  
17 with such illegal taking or attempted taking are hereby  
18 declared to be nuisances and may be seized and carried before  
19 the court having jurisdiction of such offense, and said court  
20 may order such nuisances forfeited to the Fish and Wildlife  
21 Conservation Commission ~~Division of Marine Resources of the~~  
22 ~~department~~ immediately after trial and conviction of the  
23 person or persons in whose possession they were found, except  
24 that, if a motor vehicle is seized under the provisions of  
25 this act and is subject to any existing liens recorded under  
26 the provisions of s. 319.27, all further proceedings shall be  
27 governed by the expressed intent of the Legislature not to  
28 divest any innocent person, firm, or corporation holding such  
29 a recorded lien of any of its reversionary rights in such  
30 motor vehicle or of any of its rights as prescribed in s.  
31 319.27, and that, upon any default by the violator purchaser,

1 the said lienholder may foreclose its lien and take possession  
2 of the motor vehicle involved. When any illegal or illegally  
3 used seine, net, trap, or other fishing device or equipment or  
4 illegally taken, possessed, or transported saltwater products  
5 are found and taken into custody, and the owner thereof shall  
6 not be known to the officer finding the same, such officer  
7 shall immediately procure from the county court judge of the  
8 county wherein they were found an order forfeiting said  
9 saltwater products, seines, nets, traps, boats, motors, or  
10 other fishing devices to the commission ~~division~~. All things  
11 forfeited under the provisions of this law may be destroyed,  
12 used by the commission ~~division~~, disposed of by gift to  
13 charitable or state institutions, or sold and the proceeds  
14 derived from said sale deposited in the Marine Resources  
15 Conservation Trust Fund to be used for law enforcement  
16 purposes or into the commission's ~~department's~~ Federal Law  
17 Enforcement Trust Fund as provided in s. 372.107 ~~s. 20.2553~~,  
18 as applicable. However, forfeited boats, motors, and legal  
19 fishing devices only, may be purchased from the commission  
20 ~~division~~ for \$1 by the person or persons holding title thereto  
21 at the time of the illegal act causing the forfeiture, if such  
22 person shall prove that he or she in no way participated in,  
23 gave consent to, or had knowledge of such act.

24 (2) CONFISCATION AND SALE OF PERISHABLE PRODUCTS;  
25 PROCEDURE.--When an arrest is made pursuant to the provisions  
26 of this chapter and illegal, perishable products or perishable  
27 products illegally taken or landed are apprehended, the  
28 defendant may post bond or cash deposit in an amount  
29 determined by the judge to be the fair value of such products,  
30 and said defendant shall have 24 hours to transport said  
31 products outside the limits of Florida for sale or other



1 disposition. Should no bond or cash deposit be given within  
2 the time fixed by the judge, the judge shall order the sale of  
3 such products at the highest price obtainable, and, when  
4 feasible, at least three bids shall be requested. In either  
5 event, the amounts received by the judge shall be remitted to  
6 the commission ~~division~~ to be deposited into a special escrow  
7 account in the State Treasury and held in trust pending the  
8 outcome of the trial of the accused. If a bond is posted by  
9 the defendant, it shall also be remitted to the commission  
10 ~~division~~ to be held in escrow pending the outcome of the trial  
11 of the accused. In the event of acquittal, the bond or cash  
12 deposit shall be returned to the defendant, or the proceeds of  
13 the sale shall be paid over to the defendant. In the event of  
14 conviction, the proceeds of the sale, or proceeds of the bond  
15 or cash deposit, shall be deposited by said commission  
16 ~~division~~ into the Marine Resources Conservation Trust Fund to  
17 be used for law enforcement purposes or into the commission's  
18 ~~department's~~ Federal Law Enforcement Trust Fund as provided in  
19 s. 372.107 ~~s. 20.2553~~, as applicable. Such deposit into the  
20 Marine Resources Conservation Trust Fund or the commission's  
21 ~~department's~~ Federal Law Enforcement Trust Fund shall  
22 constitute confiscation.

23 (3) MUNICIPAL OR COUNTY ENFORCEMENT; SUPPLEMENTAL  
24 FUNDING.--

25 (a) Any municipal or county law enforcement agency  
26 that ~~which~~ enforces, or assists the commission ~~department~~ in  
27 enforcing, the provisions of this chapter resulting ~~which~~  
28 ~~results~~ in a forfeiture of property as provided in this  
29 section, shall be entitled to receive all or a share of any  
30 such property based upon their participation in such  
31 enforcement.

1 (b) Any property delivered to any municipal or county  
2 law enforcement agency as provided in paragraph (a) may be  
3 retained or sold by the law enforcement agency and the  
4 property or any proceeds shall, if the agency operates a  
5 marine enforcement unit, be utilized to enforce the provisions  
6 of this chapter and chapters 327 and 328. In the event the law  
7 enforcement agency does not operate a marine enforcement unit,  
8 any such property or proceeds shall be disposed of pursuant to  
9 the Florida Contraband Forfeiture Act.

10 (c) Any funds received by a municipal or county law  
11 enforcement agency pursuant to this subsection shall be  
12 supplemental funds and may not be used as replacement funds by  
13 the municipality or county.

14 Section 231. Section 370.07, Florida Statutes, 1998  
15 Supplement, is amended to read:

16 370.07 Wholesale and retail saltwater products  
17 dealers; regulation.--

18 (1) DEFINITIONS; LICENSES AUTHORIZED.--Annual license  
19 or privilege taxes are hereby levied and imposed upon dealers  
20 in the state in saltwater products. It is unlawful for any  
21 person, firm, or corporation to deal in any such products  
22 without first paying for and procuring the license required by  
23 this section. Application for all licenses shall be made to  
24 the Fish and Wildlife Conservation Commission ~~Department of~~  
25 ~~Environmental Protection~~ on blanks to be furnished by it. All  
26 licenses shall be issued by the commission ~~department~~ upon  
27 payment to it of the license tax. The licenses are defined as:

28 (a)1. "Wholesale county dealer" is any person, firm,  
29 or corporation which sells saltwater products to any person,  
30 firm, or corporation except to the consumer and who may buy  
31 saltwater products in the county designated on the wholesale

1 license from any person licensed pursuant to s. 370.06(2) or  
2 from any licensed wholesale dealer.

3 2. "Wholesale state dealer" is a person, firm, or  
4 corporation which sells saltwater products to any person,  
5 firm, or corporation except to the consumer and who may buy  
6 saltwater products in any county of the state from any person  
7 licensed pursuant to s. 370.06(2) or from any licensed  
8 wholesale dealer.

9 3. "Wholesale dealer" is either a county or a state  
10 dealer.

11 (b) A "retail dealer" is any person, firm, or  
12 corporation which sells saltwater products directly to the  
13 consumer, but no license is required of a dealer in  
14 merchandise who deals in or sells saltwater products consumed  
15 on the premises or prepared for immediate consumption and sold  
16 to be taken out of any restaurant licensed by the Division of  
17 Hotels and Restaurants of the Department of Business and  
18 Professional Regulation.

19  
20 Any person, firm, or corporation which is both a wholesale  
21 dealer and a retail dealer shall obtain both a wholesale  
22 dealer's license and a retail dealer's license. If a wholesale  
23 dealer has more than one place of business, the annual license  
24 tax shall be effective for all places of business, provided  
25 that the wholesale dealer supplies to the commission  
26 ~~department~~ a complete list of additional places of business  
27 upon application for the annual license tax.

28 (2) LICENSES; AMOUNT, TRUST FUND.--

29 (a) A resident wholesale county seafood dealer is  
30 required to pay an annual license tax of \$300.

31

- 1 (b) A resident wholesale state dealer is required to  
2 pay an annual license tax of \$450.
- 3 (c) A nonresident wholesale county dealer is required  
4 to pay an annual license tax of \$500.
- 5 (d) A nonresident wholesale state dealer is required  
6 to pay an annual license tax of \$1,000.
- 7 (e) An alien wholesale county dealer is required to  
8 pay an annual license tax of \$1,000.
- 9 (f) An alien wholesale state dealer is required to pay  
10 an annual license tax of \$1,500.
- 11 (g) A resident retail dealer is required to pay an  
12 annual license tax of \$25; however, if such a dealer has more  
13 than one place of business, the dealer shall designate one  
14 place of business as a central place of business, shall pay an  
15 annual license tax of \$25 for such place of business, and  
16 shall pay an annual license tax of \$10 for each other place of  
17 business.
- 18 (h) A nonresident retail dealer is required to pay an  
19 annual license tax of \$200; however, if such a dealer has more  
20 than one place of business, the dealer shall designate one  
21 place of business as a central place of business, shall pay an  
22 annual license tax of \$200 for such place of business, and  
23 shall pay an annual license tax of \$25 for each other place of  
24 business.
- 25 (i) An alien retail dealer is required to pay an  
26 annual license tax of \$250; however, if such a dealer has more  
27 than one place of business, the dealer shall designate one  
28 place of business as a central place of business, shall pay an  
29 annual license tax of \$250 for such place of business, and  
30 shall pay an annual license tax of \$50 for each other place of  
31 business.

1           (j) License or privilege taxes, together with any  
2 other funds derived from the Federal Government or from any  
3 other source, shall be deposited in a Florida Saltwater  
4 Products Promotion Trust Fund to be administered by the  
5 Department of Agriculture and Consumer Services for the sole  
6 purpose of promoting all fish and saltwater products produced  
7 in this state.

8           (3) APALACHICOLA BAY OYSTER SURCHARGE.--

9           (a) For purposes of this section, "bag" means an  
10 amount of oysters with shells weighing approximately 60  
11 pounds.

12           (b) Effective October 1, 1989, there shall be assessed  
13 a surcharge of 50 cents on each bag of oysters to be paid by  
14 the wholesale dealer first receiving, using, or selling the  
15 oysters after harvesting from the waters of Apalachicola Bay.

16           (c)1. Each wholesale dealer shall certify, on such  
17 forms as may be prescribed by the Department of Revenue, to  
18 any subsequent purchasing wholesale dealer or other purchaser  
19 that the surcharge imposed by this subsection has been paid or  
20 will be paid by such wholesale dealer first receiving the  
21 oysters.

22           2. In the case where the harvester is also the  
23 wholesale dealer, such wholesale dealer shall maintain  
24 documentation, on forms as may be prescribed by the Department  
25 of Revenue, adequate to establish that the surcharge has been  
26 paid or will be paid by such wholesale dealer.

27           3. In such case where the wholesale dealer is also the  
28 retail dealer under paragraph (1)(b), such wholesale dealer  
29 shall maintain documentation, on forms as may be prescribed by  
30 the Department of Revenue, adequate to establish that the  
31

1 surcharge has been paid or will be paid by such wholesale  
2 dealer.

3 (d) Except for the collection allowance pursuant to s.  
4 212.12 and estimated tax filing requirements pursuant to s.  
5 212.11, the same duties and privileges imposed by chapter 212  
6 upon dealers of tangible personal property respecting the  
7 remission of the surcharge, the making of returns, penalties  
8 and interest, the keeping of books, records and accounts, and  
9 the compliance with the rules of the Department of Revenue in  
10 the administration of chapter 212 shall apply and be binding  
11 upon all wholesale dealers who are subject to the surcharge  
12 imposed by this subsection.

13 (e) The Department of Revenue shall keep records  
14 showing the amount of the surcharge collected.

15 (f) The Department of Revenue shall collect the  
16 surcharge for transfer into the Marine Resources Conservation  
17 Trust Fund of the Fish and Wildlife Conservation Commission  
18 ~~Department of Environmental Protection~~.

19 (g) The Department of Revenue is empowered to  
20 promulgate rules, establish audit procedures for the audit of  
21 wholesale dealers, assess for delinquency, and prescribe and  
22 publish such forms as may be necessary to effectuate the  
23 provisions of this subsection.

24 (h) Annually, the Fish and Wildlife Conservation  
25 Commission ~~Department of Environmental Protection~~ shall  
26 furnish the Department of Revenue with a current list of  
27 wholesale dealers in the state.

28 (i) Collections received by the Department of Revenue  
29 from the surcharge shall be transferred quarterly to the Fish  
30 and Wildlife Conservation Commission ~~Department of~~

31

1 ~~Environmental Protection~~ Marine Resources Conservation Trust  
2 Fund, less the costs of administration.

3 (j) The executive director of the Department of  
4 Revenue is hereby authorized to adopt emergency rules pursuant  
5 to s. 120.54(4) for purposes of implementing this subsection.  
6 Notwithstanding any other provisions of law, such emergency  
7 rules shall remain effective for 6 months from the date of  
8 adoption. Other rules of the Department of Revenue related to  
9 and in furtherance of the orderly implementation of this  
10 subsection shall not be subject to a s. 120.56(2) rule  
11 challenge or a s. 120.54(3)(c)2. drawout proceeding but, once  
12 adopted, shall be subject to a s. 120.56(3) invalidity  
13 challenge. Such rules shall be adopted by the Governor and  
14 Cabinet and shall become effective upon filing with the  
15 Department of State, notwithstanding the provisions of s.  
16 120.54(3)(e)6.

17 (k) The Fish and Wildlife Conservation Commission  
18 ~~Department of Environmental Protection~~ shall use or distribute  
19 funds generated by this surcharge, less reasonable costs of  
20 collection and administration, to fund the following oyster  
21 management and restoration programs in Apalachicola Bay:

- 22 1. The relaying and transplanting of live oysters.
- 23 2. Shell planting to construct or rehabilitate oyster  
24 bars.
- 25 3. Education programs for licensed oyster harvesters  
26 on oyster biology, aquaculture, boating and water safety,  
27 sanitation, resource conservation, small business management,  
28 and other relevant subjects.
- 29 4. Research directed toward the enhancement of oyster  
30 production in the bay and the water management needs of the  
31 bay.

1 (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

2 (a) A person transporting in this state saltwater  
3 products that were produced in this state, regardless of  
4 destination, shall have in his or her possession invoices,  
5 bills of lading, or other similar instruments showing the  
6 number of packages, boxes, or containers and the number of  
7 pounds of each species and the name, physical address, and the  
8 Florida wholesale dealer number of the dealer of origin.

9 (b) A person transporting in this state saltwater  
10 products that were produced outside this state to be delivered  
11 to a destination in this state shall have in his or her  
12 possession invoices, bills of lading, or other similar  
13 instruments showing the number of packages, boxes, or  
14 containers and the number of pounds of each species, the name  
15 and physical address of the dealer of origin, and the name,  
16 physical address, and Florida wholesale dealer number of the  
17 Florida dealer to whom the shipment is to be delivered.

18 (c) A person transporting in this state saltwater  
19 products that were produced outside this state which are to be  
20 delivered to a destination outside this state shall have in  
21 his or her possession invoices, bills of lading, or other  
22 similar instruments showing the number of packages, boxes, or  
23 containers and the number of pounds of each species, the name  
24 and physical address of the dealer of origin, and the name and  
25 physical address of the dealer to whom the shipment is to be  
26 delivered.

27 (d) If the saltwater products in transit came from  
28 more than one dealer, distributor, or producer, each lot from  
29 each dealer shall be covered by invoices, bills of lading, and  
30 other similar instruments showing the number of boxes or  
31 containers and the number of pounds of each species. Each



1 invoice, bill of lading, and other similar instrument shall  
2 display the wholesale dealer license number and the name and  
3 physical address of the dealer, distributor, or producer of  
4 the lot covered by the instrument.

5 (e) It is unlawful to sell, deliver, ship, or  
6 transport, or to possess for the purpose of selling,  
7 delivering, shipping, or transporting, any saltwater products  
8 without all invoices of such products having thereon the  
9 wholesale dealer license number in such form as may be  
10 prescribed under the provisions of this subsection and the  
11 rules and regulations of the commission ~~department~~. Any  
12 saltwater products found in the possession of any person who  
13 is in violation of this provision may be seized by the  
14 commission ~~department~~ and disposed of in the manner provided  
15 by law.

16 (f) Nothing contained in this subsection may be  
17 construed to apply to the sale and delivery to a consumer of  
18 saltwater products in an ordinary retail transaction by a  
19 licensed retail dealer who has purchased such products from a  
20 licensed wholesale dealer or to the sale and delivery of the  
21 catch or products of a saltwater products licensee to a  
22 Florida-licensed wholesale dealer.

23 (g) Wholesale dealers' licenses shall be issued only  
24 to applicants who furnish to the commission ~~department~~  
25 satisfactory evidence of law-abiding reputation and who pledge  
26 themselves to faithfully observe all of the laws and  
27 regulations of this state relating to the conservation of,  
28 dealing in, taking, selling, transporting, or possession of  
29 saltwater products and to cooperate in the enforcement of all  
30 such laws to every reasonable extent. This pledge may be  
31 included in the application for license.

1 (h) Any person who violates the provisions of this  
2 subsection is guilty of a misdemeanor of the first degree,  
3 punishable as provided in s. 775.082 or s. 775.083.

4 (5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.--

5 (a) A license issued to a wholesale or retail dealer  
6 is good only to the person to whom issued and named therein  
7 and is not transferable. The commission ~~department~~ may  
8 revoke, suspend, or deny the renewal of the license of any  
9 licensee:

10 1. Upon the conviction of the licensee of any  
11 violation of the laws or regulations designed for the  
12 conservation of saltwater products;

13 2. Upon conviction of the licensee of knowingly  
14 dealing in, buying, selling, transporting, possessing, or  
15 taking any saltwater product, at any time and from any waters,  
16 in violation of the laws of this state; or

17 3. Upon satisfactory evidence of any violation of the  
18 laws or any regulations of this state designed for the  
19 conservation of saltwater products or of any of the laws of  
20 this state relating to dealing in, buying, selling,  
21 transporting, possession, or taking of saltwater products.

22 (b) Upon revocation of such license, no other or  
23 further license may be issued to the dealer within 3 years  
24 from the date of revocation except upon special order of the  
25 commission ~~department~~. After revocation, it is unlawful for  
26 such dealer to exercise any of the privileges of a licensed  
27 wholesale or retail dealer.

28 (c) In addition to, or in lieu of, the penalty imposed  
29 pursuant to this subsection, the commission ~~department~~ may  
30 impose penalties pursuant to s. 370.021.

31 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--

1           (a) Wholesale dealers shall be required by the  
2 commission ~~department~~ to make and preserve a record of the  
3 names and addresses of persons from whom or to whom saltwater  
4 products are purchased or sold, the quantity so purchased or  
5 sold from or to each vendor or purchaser, and the date of each  
6 such transaction. Retail dealers shall be required to make and  
7 preserve a record from whom all saltwater products are  
8 purchased. Such record shall be open to inspection at all  
9 times by the commission ~~department~~. A report covering the  
10 sale of saltwater products shall be made monthly or as often  
11 as required by rule to the commission ~~department~~ by each  
12 wholesale dealer. All reports required under this subsection  
13 are confidential and shall be exempt from the provisions of s.  
14 119.07(1) except that, pursuant to authority related to  
15 interstate fishery compacts as provided by ss. 370.19(3) and  
16 370.20(3), reports may be shared with another state if that  
17 state is a member of an interstate fisheries compact, and if  
18 that state has signed a Memorandum of Agreement or a similar  
19 instrument agreeing to preserve confidentiality as established  
20 by Florida law.

21           (b) The commission ~~department~~ may revoke, suspend, or  
22 deny the renewal of the license of any dealer for failure to  
23 make and keep required records, for failure to make required  
24 reports, for failure or refusal to permit the examination of  
25 required records, or for falsifying any such record. In  
26 addition to, or in lieu of, the penalties imposed pursuant to  
27 this paragraph and s. 370.021, the commission ~~department~~ may  
28 impose against any person, firm, or corporation who is  
29 determined to have violated any provision of this paragraph or  
30 any provisions of any commission ~~department~~ rules promulgated  
31 pursuant to s. 370.0607, the following additional penalties:

1           1. For the first violation, a civil penalty of up to  
2 \$1,000;

3           2. For a second violation committed within 24 months  
4 of any previous violation, a civil penalty of up to \$2,500;  
5 and

6           3. For a third or subsequent violation committed  
7 within 36 months of any previous two violations, a civil  
8 penalty of up to \$5,000.

9  
10 The proceeds of all civil penalties collected pursuant to this  
11 subsection shall be deposited into the Marine Resources  
12 Conservation Trust Fund and shall be used for administration,  
13 auditing, and law enforcement purposes.

14           (7) PURCHASE OF SALTWATER PRODUCTS AT TEMPORARY  
15 LOCATION.--Wholesale dealers purchasing saltwater products  
16 pursuant to s. 370.06(2)(a) at any site other than a site  
17 located in a county where the dealer has a permanent address  
18 must notify the Fish and Wildlife Conservation Commission  
19 ~~Division of Law Enforcement~~ of the location of the temporary  
20 site of business for each day business is to be conducted at  
21 such site.

22           (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is  
23 unlawful for any licensed retail dealer or any restaurant  
24 licensed by the Division of Hotels and Restaurants of the  
25 Department of Business and Professional Regulation to buy  
26 saltwater products from any person other than a licensed  
27 wholesale or retail dealer.

28           Section 232. Section 370.071, Florida Statutes, is  
29 amended to read:

30           370.071 Shellfish processors; regulation.--

31

1           (1) The Fish and Wildlife Conservation Commission  
2 ~~department~~ is authorized to adopt by rule regulations,  
3 specifications, and codes relating to sanitary practices for  
4 catching, cultivating, handling, processing, packaging,  
5 preserving, canning, smoking, and storing of oysters, clams,  
6 mussels, and crabs. The commission ~~department~~ is also  
7 authorized to license aquaculture facilities used to culture  
8 oysters, clams, mussels, and crabs when such activities relate  
9 to quality control, sanitary, and public health practices  
10 pursuant to this section and s. 370.06(4). The commission  
11 ~~department~~ is also authorized to license or certify facilities  
12 used for processing oysters, clams, mussels, and crabs, to  
13 suspend or revoke such licenses or certificates upon  
14 satisfactory evidence of any violation of rules adopted  
15 pursuant to this section, and to seize and destroy any  
16 adulterated or misbranded shellfish products as defined by  
17 rule.

18           (2) A shellfish processing plant certification license  
19 is required to operate any facility in which oysters, clams,  
20 mussels, or crabs are processed, including but not limited to:  
21 an oyster, clam, or mussel cannery; a shell stock dealership;  
22 an oyster, clam, or mussel shucking plant; an oyster, clam, or  
23 mussel repacking plant; an oyster, clam, or mussel controlled  
24 purification plant; or a crab or soft-shell crab processing or  
25 shedding plant.

26           (3) The commission ~~department~~ may suspend or revoke  
27 any shellfish processing plant certification license upon  
28 satisfactory evidence that the licensee has violated any  
29 regulation, specification, or code adopted under this section  
30 and may seize and destroy any shellfish product which is  
31

1 defined by rule to be an adulterated or misbranded shellfish  
2 product.

3 Section 233. Subsection (7) of section 370.08, Florida  
4 Statutes, 1998 Supplement, is amended to read:

5 370.08 Fishers and equipment; regulation.--

6 (7) ILLEGAL USE OF POISONS, DRUGS, OR CHEMICALS.--

7 (a) It is unlawful for any person to place poisons,  
8 drugs, or other chemicals in the marine waters of this state  
9 unless that person has first obtained a special activity  
10 license for such use pursuant to s. 370.06 from the Fish and  
11 Wildlife Conservation Commission Division of Marine Resources  
12 ~~of the Department of Environmental Protection.~~

13 (b) Upon application on forms furnished by the  
14 commission division, the commission division may issue a  
15 license to use poisons, drugs, or other chemicals in the  
16 marine waters of this state for the purpose of capturing live  
17 marine species. The application and license shall specify the  
18 area in which collecting will be done, the drugs, chemicals,  
19 or poisons to be used, and the maximum amounts and  
20 concentrations at each sampling.

21 Section 234. Subsection (3) of section 370.0821,  
22 Florida Statutes, 1998 Supplement, is amended to read:

23 370.0821 St. Johns County; use of nets.--

24 (3) No person, firm, or corporation shall use, or  
25 cause to be used, any manner of seine net, other than a  
26 recreational net as hereafter defined, in the salt waters of  
27 St. Johns County, or within 1 mile seaward of the Atlantic  
28 Ocean beaches and coast thereof, without a permit issued by  
29 the Fish and Wildlife Conservation Commission Division of  
30 Marine Resources of the Department of Environmental  
31 Protection. Applications for such permits shall be made on

1 forms to be supplied by the commission ~~division~~, which shall  
2 require the applicant to furnish such information as may be  
3 deemed pertinent to the best interests of saltwater  
4 conservation. The fee for such permits shall be \$250 per year.  
5 Each permit shall entitle the holder thereof to use no more  
6 than one seine net at any one time, subject to the provisions  
7 of subsections (1), (2), and (3). The commission ~~division~~ may  
8 refuse to grant any permit when it is apparent that the best  
9 interests of saltwater conservation will be served by such  
10 denial. All permits granted shall be in the holder's  
11 possession whenever the holder is engaged in using a seine  
12 net. Each permit is subject to immediate revocation upon  
13 conviction of a violation of any provision of this section or  
14 when it is apparent that the best interests of saltwater  
15 conservation will be served by such revocation.

16 Section 235. Subsection (2) of section 370.10, Florida  
17 Statutes, 1998 Supplement, is amended to read:

18 370.10 Crustacea, marine animals, fish; regulations;  
19 general provisions.--

20 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,  
21 SCIENTIFIC, EDUCATION, AND EXHIBITION  
22 PURPOSES.--Notwithstanding any other provisions of general or  
23 special law to the contrary, the Fish and Wildlife  
24 Conservation Commission ~~department~~ may authorize, upon such  
25 terms, conditions, and restrictions as it may prescribe by  
26 rule, any properly accredited person to harvest or possess  
27 indigenous or nonindigenous saltwater species for  
28 experimental, scientific, education, and exhibition purposes.  
29 Such authorizations may allow collection of specimens without  
30 regard to, and not limited to, size, seasonal closure,  
31 collection method, reproductive state, or bag limit.

1 Authorizations issued under the provisions of this section may  
2 be suspended or revoked by the commission ~~department~~ if it  
3 finds that the person has violated this section, commission  
4 ~~department~~ rules or orders, or terms or conditions of the  
5 authorization or has submitted false or inaccurate information  
6 in his or her application.

7 Section 236. Section 370.103, Florida Statutes, is  
8 amended to read:

9 370.103 Agreements with Federal Government for the  
10 preservation of saltwater fisheries; authority of commission  
11 ~~department~~.--The Fish and Wildlife Conservation Commission  
12 ~~Department of Environmental Protection~~ is authorized and  
13 empowered to enter into cooperative agreements with the  
14 Federal Government or agencies thereof for the purpose of  
15 preserving saltwater fisheries within and without state waters  
16 and for the purpose of protecting against overfishing, waste,  
17 depletion, or any abuse whatsoever. Such authority includes  
18 the authority to enter into cooperative agreements whereby  
19 officers of the Fish and Wildlife Conservation Commission are  
20 ~~the Division of Law Enforcement of the department is~~ empowered  
21 to enforce federal statutes and rules pertaining to fisheries  
22 management. When differences between state and federal laws  
23 occur, state laws shall take precedence.

24 Section 237. Section 370.135, Florida Statutes, 1998  
25 Supplement, is amended to read:

26 370.135 Blue crab; regulation.--

27 (1) No person, firm, or corporation shall transport on  
28 the water, fish with or cause to be fished with, set, or place  
29 any trap designed for taking blue crabs unless such person,  
30 firm, or corporation is the holder of a valid saltwater  
31 products license issued pursuant to s. 370.06 and the trap has



1 a current state number permanently attached to the buoy. The  
2 trap number shall be affixed in legible figures at least 1  
3 inch high on each buoy used. The saltwater products license  
4 must be on board the boat, and both the license and the crabs  
5 shall be subject to inspection at all times. Only one trap  
6 number may be issued for each boat by the commission  
7 ~~department~~ upon receipt of an application on forms prescribed  
8 by it. This subsection shall not apply to an individual  
9 fishing with no more than five traps. It is a felony of the  
10 third degree, punishable as provided in s. 775.082, s.  
11 775.083, or s. 775.084, for any person willfully to molest any  
12 traps, lines, or buoys, as defined herein, belonging to  
13 another without permission of the licenseholder.

14 (2) No person shall harvest blue crabs with more than  
15 five traps, harvest blue crabs in commercial quantities, or  
16 sell blue crabs unless such person holds a valid saltwater  
17 products license with a restricted species endorsement and a  
18 blue crab endorsement (trap number) issued pursuant to this  
19 subsection.

20 (a) Effective June 1, 1998, and until July 1, 2002, no  
21 blue crab endorsement (trap number), except those endorsements  
22 that are active during the 1997-1998 fiscal year, shall be  
23 renewed or replaced.

24 (b) In 1998, persons holding an endorsement that was  
25 active in the 1997-1998 fiscal year, or an immediate family  
26 member of that person, must request approval of the  
27 endorsement prior to December 31, 1998.

28 (c) In subsequent years and until July 1, 2002, a trap  
29 number holder, or members of his or her immediate family, must  
30 request renewal of the endorsement prior to September 30 of  
31 each year.

1 (d) If a person holding an active blue crab  
2 endorsement, or a member of that person's immediate family,  
3 does not request renewal of the endorsement before the  
4 applicable dates as specified in this subsection, the  
5 commission ~~department~~ shall deactivate that endorsement.

6 (e) In the event of the death or disability of a  
7 person holding an active blue crab endorsement, the  
8 endorsement may be transferred by the person to a member of  
9 his or her immediate family or may be renewed by any person so  
10 designated by the executor of the person's estate.

11 (f) Persons who hold saltwater products licenses with  
12 blue crab endorsements issued to their boat registration  
13 numbers and who subsequently replace their existing vessels  
14 with new vessels shall be permitted to transfer the existing  
15 licenses to the new boat registration numbers.

16 Section 238. Section 370.143, Florida Statutes, is  
17 amended to read:

18 370.143 Retrieval of lobster and stone crab traps  
19 during closed season; commission ~~department~~ authority; fees.--

20 (1) The Fish and Wildlife Conservation Commission  
21 ~~Department of Environmental Protection~~ is authorized to  
22 implement a trap retrieval program for retrieval of lobster  
23 and stone crab traps remaining in the water during the closed  
24 season for each species. The commission ~~department~~ is  
25 authorized to contract with outside agents for the program  
26 operation.

27 (2) A retrieval fee of \$10 per trap retrieved shall be  
28 assessed trap owners. Traps recovered under this program  
29 shall become the property of the commission ~~department~~ or its  
30 contract agent and shall be either destroyed or resold to the  
31 original owner. Revenue from retrieval fees shall be

1 deposited in the Marine Resources Conservation Trust Fund and  
2 used for operation of the trap retrieval program.

3 (3) Payment of the assessed retrieval fee shall be  
4 required prior to renewal of the trap owner's trap number as a  
5 condition of number renewal. Retrieval fees assessed under  
6 this program shall stand in lieu of other penalties imposed  
7 for such trap violations.

8 (4) In the event of a major natural disaster, such as  
9 hurricane or major storm causing massive trap losses, the  
10 commission ~~department~~ shall waive the trap retrieval fee.

11 Section 239. Subsections (1), (3), (4), and (6) of  
12 section 370.15, Florida Statutes, 1998 Supplement, are amended  
13 to read:

14 370.15 Shrimp; regulation.--

15 (1) GENERAL AUTHORITY; CONSERVATION.--The commission  
16 ~~department~~ has authority to adopt rules pursuant to ss.  
17 120.536(1) and 120.54 to implement the provisions of this  
18 section. The commission ~~department~~ shall encourage the  
19 production of the maximum sustained yield consistent with the  
20 preservation and protection of breeding stock, taking into  
21 consideration the recommendations of the various marine  
22 laboratories, as well as those of interested and experienced  
23 groups of private citizens. Rules shall control the method,  
24 manner, and equipment used in the taking of shrimp or prawn,  
25 as well as limiting and defining the areas where taken.

26 (3) SHRIMP TRAPS.--

27 (a) It is unlawful for any person, firm, or  
28 corporation to take or attempt to take shrimp by the use of  
29 any trap which:

30 1. Exceeds the following dimensions: 36 inches long  
31 (from rear of the heart to the leading edge of the trap), by

1 24 inches wide (between the leading edges of the trap, or  
2 heart opening), by 12 inches high; or

3 2. Has external or unattached wings, weirs, or other  
4 devices intended to funnel shrimp to the trap heart.

5 (b) This subsection shall not be construed to restrict  
6 the allowable shape or configuration of any shrimp trap so  
7 long as the trap, together with all of its parts, conforms to  
8 the specifications of paragraph (a).

9 (c) Any shrimp trap which conforms to the  
10 specifications of paragraph (a) shall not be considered a  
11 pound net.

12 (d) The user of any trap shall affix his or her name  
13 and address securely to each trap. Any such trap not having  
14 proper identification is subject to confiscation by the  
15 commission ~~department~~. No person, firm, or corporation shall  
16 have more than four traps in use at any time. The commission  
17 ~~department~~ shall have the authority to inspect such traps when  
18 being used in or on the waters of the state.

19 (e) The presence of unattended shrimp traps on or  
20 attached to beaches, causeways, seawalls, bridges, or any  
21 other structures open for use by the public is hereby declared  
22 to be a nuisance. Any such trap which is not attended by the  
23 person whose name is affixed to the trap is subject to  
24 confiscation by the commission ~~department~~.

25 (4) SHRIMP TRAWLING.--All persons, firms, and  
26 corporations desiring to trawl for shrimp within areas in  
27 which trawling is permitted shall have a noncommercial trawl  
28 or net registration or purchase a saltwater products license  
29 issued to a valid boat registration or in the name of an  
30 individual pursuant to s. 370.06. The saltwater products  
31 license shall remain on board at all times and is subject to

1 immediate revocation upon conviction for violation of this  
2 section or when it becomes apparent that the best interests of  
3 saltwater conservation will be served by such action. A  
4 noncommercial trawl or net registration must be issued to each  
5 net used to take shrimp for noncommercial purposes. Such net  
6 or trawl shall have a corkline measurement of 16 feet or less.  
7 Possession of shrimp under a noncommercial registration is  
8 limited to 25 pounds while on the water. Due to the varied  
9 habitats and types of bottoms and hydrographic conditions  
10 embraced by the open fishing area, the commission ~~division~~  
11 shall have the authority to specify and regulate the types of  
12 gear that may be used in the different sections of the open  
13 areas.

14 (6) LIVE BAIT SHRIMPING; LICENSES.--Live bait shrimp  
15 may be caught at any time but only under license issued by the  
16 commission ~~department~~. Licensees must fish with gear and  
17 under those conditions specified by the commission ~~department~~.  
18 Application for such licenses shall be on forms supplied by  
19 the commission ~~department~~. A live bait shrimping license  
20 shall be revocable when the holder does not comply with the  
21 laws and regulations applicable to saltwater conservation.  
22 All vessels fishing for live bait shrimp must be equipped with  
23 live bait shrimp tanks, and no more than 5 pounds of dead  
24 shrimp will be allowed on board such vessel per day.

25 Section 240. Subsection (2) of section 370.151,  
26 Florida Statutes, 1998 Supplement, is amended to read:

27 370.151 Tortugas shrimp beds; penalties.--

28 (2)(a) The Fish and Wildlife Conservation Commission  
29 ~~Division of Law Enforcement~~ is authorized to take title in the  
30 name of the state to any vessel or vessels suitable for use in  
31 carrying out the inspection and patrol of the Tortugas Bed

1 which may be offered as a gift to the state by any person,  
2 firm, corporation, or association in the shrimp industry for  
3 the purpose of carrying out the provisions of this section.  
4 In the event such title is taken to such vessel or vessels,  
5 the commission ~~division~~ is authorized to operate and keep said  
6 vessel or vessels in proper repair.

7 (b) The commission ~~division~~ is further authorized to  
8 accept the temporary loan of any vessel or vessels, suitable  
9 for use in carrying out the provisions of this section, for  
10 periods not exceeding 1 year. However, the state shall not  
11 assume any liability to the owner or owners of said vessels  
12 for any damage done by said vessels to other vessels, persons,  
13 or property. In the operation of said loaned vessels, upkeep  
14 and repair shall consist only of minor repairs and routine  
15 maintenance. The owner or owners shall carry full marine  
16 insurance coverage on said loaned vessel or vessels for the  
17 duration of the period during which said vessels are operated  
18 by the state.

19 Section 241. Section 370.153, Florida Statutes, 1998  
20 Supplement, is amended to read:

21 370.153 Regulation of shrimp fishing; Clay, Duval,  
22 Nassau, Putnam, Flagler, and St. Johns Counties.--

23 (1) DEFINITIONS.--When used in this section, unless  
24 the context clearly requires otherwise:

25 (a) "Inland waters" means all creeks, rivers, bayous,  
26 bays, inlets, and canals.

27 (b) "Sample" means one or more shrimp taken from an  
28 accurately defined part of the area defined.

29 (c) "Series" means 10 or more samples taken within a  
30 period of not more than 1 week, each sample being taken at a  
31 different station within the pattern.

1 (d) "Pattern" means 10 or more stations.

2 (e) "Station" means a single location on the water of  
3 the areas defined.

4 (f) "Licensed live bait shrimp producer" means any  
5 individual licensed by the Fish and Wildlife Conservation  
6 Commission ~~Department of Environmental Protection~~ to employ  
7 the use of any trawl for the taking of live bait shrimp within  
8 the inland waters of Nassau, Duval, St. Johns, Putnam,  
9 Flagler, or Clay Counties.

10 (g) "Licensed dead shrimp producer" means any  
11 individual licensed by the Fish and Wildlife Conservation  
12 Commission ~~Department of Environmental Protection~~ to employ  
13 the use of any trawl for the taking of shrimp within the  
14 inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or  
15 Clay Counties.

16 (2) SHRIMPING PROHIBITED.--It is unlawful to employ  
17 the use of any trawl or other net, except a common cast net,  
18 designed for or capable of taking shrimp, within the inland  
19 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay  
20 Counties, except as hereinafter provided.

21 (3) LIVE BAIT SHRIMP PRODUCTION.--

22 (a) A live bait shrimp production license shall be  
23 issued by the Fish and Wildlife Conservation Commission  
24 ~~Department of Environmental Protection~~ upon the receipt of an  
25 application by a person intending to use a boat, not to exceed  
26 35 feet in length in Duval, St. Johns, Putnam, Flagler, and  
27 Clay Counties and not to exceed 45 feet in length in Nassau  
28 County, for live shrimp production within the inland waters of  
29 Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties  
30 and the payment of a fee of \$250. The annual fee of \$250 shall  
31 be collected by the commission ~~department~~ for the issuance of

1 the license during a 60-day period beginning June 1 of each  
2 year. The design of the application and permit shall be  
3 determined by the commission ~~department~~. The proceeds of the  
4 fee imposed by this paragraph shall be used by the Fish and  
5 Wildlife Conservation Commission ~~Department of Environmental~~  
6 ~~Protection~~ for the purposes of enforcement of marine resource  
7 laws.

8 (b) The Executive Director of the Fish and Wildlife  
9 Conservation Commission ~~Secretary of Environmental Protection~~,  
10 or his or her designated representative, may by order close  
11 certain areas to live bait shrimp production when sampling  
12 procedures justify the closing based upon sound conservation  
13 practices. The revocation of any order to close has the effect  
14 of opening the area.

15 (c) Every live bait shrimp producer shall produce  
16 evidence satisfactory to the commission ~~department~~ that he or  
17 she has the necessary equipment to maintain the shrimp alive  
18 while aboard the shrimp fishing vessel. All vessels fishing  
19 for live bait shrimp must be equipped with live bait shrimp  
20 tanks of a type and capacity satisfactory to the commission  
21 ~~department~~, and no more than 5 pounds of dead shrimp will be  
22 allowed on board such vessel per day.

23 (d)1. Each licensed live bait shrimp producer who  
24 stores his or her catch for sale or sells his or her catch  
25 shall either:

26 a. Maintain onshore facilities which have been  
27 annually checked and approved by the local commission ~~Marine~~  
28 ~~Patrol~~ office to assure the facilities' ability to maintain  
29 the catch alive when the live bait shrimp producer produces  
30 for his or her own facility; or

31



1           b. Sell his or her catch only to persons who have  
2 onshore facilities that ~~which~~ have been annually checked and  
3 approved by the local commission ~~Marine Patrol~~ office to  
4 assure the facilities' ability to maintain the catch alive,  
5 when the producer sells his or her catch to an onshore  
6 facility. The producer shall provide the commission ~~Department~~  
7 ~~of Environmental Protection~~ with the wholesale number of the  
8 facility to which the shrimp have been sold and shall submit  
9 this number on a form designed and approved by the commission  
10 ~~department~~.

11           2. All persons who maintain onshore facilities as  
12 described in this paragraph, whether the facilities are  
13 maintained by the licensed live bait shrimp producer or by  
14 another party who purchases shrimp from live bait shrimp  
15 producers, shall keep records of their transactions in  
16 conformance with the provisions of s. 370.07(6).

17           (e) All commercial trawling in Clay, Duval, and St.  
18 Johns Counties shall be restricted to the inland waters of the  
19 St. Johns River proper in the area north of the Acosta Bridge  
20 in Jacksonville and at least 100 yards from the nearest  
21 shoreline.

22           (f) A live shrimp producer must also be a licensed  
23 wholesale dealer. Such person shall not sell live bait shrimp  
24 unless he or she produces a live bait shrimp production  
25 license at the time of sale.

26           (g) The commission ~~department~~ shall rename the Live  
27 Bait Shrimp Production License as the Commercial Live Shrimp  
28 Production License.

29           (4) DEAD SHRIMP PRODUCTION.--Any person may operate as  
30 a commercial dead shrimp producer provided that:

31

1           (a) A dead shrimp production permit is procured from  
2 the Fish and Wildlife Conservation Commission ~~Department of~~  
3 ~~Environmental Protection~~ upon the receipt by the commission  
4 ~~department~~ of a properly filled out and approved application  
5 by a person intending to use a boat, not to exceed 35 feet in  
6 length in Duval, St. Johns, Putnam, and Clay Counties, and not  
7 to exceed 45 feet in length in Nassau County, for dead shrimp  
8 production within the inland waters of Nassau County and the  
9 inland waters of the St. Johns River of Duval, Putnam, St.  
10 Johns, Flagler, or Clay Counties, which permit shall cost \$250  
11 and shall be required for each vessel used for dead shrimp  
12 production. The design of the application and permit shall be  
13 determined by the Fish and Wildlife Conservation Commission  
14 ~~Department of Environmental Protection~~. The proceeds of the  
15 fees imposed by this paragraph shall be deposited into the  
16 account of the Marine Resources Conservation Trust Fund to be  
17 used by the commission ~~department~~ for the purpose of  
18 enforcement of marine resource laws.

19           (b) All commercial trawling in the St. Johns River  
20 proper shall be restricted to the area north of the Acosta  
21 Bridge in Jacksonville and at least 100 yards from the nearest  
22 shoreline.

23           (c) All commercial shrimping activities shall be  
24 allowed during daylight hours from Tuesday through Friday each  
25 week.

26           (d) No person holding a dead shrimp production permit  
27 issued pursuant to this subsection shall simultaneously hold a  
28 permit for noncommercial trawling under the provisions of  
29 subsection (5). The number of permits issued by the  
30 commission ~~department~~ for commercial trawling or dead shrimp  
31 production in any one year shall be the number issued in the

1 base year, 1976. All permits shall be inheritable or  
2 transferable to an immediate family member and annually  
3 renewable by the holder thereof. Such inheritance or transfer  
4 shall be valid upon being registered with the commission  
5 ~~department~~. All permits not renewed shall expire and shall not  
6 be renewed under any circumstances.

7 (e) It is illegal for any person to sell dead shrimp  
8 caught in the inland waters of Nassau, Duval, Clay, Putnam,  
9 and St. Johns Counties, unless the seller is in possession of  
10 a dead shrimp production license issued pursuant to this  
11 subsection.

12 (f) It is illegal for any person to purchase shrimp  
13 for consumption or bait from any seller (with respect to  
14 shrimp caught in the inland waters of Nassau, Duval, Clay,  
15 Putnam, and St. Johns Counties (St. Johns River)) who does not  
16 produce his or her dead shrimp production license prior to the  
17 sale of the shrimp.

18 (g) In addition to any other penalties provided for in  
19 this section, any person who violates the provisions of this  
20 subsection shall have his or her license revoked by the  
21 commission ~~department~~.

22 (h) The commission ~~department~~ shall rename the Dead  
23 Shrimp Production License as the Commercial Food Shrimp  
24 Production License.

25 (5) NONCOMMERCIAL TRAWLING.--Any person may harvest  
26 shrimp in the St. Johns River for his or her own use as food  
27 and may trawl for such shrimp under the following conditions:

28 (a) Each person who desires to trawl for shrimp for  
29 use as food shall obtain a noncommercial trawling permit from  
30 the local ~~Marine Patrol~~ office of the Fish and Wildlife  
31 Conservation Commission ~~Department of Environmental Protection~~

1 upon filling out an application on a form prescribed by the  
2 commission ~~department~~ and upon paying a fee for the permit,  
3 which shall cost \$50.

4 (b) All trawling shall be restricted to the confines  
5 of the St. Johns River proper in the area north of the Acosta  
6 Bridge in Jacksonville and at least 100 yards from the nearest  
7 shoreline.

8 (c) No shrimp caught by a person licensed under the  
9 provisions of this subsection may be sold or offered for sale.

10 (6) SAMPLING PROCEDURE.--

11 (a) The Executive Director of the Fish and Wildlife  
12 Conservation Commission ~~Secretary of Environmental Protection~~  
13 shall have samples taken at established stations within  
14 patterns at frequent intervals.

15 (b) No area may be closed to live bait shrimp  
16 production unless a series of samples has been taken and it  
17 has been determined that the shrimp are undersized or that  
18 continued shrimping in this area would have an adverse effect  
19 on conservation. Standards for size may be established by  
20 rule of the commission ~~department~~.

21 (c) No area may be opened to dead shrimp production  
22 unless a series of samples has been taken and it has been  
23 determined that the shrimp are of legal size. Legal-sized  
24 shrimp shall be defined as not more than 47 shrimp with heads  
25 on, or 70 shrimp with heads off, per pound.

26 (7) LICENSE POSSESSION.--The operator of a boat  
27 employing the use of any trawl for shrimp production must be  
28 in possession of a current shrimp production license issued to  
29 him or her pursuant to the provisions of this section.

30 (8) USE OF TRAWL; LIMITATION.--

31

1 (a) The use of a trawl by either a live bait shrimp  
2 producer or dead shrimp producer shall be limited to the  
3 daylight hours, and the taking of dead shrimp shall not take  
4 place on Saturdays, Sundays, or legal state holidays.

5 (b) The use of a trawl by either a live bait shrimp  
6 producer or dead shrimp producer within 100 yards of any  
7 shoreline is prohibited. The Fish and Wildlife Conservation  
8 Commission ~~Department of Environmental Protection~~, by rule or  
9 order, may define the area or areas where this subsection  
10 shall apply.

11 (c)1. It is unlawful to employ the use of any trawl  
12 designed for, or capable of, taking shrimp within 1/4 mile  
13 of any natural or manmade inlet in Duval County or St. Johns  
14 County.

15 2. It is unlawful for anyone to trawl in the Trout  
16 River west of the bridge on U.S. 17 in Duval County.

17 ~~(9) ST. JOHNS RIVER; RULEMAKING PROHIBITED.--The~~  
18 ~~Department of Environmental Protection may not adopt any rule~~  
19 ~~which regulates shrimping in the St. Johns River.~~

20 (9)(10) CREDITS.--Fees paid pursuant to paragraphs  
21 (3)(a) and (4)(a) of this section shall be credited against  
22 the saltwater products license fee.

23 Section 242. Subsection (2) of section 370.1603,  
24 Florida Statutes, is amended to read:

25 370.1603 Oysters produced in and outside state;  
26 labeling; tracing; rules.--

27 (1) No wholesale or retail dealer, as defined in s.  
28 370.07(1), shall sell any oysters produced outside this state  
29 unless they are labeled as such, or unless it is otherwise  
30 reasonably made known to the purchaser that the oysters were  
31 not produced in this state.

1           (2) The Fish and Wildlife Conservation Commission  
2 ~~Department of Environmental Protection~~ shall promulgate rules  
3 whereby oysters produced in Florida waters can be traced to  
4 the location from which they were harvested. A wholesale or  
5 retail dealer may not sell any oysters produced in this state  
6 unless they are labeled so that they may be traced to the  
7 point of harvesting.

8           Section 243. Subsections (2) and (3) of section  
9 370.172, Florida Statutes, are amended to read:

10           370.172 Spearfishing; definition; limitations;  
11 penalty.--

12           (2)(a) Spearfishing is prohibited within the  
13 boundaries of the John Pennekamp Coral Reef State Park, the  
14 waters of Collier County, and the area in Monroe County known  
15 as Upper Keys, which includes all salt waters under the  
16 jurisdiction of the Fish and Wildlife Conservation Commission  
17 ~~Department of Environmental Protection~~ beginning at the county  
18 line between Dade and Monroe Counties and running south,  
19 including all of the keys down to and including Long Key.

20           (b) For the purposes of this subsection, the  
21 possession in the water of a spear, gig, or lance by a person  
22 swimming at or below the surface of the water in a prohibited  
23 area is prima facie evidence of a violation of the provisions  
24 of this subsection regarding spearfishing.

25           (3) The Fish and Wildlife Conservation Commission  
26 ~~Department of Environmental Protection~~ shall have the power to  
27 establish restricted areas when it is determined that safety  
28 hazards exist or when needs are determined by biological  
29 findings. Restricted areas shall be established only after an  
30 investigation has been conducted and upon application by the  
31 governing body of the county or municipality in which the

1 restricted areas are to be located and one publication in a  
2 local newspaper of general circulation in said county or  
3 municipality in addition to any other notice required by law.  
4 Prior to promulgation of regulations, the local governing body  
5 of the area affected shall agree to post and maintain notices  
6 in the area affected.

7 Section 244. Section 370.18, Florida Statutes, is  
8 amended to read:

9 370.18 Compacts and agreements; generally.--The Fish  
10 and Wildlife Conservation Commission ~~Department of~~  
11 ~~Environmental Protection~~ may enter into agreements of  
12 reciprocity with the fish commissioners or other departments  
13 or other proper officials of other states, whereby the  
14 citizens of the state may be permitted to take or catch shrimp  
15 or prawn from the waters under the jurisdiction of such other  
16 states, upon similar agreements to allow such nonresidents or  
17 aliens to fish for or catch seafood products within the  
18 jurisdiction of the state regardless of residence.

19 Section 245. Subsection (2) of section 370.19, Florida  
20 Statutes, is amended to read:

21 370.19 Atlantic States Marine Fisheries Compact;  
22 implementing legislation.--

23 (2) COMMISSIONERS; APPOINTMENT AND REMOVAL.--In  
24 pursuance of Article III of said compact there shall be three  
25 members (hereinafter called commissioners) of the Atlantic  
26 State Marine Fisheries Commission (hereinafter called  
27 commission) from this state. The first commissioner from this  
28 state shall be the Executive Director of the Fish and Wildlife  
29 Conservation Commission ~~Secretary of Environmental Protection,~~  
30 ex officio, and the term of any such ex officio commissioner  
31 shall terminate at the time he or she ceases to hold said

1 office of Executive Director of the Fish and Wildlife  
2 Conservation Commission ~~Secretary of Environmental Protection,~~  
3 and his or her successor as commissioner shall be his or her  
4 successor as executive director ~~secretary~~. The second  
5 commissioner from this state shall be a legislator and member  
6 of the house committee on commerce and reciprocal trade (of  
7 the State of Florida, ex officio, designated by said house  
8 committee on commerce and reciprocal trade), and the term of  
9 any such ex officio commissioner shall terminate at the time  
10 he or she ceases to hold said legislative office as  
11 commissioner on interstate cooperation, and his or her  
12 successor as commissioner shall be named in like manner. The  
13 Governor (subject to confirmation by the Senate), shall  
14 appoint a citizen as a third commissioner who shall have a  
15 knowledge of, and interest in, the marine fisheries problem.  
16 The term of said commissioner shall be 3 years and the  
17 commissioner shall hold office until a successor shall be  
18 appointed and qualified. Vacancies occurring in the office of  
19 such commissioner from any reason or cause shall be filled by  
20 appointment by the Governor (subject to confirmation by the  
21 Senate), for the unexpired term. The Executive Director of the  
22 Fish and Wildlife Conservation Commission ~~Secretary of~~  
23 ~~Environmental Protection~~ as ex officio commissioner may  
24 delegate, from time to time, to any deputy or other  
25 subordinate in his or her department or office, the power to  
26 be present and participate, including voting, as his or her  
27 representative or substitute at any meeting of or hearing by  
28 or other proceeding of the commission. The terms of each of  
29 the initial three members shall begin at the date of the  
30 appointment of the appointive commissioner, provided the said  
31 compact shall then have gone into effect in accordance with



1 Article II of the compact; otherwise, they shall begin upon  
2 the date upon which said compact shall become effective in  
3 accordance with said Article II. Any commissioner may be  
4 removed from office by the Governor upon charges and after a  
5 hearing.

6 Section 246. Subsection (2) of section 370.20, Florida  
7 Statutes, is amended to read:

8 370.20 Gulf States Marine Fisheries Compact;  
9 implementing legislation.--

10 (2) MEMBERS OF COMMISSION; TERM OF OFFICE.--In  
11 pursuance of article III of said compact, there shall be three  
12 members (hereinafter called commissioners) of the Gulf States  
13 Marine Fisheries Commission (hereafter called commission) from  
14 the State of Florida. The first commissioner from the State of  
15 Florida shall be the Executive Director of the Fish and  
16 Wildlife Conservation Commission ~~Secretary of Environmental~~  
17 ~~Protection~~, ex officio, and the term of any such ex officio  
18 commissioner shall terminate at the time he or she ceases to  
19 hold said office of Executive Director of the Fish and  
20 Wildlife Conservation Commission ~~Secretary of Environmental~~  
21 ~~Protection~~, and his or her successor as commissioner shall be  
22 his or her successor as executive director ~~secretary~~. The  
23 second commissioner from the State of Florida shall be a  
24 legislator and a member of the house committee on commerce and  
25 reciprocal trade (of the State of Florida ex officio,  
26 designated by said house committee on commerce and reciprocal  
27 trade), and the term of any such ex officio commissioner shall  
28 terminate at the time he or she ceases to hold said  
29 legislative office as commissioner on interstate cooperation,  
30 and his or her successor as commissioner shall be named in  
31 like manner. The Governor (subject to confirmation by the

1 Senate) shall appoint a citizen as a third commissioner who  
2 shall have a knowledge of and interest in the marine fisheries  
3 problem. The term of said commissioner shall be 3 years and  
4 the commissioner shall hold office until a successor shall be  
5 appointed and qualified. Vacancies occurring in the office of  
6 such commissioner from any reason or cause shall be filled by  
7 appointment by the Governor (subject to confirmation by the  
8 Senate) for the unexpired term. The Executive Director of the  
9 Fish and Wildlife Conservation Commission ~~Secretary of~~  
10 ~~Environmental Protection~~, as ex officio commissioner, may  
11 delegate, from time to time, to any deputy or other  
12 subordinate in his or her department or office, the power to  
13 be present and participate, including voting, as his or her  
14 representative or substitute at any meeting of or hearing by  
15 or other proceeding of the commission. The terms of each of  
16 the initial three members shall begin at the date of the  
17 appointment of the appointive commissioner, provided the said  
18 compact shall then have gone into effect in accordance with  
19 article II of the compact; otherwise they shall begin upon the  
20 date upon which said compact shall become effective in  
21 accordance with said article II.

22 Any commissioner may be removed from office by the  
23 Governor upon charges and after a hearing.

24 Section 247. Subsections (3), (5), and (7) of section  
25 370.21, Florida Statutes, are amended to read:

26 370.21 Florida Territorial Waters Act; alien-owned  
27 commercial fishing vessels; prohibited acts; enforcement.--

28 (3) No license shall be issued by the Fish and  
29 Wildlife Conservation Commission ~~Division of Marine Resources~~  
30 ~~of the Department of Environmental Protection~~ under s. 370.06,  
31 to any vessel owned in whole or in part by any alien power,

1 which subscribes to the doctrine of international communism,  
2 or any subject or national thereof, who subscribes to the  
3 doctrine of international communism, or any individual who  
4 subscribes to the doctrine of international communism, or who  
5 shall have signed a treaty of trade, friendship and alliance  
6 or a nonaggression pact with any communist power. The  
7 commission ~~division~~ shall grant or withhold said licenses  
8 where other alien vessels are involved on the basis of  
9 reciprocity and retorsion, unless the nation concerned shall  
10 be designated as a friendly ally or neutral by a formal  
11 suggestion transmitted to the Governor of Florida by the  
12 Secretary of State of the United States. Upon the receipt of  
13 such suggestion licenses shall be granted under s. 370.06,  
14 without regard to reciprocity and retorsion, to vessels of  
15 such nations.

16 (5) It is the duty of all harbormasters of the state  
17 to prevent the use of any port facility in a manner which they  
18 reasonably suspect may assist in the violation of this act.  
19 Harbormasters shall endeavor by all reasonable means, which  
20 may include the inspection of nautical logs, to ascertain from  
21 masters of newly arrived vessels of all types other than  
22 warships of the United States, the presence of alien  
23 commercial fishing vessels within the territorial waters of  
24 the state, and shall transmit such information promptly to the  
25 Fish and Wildlife Conservation Commission ~~Department of~~  
26 ~~Environmental Protection~~ and such law enforcement agencies of  
27 the state as the situation may indicate. Harbormasters shall  
28 request assistance from the United States Coast Guard in  
29 appropriate cases to prevent unauthorized departure from any  
30 port facility.

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1           (7) All law enforcement agencies of the state,  
2 including but not limited to sheriffs and officers of the Fish  
3 and Wildlife Conservation Commission ~~agents of the Department~~  
4 ~~of Environmental Protection~~ are empowered and directed to  
5 arrest the masters and crews of vessels who are reasonably  
6 believed to be in violation of this law, and to seize and  
7 detain such vessels, their equipment and catch. Such arresting  
8 officers shall take the offending crews or property before the  
9 court having jurisdiction of such offenses. All such agencies  
10 are directed to request assistance from the United States  
11 Coast Guard in the enforcement of this act when having  
12 knowledge of vessels operating in violation or probable  
13 violation of this act within their jurisdictions when such  
14 agencies are without means to effectuate arrest and restraint  
15 of vessels and their crews.

16           Section 248. Subsection (1) of section 372.107,  
17 Florida Statutes, 1998 Supplement, is amended to read:

18           372.107 Federal Law Enforcement Trust Fund.--

19           (1) The Federal Law Enforcement Trust Fund is created  
20 within the Fish and Wildlife Conservation ~~Game and Fresh Water~~  
21 ~~Fish~~ Commission. The commission may deposit into the trust  
22 fund receipts and revenues received as a result of federal  
23 criminal, administrative, or civil forfeiture proceedings and  
24 receipts and revenues received from federal asset-sharing  
25 programs. The trust fund is exempt from the service charges  
26 imposed by s. 215.20.

27           Section 249. Section 376.15, Florida Statutes, is  
28 amended to read:

29           376.15 Derelict vessels; removal from public waters.--

30           (1) It is unlawful for any person, firm, or  
31 corporation to store or leave any vessel in a wrecked, junked,

1 or substantially dismantled condition or abandoned upon any  
2 public waters or at any port in this state without the consent  
3 of the agency having jurisdiction thereof or docked at any  
4 private property without the consent of the owner of the  
5 private property.

6 (2)(a) The Fish and Wildlife Conservation Commission  
7 ~~department~~ is hereby designated as the agency of the state  
8 authorized and empowered to remove any derelict vessel as  
9 described in subsection (1) from public waters.

10 (b) The commission ~~department~~ may establish a program  
11 to provide grants to coastal local governments for the removal  
12 of derelict vessels from the public waters of the state. The  
13 program shall be funded from the Florida Coastal Protection  
14 Trust Fund. Notwithstanding the provisions in s. 216.181(10),  
15 funds available for grants may only be authorized by  
16 appropriations acts of the Legislature.

17 (c) The commission ~~department~~ shall adopt by rule  
18 procedures for submitting a grant application and criteria for  
19 allocating available funds. Such criteria shall include, but  
20 not be limited to, the following:

21 1. The number of derelict vessels within the  
22 jurisdiction of the applicant.

23 2. The threat posed by such vessels to public health  
24 or safety, the environment, navigation, or the aesthetic  
25 condition of the general vicinity.

26 3. The degree of commitment of the local government to  
27 maintain waters free of abandoned and derelict vessels and to  
28 seek legal action against those who abandon vessels in the  
29 waters of the state.

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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 250. 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 251. 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 252. This act shall take effect July 1, 1999.  
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