

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

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

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

1 s. 370.071, F.S.; transferring responsibilities
2 for the regulation of shellfish processors to
3 the Department of Agriculture and Consumer
4 Services; amending s. 370.12, F.S.; providing
5 rulemaking guidance related to endangered
6 marine mammals; correcting obsolete references;
7 amending s. 370.26, F.S.; transferring certain
8 activities related to aquaculture to the Fish
9 and Wildlife Conservation Commission; amending
10 s. 372.072, F.S.; relating to the Endangered
11 and Threatened Species Act; correcting obsolete
12 references; amending s. 372.0725, F.S.;
13 providing penalties for the killing or wounding
14 of any species designated as endangered,
15 threatened, or of special concern; amending s.
16 372.073, F.S.; transferring responsibility for
17 the Endangered and Threatened Species Reward
18 Program to the Fish and Wildlife Conservation
19 Commission; amending s. 370.093, F.S.;
20 correcting cross references; amending s.
21 376.11, F.S., authorizing additional users of
22 the Coastal Protection Trust Fund; providing
23 for the transfer of employee benefits for
24 employees of designated state agencies;
25 authorizing the Department of Environmental
26 Protection to restructure and reorganize;
27 providing for a report to the Legislature on
28 the restructure and reorganization; repealing
29 s. 20.325, F.S.; abolishing the Game and Fresh
30 Water Fish Commission; repealing s. 370.026,
31 F.S.; abolishing the Marine Fisheries

1 Commission; instructing Division of Statutory
2 Revision to draft reviser's bill for year 2000
3 Regular Session; amending s. 370.0603, F.S.;
4 establishing the Marine Resources Conservation
5 Trust Fund in the Fish and Wildlife
6 Conservation Commission; amending s. 370.16;
7 transferring certain activities related to
8 oysters and shellfish to the Fish and Wildlife
9 Conservation Commission; amending s. 932.7055,
10 F.S.; providing for funds to be deposited into
11 the Forfeited Property Trust Fund; amending ss.
12 20.055, 23.21, 120.52, 120.81, 163.3244,
13 186.003, 186.005, 229.8058, 240.155, 252.365,
14 253.05, 253.45, 253.75, 253.7829, 255.502,
15 258.157, 258.397, 258.501, 259.035, 259.036,
16 282.1095, 282.404, 285.09, 285.10, 288.021,
17 288.975, 316.640, 320.08058, 341.352, 369.20,
18 369.22, 369.25, 370.01, 370.021, 370.028,
19 370.06, 370.0605, 370.0615, 370.062, 370.0805,
20 370.081, 370.092, 370.1107, 370.1111, 370.13,
21 370.14, 370.1405, 370.142, 370.1535, 370.17,
22 370.31, 372.001, 372.01, 372.0215, 372.0222,
23 372.0225, 372.023, 372.025, 372.03, 372.051,
24 372.06, 372.07, 372.071, 372.074, 372.105,
25 372.106, 372.12, 372.121, 372.16, 372.26,
26 372.265, 372.27, 372.31, 372.57, 372.5714,
27 372.5717, 372.5718, 372.574, 372.651, 372.653,
28 372.66, 372.661, 372.662, 372.663, 372.664,
29 372.6645, 372.667, 372.6672, 372.672, 372.673,
30 372.674, 372.70, 372.701, 372.7015, 372.7016,
31 372.72, 372.73, 372.74, 372.76, 372.761,

1 372.77, 372.7701, 372.771, 372.85, 372.86,
2 372.87, 372.88, 372.89, 372.901, 372.911,
3 372.912, 372.92, 372.921, 372.922, 372.97,
4 372.971, 372.98, 372.981, 372.99, 372.9901,
5 372.9903, 372.9904, 372.9906, 372.991, 372.992,
6 372.995, 373.453, 373.455, 373.4595, 373.465,
7 373.466, 373.591, 375.021, 375.311, 375.312,
8 376.121, 378.011, 378.036, 378.409, 380.061,
9 388.45, 388.46, 403.0752, 403.0885, 403.413,
10 403.507, 403.508, 403.518, 403.526, 403.527,
11 403.5365, 403.7841, 403.786, 403.787, 403.9325,
12 403.941, 403.9411, 403.961, 403.962, 403.972,
13 403.973, 487.0615, 581.186, 585.21, 597.003,
14 597.006, 784.07, 790.06, 790.15, 828.122,
15 832.06, 843.08, 870.04, 943.1728, 252.937,
16 309.01, 370.023, 370.03, 370.0607, 370.0609,
17 370.061, 370.07, 370.071, 370.08, 370.0821,
18 370.10, 370.103, 370.135, 370.143, 370.15,
19 370.151, 370.153, 370.1603, 370.172, 370.18,
20 370.19, 370.20, 370.21, 372.107, 376.15,
21 823.11, F.S.; conforming provisions to the
22 State Constitution and this act; providing an
23 effective date.

24

25 Be It Enacted by the Legislature of the State of Florida:

26

27 Section 1. Section 20.331, Florida Statutes, is
28 created to read:29 20.331 Fish and Wildlife Conservation Commission.--30 (1) The Legislature, recognizing the Fish and Wildlife
31 Conservation Commission as being specifically authorized by

1 the State Constitution under s. 9, Art. IV, grants rights and
2 privileges to the commission, as contemplated by s. 6, Art. IV
3 of the State Constitution, equal to those of departments
4 established under this chapter, while preserving its
5 constitutional designation and title as a commission.

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

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

11 (a) Division of Administrative Services.

12 (b) Division of Law Enforcement.

13 (c) Division of Freshwater Fisheries.

14 (d) Division of Marine Fisheries.

15 (e) Division of Wildlife.

16 (f) Florida Marine Research Institute.

17
18 The bureaus and offices of the Game and Fresh Water Fish
19 Commission existing on February 1, 1999, are established
20 within the Fish and Wildlife Conservation Commission.

21 (4)(a) To aid the commission in the implementation of
22 its constitutional and statutory duties, the Legislature
23 authorizes the commission to appoint, fix the salary of, and
24 at its pleasure, remove a person, not a member of the
25 commission, as the executive director. The executive director
26 shall be reimbursed for travel per diem and travel expenses,
27 as provided in s. 112.061, incurred in the discharge of
28 official duties. The executive director shall maintain
29 headquarters and reside in Tallahassee.

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

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

6 (a) Shall assign to the Division of Freshwater
7 Fisheries and the Division of Marine Fisheries such powers,
8 duties, responsibilities, and functions as are necessary to
9 ensure compliance with the laws and rules governing the
10 management, protection, conservation, improvement, and
11 expansion of Florida's freshwater aquatic life and marine life
12 resources.

13 (b) Shall assign to the Division of Wildlife such
14 powers, duties, responsibilities, and functions as are
15 necessary to ensure compliance with the laws and rules
16 governing the management, protection, conservation,
17 improvement, and expansion of Florida's wildlife resources.

18 (c) Shall assign to the Division of Law Enforcement
19 such powers, duties, responsibilities, and functions as are
20 necessary to ensure enforcement of the laws and rules
21 governing the management, protection, conservation,
22 improvement, and expansion of Florida's wildlife resources,
23 freshwater aquatic life resources, and marine life resources.
24 In performance of their duties as sworn law enforcement
25 officers for the State of Florida, the division's officers
26 also shall assist in the enforcement of all general
27 environmental laws remaining under the responsibility of the
28 Department of Environmental Protection.

29 (d) Shall assign to the Florida Marine Research
30 Institute such powers, duties, responsibilities, and functions
31

1 as are necessary to accomplish its mission. It shall be the
2 mission of the Florida Marine Research Institute to:
3 1. Serve as the primary source of research and
4 technical information and expertise on the status of Florida's
5 saltwater resources;
6 2. Monitor the status and health of saltwater habitat,
7 marine life, and wildlife;
8 3. Develop and implement restoration techniques for
9 marine habitat and enhancement of saltwater plant and animal
10 populations;
11 4. Respond and provide critical technical support for
12 marine catastrophes including oil spills, ship groundings,
13 major marine species die-offs, hazardous spills, and natural
14 disaster;
15 5. Identify and monitor marine toxic red tides and
16 their impacts, and provide technical support for state and
17 local public health concerns; and
18 6. Provide state and local governments with estuarine,
19 marine, coastal technical information and research results.
20 (6)(a) Shall implement a system of adequate due
21 process procedures to be accorded to any party, as defined in
22 s. 120.52, whose substantial interests will be affected by any
23 action of the Fish and Wildlife Conservation Commission in the
24 performance of its constitutional duties or responsibilities.
25 (b) The Legislature encourages the commission to
26 incorporate in its process the provisions of s. 120.54(3)(c)
27 when adopting rules in the performance of its constitutional
28 duties or responsibilities.
29 (c) The provisions of chapter 120 shall be accorded to
30 any party whose substantial interests will be affected by any
31 action of the commission in the performance of its statutory

- 1 duties or responsibilities. For purposes of this subsection,
2 statutory duties or responsibilities include, but are not
3 limited to, the following:
- 4 1. Research and management responsibilities for marine
5 species listed as endangered, threatened, or of special
6 concern, including, but not limited to, manatees and marine
7 turtles;
 - 8 2. Establishment and enforcement of boating safety
9 regulations;
 - 10 3. Land acquisition and management;
 - 11 4. Enforcement and collection of fees for all
12 recreational and commercial hunting or fishing licenses or
13 permits;
 - 14 5. Aquatic plant removal and management using fish as
15 a biological control agent;
 - 16 6. Enforcement of penalties for violations of
17 commission rules, including, but not limited to, the seizure
18 and forfeiture of vessels and other equipment used to commit
19 those violations;
 - 20 7. Establishment of free fishing days;
 - 21 8. Regulation of off-road vehicles on state lands;
 - 22 9. Establishment and coordination of a statewide
23 hunter safety course;
 - 24 10. Establishment of programs and activities to
25 develop and distribute public education materials;
 - 26 11. Police powers of wildlife and marine officers;
 - 27 12. Establishment of citizen support organizations to
28 provide assistance, funding, and promotional support for
29 programs of the commission;
 - 30 13. Creation of the Voluntary Authorized Hunter
31 Identification Program; and

1 14. Regulation of required clothing of persons hunting
2 deer.

3 (d) The commission is directed to provide a report on
4 the development and implementation of its adequate due process
5 provisions to the President of the Senate, the Speaker of the
6 House of Representatives, and the appropriate substantive
7 committees of the House of Representatives and the Senate no
8 later than December 1, 1999.

9 (7) Comments submitted by the commission to a
10 permitting agency for applications for permits, licenses, or
11 authorizations impacting the commission's jurisdiction must be
12 based on credible, factual scientific data, and must be
13 received by the permitting agency within the time specified by
14 applicable statutes or rules, or within 30 days, whichever is
15 shorter. Comments provided by the commission are not binding
16 on any permitting agency. Comments by the commission shall be
17 considered for consistency with the Florida Coastal Management
18 Program and sections 373.428, and 380.23. Should a permitting
19 agency use the commission's comments as a condition of denial,
20 approval, or modification of a proposed permit, license, or
21 authorization, any party to an administrative proceeding
22 involving such proposed action may require the commission to
23 join as a party in determining the validity of the condition.
24 In any action where the commission is joined as a party, the
25 commission shall only bear the actual cost of defending the
26 validity of the credible, factual scientific data used as a
27 basis for its comments.

28 (8) Shall acquire, in the name of the state, lands and
29 waters suitable for the protection, improvement, and
30 restoration of marine life, wildlife resources, and freshwater
31 aquatic life resources by purchase, lease, gift or otherwise,

1 using state, federal, or other sources of funding. Lands
2 acquired under this section shall be managed for recreation
3 and other multiple-use activities that do not impede the
4 commission's ability to perform its constitutional and
5 statutory responsibilities and duties.

6 (9) May require any employee of the commission to give
7 a bond for the faithful performance of duties. The commission
8 may determine the amount of the bond and must approve the
9 bond. In determining the amount of the bond, the commission
10 may consider the amount of money or property likely to be in
11 custody of the officer or employee at any one time. The
12 premiums for the bond must be paid out of the funds of the
13 commission.

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

18 Section 3. The Marine Fisheries Commission is
19 transferred to the Fish and Wildlife Conservation Commission
20 by a type two transfer, as defined in s. 20.06(2), Florida
21 Statutes.

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

31

1 (a) Any administrative and technical positions and
2 equipment within the Bureau of Administrative Support and the
3 Bureau of Operational Support providing support services to
4 the Bureau of Emergency Response, the Florida Park Patrol, and
5 the Office of Environmental Investigations within the Division
6 of Law Enforcement at the Department of Environmental
7 Protection as of February 1, 1999;

8 (b) Any sworn positions classified as Investigator I
9 or Investigator II positions within the different program
10 components of the Division of Law Enforcement at the
11 Department of Environmental Protection as of February 1, 1999.

12 (c) Any sworn positions assigned to the Office of the
13 Director of the Division of Law Enforcement as of February 1,
14 1999; and

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

18 (2) The sworn positions assigned to the Uniform
19 Patrol, Inspections, Aviation and Boating Safety program
20 components of the Division of Law Enforcement at the
21 Department of Environmental Protection as of February 1, 1999,
22 are assigned to the Division of Law Enforcement at the Fish
23 and Wildlife Conservation Commission.

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

27 Section 5. (1) The Division of Marine Resources at
28 the Department of Environmental Protection, together with the
29 positions assigned to the division as of February 1, 1999, are
30 transferred to the Fish and Wildlife Conservation Commission
31

1 by a type two transfer, as defined in s. 20.06(2), Florida
2 Statutes, except for:

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

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

9 (2) The Office of Fisheries Management and Assistance
10 Services, and positions assigned to angler outreach and
11 education duties within the Division of Marine Resources at
12 the Department of Environmental Protection are assigned to the
13 Division of Marine Fisheries at the commission.

14 (3) The Florida Marine Research Institute at the
15 Department of Environmental Protection is established as a
16 separate budget entity within the commission, and is assigned
17 to the Office of the Executive Director for administrative
18 purposes.

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

22 Section 6. Within the Department of Environmental
23 Protection, the Office of Environmental Investigations, the
24 Florida Park Patrol, and the Bureau of Emergency Response are
25 assigned to the Division of Law Enforcement.

26 Section 7. The Bureau of Marine Resource Regulation
27 and Development at the Department of Environmental Protection,
28 and the positions assigned to the bureau effective February 1,
29 1999, are transferred to the Division of Aquaculture within
30 the Department of Agriculture and Consumer Services by a type
31 one transfer, as defined in s. 20.06(1), Florida

1 Statutes. Water quality data collected by the Division of
2 Aquaculture with the Department of Agriculture and Consumer
3 Services are to be shared with the Division of Water Resource
4 Management within the Department of Environmental Protection.

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

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

12 (2)(a) There shall be two deputy secretaries and an
13 executive coordinator for ecosystem management who are to be
14 appointed by and shall serve at the pleasure of the secretary.
15 The secretary may assign either deputy secretary the
16 responsibility to supervise, coordinate, and formulate policy
17 for any division, office, or district. The following special
18 offices are established and headed by managers, each of whom
19 is to be appointed by and serve at the pleasure of the
20 secretary:

- 21 1. Office of General Counsel,
- 22 2. Office of Inspector General,
- 23 3. Office of Communication, the latter including
24 public information, legislative liaison, cabinet liaison and
25 special projects,
- 26 4. Office of Water Policy,
- 27 5. Office of Intergovernmental Programs,
- 28 6. Office of Ecosystem Planning and Coordination,
- 29 7. Office of Environmental Education, and an
- 30 8. Office of Greenways and Trails., ~~and an Office of~~
31 ~~the Youth Corps.~~

1 (b) The executive coordinator for ecosystem management
2 shall coordinate policy within the department to assure the
3 implementation of the ecosystem management provisions of
4 chapter 93-213, Laws of Florida. The executive coordinator for
5 ecosystem management shall supervise only the Office of Water
6 Policy, the Office of Intergovernmental Programs, the Office
7 of Ecosystem Planning and Coordination, and the Office of
8 Environmental Education. The executive coordinator for
9 ecosystem management may also be delegated authority by the
10 secretary to act on behalf of the secretary; this authority
11 may include the responsibility to oversee the inland
12 navigation districts.

13 (c) The other special offices not supervised by the
14 executive coordinator for ecosystem management shall report to
15 the secretary; however, the secretary may assign them, for
16 daily coordination purposes, to report through a senior
17 manager other than the secretary.

18 (d) There shall be six administrative districts
19 involved in regulatory matters of waste management, water
20 facilities, wetlands, and air resources, which shall be headed
21 by managers, each of whom is to be appointed by and serve at
22 the pleasure of the secretary. Divisions of the department may
23 have one assistant or two deputy division directors, as
24 required to facilitate effective operation.

25
26 The managers of all divisions and offices specifically named
27 in this section and the directors of the six administrative
28 districts are exempt from part II of chapter 110 and are
29 included in the Senior Management Service in accordance with
30 s. 110.205(2)(i). No other deputy secretaries or senior
31 management positions at or above the division level, except

1 those established in chapter 110, may be created without
2 specific legislative authority.

3 (6) The following divisions of the Department of
4 Environmental Protection are established:

5 (a) Division of Administrative and Technical Services.

6 (b) Division of Air Resource Management.

7 (c) Division of Water Resource Management Facilities.

8 (d) Division of Law Enforcement.

9 (e) Division of Resource Assessment and Management
10 ~~Marine Resources~~.

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

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

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

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

18

19 In order to ensure statewide and intradepartmental
20 consistency, the department's divisions shall direct the
21 district offices and bureaus on matters of interpretation and
22 applicability of the department's rules and programs.

23 (7) Law enforcement officers of the Department of
24 Environmental Protection who meet the provisions of s. 943.13
25 are constituted law enforcement officers of this state with
26 full power to investigate and arrest for any violation of the
27 laws of this state, and the rules of the department and the
28 Board of Trustees of the Internal Improvement Trust Fund. The
29 general laws applicable to investigations, searches, and
30 arrests by peace officers of this state apply to such law
31 enforcement officers.

1 (8) Records and documents of the Department of
2 Environmental Protection shall be retained by the department
3 as specified in record retention schedules established under
4 the general provisions of chapters 119 and 257. Further, the
5 department is authorized to:

6 (a) Destroy, or otherwise dispose of, those records
7 and documents in conformity with the approved retention
8 schedules.

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

31

1 (9) The Department of Environmental Protection may
2 require that bond be given by any employee of the department,
3 payable to the Governor of the state and the Governor's
4 successor in office, for the use and benefit of those whom it
5 concerns, in such penal sums and with such good and sufficient
6 surety or sureties as are approved by the department,
7 conditioned upon the faithful performance of the duties of the
8 employee.

9 (10)~~(7)~~ There is created as a part of the Department
10 of Environmental Protection an Environmental Regulation
11 Commission. The commission shall be composed of seven
12 residents of this state appointed by the Governor, subject to
13 confirmation by the Senate. The commission shall include one,
14 but not more than two, members from each water management
15 district who have resided in the district for at least 1 year,
16 and the remainder shall be selected from the state at large.
17 Membership shall be representative of agriculture, the
18 development industry, local government, the environmental
19 community, lay citizens, and members of the scientific and
20 technical community who have substantial expertise in the
21 areas of the fate and transport of water pollutants,
22 toxicology, epidemiology, geology, biology, environmental
23 sciences, or engineering. The Governor shall appoint the
24 chair, and the vice chair shall be elected from among the
25 membership. The members serving on the commission on July 1,
26 1995, shall continue to serve on the commission for the
27 remainder of their current terms. All appointments thereafter
28 shall continue to be for 4-year terms. The Governor may at any
29 time fill a vacancy for the unexpired term. The members of the
30 commission shall serve without compensation, but shall be paid
31 travel and per diem as provided in s. 112.061 while in the

1 performance of their official duties. Administrative,
2 personnel, and other support services necessary for the
3 commission shall be furnished by the department.

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

6 20.14 Department of Agriculture and Consumer
7 Services.--There is created a Department of Agriculture and
8 Consumer Services.

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

11 (a) Administration.

12 (b) Agricultural Environmental Services.

13 (c) Animal Industry.

14 (d) Aquaculture.

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

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

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

18 (h)~~(g)~~ Forestry.

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

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

21 (k)~~(j)~~ Plant Industry.

22 (l)~~(k)~~ Standards.

23 Section 10. Except where otherwise specified in law,
24 all revenues derived from the sale of permits and licenses
25 pursuant to chapter 370, Florida Statutes, and all federal
26 funds received by the State of Florida as a match to the
27 aforementioned state revenues, and revenues received pursuant
28 to s. 327.25 and s. 380.0558 (4) and (5), Florida Statutes,
29 are to be appropriated by the Legislature to the Fish and
30 Wildlife Conservation Commission, to be used for the purposes
31 specified in law, except for the following:

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

6 (2) Revenues derived from the imposition of the
7 Apalachicola Bay Oyster Harvesting License authorized in s.
8 370.06(5) and lease fees authorized in s. 370.16(4), Florida
9 Statutes, 1998 Supplement, and revenues received pursuant to
10 ss. 253.69(4) and 253.71(2), Florida Statutes, which shall be
11 appropriated to the General Inspection Trust Fund of the
12 Department of Agriculture and Consumer Services,

13 (3) Revenues derived from the imposition of the
14 Apalachicola Bay Oyster Surcharge authorized in section
15 370.07(3), Florida Statutes, 1998 Supplement, which shall be
16 appropriated to the General Inspection Trust Fund of the
17 Department of Agriculture and Consumer Services, and

18 (4) That portion of vessel registration fees used for
19 quality control purposes pursuant to the provisions of section
20 327.28, (1)(d) Florida Statutes, which shall be appropriated
21 to the General Inspection Trust Fund of the Department of
22 Agriculture and Consumer Services.

23 Section 11. Except where otherwise specified in law,
24 all revenues derived from the sale of permits and licenses
25 pursuant to chapter 372, Florida Statutes, and all federal
26 funds received by the State of Florida as a match to the
27 aforementioned state revenues, are to be appropriated by the
28 Legislature to the Fish and Wildlife Conservation Commission,
29 to be used for the purposes specified in law.

30 Section 12. In fiscal year 2000-2001, the total amount
31 of funds expended by the Fish and Wildlife Conservation

1 Commission for all recurring budget categories combined may
2 not exceed 95 percent of the total recurring budget
3 appropriated for fiscal year 1999-2000 to the Fish and
4 Wildlife Conservation Commission.

5 Section 13. (1) The Secretary of the Department of
6 Environmental Protection and the Executive Director of the
7 Fish and Wildlife Conservation Commission shall each appoint
8 three staff members to a transition advisory working group to
9 review and determine the following:

10 (a) The appropriate number of administrative,
11 attorney, auditing and operational support positions and the
12 related sources of funding to be transferred from the
13 Department of Environmental Protection's Office of the General
14 Counsel, Division of Administrative and Technical Services,
15 former Office of the Director of the Division of Marine
16 Resources, and Division of Law Enforcement to the Fish and
17 Wildlife Conservation Commission.

18 1. No more than 60 positions may be transferred to
19 provide legal services, administrative services, and
20 operational support services, including communications
21 equipment involving the National Crime Information System
22 (NCIS) and the Florida Crime Information System (FCIS) which
23 were previously provided to the programs transferred by
24 sections four and five of this act.

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

31

1 1. To assist in the development of the portion of the
2 recommended plan addressing the transfer or shared use of
3 facilities used currently by the Bureau of Marine Resource
4 Regulation and Development at the Department of Environmental
5 Protection, the Secretary of the Department of Agriculture and
6 Consumer Services is authorized to appoint three staff members
7 to transition advisory working group.

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

11 (a) Convene and chair the meetings of the transition
12 advisory group, and

13 (b)1. To assist the transition advisory working group
14 with any operating budget adjustments as necessary, including
15 any adjustments in administrative and technical staff
16 remaining with the Department of Environmental Protection,
17 including in the Division of Law Enforcement, to implement the
18 requirements of this act. Adjustments made to the operating
19 budgets of the Department of Environmental Protection or the
20 commission in the implementation of this act must be made in
21 consultation with the appropriate substantive and fiscal
22 committee staffs of the House of Representatives and the
23 Florida Senate.

24 (2) The revisions to the FY 1999-00 approved operating
25 budget which are necessary to reflect the organizational
26 changes directed by this legislation shall be implemented
27 pursuant to section 216.292(11), Florida Statutes, and are
28 subject to the notification and review process outlined in
29 section 216.177, Florida Statutes. Subsequent adjustments
30 between agencies that are determined necessary by the
31 Department of Environmental Protection or Fish and Wildlife

1 Conservation Commission, and approved by the Executive Office
2 of the Governor, may also be authorized and are subject to the
3 notification and review process outlined in section 216.177,
4 Florida Statutes. The appropriate substantive committees of
5 the House and Senate shall also be notified of the proposed
6 revisions authorized by this section to ensure consistency
7 with legislative policy and intent.

8 Section 14. The executive director of the Fish and
9 Wildlife Conservation Commission and the secretary of the
10 Department of Environmental Protection shall develop and adopt
11 an operating agreement and an annual work plan to accomplish
12 responsibilities shared between the agencies.

13 (1) The operating agreement shall be completed by no
14 later than January 31, 2000, and shall detail commission law
15 enforcement responsibilities for emergency response. Until
16 the operating plan has been completed and adopted, the
17 department may call upon the commission for emergency response
18 and the commission is directed to respond to said requests.

19 (2) The work plan shall be submitted by August 1,
20 1999, to the Governor, the Speaker of the House of
21 Representatives, and the President of the Senate and may
22 include recommendations for facilitating department law
23 enforcement and emergency response needs, the research
24 priorities of the Florida Marine Research Institute, and the
25 needs of other appropriate department programs.

26 (3) A memorandum of agreement will be developed
27 between the Department of Environmental Protection and the
28 Fish and Wildlife Conservation Commission which will detail
29 the responsibilities of the Florida Marine Research Institute
30 to the department, to include, at a minimum, the following
31 services:

1 (a) Environmental monitoring and assessment.

2 (b) Restoration research and development of
3 restoration technology.

4 (c) Technical support and response for oil spills,
5 ship groundings, major marine species die offs, hazardous
6 spills, and natural disasters.

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

10 206.606 Distribution of certain proceeds.--

11 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
12 206.87(1)(e) shall be deposited in the Fuel Tax Collection
13 Trust Fund. Such moneys, after deducting the service charges
14 imposed by s. 215.20, the refunds granted pursuant to s.
15 206.41, and the administrative costs incurred by the
16 department in collecting, administering, enforcing, and
17 distributing the tax, which administrative costs may not
18 exceed 2 percent of collections, shall be distributed monthly
19 to the State Transportation Trust Fund, except that:

20 (a) ~~\$6.30~~\$7.55 million shall be transferred to the
21 Department of Environmental Protection in each fiscal year
22 ~~and. The transfers must be made in equal monthly amounts~~
23 ~~beginning on July 1 of each fiscal year. \$1.25 million of the~~
24 ~~amount transferred shall be deposited annually in the Marine~~
25 ~~Resources Conservation Trust Fund and must be used by the~~
26 ~~department to fund special projects to provide recreational~~
27 ~~channel marking, public launching facilities, and other~~
28 ~~boating-related activities. The department shall annually~~
29 ~~determine where unmet needs exist for boating-related~~
30 ~~activities, and may fund such activities in counties where,~~
31 ~~due to the number of vessel registrations, insufficient~~

1 ~~financial resources are available to meet total water resource~~
2 ~~needs. The remaining proceeds of the annual transfer shall be~~
3 deposited in the Aquatic Plant Control Trust Fund to and must
4 be used for aquatic plant management, including nonchemical
5 control of aquatic weeds, research into nonchemical controls,
6 and enforcement activities. Beginning in fiscal year
7 1993-1994, the department shall allocate at least \$1 million
8 of such funds to the eradication of melaleuca.

9 (b) ~~\$2.5~~\$1.25 million shall be transferred to the
10 State Game Trust Fund in the Fish and Wildlife Conservation
11 ~~Game and Fresh Water Fish~~ Commission in each fiscal year and
12 used for recreational boating activities, and fresh water
13 fisheries management and research. The transfers must be made
14 in equal monthly amounts beginning on July 1 of each fiscal
15 year. The commission shall annually determine where unmet
16 needs exist for boating-related activities, and may fund such
17 activities in counties where, due to the number of vessel
18 registrations, sufficient financial resources are unavailable.

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

24 a. Unmet needs in counties with populations of 100,000
25 or less.

26 b. Unmet needs in coastal counties with a high level
27 of boating related activities from individuals residing in
28 other counties.

29 2. The remaining \$1.25 million may be used for
30 recreational boating activities, and freshwater fisheries
31 management and research.

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

8
9 On February 1 of each year, the commission shall file an
10 annual report with the President of the Senate and the Speaker
11 of the House of Representatives outlining the status of its
12 Florida Boating Improvement Program, including the projects
13 funded, and a list of counties whose needs are unmet due to
14 insufficient financial resources from vessel registration
15 fees., and must be used for recreational boating activities of
16 a type consistent with projects eligible for funding under the
17 Florida Boating Improvement Program administered by the
18 Department of Environmental Protection, and freshwater
19 fisheries management and research.

20 (c) 0.65 percent of moneys collected pursuant to s.
21 206.41(1)(g) shall be transferred to the Agricultural
22 Emergency Eradication Trust Fund.

23 Section 16. Paragraph (b) of subsection (1) of section
24 320.08058, Florida Statutes, 1998 Supplement, as amended by
25 section 7 of chapter 98-414, Laws of Florida, is amended to
26 read:

27 320.08058 Specialty license plates.--

28 (1) MANATEE LICENSE PLATES.--

29 (b) The manatee license plate annual use fee must be
30 deposited into the Save the Manatee Trust Fund, created within
31 the Fish and Wildlife Conservation Commission ~~Department of~~

1 ~~Environmental Protection~~. The funds deposited in the Save the
2 Manatee Trust Fund may be used only for manatee-related
3 environmental education; manatee research; facilities, as
4 provided in s. 370.12(4)(5)(b); and manatee protection and
5 recovery.

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

8 320.08058 Specialty license plates.--

9 (19) SEA TURTLE LICENSE PLATES.--

10 (a) The department shall develop a Sea Turtle license
11 plate as provided in this section. The word "Florida" must
12 appear at the top of the plate, the words "Helping Sea Turtles
13 Survive" must appear at the bottom of the plate, and the image
14 of a sea turtle must appear in the center of the plate.

15 (b) The annual use fees shall be deposited in the
16 Marine Resources Conservation Trust Fund in the Fish and
17 Wildlife Conservation Commission ~~Florida Department of~~
18 ~~Environmental Protection~~. The first \$500,000 in annual revenue
19 shall be used by the Florida Marine Turtle Protection Program
20 to conduct sea turtle protection, research, and recovery
21 programs. The remaining annual use proceeds shall be used by
22 the commission ~~Department of Environmental Protection~~ for sea
23 turtle conservation activities, except that up to 30 percent
24 of the remaining annual use fee proceeds shall be annually
25 disbursed ~~dispersed~~ through the marine turtle grants program
26 as provided in s. 370.12(1)(h).

27 Section 18. Present subsection (5) of section 327.02,
28 Florida Statutes, 1998 Supplement, is redesignated as
29 subsection (6), present subsection (6) is repealed, subsection
30 (7) is amended, and new subsection (5) is added to that
31 section to read:

1 327.02 Definitions of terms used in this chapter and
2 in chapter 328.--As used in this chapter and in chapter 328,
3 unless the context clearly requires a different meaning, the
4 term:

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

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

10 Section 19. Paragraphs (b) and (c) of subsection (2)
11 and subsection (17) of section 327.25, Florida Statutes, are
12 amended to read:

13 327.25 Classification; registration; fees and charges;
14 surcharge; disposition of fees; fines; marine turtle
15 stickers.--

16 (2) ANTIQUE VESSEL REGISTRATION FEE.--

17 (b) The registration number for an antique vessel
18 shall be permanently attached to each side of the forward half
19 of the vessel ~~affixed on the forward half of the hull or on~~
20 ~~the port side of the windshield~~ according to ss. 327.11 and
21 327.14.

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

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

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

4 Section 20. Section 327.26, Florida Statutes, is
5 amended to read:

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

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

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

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

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

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

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

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

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

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

10 327.30 Collisions, accidents, and casualties.--

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

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

29 327.35215 Penalty for failure to submit to test.--
30
31

1 (5) Moneys collected by the clerk of the court
2 pursuant to this section shall be disposed of in the following
3 manner:

4 (a) If the arresting officer was employed or appointed
5 by a state law enforcement agency except as a wildlife
6 enforcement officer or a freshwater fisheries enforcement
7 officer of the Fish and Wildlife Conservation ~~Game and Fresh~~
8 Water Fish Commission, the moneys shall be deposited into the
9 Marine Resources Conservation Trust Fund.

10 (b) If the arresting officer was employed or appointed
11 by a county or municipal law enforcement agency, the moneys
12 shall be deposited into the law enforcement trust fund of that
13 agency.

14 (c) If the arresting officer was employed or appointed
15 by the Fish and Wildlife Conservation ~~Game and Fresh Water~~
16 Fish Commission as a wildlife enforcement officer or a
17 freshwater fisheries enforcement officer, the money shall be
18 deposited into the State Game Trust Fund.

19 Section 24. Section 327.395, Florida Statutes, is
20 amended to read:

21 327.395 Boating safety identification cards.--

22 (1) Until October 1, 2001, a person born after
23 September 30, 1980, and on or after October 1, 2001, a person
24 21 years of age or younger may not operate a vessel powered by
25 a motor of 10 horsepower or greater unless such person has in
26 his or her possession aboard the vessel photographic
27 identification and a boater safety identification card issued
28 by the commission department which shows that he or she has:

29 (a) Completed a commission-approved
30 ~~department-approved~~ boater education course that meets the
31

- 1 minimum 8-hour instruction requirement established by the
2 National Association of State Boating Law Administrators;
- 3 (b) Passed a course equivalency examination approved
4 by the commission ~~department~~; or
- 5 (c) Passed a temporary certificate examination
6 developed or approved by the commission ~~department~~.
- 7 (2) Any person may obtain a boater safety
8 identification card by complying with the requirements of this
9 section.
- 10 (3) The commission ~~department~~ may appoint liveries,
11 marinas, or other persons as its agents to administer the
12 course, course equivalency examination, or temporary
13 certificate examination and issue identification cards under
14 guidelines established by the commission ~~department~~. An agent
15 must charge the \$2 examination fee, which must be forwarded to
16 the commission ~~department~~ with proof of passage of the
17 examination and may charge and keep a \$1 service fee.
- 18 (4) An identification card issued to a person who has
19 completed a boating education course or a course equivalency
20 examination is valid for life. A card issued to a person who
21 has passed a temporary certification examination is valid for
22 12 months from the date of issuance.
- 23 (5) A person is exempt from subsection (1) if he or
24 she:
- 25 (a) Is licensed by the United States Coast Guard to
26 serve as master of a vessel.
- 27 (b) Operates a vessel only on a private lake or pond.
- 28 (c) Is accompanied in the vessel by a person who is
29 exempt from this section or who holds an identification card
30 in compliance with this section, is 18 years of age or older,
31 and is attendant to the operation of the vessel and

1 responsible for any violation that occurs during the
2 operation.

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

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

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

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

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

18 (9) The commission ~~department~~ is authorized to
19 establish and to collect a \$2 examination fee to cover
20 administrative costs.

21 (10) The commission is authorized to adopt rules
22 pursuant to chapter 120 to implement the provisions of this
23 section.

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

26 327.41 Uniform waterway regulatory markers.--

27 (1) The Fish and Wildlife Conservation Commission
28 ~~Department of Environmental Protection~~ shall adopt rules and
29 regulations pursuant to chapter 120 establishing a uniform
30 system of regulatory markers for the Florida Intracoastal
31 Waterway, compatible with the system of regulatory markers

1 prescribed by the United States Coast Guard, and shall give
2 due regard to the System of Uniform Waterway Markers approved
3 by the Advisory Panel of State Officials to the Merchant
4 Marine Council, United States Coast Guard.

5 (2) Any county or municipality which has been granted
6 a restricted area designation, pursuant to s. 327.46, for a
7 portion of the Florida Intracoastal Waterway within its
8 jurisdiction may apply to the Fish and Wildlife Conservation
9 Commission ~~Department of Environmental Protection~~ for
10 permission to place regulatory markers within the restricted
11 area.

12 (3) Application for placing regulatory markers on the
13 Florida Intracoastal Waterway shall be made to the Division of
14 Marine Resources, accompanied by a map locating the
15 approximate placement of the markers, a statement of the
16 specification of the markers, a statement of purpose of the
17 markers, and a statement of the city or county responsible for
18 the placement and upkeep of the markers.

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

23 (5) Aquaculture leaseholds shall be marked as required
24 by this section, and the commission ~~department~~ may approve
25 alternative marking requirements as a condition of the lease
26 pursuant to s. 253.68. The provisions of this section
27 notwithstanding, no permit shall be required for the placement
28 of markers required by such a lease.

29 (6) The commission is authorized to adopt rules
30 pursuant to chapter 120 to implement the provisions of this
31 section.

1 Section 26. Section 327.43, Florida Statutes, is
2 amended to read:

3 327.43 Silver Glen Run and Silver Glen Springs;
4 navigation channel; anchorage buoys; violations.--

5 (1) The Fish and Wildlife Conservation Commission
6 ~~Department of Environmental Protection~~ is hereby directed to
7 mark a navigation channel within Silver Glen Run and Silver
8 Glen Springs, located on the western shore of Lake George on
9 the St. Johns River.

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

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

17 (4) Any violation of this act shall constitute a
18 violation of the boating laws of this state and shall be
19 punishable by issuance of a uniform boating citation as
20 provided in s. 327.74. Any person who refuses to post a bond
21 or accept and sign a uniform boating citation, as provided in
22 s. 327.73(3), commits a misdemeanor of the second degree,
23 punishable as provided in s. 775.082 or s. 775.083.

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

26 327.46 Restricted areas.--

27 (1) The commission ~~department~~ shall have the authority
28 for establishing, by rule pursuant to chapter 120, restricted
29 areas on the waters of the state for any purpose deemed
30 necessary for the safety of the public, including, but not
31 limited to, boat speeds and boat traffic where such

1 restrictions are deemed necessary based on boating accidents,
2 visibility, tides, congestion, or other navigational hazards.
3 Each such restricted area shall be developed in consultation
4 and coordination with the governing body of the county or
5 municipality in which the restricted area is located and,
6 where required, with the United States Army Corps of
7 Engineers. Restricted areas shall be established in
8 accordance with procedures under chapter 120.

9 Section 28. Section 258.398, Florida Statutes, is
10 repealed.

11 Section 29. Section 327.48, Florida Statutes, is
12 amended to read:

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

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

29 327.70 Enforcement of this chapter and chapter 328.--

30 (1) This chapter and chapter 328 shall be enforced by
31 the Division of Law Enforcement of the Fish and Wildlife

1 ~~Conservation department and its officers, the Game and Fresh~~
2 ~~Water Fish~~ Commission and its officers, the sheriffs of the
3 various counties and their deputies, and any other authorized
4 law enforcement officer, all of whom may order the removal of
5 vessels deemed to be an interference or a hazard to public
6 safety, enforce the provisions of this chapter and chapter
7 328, or cause any inspections to be made of all vessels in
8 accordance with this chapter and chapter 328.

9 (3) The Fish and Wildlife Conservation Commission
10 ~~department~~ or any other law enforcement agency may make any
11 investigation necessary to secure information required to
12 carry out and enforce the provisions of this chapter and
13 chapter 328.

14 Section 31. Section 327.71, Florida Statutes, is
15 amended to read:

16 327.71 Exemption.--The commission ~~department~~ may, if
17 it finds that federal law imposes less restrictive
18 requirements than provided herein or if it determines that
19 boating safety will not be adversely affected, issue temporary
20 exemptions from any provision of this chapter or rules
21 established hereunder, on such terms and conditions as it
22 considers appropriate.

23 Section 32. Subsections (1) and (3) of section
24 327.731, Florida Statutes, 1998 Supplement, are amended to
25 read:

26 327.731 Mandatory education for violators.--

27 (1) Every person convicted of a criminal violation of
28 this chapter, every person convicted of a noncriminal
29 infraction under this chapter if the infraction resulted in a
30 reportable boating accident, and every person convicted of two
31 noncriminal infractions as defined in s. 327.73(1)(h) through

1 (k), (m) through (p), (s), and (t), said infractions occurring
2 within a 12-month period, must:

3 (a) Enroll in, attend, and successfully complete, at
4 his or her own expense, a boating safety course that meets
5 minimum standards established by the commission ~~department~~ by
6 rule; however, the commission ~~department~~ may provide by rule
7 pursuant to chapter 120 for waivers of the attendance
8 requirement for violators residing in areas where classroom
9 presentation of the course is not available;

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

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

15

16 Any person who has successfully completed an approved boating
17 course shall be exempt from these provisions upon showing
18 proof to the commission ~~department~~ as specified in paragraph
19 (b).

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

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

30 327.74 Uniform boating citations.--

31

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

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

15 (4) The chief administrative officer of every law
16 enforcement agency shall require the return to him or her of
17 the commission ~~department~~ record copy of every boating
18 citation issued by an officer under his or her supervision to
19 an alleged violator of any boating law or ordinance and all
20 copies of every boating citation which has been spoiled or
21 upon which any entry has been made and not issued to an
22 alleged violator.

23 (6) The chief administrative officer shall transmit,
24 on a form approved by the commission ~~department~~, the
25 commission ~~department~~ record copy of the uniform boating
26 citation to the commission ~~department~~ within 5 days after
27 submission of the original and one copy to the court. A copy
28 of such transmittal shall also be provided to the court having
29 jurisdiction for accountability purposes.

30 (10) Upon final disposition of any alleged offense for
31 which a uniform boating citation has been issued, the court

1 shall, within ten days, certify said disposition to the
2 commission ~~department~~.

3 Section 34. Section 327.803, Florida Statutes, is
4 amended to read:

5 327.803 Boating Advisory Council.--

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

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

14 (b) One representative each from the Department of
15 Environmental Protection ~~Game and Fresh Water Fish Commission~~,
16 the United States Coast Guard Auxiliary, the United States
17 Power Squadron, and the inland navigation districts.

18 (c) One representative of manatee protection
19 interests, one representative of the marine industries, two
20 representatives of water-related environmental groups, one
21 representative of marine manufacturers, one representative of
22 commercial vessel owners or operators, one representative of
23 sport boat racing, and two representatives of the boating
24 public, each of whom shall be nominated by the executive
25 director of the Fish and Wildlife Conservation Commission
26 ~~Secretary of Environmental Protection~~ and appointed by the
27 Governor to serve staggered 2-year terms.

28 (d) One member of the House of Representatives, who
29 shall be appointed by the Speaker of the House of
30 Representatives.

31

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

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

6 (3) The purpose of the council is to make
7 recommendations to the Fish and Wildlife Conservation
8 Commission ~~Department of Environmental Protection~~ and the
9 Department of Community Affairs regarding issues affecting the
10 boating community, including, but not limited to, issues
11 related to:

12 (a) Boating safety education.

13 (b) Boating-related facilities, including marinas and
14 boat testing facilities.

15 (c) Boat usage.

16
17 ~~However, it is not the purpose of the council to make~~
18 ~~recommendations to the Marine Fisheries Commission.~~

19 (4) Members of the council shall serve without
20 compensation.

21 Section 35. Section 327.804, Florida Statutes, is
22 amended to read:

23 327.804 Compilation of statistics on boating accidents
24 and violations.--The Fish and Wildlife Conservation Commission
25 ~~Department of Environmental Protection~~ shall compile
26 statistics on boating accidents and boating violations of the
27 age groups of persons affected by chapter 96-187, Laws of
28 Florida.

29 Section 36. Section 327.90, Florida Statutes, is
30 amended to read:

31

1 327.90 Transactions by electronic or telephonic
2 means.--The commission ~~department~~ is authorized to accept any
3 application provided for under this chapter by electronic or
4 telephonic means.

5 Section 37. Paragraph (c) of subsection (2) of section
6 328.01, Florida Statutes, is amended to read:

7 328.01 Application for certificate of title.--

8 (2)

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

12 1. A notarized statement of the builder or its
13 equivalent, whichever is acceptable to the Department of
14 Highway Safety and Motor Vehicles, if the vessel is less than
15 16 feet in length; or

16 2. A certificate of inspection from the Fish and
17 Wildlife Conservation ~~Division of Law Enforcement of the~~
18 ~~Department of Environmental Protection or the Game and Fresh~~
19 ~~Water Fish~~ Commission and a notarized statement of the builder
20 or its equivalent, whichever is acceptable to the Department
21 of Highway Safety and Motor Vehicles, if the vessel is 16 feet
22 or more in length.

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

25 339.281 Damage to transportation facility by vessel;
26 marine accident report; investigative authorities;
27 penalties.--

28 (1) Whenever any vessel has caused damage to a
29 transportation facility, the managing owner, agent, or master
30 of such vessel shall immediately, or as soon thereafter as
31 possible, report the same to the nearest Fish and Wildlife

1 Conservation Commission officer ~~Florida Marine Patrol~~, the
2 sheriff of the county wherein such accident occurred, ~~the Game~~
3 ~~and Fresh Water Fish Commission~~, or the Florida Highway
4 Patrol, who shall immediately go to the scene of the accident
5 and, if necessary, board the vessel subsequent to the accident
6 in pursuance of its investigation. The law enforcement agency
7 investigating the accident shall submit a copy of its report
8 to the department.

9 Section 39. Section 370.025, Florida Statutes, 1998
10 Supplement, is amended to read:

11 370.025 Marine fisheries; policy and standards.--

12 (1) The Legislature hereby declares the policy of the
13 state to be management and preservation of its renewable
14 marine fishery resources, based upon the best available
15 information, emphasizing protection and enhancement of the
16 marine and estuarine environment in such a manner as to
17 provide for optimum sustained benefits and use to all the
18 people of this state for present and future generations.

19 (2) The commission is instructed to make
20 recommendations annually to the Governor and the Legislature
21 regarding marine fisheries research priorities and
22 funding. All administrative and enforcement responsibilities
23 which are unaffected by the specific provisions of this act
24 are the responsibility of the commission.

25 ~~(3)~~~~(2)~~ All rules relating to saltwater fisheries
26 adopted by the commission ~~department pursuant to this chapter~~
27 ~~or adopted by the Marine Fisheries Commission and approved by~~
28 ~~the Governor and Cabinet as the Board of Trustees of the~~
29 ~~Internal Improvement Trust Fund~~ shall be consistent with the
30 following standards:

31

1 (a) The paramount concern of conservation and
2 management measures shall be the continuing health and
3 abundance of the marine fisheries resources of this state.

4 (b) Conservation and management measures shall be
5 based upon the best information available, including
6 biological, sociological, economic, and other information
7 deemed relevant by the commission.

8 (c) Conservation and management measures shall permit
9 reasonable means and quantities of annual harvest, consistent
10 with maximum practicable sustainable stock abundance on a
11 continuing basis.

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

14 (e) Conservation and management measures shall assure
15 proper quality control of marine resources that enter
16 commerce.

17 (f) State marine fishery management plans shall be
18 developed to implement management of important marine fishery
19 resources.

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

24 (h) Federal fishery management plans and fishery
25 management plans of other states or interstate commissions
26 should be considered when developing state marine fishery
27 management plans. Inconsistencies should be avoided unless it
28 is determined that it is in the best interest of the fisheries
29 or residents of this state to be inconsistent.

30 (4) Pursuant to s. 9, Art. IV of the State
31 Constitution, the commission has full constitutional

1 rulemaking authority over marine life, and listed species as
2 defined in s. 372.072(3), except for:

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

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

8 (c) Marine aquaculture products produced by an
9 individual certified under s. 597.004. This exception does not
10 apply to snook, prohibited and restricted marine species
11 identified by rule of the commission, and rulemaking authority
12 granted pursuant to s. 370.027(4).

13 Section 40. Subsections (1), (2), and (3) of section
14 370.027, Florida Statutes, 1998 Supplement, are repealed.

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

17 370.06 Licenses.--

18 (4) SPECIAL ACTIVITY LICENSES.--

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

1 conditions, and restrictions to be incorporated into each
2 special activity license. This subsection does not apply to
3 gear or equipment used by certified marine aquaculturists as
4 provided for in s. 597.004 to harvest marine aquaculture
5 products.

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

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

23 (d) The conditions and specific management practices
24 established in this section may be incorporated into permits
25 and authorizations issued pursuant to chapter 253, chapter
26 373, chapter 403, or this chapter, when incorporating such
27 provisions is in accordance with the aquaculture permit
28 consolidation procedures. No separate issuance of a special
29 activity license is required when conditions and specific
30 management practices are incorporated into permits or
31 authorizations under this paragraph. Implementation of this

1 section to consolidate permitting actions does not constitute
2 rules within the meaning of s. 120.52.

3 (e) The commission ~~department~~ is authorized to issue
4 special activity licenses in accordance with s. ss. 370.071,
5 370.101, and this section; aquaculture permit consolidation
6 procedures in s. 370.26(2)~~(3)(a)~~; and rules of the ~~Marine~~
7 ~~Fisheries~~ commission to permit the capture and possession of
8 saltwater species protected by law and used as stock for
9 artificial cultivation and propagation.

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

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

18 (a) For purposes of this section, the following
19 definitions shall apply:

20 1. "Person" means an individual.

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

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

25 b. Established a domicile in this state and evidenced
26 that domicile as provided in s. 222.17.

27 (b) No person shall harvest oysters from the
28 Apalachicola Bay without a valid Apalachicola Bay oyster
29 harvesting license issued by the Department of Agriculture and
30 Consumer Services. This requirement shall not apply to anyone
31 harvesting noncommercial quantities of oysters in accordance

1 with chapter 46-27, Florida Administrative Code, or to any
2 person less than 18 years old.

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

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

18 (e) Each person who applies for an Apalachicola Bay
19 oyster harvesting license shall, before receiving the license,
20 attend an educational seminar of not more than 16 hours
21 length, developed and conducted jointly by the Apalachicola
22 National Estuarine Research Reserve, the ~~department's~~ Division
23 of Law Enforcement of the Fish and Wildlife Conservation
24 Commission, and the Department of Agriculture and Consumer
25 Services'~~department's~~ Apalachicola District Shellfish
26 Environmental Assessment Laboratory. The seminar shall
27 address, among other things, oyster biology, conservation of
28 the Apalachicola Bay, sanitary care of oysters, small business
29 management, and water safety. The seminar shall be offered
30 five times per year, and each person attending shall receive a
31

1 certificate of participation to present when obtaining an
2 Apalachicola Bay oyster harvesting license.

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

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

17 (h) Any person holding an Apalachicola Bay oyster
18 harvesting license shall receive credit for the license fee
19 against the saltwater products license fee.

20 (i) The proceeds from Apalachicola Bay oyster
21 harvesting license fees shall be deposited in the General
22 Inspection ~~Marine Resources Conservation~~ Trust Fund and, less
23 reasonable administrative costs, shall be used or distributed
24 by the Department of Agriculture and Consumer Services for the
25 following purposes in Apalachicola Bay:

- 26 1. Relaying and transplanting live oysters.
- 27 2. Shell planting to construct or rehabilitate oyster
28 bars.
- 29 3. Education programs for licensed oyster harvesters
30 on oyster biology, aquaculture, boating and water safety,
31

1 sanitation, resource conservation, small business management,
2 marketing, and other relevant subjects.

3 4. Research directed toward the enhancement of oyster
4 production in the bay and the water management needs of the
5 bay.

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

11 (k) Any oyster harvesting license issued pursuant to
12 this subsection must be in compliance with the rules of the
13 Fish and Wildlife Conservation Commission regulating gear or
14 equipment, harvest seasons, size and bag limits, and the
15 taking of saltwater species.

16 Section 42. Section 370.0608, Florida Statutes, 1998
17 Supplement, is amended to read:

18 370.0608 Deposit of license fees; allocation of
19 federal funds.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Section 43. 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 as to be established by the Marine Fisheries
13 Commission for these harvesters before the 1994-1995 license
14 year. Such special bag limit does not apply during the 2-day
15 sport season established by the Fish and Wildlife Conservation
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 Fish and Wildlife
24 Conservation Commission ~~Division of Marine Resources of the~~
25 ~~Department of Environmental Protection,~~in such form as the
26 commission division requires, detailing the amount of the
27 licenseholder's crawfish (spiny lobster) harvest in the
28 previous quarter, including the harvest of other recreational
29 harvesters aboard 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) Twenty ~~Forty-five~~ percent to be used by the
5 ~~Department of Environmental Protection~~ for administration and
6 ~~enforcement~~ of this section.

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

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

13 Section 44. Section 370.071, Florida Statutes, is
14 amended to read:

15 370.071 Shellfish processors; regulation.--

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

1 destroy any adulterated or misbranded shellfish products as
2 defined by rule.

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

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

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

19 370.12 Marine animals; regulation.--

20 (1) PROTECTION OF MARINE TURTLES.--

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

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

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

- 1 2. Atlantic green turtle (*Chelonis mydas mydas*).
- 2 3. Leatherback turtle (*Dermochelys coriacea*).
- 3 4. Atlantic hawksbill turtle (*Eretmochelys imbricata*
- 4 *imbricata*).

5 5. Atlantic ridley turtle (*Lepidochelys kemp*i).

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

7 Endangered Species Act or its implementing regulations, no

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

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

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

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

12 actually kills or injures marine turtles, and includes

13 significant habitat modification or degradation that kills or

14 injures marine turtles by significantly impairing essential

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

16 2. Unless otherwise provided by the federal Endangered

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

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

19 harass, or destroy any marine turtle.

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

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

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

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

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

25 educational, or exhibitional purposes, or for conservation

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

27 from construction sites. Notwithstanding any other provisions

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

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

30 accredited person for the purpose of marine turtle

31 conservation upon such terms, conditions, and restrictions as

1 it may prescribe by rule adopted pursuant to chapter 120. The
2 commission ~~department~~ shall have the authority to adopt rules
3 pursuant to chapter 120 to permit the possession of marine
4 turtles pursuant to this paragraph. For the purposes of this
5 subsection, a "properly accredited person" is defined as:

6 a. Students of colleges or universities whose studies
7 with saltwater animals are under the direction of their
8 teacher or professor;

9 b. Scientific or technical faculty of public or
10 private colleges or universities;

11 c. Scientific or technical employees of private
12 research institutions and consulting firms;

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

15 e. Members in good standing or recognized and properly
16 chartered conservation organizations, the Audubon Society, or
17 the Sierra Club;

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

21 g. Persons without specific affiliations listed above,
22 but who are recognized by the commission ~~department~~ for their
23 contributions to marine conservation such as scientific or
24 technical publications, or through a history of cooperation
25 with the commission ~~department~~ in conservation programs such
26 as turtle nesting surveys, or through advanced educational
27 programs such as high school marine science centers.

28 (d) Any application for a Department of Environmental
29 Protection permit or other type of approval for an activity
30 that affects marine turtles or their nests or habitat shall be
31

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

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

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

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

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

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

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

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

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

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

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

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

1 manatee; or possess, literally or constructively, any manatee
2 or any part of any manatee.

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

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

29 1. In Lee County: the entire Orange River, including
30 the Tice Florida Power and Light Corporation discharge canal
31

1 and adjoining waters of the Caloosahatchee River within 1 mile
2 of the confluence of the Orange and Caloosahatchee Rivers.

3 2. In Brevard County: those portions of the Indian
4 River within three-fourths of a mile of the Orlando Utilities
5 Commission Delespine power plant effluent and the Florida
6 Power and Light Frontenac power plant effluents.

7 3. In Indian River County: the discharge canals of the
8 Vero Beach Municipal Power Plant and connecting waters within
9 1 1/4 miles thereof.

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

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

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

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

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

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

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

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

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

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

27 (g) The Fish and Wildlife Conservation Commission
28 ~~Department of Environmental Protection~~ shall adopt rules
29 pursuant to chapter 120 regulating the operation and speed of
30 motorboat traffic only where manatee sightings are frequent
31 and it can be generally assumed that they inhabit these areas

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

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

30 (i) If any new power plant is constructed or other
31 source of warm water discharge is discovered within the state

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

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

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

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

1 28 south, range 37 east, to the confluence of Turkey Creek and
2 the Indian River, section 24, township 28 south, range 37
3 east, including all lagoon waters of the Indian River bordered
4 on the west by Palm Bay Point, the north by Castaway Point,
5 the east by the four immediate spoil islands, and the south by
6 Cape Malabar, thence northward along the shoreline of the
7 Indian River to Palm Bay Point.

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

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

29 (1)(m) The commission department shall promulgate
30 regulations pursuant to chapter 120 relating to the operation
31 and speed of motor boat traffic in port waters with due regard

1 to the safety requirements of such traffic and the
2 navigational hazards related to the movement of commercial
3 vessels.

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

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

26 ~~(o)(p)~~ Except in the marked navigation channel of the
27 Florida Intracoastal Waterway as defined in s. 327.02 and the
28 area within 100 feet of such channel, a local government may
29 regulate, by ordinance, motorboat speed and operation on
30 waters within its jurisdiction where manatees are frequently
31 sighted and can be generally assumed to inhabit periodically

1 or continuously. However, such an ordinance may not take
2 effect until it has been reviewed and approved by the
3 commission department. If the commission department and a
4 local government disagree on the provisions of an ordinance, a
5 local manatee protection committee must be formed to review
6 the technical data of the commission department and the United
7 States Fish and Wildlife Service, and to resolve conflicts
8 regarding the ordinance. The manatee protection committee must
9 be comprised of:

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

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

23 ~~(p)(q)~~ The commission department shall evaluate the
24 need for use of fenders to prevent crushing of manatees
25 between vessels (100' or larger) and bulkheads or wharves in
26 counties where manatees have been crushed by such vessels.
27 For areas in counties where evidence indicates that manatees
28 have been crushed between vessels and bulkheads or wharves,
29 the commission department shall:
30
31

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

4 2. Implement a plan and time schedule to require
5 retrofitting of existing bulkheads or wharves consistent with
6 port bulkhead or wharf repair or replacement schedules.
7

8 The fenders shall provide sufficient standoff from the
9 bulkhead or wharf under maximum operational compression to
10 ensure that manatees cannot be crushed between the vessel and
11 the bulkhead or wharf.

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

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

27 1. Any person operating a vessel in excess of a posted
28 speed limit shall be guilty of a civil infraction, punishable
29 as provided in s. 327.73, except as provided in subparagraph
30 2.
31

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

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

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

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

1 manatee as an endangered species, assist the recovery of the
2 endangered or threatened marine mammals, and prevent the
3 endangerment of other species of marine mammals; and other
4 similar programs intended to protect and enhance the recovery
5 of the manatee and other species of marine mammals. The
6 commission ~~department~~ shall annually solicit advisory
7 recommendations from the Save the Manatee Committee affiliated
8 with the Save the Manatee Club, as identified and recognized
9 in Executive Order 85-19, on the use of funds from the Save
10 the Manatee Trust Fund.

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

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

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

27 (d) When the federal and state governments remove the
28 manatee from status as an endangered or threatened species,
29 the annual allocation may be reduced.
30
31

1 Section 46. 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 47. Section 372.072, Florida Statutes, is
15 amended to read:

16 372.072 Endangered and Threatened Species Act.--

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

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

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

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

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

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

18 (4) INTERAGENCY COORDINATION.--

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

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

25 (b) Recognizing that citizen awareness is a key
26 element in the success of this plan, the ~~Game and Fresh Water~~
27 ~~Fish~~ commission, ~~the Department of Environmental Protection,~~
28 and the Office of Environmental Education of the Department of
29 Education are encouraged to work together to develop a public
30 education program with emphasis on, but not limited to, both
31 public and private schools.

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

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

24 Section 48. Section 372.0725, Florida Statutes, is
25 amended to read:

26 372.0725 Killing or wounding of any species designated
27 as endangered, threatened, or of special concern; criminal
28 penalties.--It is unlawful for a person to intentionally kill
29 or wound any fish or wildlife of a species designated by the
30 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
31 Commission as endangered, threatened, or of special concern,

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

9 Section 49. Section 372.073, Florida Statutes, is
10 amended to read:

11 372.073 Endangered and Threatened Species Reward
12 Program.--

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

27 (2) The commission may expend funds only for the
28 following purposes:

29 (a) The payment of rewards to persons, other than law
30 enforcement officers, commission personnel, and members of
31

1 their immediate families, for information as specified in
2 subsection (1); or

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

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

8 370.093 Illegal use of nets.--

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

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

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

28 376.11 Florida Coastal Protection Trust Fund.--

29 (2) The Florida Coastal Protection Trust Fund is
30 established, to be used by the department and the Fish and
31 Wildlife Conservation Commission as a nonlapsing revolving

1 fund for carrying out the purposes of ss. 376.011-376.21. To
2 this fund shall be credited all registration fees, penalties,
3 judgments, damages recovered pursuant to s. 376.121, other
4 fees and charges related to ss. 376.011-376.21, and the excise
5 tax revenues levied, collected, and credited pursuant to ss.
6 206.9935(1) and 206.9945(1)(a). Charges against the fund
7 shall be in accordance with this section.

8 (4) Moneys in the Florida Coastal Protection Trust
9 Fund shall be disbursed for the following purposes and no
10 others:

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

15 Section 52. Section 20.325, Florida Statutes, is
16 repealed.

17 Section 53. Section 370.026, Florida Statutes, is
18 repealed.

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

27 Section 55. Notwithstanding chapter 60K-5,
28 Administrative Code, or state law to the contrary, employees
29 transferring from the Department of Environmental Protection
30 to fill positions transferred to the Department of Agriculture
31 and Consumer Services shall also transfer any accrued annual

1 leave, sick leave, regular compensatory leave and special
2 compensatory leave balances.

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

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

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

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

30 370.0603 Marine Resources Conservation Trust Fund;
31 purposes.--

1 (1) The Marine Resources Conservation Trust Fund
2 within the Fish and Wildlife Conservation Commission
3 ~~Department of Environmental Protection~~ shall serve as a
4 broad-based depository for funds from various marine-related
5 activities and shall be administered by the commission
6 ~~department~~ for the purposes of:

7 (a) Funding for marine research.

8 (b) Funding for fishery enhancement, including, but
9 not limited to, fishery statistics development, artificial
10 reefs, and fish hatcheries.

11 (c) Funding for marine law enforcement.

12 (d) Funding for administration of licensing programs
13 for recreational fishing, saltwater products sales, and
14 related information and education activities.

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

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

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

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

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

27 370.16 Oysters and shellfish; regulation.--

28 (1) LEASE, APPLICATION FORM; NOTICE TO RIPARIAN OWNER;
29 LANDS LEASED TO BE COMPACT.--When any qualified person desires
30 to lease a part of the bottom or bed of any of the water of
31 this state, for the purpose of growing oysters or clams, as

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

1 of the body of water and the condition of the bottom as to
2 hardness, or soft mud or sand, or other conditions which would
3 render the bottoms desirable or undesirable for the purpose of
4 oyster or clam cultivation.

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

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

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

24 (5) INCREASE OF RENTALS AFTER 10 YEARS.--After 10
25 years from the execution of the lease, the rentals shall be
26 increased to a minimum of \$1 per acre per annum. The
27 department shall assess rental value on the leased water
28 bottoms, taking into consideration their value as
29 oyster-growing or clam-growing water bottoms, their nearness
30 to factories, transportation, and other conditions adding
31 value thereto and placing such valuation upon them in shape of

1 annual rental to be paid thereunder as said condition shall
2 warrant.

3 (6) LEASES TRANSFERABLE, ETC.--The leases shall be
4 inheritable and transferable, in whole or in part, and shall
5 also be subject to mortgage, pledge, or hypothecation and
6 shall be subject to seizure and sale for debts as any other
7 property, rights, and credits in this state, and this
8 provision shall also apply to all buildings, betterments, and
9 improvements thereon. Leases granted under this section cannot
10 be transferred, by sale or barter, in whole or in part,
11 without the written, express acquiescence of the Department of
12 Environmental Protection Division of Marine Resources, and
13 such a transferee shall pay a \$50 transfer fee before
14 department ~~division~~ acquiescence may be given. No lease or
15 part of a lease may be transferred by sale or barter until the
16 lease has been in existence at least 2 years and has been
17 cultivated according to the statutory standards found in
18 paragraph (4)(e), except as otherwise provided by regulation
19 adopted by the department ~~Division of Marine Resources~~. No
20 such inheritance or transfer shall be valid or of any force or
21 effect whatever unless evidenced by an authentic act,
22 judgment, or proper judicial deed, registered in the office of
23 the department ~~division~~ in a book to be provided for said
24 purpose. The department ~~division~~ shall keep proper indexes so
25 that all original leases and all subsequent changes and
26 transfers can be easily and accurately ascertained.

27 (7) PAYMENT OF RENT; FORFEITURE FOR NONPAYMENT;
28 NOTICE, ETC.--All leases shall stipulate for the payment of
29 the annual rent in advance on or before January 1 of each
30 year, and the further stipulation that the failure of the
31 tenant to pay the rent punctually on or before that day, or

1 within 30 days thereafter shall ipso facto, and upon demand,
2 terminate and cancel said lease and forfeit to the state all
3 the works, improvements, betterments, oysters, and clams on
4 the leased water bottoms, and authorize the Department of
5 Environmental Protection ~~Division of Marine Resources~~ to at
6 once enter on said water bottom and take possession thereof,
7 and such water bottom shall then be open for lease as herein
8 provided; and the department ~~division~~ shall within 10 days
9 thereafter enter such termination, cancellation, and
10 forfeiture on its books and shall give such public notice
11 thereof, and of the fact that the water bottoms are open to
12 lease, as it shall deem proper; provided, that the department
13 ~~division~~ may, in its discretion, waive such termination,
14 cancellation, and forfeiture when the rent due, with 10
15 percent additional, and all costs and expenses growing out of
16 such failure to pay, be tendered to it within 60 days after
17 the same became due; provided, that in all cases of
18 cancellation of lease, the department ~~division~~ shall, after 60
19 days' notice by publication in some newspaper published in the
20 state, having a general statewide circulation, which notice
21 shall contain a full description of the leased waters and beds
22 and any parts thereof, sell such lease to the highest and best
23 bidder; and all moneys received over and above the rents due
24 to the state, under the terms of the lease and provisions
25 herein, and costs and expenses growing out of such failure to
26 pay, shall be paid to the lessee forfeiting his or her rights
27 therein. No leased water bottoms shall be forfeited for
28 nonpayment of rent under the provisions of this section,
29 unless there shall previously have been mailed by the said
30 department ~~division~~ to the last known address of such tenant
31 according to the books of said department ~~division~~, 30 days'

1 notice of the maturity of such lease. Whenever any leased
2 water bottoms are forfeited for nonpayment of rent, and there
3 is a plat or survey thereof in the archives of the department
4 ~~division~~, when such bedding grounds are re-leased, no new
5 survey thereof shall be made, but the original stakes,
6 monuments, and bounds shall be preserved, and the new lease
7 shall be based upon the original survey. This subsection
8 shall also apply to all costs and expenses taxed against a
9 lessee by the department ~~division~~ under this section.

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

1 to be made into the truth of the allegations of the petition,
2 and, if found untrue, the \$10 deposit shall be retained by the
3 department ~~division~~ to defray the expense of the
4 investigation, but should the allegations of the petition be
5 found true and the leased premises to contain a natural oyster
6 or clam reef, as above described, the said \$10 shall be
7 returned to the petitioner and the costs and expenses of the
8 investigation taxed against the lessee and the lease canceled
9 to the extent of the natural reef and the same shall be marked
10 with buoys and stakes and notices placed thereon showing the
11 same to be a public reef, the cost of the markers and notices
12 to be taxed against the lessee.

13 (9) WHEN NATURAL REEFS MAY BE INCLUDED IN LEASE.--When
14 an application for oyster or clam bedding grounds is filed and
15 upon survey of such bedding ground, it should develop that the
16 area applied for contains natural oyster or clam reefs or beds
17 less in size than 100 square yards, or oyster or clam reefs or
18 bars of greater size, but not of sufficient quantity to
19 constitute a stratum, and it should further be made to appear
20 to the Department of Environmental Protection ~~Division of~~
21 ~~Marine Resources~~ by the affidavit of the applicant, together
22 with such other proof as the department ~~division~~ may require,
23 that the natural reef, bed, or bar could not be excluded, and
24 the territory applied for properly protected or policed, the
25 department ~~division~~ may, if it deems it for the best interest
26 of the state and the oyster industry so to do, permit the
27 including of such natural reefs, beds, or bars; and it shall
28 fix a reasonable value on the same, to be paid by the
29 applicant for such bedding ground; provided, that no such
30 natural reefs shall be included in any lease hereafter granted
31 to the bottom or bed of waters of this state contiguous to

1 Franklin County. There shall be no future oyster leases
2 issued in Franklin County except for purposes of oyster
3 aquaculture activities approved under ss. 253.67-253.75.
4 However, such aquaculture leases shall be for an area not
5 larger than 1 acre and shall not be transferred or subleased.
6 Only the flexible belt system or off-bottom methods may be
7 used for aquaculture on these lease areas, and no cultch
8 materials shall be placed on the bottom of the lease areas.
9 Under no circumstances shall mechanical dredging devices be
10 used to harvest oysters on such lease areas. Oyster
11 aquaculture leases issued in Franklin County shall be issued
12 only to Florida residents.

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

20 (11) TRESPASS ON LEASED BEDS; GATHERING OYSTERS AND
21 CLAMS BETWEEN SUNSET AND SUNRISE FROM NATURAL REEFS, ETC.--Any
22 person who willfully takes oysters, shells, cultch, or clams
23 bedded or planted by a licensee under this chapter, or grantee
24 under the provisions of heretofore existing laws, or riparian
25 owner who may have heretofore planted the same on his or her
26 riparian bottoms, or any oysters or clams deposited by anyone
27 making up a cargo for market, or who willfully carries or
28 attempts to carry away the same without permission of the
29 owner thereof, or who willfully or knowingly removes, breaks
30 off, destroys, or otherwise injures or alters any stakes,
31 bounds, monuments, buoys, notices, or other designations of

1 any natural oyster or clam reefs or beds or private bedding or
2 propagating grounds, or who willfully injures, destroys, or
3 removes any other protection around any oyster or clam beds,
4 or who willfully moves any bedding ground stakes, buoys,
5 marks, or designations, placed by the department ~~division~~, or
6 who gathers oysters or clams between sunset and sunrise from
7 the natural reefs or from private bedding grounds, is guilty
8 of a violation of this section.

9 (12) PROTECTION OF OYSTER AND CLAM REEFS AND
10 SHELLFISH.--

11 (a) The Department of Environmental Protection
12 ~~Division of Marine Resources~~ shall improve, enlarge, and
13 protect the natural oyster and clam reefs of this state to the
14 extent it may deem advisable and the means at its disposal
15 will permit.

16 (b) The Fish and Wildlife Conservation Commission
17 ~~division~~ shall ~~also~~, to the same extent, assist in protecting
18 shellfish aquaculture products produced on leased or granted
19 reefs in the hands of lessees or grantees from the state.
20 Harvesting shellfish is prohibited within a distance of 25
21 feet outside lawfully marked lease boundaries or within
22 setback and access corridors within specifically designated
23 high-density aquaculture lease areas and aquaculture use
24 zones.

25 (c) The department, in cooperation with the
26 commission, ~~division~~ shall provide the Legislature annually
27 with recommendations as needed for the development and the
28 proper protection of the rights of the state and private
29 holders therein with respect to the oyster and clam business.

30 (13) STAKING OFF WATER BOTTOMS OR BEDDING OYSTERS
31 WITHOUT OBTAINING LEASE.--Any person staking off the water

1 bottoms of this state, or bedding oysters on the bottoms of
2 the waters of this state, without previously leasing same as
3 required by law shall be guilty of a violation of this
4 section, and shall acquire no rights by reason of such staking
5 off. This provision does not apply to grants heretofore made
6 under the provisions of any heretofore existing laws or to
7 artificial beds made heretofore by a riparian owner or his or
8 her grantees on the owner's riparian bottoms.

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

11 (a) The Fish and Wildlife Conservation Commission
12 ~~Marine Fisheries Commission~~ shall consider setting the
13 shellfish harvesting seasons in the Apalachicola Bay as
14 follows:

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

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

21 (b) If the commission changes the harvesting seasons
22 by rule as set forth in this subsection, for 3 years after the
23 rule takes effect, the commission ~~department~~ shall monitor the
24 impacts of the new harvesting schedule on the bay and on local
25 shellfish harvesters to determine whether the new harvesting
26 schedule should be discontinued, retained, or modified. In
27 monitoring the new schedule and in preparing its report, the
28 commission ~~department~~ shall consider the following:

29 1. Whether the bay benefits ecologically from being
30 closed to shellfish harvesting from August 1 to September 30
31 of each year.

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

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

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

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

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

15 (a) It is unlawful to use a dredge or any means or
16 implement other than hand tongs in removing oysters from the
17 natural or artificial state reefs. This restriction shall
18 apply to all areas of the Apalachicola Bay for all shellfish
19 harvesting, excluding private grounds leased or granted by the
20 state prior to July 1, 1989, if the lease or grant
21 specifically authorizes the use of implements other than hand
22 tongs for harvesting. Except in the Apalachicola Bay, upon
23 the payment of \$25 annually, for each vessel or boat using a
24 dredge or machinery in the gathering of clams or mussels, a
25 special activity license may be issued by the Fish and
26 Wildlife Conservation Commission ~~division~~ pursuant to s.
27 370.06 for such use to such person.

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

1 1. The use of any mechanical harvesting device other
2 than ordinary hand tongs for taking shellfish for any purpose
3 from public shellfish beds in Apalachicola Bay shall be
4 unlawful.

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

8 3. Leaseholders or grantees shall telephonically
9 notify the Fish and Wildlife Conservation Commission ~~Division~~
10 ~~of Law Enforcement and the Division of Marine Resources~~ no
11 less than 48 hours prior to each day's use of a dredge or
12 scrape in order to arrange for a commission ~~Marine Patrol~~
13 officer to be present on the lease or grant area while a
14 dredge or scrape is used on the lease or grant. Under no
15 circumstances may a dredge or scrape be used without a
16 commission ~~Marine Patrol~~ officer present.

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

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

1 to the commission ~~department~~ as a prerequisite to the issuance
2 of this license.

3 (c) Oysters may be harvested from natural or public or
4 private leased or granted grounds by common hand tongs or by
5 hand, by scuba diving, free diving, leaning from vessels, or
6 wading. In the Apalachicola Bay, this provision shall apply
7 to all shellfish.

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

9 (a) Designation of areas for the taking of oysters and
10 clams to be planted on leases, grants, and public areas is to
11 be made by qualified personnel of the Fish and Wildlife
12 Conservation Commission ~~Division of Marine Resources~~. Oysters,
13 clams, and mussels may be taken for relaying or transplanting
14 at any time during the year so long as, in the opinion of the
15 commission ~~division~~, the public health will not be endangered.
16 The amount of oysters, clams, and mussels to be obtained for
17 relaying or transplanting, the area relayed or transplanted
18 to, and relaying or transplanting time periods will be
19 established in each case by the commission ~~division~~.

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

1 (c) Relayed oysters, clams, or mussels shall not be
2 subsequently harvested for any reason without written
3 permission or public notice from the commission division, if
4 oysters, clams, or mussels were relayed from areas not
5 approved by the commission division as shellfish harvesting
6 areas.

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

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

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

25 (a) The Fish and Wildlife Conservation Commission
26 Division of Law Enforcement may establish and maintain
27 necessary patrols of the salt waters of Florida, with
28 authority to use such force as may be necessary to capture any
29 vessel or person violating the provisions of the laws relating
30 to oysters and clams, and may establish ports of entry at
31 convenient locations where the severance or privilege tax

1 levied on oysters and clams may be collected or paid and may
2 make such rules and regulations as it may deem necessary for
3 the enforcement of such tax.

4 (b) Each person in any way dealing in shellfish shall
5 keep a record, on blanks or forms prescribed by the commission
6 ~~Division of Marine Resources~~, of all oysters, clams, and
7 shellfish taken, purchased, used, or handled by him or her,
8 with the name of the persons from whom purchased, if
9 purchased, together with the quantity and the date taken or
10 purchased, and shall exhibit this account at all times when
11 requested so to do by the commission ~~division~~ or any
12 conservation agent; and he or she shall, on the first day of
13 each month, make a return under oath to the commission
14 ~~division~~ as to the number of oysters, clams, and shellfish
15 purchased, caught, or handled during the preceding month. The
16 commission ~~division~~ may require detailed returns whenever it
17 deems them necessary.

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

1 other instruments in fishing oysters on natural reefs contrary
2 to law, or fishing on the natural oyster or clam reefs out of
3 season, or unlawfully taking oysters or clams belonging to a
4 lessee, such vessel shall be declared forfeited by the court,
5 and ordered sold and the proceeds of the sale shall be
6 deposited with the Treasurer to the credit of the General
7 Revenue Fund; any person guilty of such violations shall not
8 be permitted to have any license provided for in this chapter
9 within a period of 1 year from the date of conviction.
10 Pending proceedings such vessel may be released upon the owner
11 furnishing bond, with good and solvent security in double the
12 value of the vessel, conditioned upon its being returned in
13 good condition to the sheriff to abide the judgment of the
14 court.

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

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

25 (24) COOPERATION WITH UNITED STATES FISH AND WILDLIFE
26 SERVICE.--The Fish and Wildlife Conservation Commission
27 ~~Division of Marine Resources~~ shall cooperate with the United
28 States Fish and Wildlife Service, under existing federal laws,
29 rules, and regulations, and is authorized to accept donations,
30 grants, and matching funds from the Federal Government in
31 order to carry out its oyster resource and development

1 responsibilities. The commission ~~division~~ is further
2 authorized to accept any and all donations including funds,
3 oysters, or oyster shells.

4 (25) OYSTER AND CLAM SHELLS PROPERTY OF DEPARTMENT
5 DIVISION.--

6 (a) Except for oysters used directly in the half-shell
7 trade, 50 percent of all shells from oysters and clams shucked
8 commercially in the state shall be and remain the property of
9 the Department of Environmental Protection ~~Division of Marine~~
10 ~~Resources~~ when such shells are needed and required for
11 rehabilitation projects and planting operations, in
12 cooperation with the Fish and Wildlife Conservation
13 Commission, when sufficient resources and facilities exist for
14 handling and planting said shell, and when the collection and
15 handling of such shell is practical and useful, except that
16 bona fide holders of leases and grants may retain 75 percent
17 of such shell as they produce for planting purposes by
18 obtaining a special activity license from the commission
19 ~~division~~ pursuant to s. 370.06. Storage, transportation, and
20 planting of shells so retained by lessees and grantees shall
21 be carried out under the surveillance of agents of the Fish
22 and Wildlife Conservation Commission ~~division~~ and be subject
23 to such reasonable time limits as the department ~~division~~ may
24 fix. In the event of an accumulation of an excess of shells,
25 the department ~~division~~ is authorized to sell shells only to
26 private growers for use in oyster or clam cultivation on bona
27 fide leases and grants. No profit shall accrue to the
28 department ~~division~~ in these transactions, and shells are to
29 be sold for the estimated moneys spent by the department
30 ~~division~~ to gather and stockpile the shells. Planting of
31 shells obtained from the department ~~division~~ by purchase shall

1 be subject to the surveillance of the Fish and Wildlife
2 Conservation Commission ~~division~~ if the department ~~division~~
3 chooses to exercise its right of supervision. Any shells not
4 claimed and used by private oyster cultivators 10 years after
5 shells are gathered and stockpiled may be sold at auction to
6 the highest bidder for any private use.

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

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

17 (d) Moneys derived from the sale of shell shall be
18 deposited in the Land Acquisition ~~Marine Resources~~
19 ~~Conservation~~ Trust Fund for shellfish programs.

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

27 (26) OYSTER CULTURE.--The Fish and Wildlife
28 Conservation Commission ~~Division of Marine Resources~~ shall
29 protect all oyster beds, oyster grounds, and oyster reefs from
30 damage or destruction resulting from improper cultivation,
31 propagation, planting, or harvesting and control the pollution

1 of the waters over or surrounding oyster grounds, beds, or
2 reefs, and to this end the Department of Health and
3 Rehabilitative Services is authorized and directed to lend its
4 cooperation to the commission ~~division~~, to make available to
5 it its laboratory testing facilities and apparatus. The
6 commission ~~division~~ may also do and perform all acts and
7 things within its power and authority necessary to the
8 performance of its duties.

9 (27) HEALTH PERMITS.--

10 (a) Any person engaged in harvesting, handling, or
11 processing oysters for commercial use shall be required to
12 obtain a health permit from the county health department or
13 from a private physician.

14 (b) No person shall be employed or remain employed in
15 a certified oyster house without the possession of the
16 required health permit.

17 (c) For the purpose of this subsection, "commercial
18 use" shall be a quantity of more than 4 bushels, or more than
19 2 gallons, of shucked oysters, per person or per boat, or any
20 number or quantity of oysters if the oysters are to be sold.

21 (28) REQUIREMENTS FOR OYSTER VESSELS.--

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

1 (b) For the purpose of this subsection, "commercial
2 use" shall be a quantity of more than 4 bushels, or more than
3 2 gallons, of shucked oysters, per person or per boat, or any
4 number or quantity of oysters if the oysters are to be sold.

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

7 932.7055 Disposition of liens and forfeited
8 property.--

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

12 (a) The Department of Law Enforcement, the proceeds
13 accrued pursuant to the provisions of the Florida Contraband
14 Forfeiture Act shall be deposited into the Forfeiture and
15 Investigative Support Trust Fund as provided in s. 943.362 or
16 into the department's Federal Law Enforcement Trust Fund as
17 provided in s. 943.365, as applicable.

18 (b) The Department of Environmental Protection, the
19 proceeds accrued pursuant to the provisions of the Florida
20 Contraband Forfeiture Act shall be deposited into the
21 Forfeited Property Trust Fund ~~Marine Resources Conservation~~
22 ~~Trust Fund to be used for law enforcement purposes as provided~~
23 ~~in ss. 370.021 and 370.061~~ or into the department's Federal
24 Law Enforcement Trust Fund as provided in s. 20.2553, as
25 applicable.

26 (c) The Division of Alcoholic Beverages and Tobacco,
27 the proceeds accrued pursuant to the Florida Contraband
28 Forfeiture Act shall be deposited into the Alcoholic Beverage
29 and Tobacco Trust Fund or into the department's Federal Law
30 Enforcement Trust Fund as provided in s. 561.027, as
31 applicable.

1 (d) The Department of Highway Safety and Motor
2 Vehicles, the proceeds accrued pursuant to the Florida
3 Contraband Forfeiture Act shall be deposited into the
4 Department of Highway Safety and Motor Vehicles Law
5 Enforcement Trust Fund as provided in s. 932.705(1)(a) or into
6 the department's Federal Law Enforcement Trust Fund as
7 provided in s. 932.705(1)(b), as applicable.

8 (e) The Fish and Wildlife Conservation ~~Game and Fresh~~
9 ~~Water Fish~~ Commission, the proceeds accrued pursuant to the
10 provisions of the Florida Contraband Forfeiture Act shall be
11 deposited into the State Game Trust Fund as provided in ss.
12 372.73, 372.9901, and 372.9904, into the Marine Resources
13 Conservation Trust Fund as provided in s. 370.061, or into the
14 commission's Federal Law Enforcement Trust Fund as provided in
15 s. 372.107, as applicable.

16 (f) A state attorney's office acting within its
17 judicial circuit, the proceeds accrued pursuant to the
18 provisions of the Florida Contraband Forfeiture Act shall be
19 deposited into the State Attorney's Forfeiture and
20 Investigative Support Trust Fund to be used for the
21 investigation of crime and prosecution of criminals within the
22 judicial circuit.

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

27 (h) One of the State University System police
28 departments acting within the jurisdiction of its employing
29 state university, the proceeds accrued pursuant to the
30 provisions of the Florida Contraband Forfeiture Act shall be
31

1 deposited into that state university's special law enforcement
2 trust fund.

3 (i) The Department of Agriculture and Consumer
4 Services, the proceeds accrued pursuant to the provisions of
5 the Florida Contraband Forfeiture Act shall be deposited into
6 the Agricultural Law Enforcement Trust Fund or into the
7 department's Federal Law Enforcement Trust Fund as provided in
8 s. 570.205, as applicable.

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

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

19 20.055 Agency inspectors general.--

20 (1) For the purposes of this section:

21 (a) "State agency" means each department created
22 pursuant to this chapter, and also includes the Executive
23 Office of the Governor, the Department of Military Affairs,
24 the Parole Commission, the Board of Regents, the Fish and
25 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
26 the Public Service Commission, and the state courts system.

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

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

3 23.21 Definitions.--For purposes of this part:

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

14 Section 64. Paragraph (b) of subsection (1) of section
15 120.52, Florida Statutes, is amended to read:

16 120.52 Definitions.--As used in this act:

17 (1) "Agency" means:

18 (b) Each state officer and state department,
19 departmental unit described in s. 20.04, commission, regional
20 planning agency, board, multicounty special district with a
21 majority of its governing board comprised of nonelected
22 persons, and authority, including, but not limited to, the
23 Commission on Ethics and the Fish and Wildlife Conservation
24 ~~Game and Fresh Water Fish~~ Commission when acting pursuant to
25 statutory authority derived from the Legislature, educational
26 units, and those entities described in chapters 163, 298, 373,
27 380, and 582 and s. 186.504, except any legal entity or agency
28 created in whole or in part pursuant to chapter 361, part II,
29 an expressway authority pursuant to chapter 348, or any legal
30 or administrative entity created by an interlocal agreement
31

1 pursuant to s. 163.01(7), unless any party to such agreement
2 is otherwise an agency as defined in this subsection.

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

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

9 120.81 Exceptions and special requirements; general
10 areas.--

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

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

23 163.3244 Sustainable communities demonstration
24 project.--

25 (6) The secretary of the Department of Environmental
26 Protection, the Secretary of Community Affairs, the Secretary
27 of Transportation, the Commissioner of Agriculture, the
28 executive director of the Fish and Wildlife Conservation ~~Game~~
29 ~~and Fresh Water Fish~~ Commission, and the executive directors
30 of the five water management districts shall have the
31 authority to enter into agreements with landowners,

1 developers, businesses, industries, individuals, and
2 governmental agencies as may be necessary to effectuate the
3 provisions of this section.

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

6 186.003 Definitions.--As used in ss. 186.001-186.031
7 and 186.801-186.911, the term:

8 (6) "State agency" means each executive department,
9 the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
10 Commission, the Parole Commission, and the Department of
11 Military Affairs.

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

14 186.005 Designation of departmental planning
15 officer.--

16 (1) The head of each executive department and the
17 Public Service Commission, the Fish and Wildlife Conservation
18 ~~Game and Fresh Water Fish~~ Commission, the Parole Commission,
19 and the Department of Military Affairs shall select from
20 within such agency a person to be designated as the planning
21 officer for such agency. The planning officer shall be
22 responsible for coordinating with the Executive Office of the
23 Governor and with the planning officers of other agencies all
24 activities and responsibilities of such agency relating to
25 planning.

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

28 229.8058 Advisory Council on Environmental Education;
29 establishment; responsibilities.--

30
31

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

4 (a) Two members of the Senate, appointed by the
5 President of the Senate.

6 (b) Two members of the House of Representatives,
7 appointed by the Speaker of the House of Representatives.

8 (c) Five members appointed by the Governor.

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

10 (e) A representative of the Department of
11 Environmental Protection.

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

14 (g) A representative of the Executive Office of the
15 Governor.

16 (h) The chair of the Environmental Education
17 Foundation.

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

20 240.155 Campus master plans and campus development
21 agreements.--

22 (6) Before a campus master plan is adopted, a copy of
23 the draft master plan must be sent for review to the host and
24 any affected local governments, the state land planning
25 agency, the Department of Environmental Protection, the
26 Department of Transportation, the Department of State, the
27 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
28 Commission, and the applicable water management district and
29 regional planning council. These agencies must be given 90
30 days after receipt of the campus master plans in which to
31 conduct their review and provide comments to the Board of

1 Regents. The commencement of this review period must be
2 advertised in newspapers of general circulation within the
3 host local government and any affected local government to
4 allow for public comment. Following receipt and consideration
5 of all comments, and the holding of at least two public
6 hearings within the host jurisdiction, the Board of Regents
7 shall adopt the campus master plan. It is the intent of the
8 Legislature that the Board of Regents comply with the notice
9 requirements set forth in s. 163.3184(15) to ensure full
10 public participation in this planning process. Campus master
11 plans developed under this section are not rules and are not
12 subject to chapter 120 except as otherwise provided in this
13 section.

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

16 252.365 Designation of emergency coordination
17 officers.--

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

25 Section 72. Section 253.05, Florida Statutes, is
26 amended to read:

27 253.05 Prosecuting officers to assist in protecting
28 state lands.--State attorneys, other prosecuting officers of
29 the state or county, wildlife officers of the Fish and
30 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
31 Commission, conservation officers, together with the Secretary

1 of Environmental Protection, and county sheriffs and their
2 deputies shall see that the lands owned by the state, as
3 described in ss. 253.01 and 253.03, shall not be the object of
4 damage, trespass, depredation, or unlawful use by any person.
5 The said officers and their deputies shall, upon information
6 that unlawful use is being made of state lands, report the
7 same, together with the information in their possession
8 relating thereto, to the Board of Trustees of the Internal
9 Improvement Trust Fund and shall cooperate with the said board
10 in carrying out the purposes of ss. 253.01-253.04 and this
11 section. State attorneys and other prosecuting officers of the
12 state or any county, upon request of the Governor or Board of
13 Trustees of the Internal Improvement Trust Fund, shall
14 institute and maintain such legal proceedings as may be
15 necessary to carry out the purpose of said sections.

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

18 253.45 Sale or lease of phosphate, clay, minerals,
19 etc., in or under state lands.--

20 (1) The Board of Trustees of the Internal Improvement
21 Trust Fund may sell or lease any phosphate, earth or clay,
22 sand, gravel, shell, mineral, metal, timber or water, or any
23 other substance similar to the foregoing, in, on, or under,
24 any land the title to which is vested in the state, the
25 Department of Management Services, the Department of
26 Environmental Protection, the Fish and Wildlife Conservation
27 ~~Game and Fresh Water Fish~~ Commission, the State Board of
28 Education, or any other state board, department, or agency;
29 provided that the board of trustees may not grant such a sale
30 or lease on the land of any other state board, department, or
31 agency without first obtaining approval therefrom. No sale or

1 lease provided for in this section shall be allowed on
2 hard-surfaced beaches that are used for bathing or driving and
3 areas contiguous thereto out to a mean low-water depth of 3
4 feet and landward to the nearest paved public road. Any sale
5 or lease provided for in this section shall be conducted by
6 competitive bidding as provided for in ss. 253.52, 253.53, and
7 253.54. The proceeds of such sales or leases are to be
8 credited to the board of trustees, board, department, or
9 agency which has title or control of the land involved.

10 Section 74. Section 253.75, Florida Statutes, is
11 amended to read:

12 253.75 Studies and recommendations by the department
13 and the Fish and Wildlife Conservation ~~Game and Fresh Water~~
14 ~~Fish~~ Commission; designation of recommended traditional and
15 other use zones; supervision of aquaculture operations.--

16 (1) Prior to the granting of any lease under this act,
17 the board shall request a recommendation by the department,
18 when the application relates to tidal bottoms, and by the Fish
19 and Wildlife Conservation ~~Game and Fresh Water Fish~~
20 Commission, when the application relates to bottom land
21 covered by fresh water. Such recommendations shall be based on
22 such factors as an assessment of the probable effect of the
23 proposed leasing arrangement on the lawful rights of riparian
24 owners, navigation, commercial and sport fishing, and the
25 conservation of fish or other wildlife or other natural
26 resources, including beaches and shores.

27 (2) The department and the Fish and Wildlife
28 Conservation ~~Game and Fresh Water Fish~~ Commission shall both
29 have the following responsibilities with respect to submerged
30 land and water column falling within their respective
31 jurisdictions:

1 (a) To undertake, or cause to be undertaken, the
2 studies and surveys necessary to support their respective
3 recommendations to the board;

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

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

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

18 253.7829 Management plan for retention or disposition
19 of former Cross Florida Barge Canal lands; authority to manage
20 lands until disposition.--

21 (3)(a) Before taking any action to control the rhesus
22 monkey population located in Marion County, the Fish and
23 Wildlife Conservation ~~Florida Game and Fresh Water Fish~~
24 Commission shall conduct a study of the options available to
25 them to deal with control of the rhesus monkeys located within
26 a 10-mile radius of the convergence of the Oklawaha and Silver
27 Rivers. The options studied shall include but not be limited
28 to:

29 1. Developing a management plan to allow the monkeys
30 to remain in their present locations.

31

1 2. Relocating all or some of the monkeys to
2 appropriate private state or federal lands in the United
3 States.

4 3. Sterilizing all or some of the monkeys, regardless
5 of whether they remain in their present location or are
6 relocated.

7 4. Euthanizing all or some of the monkeys.

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

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

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

23 (e) Nothing in this subsection affects the signed
24 agreement between the department and the Silver Springs
25 Attraction regarding the relocation of rhesus monkeys from
26 Silver River State Park to the attraction, and such agreement
27 continues to be valid.

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

30
31

1 255.502 Definitions; ss. 255.501-255.525.--As used in
2 this act, the following words and terms shall have the
3 following meanings unless the context otherwise requires:

4 (3) "Agency" means any department created by chapter
5 20, the Executive Office of the Governor, the Fish and
6 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
7 the Parole Commission, the State Board of Administration, the
8 Department of Military Affairs, or the Legislative Branch or
9 the Judicial Branch of state government.

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

12 258.157 Prohibited acts in Savannas State Reserve.--

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

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

21 258.397 Biscayne Bay Aquatic Preserve.--

22 (4) RULES.--

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

26 1. Additional preserve management criteria as may be
27 necessary to accommodate special circumstances.

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

1 (b) Other uses of the preserve, or human activity
2 within the preserve, although not originally contemplated, may
3 be permitted by the board of trustees, but only subsequent to
4 a formal finding of compatibility with the purposes of this
5 section.

6 (c) Fishing involving the use of seines or nets is
7 prohibited in the preserve, except when the fishing is for
8 shrimp or mullet and such fishing is otherwise permitted by
9 state law or rules promulgated by the Fish and Wildlife
10 Conservation Marine Fisheries Commission. As used in this
11 paragraph, the terms "seines" or "nets" shall not include
12 landing nets, cast nets, or bully nets.

13 Section 79. Paragraph (a) of subsection (7) of section
14 258.501, Florida Statutes, is amended to read:

15 258.501 Myakka River; wild and scenic segment.--

16 (7) MANAGEMENT COORDINATING COUNCIL.--

17 (a) Upon designation, the department shall create a
18 permanent council to provide interagency and intergovernmental
19 coordination in the management of the river. The coordinating
20 council shall be composed of one representative appointed from
21 each of the following: the department, the Department of
22 Transportation, the Fish and Wildlife Conservation ~~Game and~~
23 ~~Fresh Water Fish~~ Commission, the Department of Community
24 Affairs, the Division of Forestry of the Department of
25 Agriculture and Consumer Services, the Division of Historical
26 Resources of the Department of State, the Tampa Bay Regional
27 Planning Council, the Southwest Florida Water Management
28 District, the Southwest Florida Regional Planning Council,
29 Manatee County, Sarasota County, Charlotte County, the City of
30 Sarasota, the City of North Port, agricultural interests,

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1 environmental organizations, and any others deemed advisable
2 by the department.

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

5 259.036 Management review teams.--

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

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

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

20 2. One individual from the Division of Recreation and
21 Parks of the department.

22 3. One individual from the Division of Forestry of the
23 Department of Agriculture and Consumer Services.

24 4. One individual from the Fish and Wildlife
25 Conservation ~~Game and Fresh Water Fish~~ Commission.

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

28 6. A private land manager mutually agreeable to the
29 state agency representatives.

30 7. A member of the local soil and water conservation
31 district board of supervisors.

1 8. A member of a conservation organization.

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

7 Section 81. Paragraph (a) of subsection (2) of section
8 282.1095, Florida Statutes, is amended to read:

9 282.1095 State agency law enforcement radio system.--

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

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

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

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

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

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

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

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 82. 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 83. 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 84. 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 85. 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.

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31

1 Section 86. 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 87. 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.

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31

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

4 320.08058 Specialty license plates.--

5 (5) FLORIDA PANTHER LICENSE PLATES.--

6 (a) The department shall develop a Florida panther
7 license plate as provided in this section. Florida panther
8 license plates must bear the design of a Florida panther and
9 the colors that department approves. In small letters, the
10 word "Florida" must appear at the bottom of the plate.

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

13 1. Eighty-five percent must be deposited in the
14 Florida Panther Research and Management Trust Fund in the Fish
15 and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission
16 to be used for education and programs to protect the
17 endangered Florida panther.

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

21 (c) A person or corporation that purchases 10,000 or
22 more panther license plates shall pay an annual use fee of \$5
23 per plate and an annual processing fee of \$2 per plate, in
24 addition to the applicable license tax required under s.
25 320.08.

26 (18) LARGEMOUTH BASS LICENSE PLATES.--

27 (a) The department shall develop a Largemouth Bass
28 license plate as provided in this section to commemorate the
29 official freshwater fish of this state. The word "Florida"
30 must appear at the top of the plate, the words "Go Fishing"
31

1 must appear at the bottom of the plate, and a representation
2 of a largemouth bass must appear to the left of the numerals.

3 (b) The annual use fees shall be distributed to the
4 State Game Trust Fund and used by the Fish and Wildlife
5 Conservation ~~Game and Fresh Water Fish~~ Commission to fund
6 current conservation programs that maintain current levels of
7 protection and management of this state's fish and wildlife
8 resources, including providing hunting, fishing, and
9 nonconsumptive wildlife opportunities.

10 (25) CONSERVE WILDLIFE LICENSE PLATES.--

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

18 (b) The proceeds of the Conserve Wildlife license
19 plate annual use fee shall be forwarded to the Wildlife
20 Foundation of Florida, Inc., a citizen support organization
21 created pursuant to s. 372.0215.

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

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

1 Section 89. Present subsection (5) of section 327.02,
2 Florida Statutes, 1998 Supplement, is redesignated as
3 subsection (6), present subsection (6) is repealed, subsection
4 (7) is amended, and new subsection (5) is added to that
5 section to read:

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

10 (5) "Commission" means the Fish and Wildlife
11 Conservation Commission.

12 (7) "Division" means the Division of Law Enforcement
13 of the Fish and Wildlife Conservation Commission ~~Department of~~
14 ~~Environmental Protection~~.

15 Section 90. Paragraph (a) of subsection (2) of section
16 341.352, Florida Statutes, is amended to read:

17 341.352 Certification hearing.--

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

- 20 1. The franchisee.
- 21 2. The Department of Commerce.
- 22 3. The Department of Environmental Protection.
- 23 4. The Department of Transportation.
- 24 5. The Department of Community Affairs.
- 25 6. The Fish and Wildlife Conservation ~~Game and Fresh~~
26 ~~Water Fish~~ Commission.
- 27 7. Each water management district.
- 28 8. Each local government.
- 29 9. Each regional planning council.
- 30 10. Each metropolitan planning organization.

31

1 Section 91. Subsection (3) of section 369.20, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 369.20 Florida Aquatic Weed Control Act.--

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

10 Section 92. Subsection (9) of section 369.22, Florida
11 Statutes, 1998 Supplement, is amended to read:

12 369.22 Nonindigenous aquatic plant control.--

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

28 Section 93. Paragraph (b) of subsection (3) of section
29 369.25, Florida Statutes, is amended to read:

30 369.25 Aquatic plants; definitions; permits; powers of
31 department; penalties.--

1 (3) The department has the following powers:

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

8 Section 94. Section 370.01, Florida Statutes, 1998
9 Supplement, is amended to read:

10 370.01 Definitions.--In construing these statutes,
11 where the context does not clearly indicate otherwise, the
12 word, phrase, or term:

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

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

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

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

31

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

3 (6)~~(5)~~ "Common carrier" shall include any person,
4 firm, or corporation, who undertakes for hire, as a regular
5 business, to transport persons or commodities from place to
6 place offering his or her services to all such as may choose
7 to employ the common carrier and pay his or her charges.

8 (7)~~(6)~~ "Coon oysters" are oysters found growing in
9 bunches along the shore between high-water mark and low-water
10 mark.

11 (8)~~(7)~~ "Department" shall mean the Department of
12 Environmental Protection.

13 (9)~~(8)~~ "Erosion control," "beach preservation," and
14 "hurricane protection" shall include any activity, work,
15 program, project, or other thing deemed necessary by the
16 ~~Division of Marine Resources of the~~ Department of
17 Environmental Protection to effectively preserve, protect,
18 restore, rehabilitate, stabilize, and improve the beaches and
19 shores of this state, as defined above.

20 (10)~~(9)~~ "Exhibit" means to present or display upon
21 request.

22 (11)~~(10)~~ "Finfish" means any member of the classes
23 Agnatha, Chondrichthyes, or Osteichthyes.

24 (12)~~(11)~~ "Food fish" shall include mullet, trout,
25 redfish, sheepshead, pompano, mackerel, bluefish, red snapper,
26 grouper, black drum, jack crevalle, and all other fish
27 generally used for human consumption.

28 (13)~~(12)~~ "Guide" shall include any person engaged in
29 the business of guiding hunters or hunting parties, fishers or
30 fishing parties, for compensation.

31

1 (14)~~(13)~~ "Marine fish" means any saltwater species of
2 finfish of the classes Agnatha, Chondrichthyes, and
3 Osteichthyes, and marine invertebrates in the classes
4 Gastropoda, Bivalvia, and Crustacea, or the phylum
5 Echinodermota, but does not include nonliving shells or
6 Echinoderms.

7 (15)~~(14)~~ A "natural oyster or clam reef" or "bed" or
8 "bar" shall be considered and defined as an area containing
9 not less than 100 square yards of the bottom where oysters or
10 clams are found in a stratum.

11 (16)~~(15)~~ "Nonresident alien" shall mean those
12 individuals from other nations who can provide documentation
13 from the Immigration and Naturalization Service evidencing
14 permanent residency status in the United States. For the
15 purposes of this chapter, a "nonresident alien" shall be
16 considered a "nonresident."

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

21 (18)~~(17)~~ "Reef bunch oysters" are oysters found
22 growing on the bars or reefs in the open bay and exposed to
23 the air between high and low tide.

24 19~~(18)~~ "Resident" or "resident of Florida" includes
25 citizens of the United States who have continuously resided in
26 this state, next preceding the making of their application for
27 hunting, fishing, or other license, for the following period
28 of time, to wit: For 1 year in the state and 6 months in the
29 county when applied to all fish and game laws not related to
30 freshwater fish and game.

31

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

8 (21)~~(20)~~ "Restricted species" means any species of
9 saltwater products ~~for~~ which the state by law, or the Fish and
10 Wildlife Conservation ~~Marine Fisheries~~ Commission by rule, has
11 found it necessary to so designate. The term includes a
12 species of saltwater products designated by the commission as
13 restricted within a geographical area or during a particular
14 time period of each year. Designation as a restricted species
15 does not confer the authority to sell a species pursuant to s.
16 370.06 if the law or rule prohibits the sale of the species.

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

28 (23)~~(22)~~ "Saltwater fish" shall include all classes of
29 pisces, shellfish, sponges, and crustacea indigenous to salt
30 water.

31

1 (24)~~(23)~~ "Saltwater license privileges," except where
2 otherwise provided by law, means any license, endorsement,
3 certificate, or permit issued pursuant to this chapter.

4 (25)~~(24)~~ "Saltwater products" means any species of
5 saltwater fish, marine plant, or echinoderm, except shells,
6 and salted, cured, canned, or smoked seafood.

7 (26)~~(25)~~ "Shellfish" shall include oysters, clams, and
8 whelks.

9 (27)~~(26)~~ "Transport" shall include shipping,
10 transporting, carrying, importing, exporting, receiving or
11 delivering for shipment, transportation or carriage or export.

12 Section 95. Section 370.021, Florida Statutes, 1998
13 Supplement, is amended to read:

14 370.021 Administration; rules, publications, records;
15 penalties; injunctions.--

16 ~~(1) RULES.--The Department of Environmental Protection
17 has authority to adopt rules pursuant to ss. 120.536(1) and
18 120.54 to implement provisions of law conferring powers or
19 duties upon it. The director of each division shall submit to
20 the department suggested rules and regulations for that
21 division. Any person violating or otherwise failing to comply
22 with any of the rules and regulations adopted as aforesaid is
23 guilty of a misdemeanor of the second degree, punishable as
24 provided in s. 775.082 or s. 775.083, unless otherwise
25 provided by law.~~

26 (1)~~(2)~~ PENALTIES.--Unless otherwise provided by law,
27 any person, firm, or corporation who is convicted for
28 violating any provision of this chapter, ~~any rule of the
29 department adopted pursuant to this chapter, or any rule of
30 the Fish and Wildlife Conservation Marine Fisheries Commission
31 adopted pursuant to this chapter, shall be punished:~~

1 (a) Upon a first conviction, by imprisonment for a
2 period of not more than 60 days or by a fine of not less than
3 \$100 nor more than \$500, or by both such fine and
4 imprisonment.

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

9 (2)~~(3)~~ MAJOR VIOLATIONS.--In addition to the penalties
10 provided in paragraphs (1)(a) and (b)~~(2)(a) and (b)~~, the
11 court shall assess additional penalties against any person,
12 firm, or corporation convicted of major violations as follows:

13 (a) For a violation involving more than 100 illegal
14 blue crabs, crawfish, or stone crabs, an additional penalty of
15 \$10 for each illegal blue crab, crawfish, stone crab, or part
16 thereof.

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

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

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

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

31 1. Shortnose sturgeon (*Acipenser brevirostrum*);

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

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

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

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

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

29 (i) Permits issued to any person, firm, or corporation
30 by the commission ~~department~~ to take or harvest saltwater
31 products, or any license issued pursuant to s. 370.06 or s.

1 370.07 may be suspended or revoked by the commission
2 ~~department~~, pursuant to the provisions and procedures of s.
3 120.60, for any major violation prescribed in this subsection:
4 1. Upon a second conviction for a violation which
5 occurs within 12 months after a prior violation, for up to 60
6 days.
7 2. Upon a third conviction for a violation which
8 occurs within 24 months after a prior violation, for up to 180
9 days.
10 3. Upon a fourth conviction for a violation which
11 occurs within 36 months after a prior violation, for a period
12 of 6 months to 3 years.
13 (j) Upon the arrest and conviction for a major
14 violation involving stone crabs, the licenseholder must show
15 just cause why his or her license should not be suspended or
16 revoked. For the purposes of this paragraph, a "major
17 violation" means a major violation as prescribed for illegal
18 stone crabs; any single violation involving possession of more
19 than 25 stone crabs during the closed season or possession of
20 25 or more whole-bodied or egg-bearing stone crabs; any
21 violation for trap molestation, trap robbing, or pulling traps
22 at night; or any combination of violations in any
23 3-consecutive-year period wherein more than 75 illegal stone
24 crabs in the aggregate are involved.
25 (k) Upon the arrest and conviction for a major
26 violation involving crawfish, the licenseholder must show just
27 cause why his or her license should not be suspended or
28 revoked. For the purposes of this paragraph, a "major
29 violation" means a major violation as prescribed for illegal
30 crawfish; any single violation involving possession of more
31 than 25 crawfish during the closed season or possession of

1 more than 25 wrung crawfish tails or more than 25 egg-bearing
2 or stripped crawfish; any violation for trap molestation, trap
3 robbing, or pulling traps at night; or any combination of
4 violations in any 3-consecutive-year period wherein more than
5 75 illegal crawfish in the aggregate are involved.

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

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

28 (n) Upon final disposition of any alleged offense for
29 which a citation for any violation of this chapter or the
30 rules of the Fish and Wildlife Conservation ~~Marine Fisheries~~
31

1 Commission has been issued, the court shall, within 10 days,
2 certify the disposition to the commission ~~department~~.

3
4 Notwithstanding the provisions of s. 948.01, no court may
5 suspend, defer, or withhold adjudication of guilt or
6 imposition of sentence for any major violation prescribed in
7 this subsection.

8 (3)~~(4)~~ PENALTIES FOR USE OF ILLEGAL NETS.--

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

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

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

31

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

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

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

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

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

28 3. For a third and subsequent major violation under
29 this paragraph, charged within a 7-year period, resulting in a
30 third or subsequent judicial disposition other than acquittal
31 or dismissal, a civil penalty of \$5,000, lifetime revocation

1 of the saltwater products license, and forfeiture of all gear
2 and equipment used in the violation shall be imposed.

3
4 A court may suspend, defer, or withhold adjudication of guilt
5 or imposition of sentence only for any first violation of s.
6 16, Art. X of the State Constitution, or any rule or statute
7 implementing its restrictions, determined by a court only
8 after consideration of competent evidence of mitigating
9 circumstances to be a nonflagrant or minor violation of those
10 restrictions upon the use of nets. Any violation of s. 16,
11 Art. X of the State Constitution, or any rule or statute
12 implementing its restrictions, occurring within a 7-year
13 period commencing upon the conclusion of any judicial
14 proceeding resulting in any outcome other than acquittal shall
15 be punished as a second, third, or subsequent violation
16 accordingly.

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (b) The Legislature finds that the checking and
7 inspection of saltwater products aboard vessels is critical to
8 good fishery management and conservation and that, because
9 almost all saltwater products are either iced or cooled in
10 closed areas or containers, the enforcement of seasons, size
11 limits, and bag limits can only be effective when inspection
12 of saltwater products so stored is immediate and routine.

13 Therefore, in addition to the authority granted in paragraph
14 (a), a law enforcement officer of the commission department
15 who has probable cause to believe that the vessel has been
16 used for fishing prior to the inspection shall have full
17 authority to open and inspect all containers or areas where
18 saltwater products are normally kept aboard vessels while such
19 vessels are on the water, such as refrigerated or iced
20 locations, coolers, fish boxes, and bait wells, but
21 specifically excluding such containers that are located in
22 sleeping or living areas of the vessel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 370.06 Licenses.--

19 (1) LICENSE ON PURSE SEINES.--There is levied, in
20 addition to any other taxes thereon, an annual license tax of
21 \$25 upon each purse seine used in the waters of this state.
22 This license fee shall be collected in the manner provided in
23 this section.

24 (2) SALTWATER PRODUCTS LICENSE.--

25 (a) Every person, firm, or corporation that sells,
26 offers for sale, barter, or exchanges for merchandise any
27 saltwater products, or which harvests saltwater products with
28 certain gear or equipment as specified by law, must have a
29 valid saltwater products license, except that the holder of an
30 aquaculture certificate under s. 597.004 is not required to
31 purchase and possess a saltwater products license in order to

1 possess, transport, or sell marine aquaculture products. Each
2 saltwater products license allows the holder to engage in any
3 of the activities for which the license is required. The
4 license must be in the possession of the licenseholder or
5 aboard the vessel and shall be subject to inspection at any
6 time that harvesting activities for which a license is
7 required are being conducted. A restricted species endorsement
8 on the saltwater products license is required to sell to a
9 licensed wholesale dealer those species which the state, by
10 law or rule, has designated as "restricted species." This
11 endorsement may be issued only to a person who is at least 16
12 years of age, or to a firm certifying that over 25 percent of
13 its income or \$5,000 of its income, whichever is less, is
14 attributable to the sale of saltwater products pursuant to a
15 license issued under this paragraph or a similar license from
16 another state. This endorsement may also be issued to a
17 for-profit corporation if it certifies that at least \$5,000 of
18 its income is attributable to the sale of saltwater products
19 pursuant to a license issued under this paragraph or a similar
20 license from another state. However, if at least 50 percent of
21 the annual income of a person, firm, or for-profit corporation
22 is derived from charter fishing, the person, firm, or
23 for-profit corporation must certify that at least \$2,500 of
24 the income of the person, firm, or corporation is attributable
25 to the sale of saltwater products pursuant to a license issued
26 under this paragraph or a similar license from another state,
27 in order to be issued the endorsement. Such income attribution
28 must apply to at least 1 year out of the last 3 years. For the
29 purpose of this section "income" means that income which is
30 attributable to work, employment, entrepreneurship, pensions,
31 retirement benefits, and social security benefits. To renew an

1 existing restricted species endorsement, a marine aquaculture
2 producer possessing a valid saltwater products license with a
3 restricted species endorsement may apply income from the sale
4 of marine aquaculture products to licensed wholesale dealers.

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

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

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

14 c. A copy of the applicable federal income tax return,
15 including Form 1099 attachments, verifying income earned from
16 the sale of saltwater products;

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

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

21

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

1 saltwater products enterprise by affidavit and shall thereupon
2 be issued a restricted species endorsement.

3 2. Exceptions from income requirements shall be as
4 follows:

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

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

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

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

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

29 f. A permanent restricted species endorsement may also
30 be issued on an individual saltwater products license to a
31

1 person age 70 or older who has held a saltwater products
2 license for at least 3 of the last 5 license years.

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

19

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

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

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

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

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

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

31

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

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

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

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

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

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

30 e. In the event of the death or disability of a person
31 holding an active marine life fishing endorsement, the

1 endorsement may be transferred by the person to a member of
2 his or her immediate family or may be renewed by any person so
3 designated by the executor of the person's estate.

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

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

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

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

28 (3) NET LICENSES.--Except for cast nets and bait
29 seines which are 100 feet in length or less and which have a
30 mesh that is 3/8 inch or less, all nets used to take
31 finfish, including, but not limited to, gill nets, trammel

1 nets, and beach seines, must be licensed or registered. Each
2 net used to take finfish for commercial purposes, or by a
3 nonresident, must be licensed under a saltwater products
4 license issued pursuant to subsection (2) and must bear the
5 number of such license. A noncommercial resident net
6 registration must be issued to each net used to take finfish
7 for noncommercial purposes and may only be issued to residents
8 of the state. Each net so registered must bear the name of the
9 person in whose name the net is registered.

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

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

30 (8) COLLECTION OF LICENSES, FEES.--Unless otherwise
31 provided by law, all license taxes or fees provided for in

1 this chapter shall be collected by the commission ~~department~~
2 or its duly authorized agents or deputies to be deposited by
3 the Comptroller in the Marine Resources Conservation Trust
4 Fund. The commission ~~department~~ may by rule establish a
5 reasonable processing fee for any free license or permit
6 required under this chapter.

7 Section 98. Section 370.0605, Florida Statutes, 1998
8 Supplement, is amended to read:

9 370.0605 Saltwater fishing license required; fees.--

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

30 (b) Any required license, permit, or authorization
31 must be in the personal possession of the person taking,

1 attempting to take, or possessing marine fish or in the
2 possession of the person operating any vessel wherein a fee is
3 paid, either directly or indirectly, for the purpose of taking
4 or attempting to take marine fish for noncommercial purposes
5 and must be exhibited to any authorized law enforcement
6 officer upon his or her request. A positive form of
7 identification is required when using an authorization.

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

12 2. A resident 5-year license which was purchased by a
13 resident of this state who subsequently resides in another
14 state will be honored for activities authorized by the
15 license.

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

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

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

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

23 3. For a nonresident of the state, \$5 for a 3-day
24 license, \$15 for a 7-day license, and \$30 for a 1-year
25 license.

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

28 (b)1. For any person who operates any vessel licensed
29 to carry more than 10 customers wherein a fee is paid, either
30 directly or indirectly, for the purpose of taking or
31

1 attempting to take marine fish, \$800 per year. The license
2 must be kept aboard the vessel at all times.

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

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

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

25 5. For a recreational vessel not for hire and for
26 which no fee is paid either directly or indirectly by guests,
27 for the purpose of taking or attempting to take marine fish
28 noncommercially, \$2,000 per year. The license may be purchased
29 at the option of the vessel owner and must be kept aboard the
30 vessel at all times. A log of species taken and the date the
31 species were taken shall be maintained and a copy of the log

1 filed with the Fish and Wildlife Conservation Commission
2 ~~Department of Environmental Protection~~ at the time of renewal
3 of the license.

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

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

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

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

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

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

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

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

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

30 (g) Any person who has been accepted by the Department
31 of Health and Rehabilitative Services for developmental

1 services or any licensed provider of services to the State of
2 Florida through contract with the Department of Health and
3 Rehabilitative Services, where such service involves the need,
4 normally, for possession of a saltwater fishing license and
5 such service is provided as part of a court-decided
6 rehabilitation program involving training in Florida's aquatic
7 resources.

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

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

12 (j) Any Florida resident who is fishing for mullet in
13 fresh water and has a valid Florida freshwater fishing
14 license.

15 (k) Any Florida resident fishing for a saltwater
16 species in fresh water from land or from a structure fixed to
17 the land.

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

1 license issued after January 1, 1997, expires after 5 years
2 and must be reissued, upon request, every 5 years thereafter.

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

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

16 (b) The commission is the issuing department for the
17 purpose of issuing licenses and permits and collecting fees
18 pursuant to this section.

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

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

31

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

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

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

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

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

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

11 ~~(8)(9)~~ It is unlawful for any person to knowingly and
12 willfully enter false information on, or allow or cause false
13 information to be entered on or shown upon, any license issued
14 pursuant to this section in order to avoid prosecution or to
15 assist another to avoid prosecution or for any other wrongful
16 purpose.

17 ~~(9)(10)~~ The Fish and Wildlife Conservation ~~department,~~
18 ~~the Game and Fresh Water Fish~~ Commission, or any other law
19 enforcement agency may make any investigation necessary to
20 secure information required to carry out and enforce this
21 section.

22 ~~(10)(11)~~ It is unlawful for any person to make, forge,
23 counterfeit, or reproduce a saltwater fishing license unless
24 authorized by the commission ~~department~~. It is unlawful for
25 any person knowingly to have in his or her possession a
26 forged, counterfeit, or imitation of such license, unless
27 possession by such person has been fully authorized by the
28 commission ~~department~~. Any person who violates this
29 subsection is guilty of a felony of the third degree,
30 punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084.

1 ~~(11)~~(12)(a) Any person cited for a violation of the
2 license requirements of subsection (1) or the stamp
3 requirements of s. 370.1111(1)(a) or s. 370.14(11)(a) is
4 guilty of a noncriminal infraction, shall be cited for such an
5 infraction, and shall be cited to appear before the county
6 court. The civil penalty for any such infraction is \$50, in
7 addition to the cost of the amount of the annual license fee
8 or stamp involved in the infraction, except as otherwise
9 provided in this section. The civil penalty for any other
10 noncriminal infraction shall be \$50, except as otherwise
11 provided in this section.

12 (b) Any person cited for an infraction under this
13 section may:

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

16 2. Sign and accept a citation indicating a promise to
17 appear before the county court.

18
19 The officer may indicate on the citation the time and location
20 of the scheduled hearing and shall indicate the applicable
21 civil penalty.

22 (c) Any person who willfully refuses to post a bond or
23 accept and sign a citation is guilty of a misdemeanor of the
24 second degree, punishable as provided in s. 775.082 or s.
25 775.083.

26 (d) Any person charged with a noncriminal infraction
27 under this section may:

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

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

1
2 If the person cited follows either procedure prescribed in
3 this paragraph, he or she has admitted the infraction and
4 waives his or her right to a hearing on the issue of
5 commission of the infraction. Such admission may not be used
6 as evidence in any other proceedings.

7 (e) Any person who elects to appear before the county
8 court or who is required so to appear waives the limitations
9 of the civil penalty specified in paragraph (a). The court,
10 after a hearing, shall make a determination as to whether an
11 infraction has been committed. If the commission of an
12 infraction is proved, the court may impose a civil penalty not
13 to exceed \$500.

14 (f) At a hearing under this subsection, the commission
15 of a charged infraction must be proved beyond a reasonable
16 doubt.

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

20 (h) Effective October 1, 1991, any person who fails to
21 pay the civil penalty specified in paragraph (a) within 30
22 days or who fails to appear before the court is guilty of a
23 misdemeanor of the second degree, punishable as provided in s.
24 775.082 or s. 775.083.

25 ~~(12)(13)~~ The Fish and Wildlife Conservation ~~department~~
26 ~~or the Game and Fresh Water Fish~~ Commission may designate by
27 rule no more than 2 consecutive or nonconsecutive days in each
28 year as "Disabled Angler Fishing Days." Notwithstanding any
29 other provision of this chapter, any disabled person may take
30 marine fish for noncommercial purposes on a Disabled Angler
31 Fishing Day without obtaining or possessing a license or

1 paying a license fee as prescribed in this section. A
2 disabled person who takes marine fish on a Disabled Angler
3 Fishing Day without obtaining a license or paying a fee must
4 comply with all laws and regulations governing holders of a
5 license and all other conditions and limitations regulating
6 the taking of marine fish as are imposed by law or rule.

7 Section 99. Paragraph (a) of subsection (1) and
8 subsections (3) and (8) of section 370.0615, Florida Statutes,
9 are amended to read:

10 370.0615 Lifetime licenses.--

11 (1) A resident lifetime saltwater fishing license
12 authorizes the holder to engage in the following noncommercial
13 activities:

14 (a) To take or attempt to take or possess marine fish
15 consistent with state and federal regulations and rules of the
16 Fish and Wildlife Conservation ~~Department of Environmental~~
17 ~~Protection or the Marine Fisheries~~ Commission.

18 (3) The Fish and Wildlife Conservation ~~Game and Fresh~~
19 ~~Water Fish~~ Commission shall be the issuing agent for all
20 lifetime licenses and all replacement lifetime licenses, and
21 is authorized to collect the fees therefor.

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

27 Section 100. Section 370.062, Florida Statutes, 1998
28 Supplement, is amended to read:

29 370.062 Fish and Wildlife Conservation Commission
30 ~~Department of Environmental Protection~~ license program for
31 tarpon; fees; penalties.--

1 (1) The Fish and Wildlife Conservation Commission
2 ~~Department of Environmental Protection~~ shall establish a
3 license program for the purpose of issuing tags to individuals
4 desiring to harvest tarpon (*megalops atlantica*) from the
5 waters of the State of Florida. The tags shall be
6 nontransferable, except that the ~~Marine Fisheries~~ commission
7 may allow for a limited number of tags to be purchased by
8 professional fishing guides for transfer to individuals, and
9 issued by the commission ~~department~~ in order of receipt of a
10 properly completed application for a nonrefundable fee of \$50
11 per tag. The ~~Game and Fresh Water Fish~~ commission and any tax
12 collector may sell the tags and collect the fees therefor.
13 Tarpon tags are valid from July 1 through June 30. Before
14 August 5 of each year, each tax collector shall submit to the
15 ~~Game and Fresh Water Fish~~ commission all unissued tags for the
16 previous calendar year along with a written audit report, on
17 forms prescribed or approved by the ~~Game and Fresh Water Fish~~
18 commission, as to the numbers of the unissued tags. To defray
19 the cost of issuing any tag, the issuing tax collector shall
20 collect and retain as his or her costs, in addition to the tag
21 fee collected, the amount allowed under s. 372.561(4) for the
22 issuance of licenses.

23 (2) The number of tags to be issued shall be
24 determined by rule of the ~~Marine Fisheries~~ commission. The
25 commission shall in no way allow the issuance of tarpon tags
26 to adversely affect the tarpon population.

27 (3) Proceeds from the sale of tarpon tags shall be
28 deposited in the Marine Resources Conservation Trust Fund and
29 shall be used to gather information directly applicable to
30 tarpon management.

31

1 (4) No individual shall take, kill, or possess any
2 fish of the species megalops atlantica, commonly known as
3 tarpon, unless such individual has purchased a tarpon tag and
4 securely attached it through the lower jaw of the fish. Said
5 individual shall within 5 days after the landing of the fish
6 submit a form to the commission ~~department~~ which indicates the
7 length, weight, and physical condition of the tarpon when
8 caught; the date and location of where the fish was caught;
9 and any other pertinent information which may be required by
10 the commission ~~department~~. The commission ~~department~~ may
11 refuse to issue new tags to individuals or guides who fail to
12 provide the required information.

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

20 (6) Purchase of a tarpon tag shall not accord the
21 purchaser any right to harvest or possess tarpon in
22 contravention of rules adopted by the ~~Marine Fisheries~~
23 commission. No individual may sell, offer for sale, barter,
24 exchange for merchandise, transport for sale, either within or
25 without the state, offer to purchase, or purchase any species
26 of fish known as tarpon.

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

30
31

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

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

9 Section 101. Subsection (2) of section 370.0805,
10 Florida Statutes, 1998 Supplement, is amended to read:

11 370.0805 Net ban assistance program.--

12 (2) ELIGIBILITY FOR ECONOMIC ASSISTANCE.--The
13 Department of Labor and Employment Security shall determine
14 the eligibility of applicants for economic assistance under
15 this section.

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

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

26 Section 102. Subsection (3) and paragraphs (e) and (h)
27 of subsection (4) of section 370.081, Florida Statutes, 1998
28 Supplement, are amended to read:

29 370.081 Illegal importation or possession of
30 nonindigenous marine plants and animals; rules and
31 regulations.--

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

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

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

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

26 Section 103. Subsections (3), (4), and (5) of section
27 370.092, Florida Statutes, 1998 Supplement, are amended to
28 read:

29 370.092 Carriage of proscribed nets across Florida
30 waters.--

31

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

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

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

1 Section 104. Section 370.1107, Florida Statutes, is
2 amended to read:

3 370.1107 Definition; possession of certain licensed
4 traps prohibited; penalties; exceptions; consent.--

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

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

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

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

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

26 (3) This section shall not apply to the agents or
27 employees of the registered owner of the licensed saltwater
28 fisheries trap or to a person, firm, corporation or
29 association who has the written consent from the owner of the
30 licensed saltwater fisheries trap, to possess such licensed
31 saltwater fisheries trap, or to agents or employees of the

1 Fish and Wildlife Conservation Commission ~~Department of~~
2 ~~Environmental Protection~~ who are engaged in the removal of
3 traps during the closed season.

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

11 Section 105. Section 370.1111, Florida Statutes, is
12 amended to read:

13 370.1111 Snook; regulation.--

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

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

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

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

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

9 Section 106. Subsection (1) of section 370.13, Florida
10 Statutes, 1998 Supplement, is amended to read:

11 370.13 Stone crab; regulation.--

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

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

23 Section 107. Section 370.14, Florida Statutes, 1998
24 Supplement, is amended to read:

25 370.14 Crawfish; regulation.--

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

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

1 (b) Fees collected pursuant to paragraph (a) shall be
2 deposited as follows:

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

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

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

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

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

27 (6) A person who takes more crawfish per boat or per
28 person than that number set therefor by rule of the Fish and
29 Wildlife Conservation ~~Marine Fisheries~~ Commission for
30 recreational harvesters within any 24-hour period by any
31 method other than with traps or similar devices must also pay

1 a fee of \$100 and obtain a trap number to be displayed on his
2 or her boat.

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

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

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

27 (d) Within 48 hours after shipment weigh-in
28 completion, the permitholder shall submit to the commission
29 ~~Division of Law Enforcement~~, on forms provided by the
30 commission ~~division~~, a sworn report of the quantity in pounds
31 of the saltwater crawfish received, which report shall include

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

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

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

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

23 (c) All special permits issued under this subsection
24 are nontransferable.

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

1 under United States Customs bond or in accordance with (7)(a)
2 ~~paragraph (8)(a)~~.

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

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

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

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

30 Section 108. Subsection (2) of section 370.1405,
31 Florida Statutes, 1998 Supplement, is amended to read:

1 370.1405 Crawfish reports by dealers during closed
2 season required.--

3 (2) Failure to submit a report as described in
4 subsection (1) or reporting a greater or lesser amount of
5 whole crawfish, crawfish tails, or crawfish meat than is
6 actually in the dealer's possession or name is a major
7 violation of this chapter, punishable as provided in s.
8 370.021(1)~~s. 370.021(2)~~, s. 370.07(6)(b), or both. The
9 commission ~~department~~ shall seize the entire supply of
10 unreported or falsely reported whole crawfish, crawfish tails,
11 or crawfish meat, and shall carry the same before the court
12 for disposal. The dealer shall post a cash bond in the amount
13 of the fair value of the entire quantity of unreported or
14 falsely reported crawfish as determined by the judge. After
15 posting the cash bond, the dealer shall have 24 hours to
16 transport said products outside the limits of Florida for sale
17 as provided by s. 370.061. Otherwise, the product shall be
18 declared a nuisance and disposed of by the commission
19 ~~department~~ according to law.

20 Section 109. Section 370.142, Florida Statutes, 1998
21 Supplement, is amended to read:

22 370.142 Spiny lobster trap certificate program.--

23 (1) INTENT.--Due to rapid growth, the spiny lobster
24 fishery is experiencing increased congestion and conflict on
25 the water, excessive mortality of undersized lobsters, a
26 declining yield per trap, and public concern over petroleum
27 and debris pollution from existing traps. In an effort to
28 solve these and related problems, the Legislature intends to
29 develop pursuant to the provisions of this section a spiny
30 lobster trap certificate program, the principal goal of which
31 is to stabilize the fishery by reducing the total number of

1 traps, which should increase the yield per trap and therefore
2 maintain or increase overall catch levels. The Legislature
3 seeks to preserve as much flexibility in the program as
4 possible for the fishery's various constituents and ensure
5 that any reduction in total trap numbers will be proportioned
6 equally on a percentage basis among all users of traps in the
7 fishery.

8 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
9 PENALTIES.--The Fish and Wildlife Conservation Commission
10 ~~Department of Environmental Protection~~ shall establish a trap
11 certificate program for the spiny lobster fishery of this
12 state and shall be responsible for its administration and
13 enforcement as follows:

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

19 1. The Department of Environmental Protection shall
20 initially allot such certificates to each licenseholder with a
21 current crawfish trap number who uses traps. The number of
22 such certificates allotted to each such licenseholder shall be
23 based on the trap/catch coefficient established pursuant to
24 trip ticket records generated under the provisions of s.
25 370.06(2)(a) over a 3-year base period ending June 30, 1991.
26 The trap/catch coefficient shall be calculated by dividing the
27 sum of the highest reported single license-year landings up to
28 a maximum of 30,000 pounds for each such licenseholder during
29 the base period by 700,000. Each such licenseholder shall then
30 be allotted the number of certificates derived by dividing his
31 or her highest reported single license-year landings up to a

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

1 certificate that shall be recovered as partial compensation to
2 the state for the enhanced access to its natural resources. In
3 determining whether to establish such a rent and, if so, the
4 amount thereof, the commission ~~department~~ shall consider the
5 amount of revenues annually generated by certificate fees,
6 transfer fees, surcharges, trap license fees, and sales taxes,
7 the demonstrated fair market value of transferred
8 certificates, and the continued economic viability of the
9 commercial lobster industry. The proceeds of equitable rent
10 recovered shall be deposited in the Marine Resources
11 Conservation Trust Fund and used by the commission ~~department~~
12 for research, management, and protection of the spiny lobster
13 fishery and habitat.

14 2. No person, firm, corporation, or other business
15 entity may control, directly or indirectly, more than 1.5
16 percent of the total available certificates in any license
17 year.

18 3. The commission ~~department~~ shall maintain records of
19 all certificates and their transfers and shall annually
20 provide each licenseholder with a statement of certificates
21 held.

22 4. The number of trap tags issued annually to each
23 licenseholder shall not exceed the number of certificates held
24 by the licenseholder at the time of issuance, and such tags
25 and a statement of certificates held shall be issued
26 simultaneously.

27 5. Beginning July 1, 2003, and applicable to the
28 2003-2004 lobster season and thereafter, it is unlawful for
29 any person to lease lobster trap tags or certificates.

30 (b) Trap tags.--Each trap used to take or attempt to
31 take spiny lobsters in state waters or adjacent federal waters

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

19 (c) Prohibitions; penalties.--

20 1. It is unlawful for a person to possess or use a
21 spiny lobster trap in or on state waters or adjacent federal
22 waters without having affixed thereto the trap tag required by
23 this section. It is unlawful for a person to possess or use
24 any other gear or device designed to attract and enclose or
25 otherwise aid in the taking of spiny lobster by trapping that
26 is not a trap as defined in rule 46-24.006(2), Florida
27 Administrative Code.

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

31

1 3. In addition to any other penalties provided in s.
2 370.021, a commercial harvester, as defined by rule
3 46-24.002(1), Florida Administrative Code, who violates the
4 provisions of this section, or the provisions relating to
5 traps of chapter 46-24, Florida Administrative Code, shall be
6 punished as follows:

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

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

21 c. For a third or subsequent violation of subparagraph
22 1. or subparagraph 2. which occurs within 36 months of any
23 previous two such violations, the commission ~~department~~ shall
24 assess an additional civil penalty of up to \$5,000 and may
25 suspend the crawfish trap number issued pursuant to s.
26 370.14(2) or (6) ~~(7)~~ for a period of up to 24 months or may
27 revoke the crawfish trap number and, if revoking the crawfish
28 trap number, may also proceed against the licenseholder's
29 saltwater products license in accordance with the provisions
30 of s. 370.021(2)(i) ~~s. 370.021(2)(e)~~.

31

1 d. Any person assessed an additional civil penalty
2 pursuant to this section shall within 30 calendar days after
3 notification:

4 (I) Pay the civil penalty to the commission
5 ~~department~~; or

6 (II) Request an administrative hearing pursuant to the
7 provisions of s. 120.60.

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

12 4.a. It is unlawful for any person to make, alter,
13 forge, counterfeit, or reproduce a spiny lobster trap tag or
14 certificate.

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

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

25 5.a. Any person who violates the provisions of
26 subparagraph 4., or any person who engages in the commercial
27 harvest, trapping, or possession of spiny lobster without a
28 crawfish trap number as required by s. 370.14(2) or (6) ~~(7)~~ or
29 during any period while such crawfish trap number is under
30 suspension or revocation, commits a felony of the third
31

1 degree, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084.

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

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

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

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

25 (d) No vested rights.--The trap certificate program
26 shall not create vested rights in licenseholders whatsoever
27 and may be altered or terminated as necessary to protect the
28 spiny lobster resource, the participants in the fishery, or
29 the public interest.

30 (3) TRAP REDUCTION.--The objective of the overall trap
31 certificate program is to reduce the number of traps used in

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

1 necessary to protect the spiny lobster resource and the
2 participants in the fishery.

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

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

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

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

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

28 ~~2. The secretary of the department may fill any~~
29 ~~position on the initial board with a member who does not~~
30 ~~fulfill the requirements of subparagraph 1. if there are not~~
31 ~~enough qualified individuals available to meet those~~

1 ~~requirements. However, as soon as enough qualified individuals~~
2 ~~are available to meet those requirements, the secretary must~~
3 ~~replace all nonqualified appointees with qualified appointees.~~

4 (b) The term of each appointed member shall be for 4
5 years, and any vacancy shall be filled for the balance of the
6 unexpired term with a person of the qualifications necessary
7 to maintain the requirements of paragraph (a)~~subparagraph~~

8 ~~(a)1. However, of the initial appointees, three shall serve~~
9 ~~for terms of 4 years, two shall serve for terms of 3 years,~~
10 ~~two shall serve for terms of 2 years, and two shall serve for~~
11 ~~terms of 1 year. There shall be no limitation on successive~~
12 ~~appointments to the board.~~

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

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

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

29 (f) Upon reaching a decision on any dispute or problem
30 brought before it, including any decision involving the
31 allotment of certificates under paragraph (g), the board shall

1 submit such decision to the executive director ~~secretary~~ of
2 the commission ~~department~~ for final approval. The executive
3 director ~~secretary~~ of the commission ~~department~~ may alter or
4 disapprove any decision of the board, with notice thereof
5 given in writing to the board and to each party in the dispute
6 explaining the reasons for the disapproval. The action of the
7 executive director ~~secretary~~ of the commission ~~department~~
8 constitutes final agency action.

9 (g) In addition to those certificates allotted
10 pursuant to the provisions of subparagraph (2)(a)1., up to
11 125,000 certificates may be allotted by the board to settle
12 disputes or other problems arising from implementation of the
13 trap certificate program during the 1992-1993 and 1993-1994
14 license years. Any certificates not allotted by March 31,
15 1994, shall become permanently unavailable and shall be
16 considered as part of the 1994-1995 reduction schedule. All
17 appeals for additional certificates or other disputes must be
18 filed with the board before October 1, 1993.

19 (h) Any trap certificates issued by the Department of
20 Environmental Protection and, effective July 1, 1999, the
21 commission as a result of the appeals process must be added to
22 the existing number of trap certificates for the purposes of
23 determining the total number of certificates from which the
24 subsequent season's trap reduction is calculated.

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

30 (5) DISPOSITION OF FEES AND SURCHARGES.--Transfer fees
31 and surcharges, annual trap certificate fees, and recreational

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

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

15 Section 110. Subsection (1), (2), and (6) of section
16 370.1535, Florida Statutes, are amended to read:

17 370.1535 Regulation of shrimp fishing in Tampa Bay;
18 licensing requirements.--

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

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

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

29 (b) One permit is required for each vessel used for
30 dead shrimp production in the waters of Tampa Bay. A permit
31 shall only be issued to an individual who is the principal

1 owner of the vessel or of the business entity owning the
2 vessel and utilizing the permit. No more than three permits
3 shall be issued to any individual.

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

11 (d) No person shall be issued a permit or be allowed
12 to renew a permit if such person is registered for
13 noncommercial trawling pursuant to s. 370.15(6) or if such
14 person holds a live bait shrimping license issued pursuant to
15 s. 370.15(8).

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

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

24 Section 111. Subsections (4) and (5) of section
25 370.17, Florida Statutes, are amended to read:

26 370.17 Sponges; regulation.--

27 (4) POWERS OF THE COMMISSION ~~DEPARTMENT~~.--The
28 commission ~~said department~~ is authorized and empowered to
29 make, promulgate, and put into effect all rules and
30 regulations which the commission ~~department~~ may consider and
31 decide to be necessary to accomplish the purpose of this

1 chapter for the taking and cultivation of sponges, including
2 the power and authority to determine and fix, in its
3 discretion, the seasons and period of time within which public
4 state grounds may be closed to the taking, possessing, buying,
5 selling, or transporting of sponges from the sponge
6 cultivation districts herein provided for and to regulate and
7 prescribe the means and methods to be employed in the
8 harvesting thereof; however, notice of all rules, regulations,
9 and orders, and all revisions and amendments thereto,
10 prescribing closed seasons or prescribing the means and
11 methods of harvesting sponges adopted by the commission
12 ~~department~~ shall be published in a newspaper of general
13 circulation in the conservation district affected within 10
14 days from the adoption thereof, in addition to any notice
15 required by chapter 120.

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

25 Section 112. Subsections (9), (15), (16), and (17) of
26 section 372.001, Florida Statutes, are amended to read:

27 372.001 Definitions.--In construing these statutes,
28 when applied to saltwater and freshwater fish, shellfish,
29 crustacea, sponges, wild birds, and wild animals, where the
30 context permits, the word, phrase, or term:

31

1 (9) "Fresh water," except where otherwise provided by
2 law, includes all lakes, rivers, canals, and other waterways
3 of Florida, to such point or points where the fresh and salt
4 waters commingle to such an extent as to become unpalatable
5 and unfit for human consumption, because of the saline
6 content, or to such point or points as may be fixed by the
7 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
8 Commission, by and with the consent of the board of county
9 commissioners of the county or counties to be affected by such
10 order. The Steinhatchee River shall be considered fresh water
11 from its source to mouth.

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

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

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

30 Section 113. Section 372.01, Florida Statutes, is
31 amended to read:

1 372.01 Fish and Wildlife Conservation ~~Game and Fresh~~
2 ~~Water Fish~~ Commission.--

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

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

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

17 Section 114. Subsections (1) and (2) of section
18 372.0215, Florida Statutes, are amended to read:

19 372.0215 Citizen support organizations; use of state
20 property; audit.--

21 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
22 ~~Water Fish~~ Commission may authorize the establishment of
23 citizen support organizations to provide assistance, funding,
24 and promotional support for the programs of the commission.
25 For purposes of this section, the term "citizen support
26 organization" means an organization which:

27 (a) Is a corporation not for profit incorporated
28 pursuant to the provisions of chapter 617 and approved by the
29 Department of State;

30 (b) Is organized and operated to conduct programs and
31 activities; raise funds; request and receive grants, gifts,

1 and bequests of money; acquire, receive, hold, invest, and
2 administer in its own name securities, funds, or real or
3 personal property; and make expenditures for the benefit of
4 the commission or an individual program unit of the
5 commission; except that such organization may not receive
6 funds from the commission or the Florida Marine Research
7 Institute by grant, gift, or contract unless specifically
8 authorized by the Legislature.

9 (c) The commission has determined acts in a manner
10 that is consistent with the goals of the commission and the
11 best interests of the state.

12 (d) Is approved in writing by the commission to
13 operate for the benefit of the commission. Such approval must
14 be stated in a letter of agreement from the executive director
15 of the commission.

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

25 (b) The commission may prescribe conditions upon the
26 use by a citizen support organization of commission property,
27 facilities, or personnel.

28 (c) The commission may not permit the use of any
29 property, facilities, or personnel of the state by a citizen
30 support organization that does not provide equal membership
31

1 and employment opportunities to all persons regardless of
2 race, color, national origin, religion, sex, or age.

3 Section 115. Subsections (1), (2), and (4) of section
4 372.0222, Florida Statutes, are amended to read:

5 372.0222 Private publication agreements; advertising;
6 costs of production.--

7 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
8 ~~Water Fish~~ Commission may enter into agreements to secure the
9 private publication of public information brochures,
10 pamphlets, audiotapes, videotapes, and related materials for
11 distribution without charge to the public and, in furtherance
12 thereof, is authorized to:

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

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

24 (2) The Fish and Wildlife Conservation ~~Game and Fresh~~
25 ~~Water Fish~~ Commission may sell advertising in the Florida
26 Wildlife Magazine to offset the cost of publication and
27 distribution of the magazine.

28 (4) The Fish and Wildlife Conservation ~~Game and Fresh~~
29 ~~Water Fish~~ Commission may enter into agreements with private
30 vendors for vendor advertisement for the purpose of offsetting
31

1 expenses relating to license issuance, and, in furtherance
2 thereof, is authorized to:

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

5 (b) Require that any advertising of any kind
6 contracted pursuant to this section shall include a statement
7 providing that the advertising does not constitute an
8 endorsement by the state or commission of the products or
9 services to be so advertised.

10 Section 116. Section 372.0225, Florida Statutes, 1998
11 Supplement, is amended to read:

12 372.0225 Freshwater organisms.--

13 (1) The Division of Freshwater Fisheries of the Fish
14 and Wildlife Conservation ~~Game and Fresh Water Fish~~
15 Commission, in order to manage the promotion, marketing, and
16 quality control of all freshwater organisms produced in
17 Florida and utilized commercially so that such organisms shall
18 be used to produce the optimum sustained yield consistent with
19 the protection of the breeding stock, is directed and charged
20 with the responsibility of:

21 (a) Providing for the regulation of the promotion,
22 marketing, and quality control of freshwater organisms
23 produced in Florida and utilized commercially.

24 (b) Regulating the processing of commercial freshwater
25 organisms on the water or on the shore.

26 (c) Providing documentation standards and statistical
27 record requirements with respect to commercial freshwater
28 organism catches.

29 (d) Conducting scientific, economic, and other studies
30 and research on all freshwater organisms produced in the state
31 and used commercially.

1 (2) The responsibility with which the Division of
2 Freshwater Fisheries is charged under subsection (1) shall in
3 no way supersede or duplicate the responsibilities of the
4 Department of Agriculture and Consumer Services under chapter
5 500, the Florida Food Safety Act, and the rules adopted under
6 that chapter.

7 Section 117. Subsections (1) and (3) of section
8 372.023, Florida Statutes, are amended to read:

9 372.023 J. W. Corbett and Cecil M. Webb Wildlife
10 Management Areas.--

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

19 (a) To trade, barter, lease, or exchange lands therein
20 for lands of greater acreage contiguous to said wildlife
21 management areas.

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

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

30 (3) Moneys received from the sale of lands within
31 either wildlife management area, less reasonable expenses

1 incident to the sale, shall be used by the Fish and Wildlife
2 Conservation Game and Fresh Water Fish Commission to acquire
3 acreage contiguous to the wildlife management area or lands of
4 equal wildlife value. The sale shall be made directly to the
5 state, notwithstanding the procedures of ss. 270.08 and 270.09
6 to the contrary.

7 Section 118. Subsections (2) and (3) of section
8 372.025, Florida Statutes, are amended to read:

9 372.025 Everglades recreational sites; definitions.--

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

11 (a) "Commission" means the Fish and Wildlife
12 Conservation Game and Fresh Water Fish Commission.

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

15 (c) "Indian reservations" means lands as designated by
16 chapter 285.

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

20 (e) "Development of recreational sites" means any
21 improvements to existing facilities or sites and also such new
22 selection and improvements as are needed for the various
23 recreational activities as herein provided.

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

29 Section 119. Section 372.03, Florida Statutes, is
30 amended to read:

31

1 372.03 Headquarters of commission.--The Fish and
2 Wildlife Conservation Game and Fresh Water Fish Commission is
3 located at the state capital, and, when suitable adequate
4 office space cannot be provided in the State Capitol Building,
5 or other buildings owned by the state, the commission may rent
6 or lease suitable office space in Tallahassee. Said commission
7 may also rent or lease suitable and adequate space in other
8 cities and towns of the state for branch or division offices
9 and headquarters and storerooms for equipment and supplies, as
10 the business of the commission may require or necessitate,
11 payment for said rented or leased premises to be made from the
12 State Game Trust Fund.

13 Section 120. Section 372.051, Florida Statutes, is
14 amended to read:

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

29 Section 121. Section 372.06, Florida Statutes, is
30 amended to read:

31

1 372.06 Meetings of the commission.--At least four
2 meetings of the Fish and Wildlife Conservation ~~Game and Fresh~~
3 ~~Water Fish~~ Commission shall be held at the state capital no
4 less frequently than once every 3 months, which meetings shall
5 be known as the quarterly meetings of the commission; other
6 meetings may be held at such times and places as may be
7 decided upon or as provided by rules of the commission, such
8 meetings to be called by the executive secretary on not less
9 than 1 week's notice to all members of the commission; or
10 meetings may be held upon the request in writing of three
11 members of the commission, at a time and place to be
12 designated in the request, and notice of such meetings shall
13 be given at least 1 week in advance thereof to all members of
14 the commission by the executive secretary. A majority of
15 ~~Three~~ members shall constitute a quorum at any meeting of the
16 commission. No action shall be binding when taken up by the
17 commission, except at a regular or call meeting and duly
18 recorded in the minutes of said meeting.

19 Section 122. Section 372.07, Florida Statutes, is
20 amended to read:

21 372.07 Police powers of commission and its agents.--

22 (1) The Fish and Wildlife Conservation ~~Game and Fresh~~
23 ~~Water Fish~~ Commission, the director and the director's
24 assistants designated by her or him, and each wildlife officer
25 are constituted peace officers with the power to make arrests
26 for violations of the laws of this state when committed in the
27 presence of the officer or when committed on lands under the
28 supervision and management of the commission. The general
29 laws applicable to arrests by peace officers of this state
30 shall also be applicable to said director, assistants, and
31 wildlife officers. Such persons may enter upon any land or

1 waters of the state for performance of their lawful duties and
2 may take with them any necessary equipment, and such entry
3 shall not constitute a trespass.

4 (2) Said officers shall have power and authority to
5 enforce throughout the state all laws relating to game,
6 nongame birds, freshwater fish, and fur-bearing animals and
7 all rules and regulations of the Fish and Wildlife
8 Conservation ~~Game and Fresh Water Fish~~ Commission relating to
9 wild animal life and freshwater aquatic life, and in
10 connection with said laws, rules, and regulations, in the
11 enforcement thereof and in the performance of their duties
12 thereunder, to:

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

14 (b) Execute warrants and search warrants for the
15 violation of said laws;

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

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

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

1 (f) Secure and execute search warrants and in
2 pursuance thereof to enter any building, enclosure, or car and
3 to break open, when found necessary, any apartment, chest,
4 locker, box, trunk, crate, basket, bag, package, or container
5 and examine the contents thereof;

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

10 (3) It is unlawful for any person to resist an arrest
11 authorized by this section or in any manner to interfere,
12 either by abetting, assisting such resistance, or otherwise
13 interfering with said director, assistants, or wildlife
14 officers while engaged in the performance of the duties
15 imposed upon them by law or regulation of the Fish and
16 Wildlife Conservation Game and Fresh Water Fish Commission.

17 Section 123. Section 372.071, Florida Statutes, is
18 amended to read:

19 372.071 Powers of arrest by agents of Department of
20 Environmental Protection or Fish and Wildlife Conservation
21 ~~Game and Fresh Water Fish~~ Commission.--Any certified law
22 enforcement officer of the Department of Environmental
23 Protection or the Fish and Wildlife Conservation ~~Game and~~
24 ~~Fresh Water Fish~~ Commission, upon receiving information,
25 relayed to her or him from any law enforcement officer
26 stationed on the ground, on the water, or in the air, that a
27 driver, operator, or occupant of any vehicle, boat, or airboat
28 has violated any section of chapter 327, chapter 328, chapter
29 370, or this chapter, may arrest the driver, operator, or
30 occupant for violation of said laws when reasonable and proper
31 identification of the vehicle, boat, or airboat and reasonable

1 and probable grounds to believe that the driver, operator, or
2 occupant has committed or is committing any such offense have
3 been communicated to the arresting officer by the other
4 officer stationed on the ground, on the water, or in the air.

5 Section 124. Subsection (1) of section 372.074,
6 Florida Statutes, is amended to read:

7 372.074 Fish and Wildlife Habitat Program.--

8 (1)(a) There is established within the Fish and
9 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission the
10 Fish and Wildlife Habitat Program for the purpose of
11 acquiring, assisting other agencies or local governments in
12 acquiring, or managing lands important to the conservation of
13 fish and wildlife.

14 (b) The Fish and Wildlife Conservation ~~Game and Fresh~~
15 ~~Water Fish~~ Commission or its designee shall manage such lands
16 for the primary purpose of maintaining and enhancing their
17 habitat value for fish and wildlife. Other uses may be allowed
18 that are not contrary to this purpose.

19 (c) Where acquisition pursuant to this section will
20 result in state ownership of land, title shall be vested in
21 the Board of Trustees of the Internal Improvement Trust Fund
22 as required in chapter 253. Land acquisition pursuant to this
23 section shall be voluntary, negotiated acquisition and, where
24 title is to be vested in the Board of Trustees of the Internal
25 Improvement Trust Fund, is subject to the acquisition
26 procedures of s. 253.025.

27 (d) Acquisition costs shall include purchase prices
28 and costs and fees associated with title work, surveys, and
29 appraisals required to complete an acquisition.

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1 Section 125. 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 126. 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 127. 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 128. 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 129. 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 130. 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 131. 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 132. 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 133. 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 134. 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 135. 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 136. 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 137. 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 138. 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 139. 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 140. 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 141. 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 142. Subsection (1) of section 372.661,
30 Florida Statutes, is amended to read:

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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 143. 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 144. Subsection (1) of section 372.663,
29 Florida Statutes, is amended to read:
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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 145. 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 146. 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 147. 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 148. 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 149. 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 150. 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 151. 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 152. 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 153. 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 154. 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 155. 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 156. 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 157. 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 158. 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 159. 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 160. 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 161. 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 162. 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 163. 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 164. 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 165. 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 166. 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 167. 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 168. 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 169. 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 170. 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 171. 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 172. 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 173. 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 174. 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 175. 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 176. 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 177. 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 178. 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 179. 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 180. 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 181. 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 182. Subsections (1) and (3) of section
10 372.9904, Florida Statutes, 1998 Supplement, are amended to
11 read:

12 372.9904 Seizure of illegal devices; disposition;
13 appraisal; forfeiture.--

14 (1) Any vehicle, vessel, or other transportation
15 device used in the commission of the offense prohibited by s.
16 372.9903, except a vehicle, vessel, or other transportation
17 device duly registered as a common carrier and operated in
18 lawful transaction of business as such carrier, shall be
19 seized by the arresting officer, who shall promptly make
20 return of the seizure and deliver the property to the director
21 of the Fish and Wildlife Conservation ~~Game and Fresh Water~~
22 ~~Fish~~ Commission. The return shall describe the property
23 seized and recite in detail the facts and circumstances under
24 which it was seized, together with the reason that the
25 property was subject to seizure. The return shall also
26 contain the names of all persons known to the officer to be
27 interested in the property.

28 (3) Upon conviction of the violator, the property, if
29 owned by the person convicted, shall be forfeited to the state
30 under the procedure set forth in ss. 372.312-372.318, when not
31 inconsistent with this section. All amounts received from the

1 sale or other disposition of the property shall be paid into
2 the State Game Trust Fund or into the commission's Federal Law
3 Enforcement Trust Fund as provided in s. 372.107, as
4 applicable. If the property is not sold or converted, it
5 shall be delivered to the director of the Fish and Wildlife
6 Conservation ~~Game and Fresh Water Fish~~ Commission.

7 Section 183. Section 372.9906, Florida Statutes, is
8 amended to read:

9 372.9906 Wildlife Law Enforcement Program; creation;
10 purposes.--There is established within the Fish and Wildlife
11 Conservation ~~Game and Fresh Water Fish~~ Commission the Wildlife
12 Law Enforcement Program. The commission may establish and
13 operate law enforcement programs that relate to the
14 conservation, enhancement, and regulation of wildlife and
15 freshwater aquatic resources of the state and to conduct
16 programs to educate the public about the enforcement of laws
17 and regulations relating to the wildlife and freshwater
18 aquatic resources of the state. Moneys that accrue to the
19 program by law and moneys donated to the program must be
20 deposited into the State Game Trust Fund.

21 Section 184. Subsection (2) of section 372.991,
22 Florida Statutes, is amended to read:

23 372.991 Nongame Wildlife Trust Fund.--

24 (2)(a) There is established within the Fish and
25 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission the
26 Nongame Wildlife Trust Fund. The fund shall be credited with
27 moneys collected pursuant to ss. 319.32(3) and 320.02(8).
28 Additional funds may be provided from legislative
29 appropriations and by donations from interested individuals
30 and organizations. The commission shall designate an
31 identifiable unit to administer the trust fund.

1 (b) Proceeds from the trust fund shall be used for the
2 following purposes:

3 1. Documentation of population trends of nongame
4 wildlife and assessment of wildlife habitat, in coordination
5 with the database of Florida natural areas inventory.

6 2. Establishment of effective conservation,
7 management, and regulatory programs for nongame wildlife of
8 the state.

9 3. Public education programs.

10 Section 185. Subsection (1) of section 372.992,
11 Florida Statutes, is amended to read:

12 372.992 Nongame Wildlife Advisory Council.--

13 (1) There is created the Nongame Wildlife Advisory
14 Council, which shall consist of the following 11 members
15 appointed by the Governor: one representative each from the
16 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~
17 Commission, the Department of Environmental Protection, and
18 the United States Fish and Wildlife Services; the director of
19 the Florida Museum of Natural History or her or his designee;
20 one representative from a professional wildlife organization;
21 one representative from a private wildlife institution; one
22 representative from a Florida university or college who has
23 expertise in nongame biology; one representative of business
24 interests from a private consulting firm who has expertise in
25 nongame biology; one representative of a statewide
26 organization of landowner interests; and two members from
27 conservation organizations. All appointments shall be for
28 4-year terms. Members shall be eligible for reappointment.

29 Section 186. Subsection (2) of section 372.995,
30 Florida Statutes, is amended to read:

31 372.995 Release of balloons.--

1 (2) It is unlawful for any person, firm, or
2 corporation to intentionally release, organize the release, or
3 intentionally cause to be released within a 24-hour period 10
4 or more balloons inflated with a gas that is lighter than air
5 except for:

6 (a) Balloons released by a person on behalf of a
7 governmental agency or pursuant to a governmental contract for
8 scientific or meteorological purposes;

9 (b) Hot air balloons that are recovered after
10 launching;

11 (c) Balloons released indoors; or

12 (d) Balloons that are either biodegradable or
13 photodegradable, as determined by rule of the Fish and
14 Wildlife Conservation ~~Marine Fisheries~~ Commission, and which
15 are closed by a hand-tied knot in the stem of the balloon
16 without string, ribbon, or other attachments. In the event
17 that any balloons are released pursuant to the exemption
18 established in this paragraph, the party responsible for the
19 release shall make available to any law enforcement officer
20 evidence of the biodegradability or photodegradability of said
21 balloons in the form of a certificate executed by the
22 manufacturer. Failure to provide said evidence shall be prima
23 facie evidence of a violation of this act.

24 Section 187. Subsections (1), (2), and (5) of section
25 373.453, Florida Statutes, are amended to read:

26 373.453 Surface water improvement and management plans
27 and programs.--

28 (1)(a) Each water management district, in cooperation
29 with the department, the Department of Agriculture and
30 Consumer Services, the Department of Community Affairs, the
31 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~

1 Commission, and local governments shall prepare and maintain a
2 list which shall prioritize water bodies of regional or
3 statewide significance within each water management district.
4 The list shall be reviewed and updated every 3 years. The list
5 shall be based on criteria adopted by rule of the department
6 and shall assign priorities to the water bodies based on their
7 need for protection and restoration.

8 (b) Criteria developed by the department shall
9 include, but need not be limited to, consideration of
10 violations of water quality standards occurring in the water
11 body, the amounts of nutrients entering the water body and the
12 water body's trophic state, the existence of or need for a
13 continuous aquatic weed control program in the water body, the
14 biological condition of the water body, reduced fish and
15 wildlife values, and threats to agricultural and urban water
16 supplies and public recreational opportunities.

17 (c) In developing their respective priority lists,
18 water management districts shall give consideration to the
19 following priority areas:

20 1. The South Florida Water Management District shall
21 give priority to the restoration needs of Lake Okeechobee,
22 Biscayne Bay, and the Indian River Lagoon system and their
23 tributaries.

24 2. The Southwest Florida Water Management District
25 shall give priority to the restoration needs of Tampa Bay and
26 its tributaries.

27 3. The St. Johns River Water Management District shall
28 give priority to the restoration needs of Lake Apopka, the
29 Lower St. Johns River, and the Indian River Lagoon system and
30 their tributaries.

31

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 188. 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 189. 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 190. 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 191. 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 192. 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 193. 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 194. 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 195. 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 196. 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 197. 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 198. 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 199. 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 200. 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 201. 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 202. 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 203. 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 204. 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 205. 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 206. 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 207. 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 208. 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 209. 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 210. 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 211. 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 212. 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 213. 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 214. 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 215. 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 216. 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 217. 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 218. 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 219. 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 220. 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 221. 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 222. 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 223. 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 224. 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 225. 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 226. Subsection (1) of section 597.006,
17 Florida Statutes, is amended to read:

18 597.006 Aquaculture Interagency Coordinating
19 Council.--

20 (1) CREATION.--The Legislature finds and declares that
21 there is a need for interagency coordination with regard to
22 aquaculture by the following agencies: the Department of
23 Agriculture and Consumer Services, the Department of Commerce,
24 the Department of Community Affairs, the Department of
25 Environmental Protection, the Department of Labor and
26 Employment Security, the Fish and Wildlife Conservation ~~Marine~~
27 ~~Fisheries Commission, the Game and Fresh Water Fish~~
28 Commission, the statewide consortium of universities under the
29 Florida Institute of Oceanography, Florida Agricultural and
30 Mechanical University, the Institute of Food and Agricultural
31 Sciences at the University of Florida, the Florida Sea Grant

1 Program, and each water management district. It is therefore
2 the intent of the Legislature to hereby create an Aquaculture
3 Interagency Coordinating Council to act as an advisory body as
4 defined in s. 20.03(9).

5 Section 227. Paragraph (a) of subsection (1) of
6 section 784.07, Florida Statutes, 1998 Supplement, is amended
7 to read:

8 784.07 Assault or battery of law enforcement officers,
9 firefighters, emergency medical care providers, public transit
10 employees or agents, or other specified officers;
11 reclassification of offenses; minimum sentences.--

12 (1) As used in this section, the term:

13 (a) "Law enforcement officer" includes a law
14 enforcement officer, a correctional officer, a correctional
15 probation officer, a part-time law enforcement officer, a
16 part-time correctional officer, an auxiliary law enforcement
17 officer, and an auxiliary correctional officer, as those terms
18 are respectively defined in s. 943.10, and any county
19 probation officer; employee or agent of the Department of
20 Corrections who supervises or provides services to inmates;
21 officer of the Parole Commission; and law enforcement
22 personnel of the Fish and Wildlife Conservation ~~Game and Fresh~~
23 ~~Water Fish~~ Commission, the Department of Environmental
24 Protection, or the Department of Law Enforcement.

25 Section 228. Subsection (2) of section 790.06, Florida
26 Statutes, 1998 Supplement, is amended to read:

27 790.06 License to carry concealed weapon or firearm.--

28 (2) The Department of State shall issue a license if
29 the applicant:

30 (a) Is a resident of the United States or is a
31 consular security official of a foreign government that

1 maintains diplomatic relations and treaties of commerce,
2 friendship, and navigation with the United States and is
3 certified as such by the foreign government and by the
4 appropriate embassy in this country;

5 (b) Is 21 years of age or older;

6 (c) Does not suffer from a physical infirmity which
7 prevents the safe handling of a weapon or firearm;

8 (d) Is not ineligible to possess a firearm pursuant to
9 s. 790.23 by virtue of having been convicted of a felony;

10 (e) Has not been committed for the abuse of a
11 controlled substance or been found guilty of a crime under the
12 provisions of chapter 893 or similar laws of any other state
13 relating to controlled substances within a 3-year period
14 immediately preceding the date on which the application is
15 submitted;

16 (f) Does not chronically and habitually use alcoholic
17 beverages or other substances to the extent that his or her
18 normal faculties are impaired. It shall be presumed that an
19 applicant chronically and habitually uses alcoholic beverages
20 or other substances to the extent that his or her normal
21 faculties are impaired if the applicant has been committed
22 under chapter 397 or under the provisions of former chapter
23 396 or has been convicted under s. 790.151 or has been deemed
24 a habitual offender under s. 856.011(3), or has had two or
25 more convictions under s. 316.193 or similar laws of any other
26 state, within the 3-year period immediately preceding the date
27 on which the application is submitted;

28 (g) Desires a legal means to carry a concealed weapon
29 or firearm for lawful self-defense;

30 (h) Demonstrates competence with a firearm by any one
31 of the following:

- 1 1. Completion of any hunter education or hunter safety
2 course approved by the Fish and Wildlife Conservation ~~Game and~~
3 ~~Fresh Water Fish~~ Commission or a similar agency of another
4 state;
- 5 2. Completion of any National Rifle Association
6 firearms safety or training course;
- 7 3. Completion of any firearms safety or training
8 course or class available to the general public offered by a
9 law enforcement, junior college, college, or private or public
10 institution or organization or firearms training school,
11 utilizing instructors certified by the National Rifle
12 Association, Criminal Justice Standards and Training
13 Commission, or the Department of State;
- 14 4. Completion of any law enforcement firearms safety
15 or training course or class offered for security guards,
16 investigators, special deputies, or any division or
17 subdivision of law enforcement or security enforcement;
- 18 5. Presents evidence of equivalent experience with a
19 firearm through participation in organized shooting
20 competition or military service;
- 21 6. Is licensed or has been licensed to carry a firearm
22 in this state or a county or municipality of this state,
23 unless such license has been revoked for cause; or
- 24 7. Completion of any firearms training or safety
25 course or class conducted by a state-certified or National
26 Rifle Association certified firearms instructor;
- 27
28 A photocopy of a certificate of completion of any of the
29 courses or classes; or an affidavit from the instructor,
30 school, club, organization, or group that conducted or taught
31 said course or class attesting to the completion of the course

1 or class by the applicant; or a copy of any document which
2 shows completion of the course or class or evidences
3 participation in firearms competition shall constitute
4 evidence of qualification under this paragraph; any person who
5 conducts a course pursuant to subparagraph 2., subparagraph
6 3., or subparagraph 7., or who, as an instructor, attests to
7 the completion of such courses, must maintain records
8 certifying that he or she observed the student safely handle
9 and discharge the firearm;

10 (i) Has not been adjudicated an incapacitated person
11 under s. 744.331, or similar laws of any other state, unless 5
12 years have elapsed since the applicant's restoration to
13 capacity by court order;

14 (j) Has not been committed to a mental institution
15 under chapter 394, or similar laws of any other state, unless
16 the applicant produces a certificate from a licensed
17 psychiatrist that he or she has not suffered from disability
18 for at least 5 years prior to the date of submission of the
19 application;

20 (k) Has not had adjudication of guilt withheld or
21 imposition of sentence suspended on any felony or misdemeanor
22 crime of domestic violence unless 3 years have elapsed since
23 probation or any other conditions set by the court have been
24 fulfilled, or the record has been sealed or expunged; and

25 (l) Has not been issued an injunction that is
26 currently in force and effect and that restrains the applicant
27 from committing acts of domestic violence or acts of repeat
28 violence.

29 Section 229. Subsection (1) of section 790.15, Florida
30 Statutes, is amended to read:

31 790.15 Discharging firearm in public.--

1 (1) Except as provided in subsection (2) or subsection
2 (3), any person who knowingly discharges a firearm in any
3 public place or on the right-of-way of any paved public road,
4 highway, or street or whosoever knowingly discharges any
5 firearm over the right-of-way of any paved public road,
6 highway, or street or over any occupied premises is guilty of
7 a misdemeanor of the first degree, punishable as provided in
8 s. 775.082 or s. 775.083. This section does not apply to a
9 person lawfully defending life or property or performing
10 official duties requiring the discharge of a firearm or to a
11 person discharging a firearm on public roads or properties
12 expressly approved for hunting by the Fish and Wildlife
13 Conservation ~~Game and Fresh Water Fish~~ Commission or Division
14 of Forestry.

15 Section 230. Paragraph (b) of subsection (6) of
16 section 828.122, Florida Statutes, is amended to read:

17 828.122 Fighting or baiting animals; offenses;
18 penalties.--

19 (6) The provisions of subsection (3) and paragraph
20 (4)(b) shall not apply to:

21 (b) Any person using animals to pursue or take
22 wildlife or to participate in any hunting regulated or subject
23 to being regulated by the rules and regulations of the Fish
24 and Wildlife Conservation ~~Game and Fresh Water Fish~~
25 Commission.

26 Section 231. Subsection (1) of section 832.06, Florida
27 Statutes, is amended to read:

28 832.06 Prosecution for worthless checks given tax
29 collector for licenses or taxes; refunds.--

30 (1) Whenever any person, firm, or corporation violates
31 the provisions of s. 832.05 by drawing, making, uttering,

1 issuing, or delivering to any county tax collector any check,
2 draft, or other written order on any bank or depository for
3 the payment of money or its equivalent for any tag, title,
4 lien, tax (except ad valorem taxes), penalty, or fee relative
5 to a boat, airplane, or motor vehicle; any occupational
6 license, beverage license, or sales or use tax; or any hunting
7 or fishing license, the county tax collector, after the
8 exercise of due diligence to locate the person, firm, or
9 corporation which drew, made, uttered, issued, or delivered
10 the check, draft, or other written order for the payment of
11 money, or to collect the same by the exercise of due diligence
12 and prudence, shall swear out a complaint in the proper court
13 against the person, firm, or corporation for the issuance of
14 the worthless check or draft. If the state attorney cannot
15 sign the information due to lack of proof, as determined by
16 the state attorney in good faith, for a prima facie case in
17 court, he or she shall issue a certificate so stating to the
18 tax collector. If payment of the dishonored check, draft, or
19 other written order, together with court costs expended, is
20 not received in full by the county tax collector within 30
21 days after service of the warrant, 30 days after conviction,
22 or 60 days after the collector swears out the complaint or
23 receives the certificate of the state attorney, whichever is
24 first, the county tax collector shall make a written report to
25 this effect to the Department of Highway Safety and Motor
26 Vehicles relative to airplanes and motor vehicles, to the Fish
27 and Wildlife Conservation Commission ~~Department of~~
28 ~~Environmental Protection~~ relative to boats, to the Department
29 of Revenue relative to occupational licenses and the sales and
30 use tax, to the Division of Alcoholic Beverages and Tobacco of
31 the Department of Business and Professional Regulation

1 relative to beverage licenses, or to the Fish and Wildlife
2 Conservation Game and Fresh Water Fish Commission relative to
3 hunting and fishing licenses, containing a statement of the
4 amount remaining unpaid on the worthless check or draft. If
5 the information is not signed, the certificate of the state
6 attorney is issued, and the written report of the amount
7 remaining unpaid is made, the county tax collector may request
8 the sum be forthwith refunded by the appropriate governmental
9 entity, agency, or department. If a warrant has been issued
10 and served, he or she shall certify to that effect, together
11 with the court costs and amount remaining unpaid on the check.
12 The county tax collector may request that the sum of money
13 certified by him or her be forthwith refunded by the
14 Department of Highway Safety and Motor Vehicles, ~~the~~
15 ~~Department of Environmental Protection,~~the Department of
16 Revenue, the Division of Alcoholic Beverages and Tobacco of
17 the Department of Business and Professional Regulation, or the
18 Fish and Wildlife Conservation Game and Fresh Water Fish
19 Commission to the county tax collector. Within 30 days after
20 receipt of the request, the Department of Highway Safety and
21 Motor Vehicles, ~~the Department of Environmental Protection,~~
22 the Department of Revenue, the Division of Alcoholic Beverages
23 and Tobacco of the Department of Business and Professional
24 Regulation, or the Fish and Wildlife Conservation Game and
25 Fresh Water Fish Commission, upon being satisfied as to the
26 correctness of the certificate of the tax collector, or the
27 report, shall refund to the county tax collector the sums of
28 money so certified or reported. If any officer of any court
29 issuing the warrant is unable to serve it within 60 days after
30 the issuance and delivery of it to the officer for service,
31 the officer shall make a written return to the county tax

1 collector to this effect. Thereafter, the county tax collector
2 may certify that the warrant has been issued and that service
3 has not been had upon the defendant and further certify the
4 amount of the worthless check or draft and the amount of court
5 costs expended by the county tax collector, and the county tax
6 collector may file the certificate with the Department of
7 Highway Safety and Motor Vehicles relative to motor vehicles
8 and airplanes, with the Fish and Wildlife Conservation
9 Commission ~~Department of Environmental Protection~~ relative to
10 boats, with the Department of Revenue relative to occupational
11 licenses and the sales and use tax, with the Division of
12 Alcoholic Beverages and Tobacco of the Department of Business
13 and Professional Regulation relative to beverage licenses, or
14 with the Fish and Wildlife Conservation ~~Game and Fresh Water~~
15 ~~Fish~~ Commission relative to hunting and fishing licenses,
16 together with a request that the sums of money so certified be
17 forthwith refunded by the Department of Highway Safety and
18 Motor Vehicles, ~~the Department of Environmental Protection,~~
19 the Department of Revenue, the Division of Alcoholic Beverages
20 and Tobacco of the Department of Business and Professional
21 Regulation, or the Fish and Wildlife Conservation ~~Game and~~
22 ~~Fresh Water Fish~~ Commission to the county tax collector, and
23 within 30 days after receipt of the request, the Department of
24 Highway Safety and Motor Vehicles, ~~the Department of~~
25 ~~Environmental Protection,~~ the Department of Revenue, the
26 Division of Alcoholic Beverages and Tobacco of the Department
27 of Business and Professional Regulation, or the Fish and
28 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
29 upon being satisfied as to the correctness of the certificate,
30 shall refund the sums of money so certified to the county tax
31 collector.

1 Section 232. Section 843.08, Florida Statutes, is
2 amended to read:

3 843.08 Falsely personating officer, etc.--A person who
4 falsely assumes or pretends to be a sheriff, officer of the
5 Florida Highway Patrol, officer of the Fish and Wildlife
6 Conservation ~~Game and Fresh Water Fish~~ Commission, officer of
7 the Department of Environmental Protection, officer of the
8 Department of Transportation, officer of the Department of
9 Corrections, correctional probation officer, deputy sheriff,
10 state attorney or assistant state attorney, statewide
11 prosecutor or assistant statewide prosecutor, state attorney
12 investigator, coroner, police officer, lottery special agent
13 or lottery investigator, beverage enforcement agent, or
14 watchman, or any member of the Parole Commission and any
15 administrative aide or supervisor employed by the commission,
16 or any personnel or representative of the Department of Law
17 Enforcement, and takes upon himself or herself to act as such,
18 or to require any other person to aid or assist him or her in
19 a matter pertaining to the duty of any such officer, commits a
20 felony of the third degree, punishable as provided in s.
21 775.082, s. 775.083, or s. 775.084; however, a person who
22 falsely personates any such officer during the course of the
23 commission of a felony commits a felony of the second degree,
24 punishable as provided in s. 775.082, s. 775.083, or s.
25 775.084; except that if the commission of the felony results
26 in the death or personal injury of another human being, the
27 person commits a felony of the first degree, punishable as
28 provided in s. 775.082, s. 775.083, or s. 775.084.

29 Section 233. Section 870.04, Florida Statutes, is
30 amended to read:

31

1 870.04 Specified officers to disperse riotous
2 assembly.--If any number of persons, whether armed or not, are
3 unlawfully, riotously or tumultuously assembled in any county,
4 city or municipality, the sheriff or the sheriff's deputies,
5 or the mayor, or any commissioner, council member, alderman or
6 police officer of the said city or municipality, or any
7 officer or member of the Florida Highway Patrol, or any
8 officer or agent of the Fish and Wildlife Conservation Game
9 ~~and Fresh Water Fish~~ Commission, Department of Environmental
10 Protection, or beverage enforcement agent, any personnel or
11 representatives of the Department of Law Enforcement or its
12 successor, or any other peace officer, shall go among the
13 persons so assembled, or as near to them as may be with
14 safety, and shall in the name of the state command all the
15 persons so assembled immediately and peaceably to disperse;
16 and if such persons do not thereupon immediately and peaceably
17 disperse, said officers shall command the assistance of all
18 such persons in seizing, arresting and securing such persons
19 in custody; and if any person present being so commanded to
20 aid and assist in seizing and securing such rioter or persons
21 so unlawfully assembled, or in suppressing such riot or
22 unlawful assembly, refuses or neglects to obey such command,
23 or, when required by such officers to depart from the place,
24 refuses and neglects to do so, the person shall be deemed one
25 of the rioters or persons unlawfully assembled, and may be
26 prosecuted and punished accordingly.

27 Section 234. Section 943.1728, Florida Statutes, is
28 amended to read:

29 943.1728 Basic skills training relating to the
30 protection of archaeological sites.--The commission shall
31 establish standards for instruction of law enforcement

1 officers in the subject of skills relating to the protection
2 of archaeological sites and artifacts. In developing such
3 standards and skills, the commission shall consult with
4 representatives of the following agencies: the Division of
5 Historical Resources of the Department of State, the Fish and
6 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
7 and the Department of Environmental Protection. The commission
8 shall develop the standards for training in any of the
9 following: basic recruit courses, advanced and specialized
10 courses, or other appropriate training courses as determined
11 by the commission.

12 Section 235. Subsection (2) of section 252.937,
13 Florida Statutes, 1998 Supplement, is amended to read:

14 252.937 Department powers and duties.--

15 (2) To ensure that this program is self-supporting,
16 the department shall provide administrative support, including
17 staff, facilities, materials, and services to implement this
18 part for specified stationary sources subject to s. 252.939
19 and shall provide necessary funding to local emergency
20 planning committees and county emergency management agencies
21 for work performed to implement this part. Each state agency
22 with regulatory, inspection, or technical assistance programs
23 for specified stationary sources subject to this part shall
24 enter into a memorandum of understanding with the department
25 which specifically outlines how each agency's staff,
26 facilities, materials, and services will be utilized to
27 support implementation. At a minimum, these agencies and
28 programs include: the Department of Environmental
29 Protection's Division of Air Resources Management and Division
30 of Water Resource Management ~~Facilities~~, and the Department of
31 Labor and Employment Security's Division of Safety. It is the

1 Legislature's intent to implement this part as efficiently and
2 economically as possible, using existing expertise and
3 resources, if available and appropriate.

4 Section 236. Subsections (2), (3), and (4) of section
5 309.01, Florida Statutes, are amended to read:

6 309.01 Deposit of material in tidewater regulated.--

7 (2) This section shall not prohibit Escambia County
8 from placing in Pensacola Bay, on the Escambia County side,
9 beside the old Pensacola Bay Bridge, certain materials, as
10 recommended by the ~~Division of Marine Resources of the~~
11 Department of Environmental Protection, in coordination with
12 the Fish and Wildlife Conservation Commission, to increase the
13 number of fish available for persons fishing from the old
14 Pensacola Bay Bridge.

15 (3) This section shall not prohibit Manatee County
16 from placing in the Manatee County portions of Sarasota Bay
17 and Tampa Bay and in the Manatee River, certain materials, as
18 recommended by the ~~Division of Marine Resources of the~~
19 Department of Environmental Protection, in coordination with
20 the Fish and Wildlife Conservation Commission, to increase the
21 number of fish available for persons fishing in the above
22 areas.

23 (4) This section shall not prohibit Pinellas County
24 from placing in Tampa Bay certain materials as recommended by
25 the ~~Division of Marine Resources of the~~ Department of
26 Environmental Protection, in coordination with the Fish and
27 Wildlife Conservation Commission, to increase the number of
28 fish available for persons fishing in the bay.

29 Section 237. Section 370.023, Florida Statutes, is
30 amended to read:

31

1 370.023 Administration of commission ~~department~~ grant
2 programs.--

3 (1) The Fish and Wildlife Conservation Commission
4 ~~Department of Environmental Protection~~ is authorized to
5 establish grant programs that ~~which~~ are consistent with
6 statutory authority and legislative appropriations. The
7 commission ~~department~~ is further authorized to receive funds
8 from any legal source for purposes of matching state dollars
9 or for passing through the agency as grants to other entities
10 whether or not matching funds or in-kind matches are required.

11 (2) For any grant program established by the
12 commission ~~department~~, the commission ~~department~~ shall adopt
13 rules, pursuant to the requirements of chapter 120, for each
14 grant program which shall include, but are not limited to: the
15 method or methods of payment; the supporting documents
16 required before payment will be made; when matching funds or
17 in-kind matches are allowed; what moneys, services, or other
18 sources and amounts of matching funds or in-kind matches will
19 be eligible for use for matching the grant by the commission
20 ~~department~~; who is eligible to participate in the program; and
21 other provisions that ~~which~~ the commission ~~department~~ finds
22 necessary to achieve program objectives and an accounting for
23 state funds in accordance with law and generally accepted
24 accounting principles.

25 (3) The commission ~~department~~ is authorized to
26 preaudit or postaudit account books and other documentation of
27 a grant recipient to assure that grant funds have been ~~were~~
28 used in accordance with the terms of the grant and state rules
29 and statutes. When such audit reveals that moneys have ~~were~~
30 not been spent in accordance with grant requirements, the
31 commission ~~department~~ may withhold moneys or recover moneys

1 previously paid. A grant recipient will be allowed a maximum
2 of 60 days to submit any additional pertinent documentation to
3 offset the amount identified as being due the commission
4 ~~department~~.

5 Section 238. Subsections (2), (3), and (4) of section
6 370.03, Florida Statutes, are amended to read:

7 370.03 Water bottoms.--

8 (2) CONTROL.--The ~~Division of Marine Resources of the~~
9 Department of Environmental Protection has exclusive power and
10 control over all water bottoms, not held under some grant or
11 alienation heretofore made, including such as may revert to
12 the state by cancellation or otherwise, and may lease the same
13 to any person irrespective of residence or citizenship, upon
14 such terms, conditions and restrictions as said division may
15 elect to impose, without limitation as to area to any one
16 person, for the purpose of granting exclusive right to plant
17 oysters or clams thereon and for the purpose of fishing,
18 taking, catching, bedding and raising oysters, clams and other
19 shellfish. No such lessee shall re-lease, sublease, sell or
20 transfer any such water bottom or property; provided, that
21 nothing herein contained shall be construed as giving said
22 department ~~division~~ authority to lease sponge beds.

23 (3) FEES FOR BOTTOM LEASES, ETC.--The department
24 ~~division~~ shall charge and receive a fee of \$2 for each lease
25 granted, and in all other cases, not specifically provided by
26 this chapter, the same fees as are allowed clerks of the
27 circuit court for like services. All fees shall be paid by
28 the party served.

29 (4) CONFIRMATION OF FORMER GRANTS; PROVISIO.--All
30 grants prior to June 1, 1913, made in pursuance of heretofore
31 existing laws, where the person receiving such grant, the

1 person's heirs or assigns, have bona fide complied with the
2 requirements of said law, are hereby confirmed; provided, that
3 if any material or natural oyster or clam reefs or beds on
4 such granted premises are 100 square yards in area and
5 contained natural oysters and clams (coon oysters not
6 included) in sufficient quantity to have been resorted to by
7 the general public for the purpose of gathering oysters or
8 clams to sell for a livelihood, at the time they were planted
9 by such grantee, his or her heirs or assigns, such reefs or
10 beds are declared to be the property of the state; and when
11 such beds or reefs exist within the territory heretofore
12 granted as above set forth, or that may hereafter be leased,
13 such grantee or lessee shall mark the boundaries of such
14 oyster and clam reefs or beds as may be designated by the
15 department ~~division~~ as natural oyster or clam reefs or beds,
16 clearly defining the boundaries of the same, and shall post
17 notice or other device, as shall be required by the department
18 ~~division~~, giving notice to the public that such oyster or clam
19 beds or reefs are the property of the state, which said notice
20 shall be maintained from September 1 to June 1 of each and
21 every year, on each oyster bed or reef and on each clam bed
22 for such period of each year as the board may direct, at the
23 expense of the grantee or lessee. The department ~~division~~
24 shall investigate all grants heretofore made, and where, in
25 its opinion, the lessee or grantee has not bona fide complied
26 with the law under which he or she received his or her grant
27 or lease, and ~~it shall report the same to the department which~~
28 is authorized and required to institute legal proceedings to
29 vacate the same, in order to use such lands for the benefit of
30 the public, subject to the same dispositions as other bottoms.
31

1 Section 239. Section 370.0607, Florida Statutes, is
2 amended to read:

3 370.0607 Marine information system.--The Fish and
4 Wildlife Conservation Commission ~~Department of Environmental~~
5 ~~Protection~~ shall establish by rule a marine information system
6 in conjunction with the licensing program to gather marine
7 fisheries data.

8 Section 240. Section 370.0609, Florida Statutes, is
9 amended to read:

10 370.0609 Expenditure of funds.--Any moneys available
11 pursuant to s. 370.0608(1)(c)1.c. shall be expended by the
12 Fish and Wildlife Conservation Commission ~~Department of~~
13 ~~Environmental Protection~~ within Florida through grants and
14 contracts for research with research institutions including
15 but not limited to: Florida Sea Grant; Florida Marine
16 Resources Council; Harbour Branch Oceanographic Institute;
17 Technological Research and Development Authority; Florida
18 Marine Research Institute of the Fish and Wildlife
19 Conservation Commission ~~Department of Environmental~~
20 ~~Protection~~; Indian River Region Research Institute; Mote
21 Marine Laboratory; Marine Resources Development Foundation;
22 Florida Institute of Oceanography; and Rosentiel School of
23 Marine and Atmospheric Science.

24 Section 241. Section 370.061, Florida Statutes, 1998
25 Supplement, is amended to read:

26 370.061 Confiscation of property and products.--

27 (1) CONFISCATION; PROCEDURE.--In all cases of arrest
28 and conviction for the illegal taking, or attempted taking,
29 sale, possession, or transportation of saltwater fish or other
30 saltwater products, such saltwater products and seines, nets,
31 boats, motors, other fishing devices or equipment, and

1 vehicles or other means of transportation used in connection
2 with such illegal taking or attempted taking are hereby
3 declared to be nuisances and may be seized and carried before
4 the court having jurisdiction of such offense, and said court
5 may order such nuisances forfeited to the Fish and Wildlife
6 Conservation Commission ~~Division of Marine Resources of the~~
7 ~~department~~ immediately after trial and conviction of the
8 person or persons in whose possession they were found, except
9 that, if a motor vehicle is seized under the provisions of
10 this act and is subject to any existing liens recorded under
11 the provisions of s. 319.27, all further proceedings shall be
12 governed by the expressed intent of the Legislature not to
13 divest any innocent person, firm, or corporation holding such
14 a recorded lien of any of its reversionary rights in such
15 motor vehicle or of any of its rights as prescribed in s.
16 319.27, and that, upon any default by the violator purchaser,
17 the said lienholder may foreclose its lien and take possession
18 of the motor vehicle involved. When any illegal or illegally
19 used seine, net, trap, or other fishing device or equipment or
20 illegally taken, possessed, or transported saltwater products
21 are found and taken into custody, and the owner thereof shall
22 not be known to the officer finding the same, such officer
23 shall immediately procure from the county court judge of the
24 county wherein they were found an order forfeiting said
25 saltwater products, seines, nets, traps, boats, motors, or
26 other fishing devices to the commission ~~division~~. All things
27 forfeited under the provisions of this law may be destroyed,
28 used by the commission ~~division~~, disposed of by gift to
29 charitable or state institutions, or sold and the proceeds
30 derived from said sale deposited in the Marine Resources
31 Conservation Trust Fund to be used for law enforcement

1 purposes or into the commission's ~~department's~~ Federal Law
2 Enforcement Trust Fund as provided in s. 372.107 ~~s. 20.2553~~,
3 as applicable. However, forfeited boats, motors, and legal
4 fishing devices only, may be purchased from the commission
5 ~~division~~ for \$1 by the person or persons holding title thereto
6 at the time of the illegal act causing the forfeiture, if such
7 person shall prove that he or she in no way participated in,
8 gave consent to, or had knowledge of such act.

9 (2) CONFISCATION AND SALE OF PERISHABLE PRODUCTS;
10 PROCEDURE.--When an arrest is made pursuant to the provisions
11 of this chapter and illegal, perishable products or perishable
12 products illegally taken or landed are apprehended, the
13 defendant may post bond or cash deposit in an amount
14 determined by the judge to be the fair value of such products,
15 and said defendant shall have 24 hours to transport said
16 products outside the limits of Florida for sale or other
17 disposition. Should no bond or cash deposit be given within
18 the time fixed by the judge, the judge shall order the sale of
19 such products at the highest price obtainable, and, when
20 feasible, at least three bids shall be requested. In either
21 event, the amounts received by the judge shall be remitted to
22 the commission ~~division~~ to be deposited into a special escrow
23 account in the State Treasury and held in trust pending the
24 outcome of the trial of the accused. If a bond is posted by
25 the defendant, it shall also be remitted to the commission
26 ~~division~~ to be held in escrow pending the outcome of the trial
27 of the accused. In the event of acquittal, the bond or cash
28 deposit shall be returned to the defendant, or the proceeds of
29 the sale shall be paid over to the defendant. In the event of
30 conviction, the proceeds of the sale, or proceeds of the bond
31 or cash deposit, shall be deposited by said commission

1 ~~division~~ into the Marine Resources Conservation Trust Fund to
2 be used for law enforcement purposes or into the commission's
3 ~~department's~~ Federal Law Enforcement Trust Fund as provided in
4 s. 372.107 ~~s. 20.2553~~, as applicable. Such deposit into the
5 Marine Resources Conservation Trust Fund or the commission's
6 ~~department's~~ Federal Law Enforcement Trust Fund shall
7 constitute confiscation.

8 (3) MUNICIPAL OR COUNTY ENFORCEMENT; SUPPLEMENTAL
9 FUNDING.--

10 (a) Any municipal or county law enforcement agency
11 that ~~which~~ enforces, or assists the commission ~~department~~ in
12 enforcing, the provisions of this chapter resulting ~~which~~
13 ~~results~~ in a forfeiture of property as provided in this
14 section, shall be entitled to receive all or a share of any
15 such property based upon their participation in such
16 enforcement.

17 (b) Any property delivered to any municipal or county
18 law enforcement agency as provided in paragraph (a) may be
19 retained or sold by the law enforcement agency and the
20 property or any proceeds shall, if the agency operates a
21 marine enforcement unit, be utilized to enforce the provisions
22 of this chapter and chapters 327 and 328. In the event the law
23 enforcement agency does not operate a marine enforcement unit,
24 any such property or proceeds shall be disposed of pursuant to
25 the Florida Contraband Forfeiture Act.

26 (c) Any funds received by a municipal or county law
27 enforcement agency pursuant to this subsection shall be
28 supplemental funds and may not be used as replacement funds by
29 the municipality or county.

30 Section 242. Subsection (7) of section 370.08, Florida
31 Statutes, 1998 Supplement, is amended to read:

1 370.08 Fishers and equipment; regulation.--

2 (7) ILLEGAL USE OF POISONS, DRUGS, OR CHEMICALS.--

3 (a) It is unlawful for any person to place poisons,
4 drugs, or other chemicals in the marine waters of this state
5 unless that person has first obtained a special activity
6 license for such use pursuant to s. 370.06 from the Fish and
7 Wildlife Conservation Commission ~~Division of Marine Resources~~
8 ~~of the Department of Environmental Protection.~~

9 (b) Upon application on forms furnished by the
10 commission division, the commission division may issue a
11 license to use poisons, drugs, or other chemicals in the
12 marine waters of this state for the purpose of capturing live
13 marine species. The application and license shall specify the
14 area in which collecting will be done, the drugs, chemicals,
15 or poisons to be used, and the maximum amounts and
16 concentrations at each sampling.

17 Section 243. Subsection (3) of section 370.0821,
18 Florida Statutes, 1998 Supplement, is amended to read:

19 370.0821 St. Johns County; use of nets.--

20 (3) No person, firm, or corporation shall use, or
21 cause to be used, any manner of seine net, other than a
22 recreational net as hereafter defined, in the salt waters of
23 St. Johns County, or within 1 mile seaward of the Atlantic
24 Ocean beaches and coast thereof, without a permit issued by
25 the Fish and Wildlife Conservation Commission ~~Division of~~
26 ~~Marine Resources of the Department of Environmental~~
27 ~~Protection~~. Applications for such permits shall be made on
28 forms to be supplied by the commission division, which shall
29 require the applicant to furnish such information as may be
30 deemed pertinent to the best interests of saltwater
31 conservation. The fee for such permits shall be \$250 per year.

1 Each permit shall entitle the holder thereof to use no more
2 than one seine net at any one time, subject to the provisions
3 of subsections (1), (2), and (3). The commission ~~division~~ may
4 refuse to grant any permit when it is apparent that the best
5 interests of saltwater conservation will be served by such
6 denial. All permits granted shall be in the holder's
7 possession whenever the holder is engaged in using a seine
8 net. Each permit is subject to immediate revocation upon
9 conviction of a violation of any provision of this section or
10 when it is apparent that the best interests of saltwater
11 conservation will be served by such revocation.

12 Section 244. Section 370.103, Florida Statutes, is
13 amended to read:

14 370.103 Agreements with Federal Government for the
15 preservation of saltwater fisheries; authority of commission
16 ~~department~~.--The Fish and Wildlife Conservation Commission
17 ~~Department of Environmental Protection~~ is authorized and
18 empowered to enter into cooperative agreements with the
19 Federal Government or agencies thereof for the purpose of
20 preserving saltwater fisheries within and without state waters
21 and for the purpose of protecting against overfishing, waste,
22 depletion, or any abuse whatsoever. Such authority includes
23 the authority to enter into cooperative agreements whereby
24 officers of the Fish and Wildlife Conservation Commission are
25 ~~the Division of Law Enforcement of the department is~~ empowered
26 to enforce federal statutes and rules pertaining to fisheries
27 management. When differences between state and federal laws
28 occur, state laws shall take precedence.

29 Section 245. Section 370.135, Florida Statutes, 1998
30 Supplement, is amended to read:

31 370.135 Blue crab; regulation.--

1 (1) No person, firm, or corporation shall transport on
2 the water, fish with or cause to be fished with, set, or place
3 any trap designed for taking blue crabs unless such person,
4 firm, or corporation is the holder of a valid saltwater
5 products license issued pursuant to s. 370.06 and the trap has
6 a current state number permanently attached to the buoy. The
7 trap number shall be affixed in legible figures at least 1
8 inch high on each buoy used. The saltwater products license
9 must be on board the boat, and both the license and the crabs
10 shall be subject to inspection at all times. Only one trap
11 number may be issued for each boat by the commission
12 ~~department~~ upon receipt of an application on forms prescribed
13 by it. This subsection shall not apply to an individual
14 fishing with no more than five traps. It is a felony of the
15 third degree, punishable as provided in s. 775.082, s.
16 775.083, or s. 775.084, for any person willfully to molest any
17 traps, lines, or buoys, as defined herein, belonging to
18 another without permission of the licenseholder.

19 (2) No person shall harvest blue crabs with more than
20 five traps, harvest blue crabs in commercial quantities, or
21 sell blue crabs unless such person holds a valid saltwater
22 products license with a restricted species endorsement and a
23 blue crab endorsement (trap number) issued pursuant to this
24 subsection.

25 (a) Effective June 1, 1998, and until July 1, 2002, no
26 blue crab endorsement (trap number), except those endorsements
27 that are active during the 1997-1998 fiscal year, shall be
28 renewed or replaced.

29 (b) In 1998, persons holding an endorsement that was
30 active in the 1997-1998 fiscal year, or an immediate family
31

1 member of that person, must request approval of the
2 endorsement prior to December 31, 1998.

3 (c) In subsequent years and until July 1, 2002, a trap
4 number holder, or members of his or her immediate family, must
5 request renewal of the endorsement prior to September 30 of
6 each year.

7 (d) If a person holding an active blue crab
8 endorsement, or a member of that person's immediate family,
9 does not request renewal of the endorsement before the
10 applicable dates as specified in this subsection, the
11 commission ~~department~~ shall deactivate that endorsement.

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

17 (f) Persons who hold saltwater products licenses with
18 blue crab endorsements issued to their boat registration
19 numbers and who subsequently replace their existing vessels
20 with new vessels shall be permitted to transfer the existing
21 licenses to the new boat registration numbers.

22 Section 246. Section 370.143, Florida Statutes, is
23 amended to read:

24 370.143 Retrieval of lobster and stone crab traps
25 during closed season; commission ~~department~~ authority; fees.--

26 (1) The Fish and Wildlife Conservation Commission
27 ~~Department of Environmental Protection~~ is authorized to
28 implement a trap retrieval program for retrieval of lobster
29 and stone crab traps remaining in the water during the closed
30 season for each species. The commission ~~department~~ is

31

1 authorized to contract with outside agents for the program
2 operation.

3 (2) A retrieval fee of \$10 per trap retrieved shall be
4 assessed trap owners. Traps recovered under this program
5 shall become the property of the commission ~~department~~ or its
6 contract agent and shall be either destroyed or resold to the
7 original owner. Revenue from retrieval fees shall be
8 deposited in the Marine Resources Conservation Trust Fund and
9 used for operation of the trap retrieval program.

10 (3) Payment of the assessed retrieval fee shall be
11 required prior to renewal of the trap owner's trap number as a
12 condition of number renewal. Retrieval fees assessed under
13 this program shall stand in lieu of other penalties imposed
14 for such trap violations.

15 (4) In the event of a major natural disaster, such as
16 hurricane or major storm causing massive trap losses, the
17 commission ~~department~~ shall waive the trap retrieval fee.

18 Section 247. Subsections (1), (3), (4), and (6) of
19 section 370.15, Florida Statutes, 1998 Supplement, are amended
20 to read:

21 370.15 Shrimp; regulation.--

22 (1) GENERAL AUTHORITY; CONSERVATION.--The commission
23 ~~department~~ has authority to adopt rules pursuant to ss.
24 120.536(1) and 120.54 to implement the provisions of this
25 section. The commission ~~department~~ shall encourage the
26 production of the maximum sustained yield consistent with the
27 preservation and protection of breeding stock, taking into
28 consideration the recommendations of the various marine
29 laboratories, as well as those of interested and experienced
30 groups of private citizens. Rules shall control the method,
31

1 manner, and equipment used in the taking of shrimp or prawn,
2 as well as limiting and defining the areas where taken.

3 (3) SHRIMP TRAPS.--

4 (a) It is unlawful for any person, firm, or
5 corporation to take or attempt to take shrimp by the use of
6 any trap which:

7 1. Exceeds the following dimensions: 36 inches long
8 (from rear of the heart to the leading edge of the trap), by
9 24 inches wide (between the leading edges of the trap, or
10 heart opening), by 12 inches high; or

11 2. Has external or unattached wings, weirs, or other
12 devices intended to funnel shrimp to the trap heart.

13 (b) This subsection shall not be construed to restrict
14 the allowable shape or configuration of any shrimp trap so
15 long as the trap, together with all of its parts, conforms to
16 the specifications of paragraph (a).

17 (c) Any shrimp trap which conforms to the
18 specifications of paragraph (a) shall not be considered a
19 pound net.

20 (d) The user of any trap shall affix his or her name
21 and address securely to each trap. Any such trap not having
22 proper identification is subject to confiscation by the
23 commission ~~department~~. No person, firm, or corporation shall
24 have more than four traps in use at any time. The commission
25 ~~department~~ shall have the authority to inspect such traps when
26 being used in or on the waters of the state.

27 (e) The presence of unattended shrimp traps on or
28 attached to beaches, causeways, seawalls, bridges, or any
29 other structures open for use by the public is hereby declared
30 to be a nuisance. Any such trap which is not attended by the
31

1 person whose name is affixed to the trap is subject to
2 confiscation by the commission ~~department~~.

3 (4) SHRIMP TRAWLING.--All persons, firms, and
4 corporations desiring to trawl for shrimp within areas in
5 which trawling is permitted shall have a noncommercial trawl
6 or net registration or purchase a saltwater products license
7 issued to a valid boat registration or in the name of an
8 individual pursuant to s. 370.06. The saltwater products
9 license shall remain on board at all times and is subject to
10 immediate revocation upon conviction for violation of this
11 section or when it becomes apparent that the best interests of
12 saltwater conservation will be served by such action. A
13 noncommercial trawl or net registration must be issued to each
14 net used to take shrimp for noncommercial purposes. Such net
15 or trawl shall have a corkline measurement of 16 feet or less.
16 Possession of shrimp under a noncommercial registration is
17 limited to 25 pounds while on the water. Due to the varied
18 habitats and types of bottoms and hydrographic conditions
19 embraced by the open fishing area, the commission ~~division~~
20 shall have the authority to specify and regulate the types of
21 gear that may be used in the different sections of the open
22 areas.

23 (6) LIVE BAIT SHRIMPING; LICENSES.--Live bait shrimp
24 may be caught at any time but only under license issued by the
25 commission ~~department~~. Licensees must fish with gear and
26 under those conditions specified by the commission ~~department~~.
27 Application for such licenses shall be on forms supplied by
28 the commission ~~department~~. A live bait shrimping license
29 shall be revocable when the holder does not comply with the
30 laws and regulations applicable to saltwater conservation.
31 All vessels fishing for live bait shrimp must be equipped with

1 live bait shrimp tanks, and no more than 5 pounds of dead
2 shrimp will be allowed on board such vessel per day.

3 Section 248. Subsection (2) of section 370.151,
4 Florida Statutes, 1998 Supplement, is amended to read:

5 370.151 Tortugas shrimp beds; penalties.--

6 (2)(a) The Fish and Wildlife Conservation Commission
7 ~~Division of Law Enforcement~~ is authorized to take title in the
8 name of the state to any vessel or vessels suitable for use in
9 carrying out the inspection and patrol of the Tortugas Bed
10 which may be offered as a gift to the state by any person,
11 firm, corporation, or association in the shrimp industry for
12 the purpose of carrying out the provisions of this section.
13 In the event such title is taken to such vessel or vessels,
14 the commission division is authorized to operate and keep said
15 vessel or vessels in proper repair.

16 (b) The commission division is further authorized to
17 accept the temporary loan of any vessel or vessels, suitable
18 for use in carrying out the provisions of this section, for
19 periods not exceeding 1 year. However, the state shall not
20 assume any liability to the owner or owners of said vessels
21 for any damage done by said vessels to other vessels, persons,
22 or property. In the operation of said loaned vessels, upkeep
23 and repair shall consist only of minor repairs and routine
24 maintenance. The owner or owners shall carry full marine
25 insurance coverage on said loaned vessel or vessels for the
26 duration of the period during which said vessels are operated
27 by the state.

28 Section 249. Section 370.153, Florida Statutes, 1998
29 Supplement, is amended to read:

30 370.153 Regulation of shrimp fishing; Clay, Duval,
31 Nassau, Putnam, Flagler, and St. Johns Counties.--

1 (1) DEFINITIONS.--When used in this section, unless
2 the context clearly requires otherwise:

3 (a) "Inland waters" means all creeks, rivers, bayous,
4 bays, inlets, and canals.

5 (b) "Sample" means one or more shrimp taken from an
6 accurately defined part of the area defined.

7 (c) "Series" means 10 or more samples taken within a
8 period of not more than 1 week, each sample being taken at a
9 different station within the pattern.

10 (d) "Pattern" means 10 or more stations.

11 (e) "Station" means a single location on the water of
12 the areas defined.

13 (f) "Licensed live bait shrimp producer" means any
14 individual licensed by the Fish and Wildlife Conservation
15 Commission ~~Department of Environmental Protection~~ to employ
16 the use of any trawl for the taking of live bait shrimp within
17 the inland waters of Nassau, Duval, St. Johns, Putnam,
18 Flagler, or Clay Counties.

19 (g) "Licensed dead shrimp producer" means any
20 individual licensed by the Fish and Wildlife Conservation
21 Commission ~~Department of Environmental Protection~~ to employ
22 the use of any trawl for the taking of shrimp within the
23 inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or
24 Clay Counties.

25 (2) SHRIMPING PROHIBITED.--It is unlawful to employ
26 the use of any trawl or other net, except a common cast net,
27 designed for or capable of taking shrimp, within the inland
28 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay
29 Counties, except as hereinafter provided.

30 (3) LIVE BAIT SHRIMP PRODUCTION.--

31

1 (a) A live bait shrimp production license shall be
2 issued by the Fish and Wildlife Conservation Commission
3 ~~Department of Environmental Protection~~ upon the receipt of an
4 application by a person intending to use a boat, not to exceed
5 35 feet in length in Duval, St. Johns, Putnam, Flagler, and
6 Clay Counties and not to exceed 45 feet in length in Nassau
7 County, for live shrimp production within the inland waters of
8 Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties
9 and the payment of a fee of \$250. The annual fee of \$250 shall
10 be collected by the commission ~~department~~ for the issuance of
11 the license during a 60-day period beginning June 1 of each
12 year. The design of the application and permit shall be
13 determined by the commission ~~department~~. The proceeds of the
14 fee imposed by this paragraph shall be used by the Fish and
15 Wildlife Conservation Commission ~~Department of Environmental~~
16 ~~Protection~~ for the purposes of enforcement of marine resource
17 laws.

18 (b) The Executive Director of the Fish and Wildlife
19 Conservation Commission ~~Secretary of Environmental Protection~~,
20 or his or her designated representative, may by order close
21 certain areas to live bait shrimp production when sampling
22 procedures justify the closing based upon sound conservation
23 practices. The revocation of any order to close has the effect
24 of opening the area.

25 (c) Every live bait shrimp producer shall produce
26 evidence satisfactory to the commission ~~department~~ that he or
27 she has the necessary equipment to maintain the shrimp alive
28 while aboard the shrimp fishing vessel. All vessels fishing
29 for live bait shrimp must be equipped with live bait shrimp
30 tanks of a type and capacity satisfactory to the commission

31

1 ~~department~~, and no more than 5 pounds of dead shrimp will be
2 allowed on board such vessel per day.

3 (d)1. Each licensed live bait shrimp producer who
4 stores his or her catch for sale or sells his or her catch
5 shall either:

6 a. Maintain onshore facilities which have been
7 annually checked and approved by the local commission ~~Marine~~
8 ~~Patrol~~ office to assure the facilities' ability to maintain
9 the catch alive when the live bait shrimp producer produces
10 for his or her own facility; or

11 b. Sell his or her catch only to persons who have
12 onshore facilities that ~~which~~ have been annually checked and
13 approved by the local commission ~~Marine Patrol~~ office to
14 assure the facilities' ability to maintain the catch alive,
15 when the producer sells his or her catch to an onshore
16 facility. The producer shall provide the commission ~~Department~~
17 ~~of Environmental Protection~~ with the wholesale number of the
18 facility to which the shrimp have been sold and shall submit
19 this number on a form designed and approved by the commission
20 ~~department~~.

21 2. All persons who maintain onshore facilities as
22 described in this paragraph, whether the facilities are
23 maintained by the licensed live bait shrimp producer or by
24 another party who purchases shrimp from live bait shrimp
25 producers, shall keep records of their transactions in
26 conformance with the provisions of s. 370.07(6).

27 (e) All commercial trawling in Clay, Duval, and St.
28 Johns Counties shall be restricted to the inland waters of the
29 St. Johns River proper in the area north of the Acosta Bridge
30 in Jacksonville and at least 100 yards from the nearest
31 shoreline.

1 (f) A live shrimp producer must also be a licensed
2 wholesale dealer. Such person shall not sell live bait shrimp
3 unless he or she produces a live bait shrimp production
4 license at the time of sale.

5 (g) The commission ~~department~~ shall rename the Live
6 Bait Shrimp Production License as the Commercial Live Shrimp
7 Production License.

8 (4) DEAD SHRIMP PRODUCTION.--Any person may operate as
9 a commercial dead shrimp producer provided that:

10 (a) A dead shrimp production permit is procured from
11 the Fish and Wildlife Conservation Commission ~~Department of~~
12 ~~Environmental Protection~~ upon the receipt by the commission
13 ~~department~~ of a properly filled out and approved application
14 by a person intending to use a boat, not to exceed 35 feet in
15 length in Duval, St. Johns, Putnam, and Clay Counties, and not
16 to exceed 45 feet in length in Nassau County, for dead shrimp
17 production within the inland waters of Nassau County and the
18 inland waters of the St. Johns River of Duval, Putnam, St.
19 Johns, Flagler, or Clay Counties, which permit shall cost \$250
20 and shall be required for each vessel used for dead shrimp
21 production. The design of the application and permit shall be
22 determined by the Fish and Wildlife Conservation Commission
23 ~~Department of Environmental Protection~~. The proceeds of the
24 fees imposed by this paragraph shall be deposited into the
25 account of the Marine Resources Conservation Trust Fund to be
26 used by the commission ~~department~~ for the purpose of
27 enforcement of marine resource laws.

28 (b) All commercial trawling in the St. Johns River
29 proper shall be restricted to the area north of the Acosta
30 Bridge in Jacksonville and at least 100 yards from the nearest
31 shoreline.

1 (c) All commercial shrimping activities shall be
2 allowed during daylight hours from Tuesday through Friday each
3 week.

4 (d) No person holding a dead shrimp production permit
5 issued pursuant to this subsection shall simultaneously hold a
6 permit for noncommercial trawling under the provisions of
7 subsection (5). The number of permits issued by the
8 commission ~~department~~ for commercial trawling or dead shrimp
9 production in any one year shall be the number issued in the
10 base year, 1976. All permits shall be inheritable or
11 transferable to an immediate family member and annually
12 renewable by the holder thereof. Such inheritance or transfer
13 shall be valid upon being registered with the commission
14 ~~department~~. All permits not renewed shall expire and shall not
15 be renewed under any circumstances.

16 (e) It is illegal for any person to sell dead shrimp
17 caught in the inland waters of Nassau, Duval, Clay, Putnam,
18 and St. Johns Counties, unless the seller is in possession of
19 a dead shrimp production license issued pursuant to this
20 subsection.

21 (f) It is illegal for any person to purchase shrimp
22 for consumption or bait from any seller (with respect to
23 shrimp caught in the inland waters of Nassau, Duval, Clay,
24 Putnam, and St. Johns Counties (St. Johns River)) who does not
25 produce his or her dead shrimp production license prior to the
26 sale of the shrimp.

27 (g) In addition to any other penalties provided for in
28 this section, any person who violates the provisions of this
29 subsection shall have his or her license revoked by the
30 commission ~~department~~.

31

1 (h) The commission department shall rename the Dead
2 Shrimp Production License as the Commercial Food Shrimp
3 Production License.

4 (5) NONCOMMERCIAL TRAWLING.--Any person may harvest
5 shrimp in the St. Johns River for his or her own use as food
6 and may trawl for such shrimp under the following conditions:

7 (a) Each person who desires to trawl for shrimp for
8 use as food shall obtain a noncommercial trawling permit from
9 the local ~~Marine Patrol~~ office of the Fish and Wildlife
10 Conservation Commission Department of Environmental Protection
11 upon filling out an application on a form prescribed by the
12 commission department and upon paying a fee for the permit,
13 which shall cost \$50.

14 (b) All trawling shall be restricted to the confines
15 of the St. Johns River proper in the area north of the Acosta
16 Bridge in Jacksonville and at least 100 yards from the nearest
17 shoreline.

18 (c) No shrimp caught by a person licensed under the
19 provisions of this subsection may be sold or offered for sale.

20 (6) SAMPLING PROCEDURE.--

21 (a) The Executive Director of the Fish and Wildlife
22 Conservation Commission Secretary of Environmental Protection
23 shall have samples taken at established stations within
24 patterns at frequent intervals.

25 (b) No area may be closed to live bait shrimp
26 production unless a series of samples has been taken and it
27 has been determined that the shrimp are undersized or that
28 continued shrimping in this area would have an adverse effect
29 on conservation. Standards for size may be established by
30 rule of the commission department.

31

1 (c) No area may be opened to dead shrimp production
2 unless a series of samples has been taken and it has been
3 determined that the shrimp are of legal size. Legal-sized
4 shrimp shall be defined as not more than 47 shrimp with heads
5 on, or 70 shrimp with heads off, per pound.

6 (7) LICENSE POSSESSION.--The operator of a boat
7 employing the use of any trawl for shrimp production must be
8 in possession of a current shrimp production license issued to
9 him or her pursuant to the provisions of this section.

10 (8) USE OF TRAWL; LIMITATION.--

11 (a) The use of a trawl by either a live bait shrimp
12 producer or dead shrimp producer shall be limited to the
13 daylight hours, and the taking of dead shrimp shall not take
14 place on Saturdays, Sundays, or legal state holidays.

15 (b) The use of a trawl by either a live bait shrimp
16 producer or dead shrimp producer within 100 yards of any
17 shoreline is prohibited. The Fish and Wildlife Conservation
18 Commission ~~Department of Environmental Protection~~, by rule or
19 order, may define the area or areas where this subsection
20 shall apply.

21 (c)1. It is unlawful to employ the use of any trawl
22 designed for, or capable of, taking shrimp within 1/4 mile
23 of any natural or manmade inlet in Duval County or St. Johns
24 County.

25 2. It is unlawful for anyone to trawl in the Trout
26 River west of the bridge on U.S. 17 in Duval County.

27 ~~(9) ST. JOHNS RIVER; RULEMAKING PROHIBITED.--The~~
28 ~~Department of Environmental Protection may not adopt any rule~~
29 ~~which regulates shrimping in the St. Johns River.~~

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1 ~~(9)(10)~~ CREDITS.--Fees paid pursuant to paragraphs
2 (3)(a) and (4)(a) of this section shall be credited against
3 the saltwater products license fee.

4 Section 250. Subsection (2) of section 370.1603,
5 Florida Statutes, is amended to read:

6 370.1603 Oysters produced in and outside state;
7 labeling; tracing; rules.--

8 (1) No wholesale or retail dealer, as defined in s.
9 370.07(1), shall sell any oysters produced outside this state
10 unless they are labeled as such, or unless it is otherwise
11 reasonably made known to the purchaser that the oysters were
12 not produced in this state.

13 (2) The Department of Agriculture and Consumer
14 Services ~~Department of Environmental Protection~~ shall
15 promulgate rules whereby oysters produced in Florida waters
16 can be traced to the location from which they were harvested.
17 A wholesale or retail dealer may not sell any oysters produced
18 in this state unless they are labeled so that they may be
19 traced to the point of harvesting.

20 Section 251. Subsections (2) and (3) of section
21 370.172, Florida Statutes, are amended to read:

22 370.172 Spearfishing; definition; limitations;
23 penalty.--

24 (2)(a) Spearfishing is prohibited within the
25 boundaries of the John Pennekamp Coral Reef State Park, the
26 waters of Collier County, and the area in Monroe County known
27 as Upper Keys, which includes all salt waters under the
28 jurisdiction of the Fish and Wildlife Conservation Commission
29 ~~Department of Environmental Protection~~ beginning at the county
30 line between Dade and Monroe Counties and running south,
31 including all of the keys down to and including Long Key.

1 (b) For the purposes of this subsection, the
2 possession in the water of a spear, gig, or lance by a person
3 swimming at or below the surface of the water in a prohibited
4 area is prima facie evidence of a violation of the provisions
5 of this subsection regarding spearfishing.

6 (3) The Fish and Wildlife Conservation Commission
7 ~~Department of Environmental Protection~~ shall have the power to
8 establish restricted areas when it is determined that safety
9 hazards exist or when needs are determined by biological
10 findings. Restricted areas shall be established only after an
11 investigation has been conducted and upon application by the
12 governing body of the county or municipality in which the
13 restricted areas are to be located and one publication in a
14 local newspaper of general circulation in said county or
15 municipality in addition to any other notice required by law.
16 Prior to promulgation of regulations, the local governing body
17 of the area affected shall agree to post and maintain notices
18 in the area affected.

19 Section 252. Section 370.18, Florida Statutes, is
20 amended to read:

21 370.18 Compacts and agreements; generally.--The Fish
22 and Wildlife Conservation Commission ~~Department of~~
23 ~~Environmental Protection~~ may enter into agreements of
24 reciprocity with the fish commissioners or other departments
25 or other proper officials of other states, whereby the
26 citizens of the state may be permitted to take or catch shrimp
27 or prawn from the waters under the jurisdiction of such other
28 states, upon similar agreements to allow such nonresidents or
29 aliens to fish for or catch seafood products within the
30 jurisdiction of the state regardless of residence.

31

1 Section 253. Subsection (2) of section 370.19, Florida
2 Statutes, is amended to read:

3 370.19 Atlantic States Marine Fisheries Compact;
4 implementing legislation.--

5 (2) COMMISSIONERS; APPOINTMENT AND REMOVAL.--In
6 pursuance of Article III of said compact there shall be three
7 members (hereinafter called commissioners) of the Atlantic
8 State Marine Fisheries Commission (hereinafter called
9 commission) from this state. The first commissioner from this
10 state shall be the Executive Director of the Fish and Wildlife
11 Conservation Commission ~~Secretary of Environmental Protection,~~
12 ex officio, and the term of any such ex officio commissioner
13 shall terminate at the time he or she ceases to hold said
14 office of Executive Director of the Fish and Wildlife
15 Conservation Commission ~~Secretary of Environmental Protection,~~
16 and his or her successor as commissioner shall be his or her
17 successor as executive director ~~secretary~~. The second
18 commissioner from this state shall be a legislator and member
19 of the house committee on commerce and reciprocal trade (of
20 the State of Florida, ex officio, designated by said house
21 committee on commerce and reciprocal trade), and the term of
22 any such ex officio commissioner shall terminate at the time
23 he or she ceases to hold said legislative office as
24 commissioner on interstate cooperation, and his or her
25 successor as commissioner shall be named in like manner. The
26 Governor (subject to confirmation by the Senate), shall
27 appoint a citizen as a third commissioner who shall have a
28 knowledge of, and interest in, the marine fisheries problem.
29 The term of said commissioner shall be 3 years and the
30 commissioner shall hold office until a successor shall be
31 appointed and qualified. Vacancies occurring in the office of

1 such commissioner from any reason or cause shall be filled by
2 appointment by the Governor (subject to confirmation by the
3 Senate), for the unexpired term. The Executive Director of the
4 Fish and Wildlife Conservation Commission ~~Secretary of~~
5 ~~Environmental Protection~~ as ex officio commissioner may
6 delegate, from time to time, to any deputy or other
7 subordinate in his or her department or office, the power to
8 be present and participate, including voting, as his or her
9 representative or substitute at any meeting of or hearing by
10 or other proceeding of the commission. The terms of each of
11 the initial three members shall begin at the date of the
12 appointment of the appointive commissioner, provided the said
13 compact shall then have gone into effect in accordance with
14 Article II of the compact; otherwise, they shall begin upon
15 the date upon which said compact shall become effective in
16 accordance with said Article II. Any commissioner may be
17 removed from office by the Governor upon charges and after a
18 hearing.

19 Section 254. Subsection (2) of section 370.20, Florida
20 Statutes, is amended to read:

21 370.20 Gulf States Marine Fisheries Compact;
22 implementing legislation.--

23 (2) MEMBERS OF COMMISSION; TERM OF OFFICE.--In
24 pursuance of article III of said compact, there shall be three
25 members (hereinafter called commissioners) of the Gulf States
26 Marine Fisheries Commission (hereafter called commission) from
27 the State of Florida. The first commissioner from the State of
28 Florida shall be the Executive Director of the Fish and
29 Wildlife Conservation Commission ~~Secretary of Environmental~~
30 ~~Protection~~, ex officio, and the term of any such ex officio
31 commissioner shall terminate at the time he or she ceases to

1 hold said office of Executive Director of the Fish and
2 Wildlife Conservation Commission ~~Secretary of Environmental~~
3 ~~Protection~~, and his or her successor as commissioner shall be
4 his or her successor as executive director ~~secretary~~. The
5 second commissioner from the State of Florida shall be a
6 legislator and a member of the house committee on commerce and
7 reciprocal trade (of the State of Florida ex officio,
8 designated by said house committee on commerce and reciprocal
9 trade), and the term of any such ex officio commissioner shall
10 terminate at the time he or she ceases to hold said
11 legislative office as commissioner on interstate cooperation,
12 and his or her successor as commissioner shall be named in
13 like manner. The Governor (subject to confirmation by the
14 Senate) shall appoint a citizen as a third commissioner who
15 shall have a knowledge of and interest in the marine fisheries
16 problem. The term of said commissioner shall be 3 years and
17 the 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 the
2 date upon which said compact shall become effective in
3 accordance with said article II.

4 Any commissioner may be removed from office by the
5 Governor upon charges and after a hearing.

6 Section 255. Subsections (3), (5), and (7) of section
7 370.21, Florida Statutes, are amended to read:

8 370.21 Florida Territorial Waters Act; alien-owned
9 commercial fishing vessels; prohibited acts; enforcement.--

10 (3) No license shall be issued by the Fish and
11 Wildlife Conservation Commission ~~Division of Marine Resources~~
12 ~~of the Department of Environmental Protection~~ under s. 370.06,
13 to any vessel owned in whole or in part by any alien power,
14 which subscribes to the doctrine of international communism,
15 or any subject or national thereof, who subscribes to the
16 doctrine of international communism, or any individual who
17 subscribes to the doctrine of international communism, or who
18 shall have signed a treaty of trade, friendship and alliance
19 or a nonaggression pact with any communist power. The
20 commission ~~division~~ shall grant or withhold said licenses
21 where other alien vessels are involved on the basis of
22 reciprocity and retorsion, unless the nation concerned shall
23 be designated as a friendly ally or neutral by a formal
24 suggestion transmitted to the Governor of Florida by the
25 Secretary of State of the United States. Upon the receipt of
26 such suggestion licenses shall be granted under s. 370.06,
27 without regard to reciprocity and retorsion, to vessels of
28 such nations.

29 (5) It is the duty of all harbor masters of the state
30 to prevent the use of any port facility in a manner which they
31 reasonably suspect may assist in the violation of this act.

1 Harbormasters shall endeavor by all reasonable means, which
2 may include the inspection of nautical logs, to ascertain from
3 masters of newly arrived vessels of all types other than
4 warships of the United States, the presence of alien
5 commercial fishing vessels within the territorial waters of
6 the state, and shall transmit such information promptly to the
7 Fish and Wildlife Conservation Commission ~~Department of~~
8 ~~Environmental Protection~~ and such law enforcement agencies of
9 the state as the situation may indicate. Harbormasters shall
10 request assistance from the United States Coast Guard in
11 appropriate cases to prevent unauthorized departure from any
12 port facility.

13 (7) All law enforcement agencies of the state,
14 including but not limited to sheriffs and officers of the Fish
15 and Wildlife Conservation Commission ~~agents of the Department~~
16 ~~of Environmental Protection~~ are empowered and directed to
17 arrest the masters and crews of vessels who are reasonably
18 believed to be in violation of this law, and to seize and
19 detain such vessels, their equipment and catch. Such arresting
20 officers shall take the offending crews or property before the
21 court having jurisdiction of such offenses. All such agencies
22 are directed to request assistance from the United States
23 Coast Guard in the enforcement of this act when having
24 knowledge of vessels operating in violation or probable
25 violation of this act within their jurisdictions when such
26 agencies are without means to effectuate arrest and restraint
27 of vessels and their crews.

28 Section 256. Subsection (1) of section 372.107,
29 Florida Statutes, 1998 Supplement, is amended to read:

30 372.107 Federal Law Enforcement Trust Fund.--

31

1 (1) The Federal Law Enforcement Trust Fund is created
2 within the Fish and Wildlife Conservation ~~Game and Fresh Water~~
3 ~~Fish~~ Commission. The commission may deposit into the trust
4 fund receipts and revenues received as a result of federal
5 criminal, administrative, or civil forfeiture proceedings and
6 receipts and revenues received from federal asset-sharing
7 programs. The trust fund is exempt from the service charges
8 imposed by s. 215.20.

9 Section 257. Section 376.15, Florida Statutes, is
10 amended to read:

11 376.15 Derelict vessels; removal from public waters.--

12 (1) It is unlawful for any person, firm, or
13 corporation to store or leave any vessel in a wrecked, junked,
14 or substantially dismantled condition or abandoned upon any
15 public waters or at any port in this state without the consent
16 of the agency having jurisdiction thereof or docked at any
17 private property without the consent of the owner of the
18 private property.

19 (2)(a) The Fish and Wildlife Conservation Commission
20 ~~department~~ is hereby designated as the agency of the state
21 authorized and empowered to remove any derelict vessel as
22 described in subsection (1) from public waters.

23 (b) The commission ~~department~~ may establish a program
24 to provide grants to coastal local governments for the removal
25 of derelict vessels from the public waters of the state. The
26 program shall be funded from the Florida Coastal Protection
27 Trust Fund. Notwithstanding the provisions in s. 216.181(10),
28 funds available for grants may only be authorized by
29 appropriations acts of the Legislature.

30 (c) The commission ~~department~~ shall adopt by rule
31 procedures for submitting a grant application and criteria for

1 allocating available funds. Such criteria shall include, but
2 not be limited to, the following:

3 1. The number of derelict vessels within the
4 jurisdiction of the applicant.

5 2. The threat posed by such vessels to public health
6 or safety, the environment, navigation, or the aesthetic
7 condition of the general vicinity.

8 3. The degree of commitment of the local government to
9 maintain waters free of abandoned and derelict vessels and to
10 seek legal action against those who abandon vessels in the
11 waters of the state.

12 (d) This section shall constitute the authority of the
13 commission ~~department~~ for such removal, but is not intended to
14 be in contravention of any applicable federal act.

15 (e) The Department of Legal Affairs shall represent
16 the Fish and Wildlife Conservation Commission ~~Department of~~
17 ~~Environmental Protection~~ in such actions.

18 Section 258. Subsection (2) of section 823.11, Florida
19 Statutes, is amended to read:

20 823.11 Abandoned and derelict vessels; removal;
21 penalty.--

22 (2) The Fish and Wildlife Conservation Commission
23 ~~Department of Environmental Protection, Division of Marine~~
24 ~~Resources,~~ ~~is hereby~~ designated as the agency of the state
25 authorized and empowered to remove or cause to be removed any
26 abandoned or derelict vessel from public waters in any
27 instance when the same obstructs or threatens to obstruct
28 navigation or in any way constitutes a danger to the
29 environment. All costs incurred by the commission ~~department~~
30 in the removal of any abandoned or derelict vessel as set out
31 above shall be recoverable against the owner thereof. Pursuant

1 to an agreement with the governing body of a county or
2 municipality, and upon a finding by the commission ~~division~~
3 that the county or municipality is competent to undertake said
4 responsibilities, the commission ~~division~~ may delegate to the
5 county or municipality its authority to remove or cause to be
6 removed an abandoned or derelict vessel from public waters
7 within the county or municipality.

8 Section 259. This act shall take effect July 1, 1999.

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